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# A BILL FOR AN ACT

RELATING TO ANIMALS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 521-44, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) and (b) to read as follows:

3           "(a) As used in this section "security deposit" means  
4 money deposited by or for the tenant with the landlord to be  
5 held by the landlord to:

6           (1) Remedy tenant defaults for accidental or intentional  
7 damages resulting from failure to comply with section  
8 521-51, for failure to pay rent due, or for failure to  
9 return all keys furnished by the landlord at the  
10 termination of the rental agreement;

11           (2) Clean the dwelling unit or have it cleaned at the  
12 termination of the rental agreement so as to place the  
13 condition of the dwelling unit in as fit a condition  
14 as that which the tenant entered into possession of  
15 the dwelling unit; ~~and~~

16           (3) Compensate for damages caused by a tenant who  
17 wrongfully quits the dwelling unit ~~[-]~~; and



1       (4) Compensate for damages under subsection (b) caused by  
2           any pet animal allowed to reside in the premises  
3           pursuant to the rental agreement.

4       (b) The landlord may require, as a condition of a rental  
5 agreement, a security deposit to be paid by or for the tenant  
6 for the items in subsection (a) and no others[-] in an amount  
7 not in excess of a sum equal to one month's rent[-], plus an  
8 amount agreed upon by the landlord and tenant to compensate the  
9 landlord for any damages caused by any pet animal allowed to  
10 reside in the premises pursuant to the rental agreement;  
11 provided that the additional security deposit amount for a pet  
12 animal under this subsection:

- 13       (1) Shall not be required:
- 14           (A) From any tenant who does not have a pet animal  
15           that resides in the premises; or
  - 16           (B) For an assistance animal that is a reasonable  
17           accommodation for a tenant with a disability  
18           pursuant to section 515-3; and
- 19       (2) Shall be in an amount not in excess of a sum equal to  
20           one month's rent.

21 The landlord may not require or receive from or on behalf of a  
22 tenant at the beginning of a rental agreement any money other



1 than the money for the first month's rent and a security deposit  
2 as provided in this section. [~~The~~] No part of the security  
3 deposit shall [~~not~~] be construed as payment of the last month's  
4 rent by the tenant, unless mutually agreed upon, in writing, by  
5 the landlord and tenant if the tenant gives forty-five days'  
6 notice of vacating the premises; in entering such agreement, the  
7 landlord shall not be deemed to have waived the right to pursue  
8 legal remedies against the tenant for any damages the tenant  
9 causes. Any such security deposit shall be held by the landlord  
10 for the tenant and the claim of the tenant to the security  
11 deposit shall be prior to the claim of any creditor of the  
12 landlord, including a trustee in bankruptcy, even if the  
13 security deposits are commingled."

14 SECTION 2. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon its approval;  
17 provided that section 1 of this Act shall apply to all rental  
18 agreements entered into on or after November 1, 2013.



**Report Title:**

Residential Landlord-tenant Code; Security Deposit; Animals; Pet Animals

**Description:**

Amends the Residential Landlord-tenant Code to provide for security deposits that include an additional amount to pay for damages caused by any pet animal, other than an assistance animal, allowed to reside in the premises pursuant to the rental agreement. Effective for rental agreements entered into on or after 11/01/2013. (CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

