

ACT 170

S.B. NO. 419

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 521-44, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The landlord may require as a condition of a rental agreement a security deposit to be paid by or for the tenant for the items in subsection (a) [above] and no others, in an amount not in excess of a sum equal to one month’s rent. The landlord may not require or receive from or on behalf of a tenant at the beginning of a rental agreement any money other than the money for the first month’s rent and a security deposit as provided in this section. The security deposit shall not be construed as payment of the last month’s rent by the tenant[.], unless mutually agreed upon, in writing, by the landlord and tenant if the tenant gives forty-five days’ notice of vacating the premises; in entering such agreement, the landlord shall not be deemed to have waived the right to pursue legal remedies against the tenant for any damages the tenant causes. Any such security deposit shall be held by the landlord for the tenant and the claim of the tenant to the security deposit shall be prior to the claim of any creditor of the landlord, including a trustee in bankruptcy, even if the security deposits are commingled.”

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 Statutory material to be repealed is bracketed.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

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

(Approved June 6, 1987.)