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H.B. NO. 1802-86

A Bill for an Act Relating to the Residential Landlord Tenant Code.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 521-35, Hawaii Revised Statutes, is amended to read as follows:

“[]§521-35[] **Attorney’s fees.** (a) A rental agreement may provide for the payment by the tenant of the costs of a suit, for unpaid rent, [if any,] and reasonable attorney’s fees not in excess of twenty-five per cent of the unpaid rent

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after default and referral to an attorney not a salaried employee of the landlord or [his] the landlord's assignee.

(b) A rental agreement may further provide that reasonable attorney's fees and costs may be awarded to the prevailing party in all other matters arising under this chapter.

(c) A provision in violation of this section is unenforceable."

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 Statutory material to be repealed is bracketed.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

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

(Approved April 29, 1986.)