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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 and  
17 requires costs associated with vetting an application to be used



1 only for that purpose and the return to the applicant of any  
2 remaining fees. However, an applicant may 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 The legislature additionally finds that certain tenant  
11 screening companies already allow tenants to share their reports  
12 with as many landlords as they choose for thirty days at no  
13 additional cost. Requiring landlords and their agents to accept  
14 these reports would reduce the cost to the applicants.

15 Companies that offer these reusable tenant screening reports  
16 securely transmit reports to landlords upon the applicant's  
17 request, protecting sensitive data, ensuring privacy for the  
18 applicant, and agreeing to bear the risk of failure to do so.

19 Accordingly, the purpose of this Act is to:

20 (1) Prohibit a landlord or the landlord's agent from  
21 charging an application fee for a criminal background



1 check or credit report if an applicant provides a  
2 certified copy of a criminal background check or  
3 credit report;

4 (2) Prohibit a landlord or the landlord's agent from  
5 charging an application fee if a comprehensive  
6 reusable tenant screening report is available; and

7 (2) Require a landlord or the landlord's agent to provide,  
8 upon request, a certified copy of an applicant's  
9 criminal background check or credit report.

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

12 "(a) When a landlord or the landlord's agent receives a  
13 request from an applicant to rent a dwelling unit, the landlord  
14 or the landlord's agent may charge the applicant an application  
15 screening fee at the time the application is processed for the  
16 dwelling unit to cover the costs of obtaining information about  
17 the applicant; provided that [a]:

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



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

9       (3) If a comprehensive reusable tenant screening report is  
10       made available to the landlord or the landlord's agent  
11       and is received within thirty days, the landlord or  
12       the landlord's agency shall not charge an application  
13       fee.

14 Information sought by the landlord or the landlord's agent  
15 charging the fee may include personal reference checks, tenant  
16 reports, criminal background checks, and credit reports produced  
17 by any consumer credit reporting agency.

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

20       (1) Receipt for payment of the application screening fee;  
21       [and]





# H.B. NO. 638

**Report Title:**

Rental Application Screening Fee; Criminal Background Check;  
Credit Report; Certified Copies; Reusable Tenant Screening  
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 certified copy of a criminal background check or credit report. Prohibits a landlord or the landlord's agent from charging an application fee if a comprehensive reusable tenant screening report is available. 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.

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

