
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. Chapter 521, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§521- Application screening fee. (a) When a landlord
5 or the landlord's agent receives a request from an applicant to
6 rent a dwelling unit, the landlord or the landlord's agent may
7 charge the applicant an application screening fee at the time
8 the application is processed for the dwelling unit to cover the
9 costs of obtaining information about the applicant; provided
10 that a landlord or the landlord's agent shall only charge an
11 application screening fee for an applicant who is eighteen years
12 of age or older or an emancipated minor. Information sought by
13 the landlord or the landlord's agent charging the fee may
14 include personal reference checks, tenant reports, criminal
15 background checks, and credit reports produced by any consumer
16 credit reporting agency.

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



1 (1) Receipt for payment of the application screening fee;
2 and

3 (2) Breakdown of costs covered by the application
4 screening fee.

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

9 (d) For the purposes of this section:

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

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

13 SECTION 2. The office of consumer protection of the
14 department of commerce and consumer affairs shall produce and
15 make available informational materials to provide landlords and
16 applicants with notice regarding the specific rights and
17 obligations established pursuant to this Act and shall widely
18 publicize the requirements for application screening fees under
19 this Act.



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2023;
6 provided that section 1 of this Act shall take effect on May 1,
7 2024.



Report Title:

Residential Landlord-Tenant Code; Application Screening Fee; Tenant Report; Credit Report; Informational Materials; Office of Consumer Protection

Description:

Beginning 5/1/2024, allows a landlord or landlord's agent to charge an application screening fee for certain applicants at the time a rental application is processed for a dwelling unit; requires the landlord or landlord's agent to provide a receipt for payment of the application screening fee and a breakdown of the fee; and requires the landlord or landlord's agent to return any unauthorized fee amounts to the applicant. Requires the office of consumer protection to produce and make available informational materials and publicize requirements regarding application fees and related rights and obligations. (CD1)

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

