
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 copy of certain information
6 to provide to another landlord or the landlord's agent will
7 further reduce the financial burden of applying for rental units
8 and reduce the work of landlords and their agents to obtain
9 certain information.

10 Accordingly, the purpose of this Act is to allow an
11 applicant to request a copy of the applicant's criminal
12 background check and credit report from one landlord or the
13 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 to read as follows:

18 " ~~§521-46~~ **Application screening fee.** (a) When a
19 landlord or the landlord's agent receives a request from an
20 applicant to rent a dwelling unit, the landlord or the
21 landlord's agent may charge the applicant an application



1 screening fee at the time the application is processed for the
2 dwelling unit to cover the costs of obtaining information about
3 the applicant; provided that [a]:

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

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

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



1 Information sought by the landlord or the landlord's agent
2 charging the fee may include personal reference checks, tenant
3 reports, criminal background checks, and credit reports produced
4 by any consumer credit reporting agency.

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

7 (1) Receipt for payment of the application screening fee;
8 [and]

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

11 (3) Copy of the applicant's criminal background checks and
12 credit reports that are less than thirty days old.

13 (c) A landlord or the landlord's agent shall return to the
14 applicant any amount of the application screening fee that is
15 not used for the purposes authorized by this section within
16 thirty days after the landlord has submitted screening requests.

17 (d) It is a violation, punishable by a fine of \$1,000, for
18 an applicant to present a copy of the applicant's criminal
19 background check or credit report that has been falsely altered.

20 [~~d~~] (e) For the purposes of this section:



1 "Consumer credit reporting agency" has the same meaning as
2 in section 489P-2.

3 "Credit report" has the same meaning as in section 489P-2.

4 "Falsely altered", in relation to a written instrument,
5 means a written instrument that has been changed, without the
6 authority of the ostensible maker, drawer, or issuing commercial
7 establishment, whether complete or incomplete, by means of
8 erasure, obliteration, deletion, insertion of new matter,
9 transposition of matter, or in any other manner, so that the
10 instrument so altered falsely appears or purports to be in all
11 respects an authentic creation of its ostensible maker, or
12 authorized by the maker or issuing commercial establishment."

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

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



Report Title:

Rental Application Screening Fee; Criminal Background Check;
Credit Report

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 copy of a criminal background check or credit report that has not been falsely altered 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 copy of an applicant's criminal background check or credit report. Establishes penalties for providing a falsely altered copy of a background check or credit report. Defines "falsely altered". Takes effect 7/1/2040. (SD2)

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

