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# A BILL FOR AN ACT

RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE.

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

1           SECTION 1. The legislature finds that there are numerous  
2 barriers to accessing affordable housing for low-income  
3 households and people experiencing homelessness. There is  
4 significant competition for rental units in the State, with  
5 landlords often receiving multiple applications per unit.  
6 Individuals and families must often apply to as many open  
7 rentals as possible, which can cost hundreds of dollars. While  
8 the legislature recognizes that landlords and their agents need  
9 to collect application fees in order to vet all applicants, the  
10 legislature believes that the costs of multiple applications for  
11 prospective tenants can result in significant economic hardship,  
12 especially in a tight housing market.

13           The legislature further finds that to help individuals and  
14 families seeking rental housing in the State, the legislature  
15 enacted Act 200, Session Laws of Hawaii 2023, which authorizes  
16 an application screening fee for rental applications to ensure  
17 that costs associated with vetting an application are used only



1 for that purpose and any remaining fees are returned to the  
2 applicant. However, an applicant will still be required to  
3 submit multiple application fees to landlords or their agents  
4 who are using those fees to obtain similar information.  
5 Allowing an applicant to receive a certified copy of certain  
6 information to provide to another landlord or the landlord's  
7 agent will further reduce the financial burden of applying for  
8 rental units and reduce the work of landlords and their agents  
9 to obtain certain information.

10 Accordingly, the purpose of this Act is to allow an  
11 applicant to request a certified copy of the applicant's  
12 criminal background check and credit report from one landlord or  
13 the landlord's agent to provide to another landlord or that  
14 landlord's agent in lieu of paying a fee to cover the costs of  
15 obtaining another criminal background check or credit report.

16 SECTION 2. Section 521-46, Hawaii Revised Statutes, is  
17 amended by amending subsections (a) and (b) to read as follows:

18 "(a) When a landlord or the landlord's agent receives a  
19 request from an applicant to rent a dwelling unit, the landlord  
20 or the landlord's agent may charge the applicant an application  
21 screening fee at the time the application is processed for the



1 dwelling unit to cover the costs of obtaining information about  
2 the applicant; provided that [a]:

3       (1) A landlord or the landlord's agent shall only charge  
4            an application screening fee for an applicant who is  
5            eighteen years of age or older or an emancipated  
6            minor[-];

7       (2) If an applicant provides a landlord or the landlord's  
8            agent with a certified copy of the applicant's  
9            criminal background check or credit report received  
10           within thirty days from another landlord or that  
11           landlord's agent, the landlord or the landlord's agent  
12           shall not charge an application fee to cover the costs  
13           of obtaining another criminal background check or  
14           credit report; and

15       (3) If a comprehensive reusable tenant screening report is  
16            made available to the landlord or the landlord's agent  
17            and is received within thirty days, the landlord or  
18            the landlord's agent shall not charge an application  
19            fee.

20 Information sought by the landlord or the landlord's agent  
21 charging the fee may include personal reference checks, tenant



1 reports, criminal background checks, and credit reports produced  
2 by any consumer credit reporting agency.

3 (b) Upon request by the applicant, a landlord or the  
4 landlord's agent shall provide to the applicant a:

5 (1) Receipt for payment of the application screening fee;  
6 [and]

7 (2) Breakdown of costs covered by the application  
8 screening fee ~~[ ]~~; and

9 (3) Certified copy of the applicant's criminal background  
10 checks and credit reports that are less than thirty  
11 days old."

12 SECTION 3. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2040.



**Report Title:**

Rental Application Screening Fee; Criminal Background Check;  
Credit Report; Certified Copies

**Description:**

Prohibits a landlord or the landlord's agent from charging an application fee for a criminal background check or credit report if an applicant provides a certified copy of a criminal background check or credit report or makes a comprehensive reusable tenant report available to the landlord or the landlord's agent. Requires a landlord or the landlord's agent to provide, upon request, a certified copy of an applicant's criminal background check or credit report. Takes effect 7/1/2040. (SD1)

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

