
A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. This Act shall be known and may be cited as the
2 Hawaii Tenant Screening Fairness Act.

3 SECTION 2. The legislature finds that low-income
4 households and people experiencing homelessness face numerous
5 barriers in the rental housing market. Typically, prospective
6 tenants often apply for as many open rentals as possible due to
7 the significant competition for these rental units. While the
8 legislature recognizes that landlords and their agents have a
9 legitimate interest in screening applicants, reducing the number
10 of transactions in which applicants must pay a screening fee
11 will reduce housing costs and improve access to rental housing.

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



1 remaining fees. However, an applicant may still be required to
2 submit multiple application fees to landlords or their agents,
3 who are using those fees to obtain similar information.

4 The legislature additionally finds that tenant screening
5 companies provide tenant screening reports to landlords and
6 their agents, and the tenant screening reports from tenant
7 screening companies are trusted and validated tools for
8 screening applicants. In many instances, applicants pay each
9 landlord or their agent to whom they are applying for housing a
10 fee for the landlord to obtain a screening report.

11 The legislature further finds that many tenant screening
12 companies already allow applicants to purchase a tenant
13 screening report. The applicant will have an opportunity to see
14 what is in the screening report and correct any errors that
15 appear in the report. Once the applicant purchases a tenant
16 screening report, at the applicant's direction, the tenant
17 screening company will provide the screening report directly to
18 as many landlords or their agents as the applicant desires for
19 thirty days at no additional cost. The legislature finds that
20 because the screening report is provided directly to the



1 landlord or their agent by a trusted third-party, the risk of
2 tampering with screening reports is virtually eliminated.

3 The legislature also finds that requiring landlords and
4 their agents to accept the tenant screening reports from a
5 tenant screening company would reduce the cost to the
6 applicants. The tenant screening companies that provide these
7 services are trusted by many landlords and agents to protect
8 sensitive data, ensuring privacy for the applicant, and bear the
9 risk of failure to do so. Because the tenant screening
10 companies are trusted to faithfully carry out the service when
11 the landlord makes the request for a tenant screening report,
12 they should be trusted by landlords to faithfully carry out the
13 service when the applicant requests the report be provided to
14 the landlord.

15 Accordingly, the purpose of this Act is to require
16 residential landlords and their agents to accept comprehensive
17 reusable tenant screening reports from applicants.

18 SECTION 2. Section 521-46, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[f]§521-46[+] Application screening fee[-]; comprehensive
21 reusable tenant screening reports. (a) When a landlord or the



1 landlord's agent receives a request from an applicant to rent a
2 dwelling unit, the landlord or ~~[the]~~ landlord's agent may charge
3 the applicant an application screening fee at the time the
4 application is processed for the dwelling unit to cover the
5 costs of obtaining information about the applicant; provided
6 that ~~[a]~~:

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

11 (2) Before taking action relating to an application
12 screening for which a landlord or landlord's agent
13 would expect to collect an application screening fee,
14 a landlord or landlord's agent shall disclose to an
15 applicant that the applicant has the right to provide
16 to the landlord or landlord's agent a comprehensive
17 reusable tenant screening report; provided that the
18 disclosure shall be provided in a location and in a
19 manner reasonably likely to reach applicants,
20 including:



1 (A) In advertisements and other public notices of the
2 dwelling unit's availability, displayed in at
3 least twelve-point, bold-faced type unless the
4 size, format, or display requirements of the
5 advertisements or other public notice make this
6 requirement impracticable, in which case the font
7 and size of the advertisement shall match the
8 rest of the advertisement or other public notice;

9 (B) On the home page of a website maintained by the
10 landlord or landlord's agent, including a
11 property management company, displayed in at
12 least twelve-point;

13 (C) In a paper or an online rental application for
14 the dwelling unit, displayed in at least twelve-
15 point, bold-faced type; or

16 (D) Orally, directly to the applicant, with written
17 confirmation of receipt by the applicant of the
18 advisement;

19 (3) If a comprehensive reusable tenant screening report is
20 made available to the landlord or the landlord's agent
21 at the request and expense of an applicant and is



1 received within thirty days, the landlord or the
2 landlord's agent shall not charge an application fee
3 or a fee for the landlord or landlord's agent to
4 access the report; and

5 (4) If a prospective landlord conducts one's own screening
6 of tenants using a comprehensive reusable tenant
7 screening report, the prospective landlord may charge
8 the applicant for the actual costs incurred in
9 obtaining the report in circumstances where the
10 comprehensive reusable tenant screening report
11 requires that the report be initiated by the landlord;
12 provided that the applicant is notified in advance of
13 the landlord's intent to conduct the screening or
14 explicitly requests that the landlord obtain the
15 report on the applicant's behalf.

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

20 (b) Upon request by the applicant, a landlord or the
21 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~~[+]~~; and

5 (3) Certified copy of the applicant's criminal background

6 checks and credit reports that are less than thirty

7 days old.

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

12 (d) For the purposes of this section:

13 "Comprehensive reusable tenant screening report" means a
14 consumer report that meets all of the following criteria:

15 (1) Was prepared within the previous thirty days by a
16 consumer credit reporting agency;

17 (2) Is made directly available to a landlord for use in
18 the rental application process or is provided through
19 a third-party website that regularly engages in the
20 business of providing comprehensive reusable tenant
21 screening reports and complies with all state and



federal laws pertaining to the use and disclosure of
consumer reports; and

(3) Includes all the following information regarding an
applicant: name, contact information, verification of
employment, last known address, criminal background
check, and credit report.

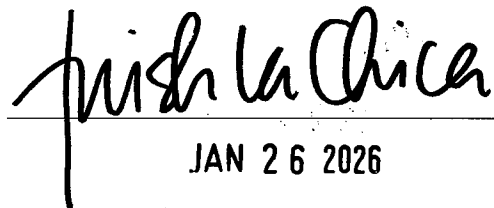
"Consumer credit reporting agency" has the same meaning as
in section 489P-2.

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

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

SECTION 4. This Act shall take effect on November 1, 2026.

INTRODUCED BY:


JAN 26 2026



H.B. NO. 2188

Report Title:

Residential Landlord-Tenant Code; Application Screening;
Comprehensive Reusable Tenant Screening Report; OCP; DCCA

Description:

Beginning 11/1/2026, requires landlords to accept comprehensive reusable tenant screening reports, if made available by an applicant, and prohibits application fees in such case.

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