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## A BILL FOR AN ACT

RELATING TO THE LATE PAYMENT OF RENT.

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

1       SECTION 1.   Section 521-21, Hawaii Revised Statutes, is  
2   amended to read as follows:

3       "§521-21   Rent.   (a)   The landlord and tenant may agree to  
4   any consideration, not otherwise prohibited by law, as rent.   In  
5   the absence of [~~such~~] an agreement, and subject to section 521-  
6   71(e) in the case of holdover tenants, the tenant shall pay to  
7   the landlord the fair rental value for the dwelling unit.

8       (b)   Rents shall be payable at the time and place agreed to  
9   by the parties.   Unless otherwise agreed, the entire rent shall  
10   be payable at the beginning of any term for one month or less,  
11   and for longer terms in equal monthly installments payable at  
12   the beginning of each month.   When a rental agreement with a  
13   public assistance recipient requires that the rent be paid on or  
14   before the third day after the day on which the public  
15   assistance check is usually received, the tenant shall have the  
16   option of establishing a new due date by making a one-time  
17   payment to cover the period between the original due date and



1 the newly established date. The new date shall not exceed by  
2 more than three days, excluding Saturdays, Sundays, and  
3 holidays, the date on which checks are mailed. The one-time  
4 payment shall be established by dividing the monthly rental by  
5 thirty and multiplying the result by the number of days between  
6 the original and the new due dates.

7 (c) Except as otherwise provided in subsection (b), rent  
8 shall be uniformly apportionable from day to day.

9 (d) When the tenancy is from month to month, the amount of  
10 rent for [such] the tenancy shall not be increased by the  
11 landlord without written notice given forty-five consecutive  
12 days prior to the effective date of the increase.

13 (e) When the tenancy is less than month to month, the  
14 amount of rent for [such] the tenancy shall not be increased by  
15 the landlord without written notice given fifteen consecutive  
16 days prior to the effective date of the increase.

17 ~~[(f) Where the rental agreement provides for a late charge~~  
18 ~~payable to the landlord for rent not paid when due, the late~~  
19 ~~charge shall not exceed eight per cent of the amount of rent~~  
20 ~~due.] "~~



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

3       SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Bridget Kelly

JAN 24 2018



# H.B. NO. 2639

**Report Title:**

Landlord-Tenant Code; Late Rent; Penalty

**Description:**

Repeals the limitation on the amount that may be charged for the late payment of rent.

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

