

ACT 29

S.B. NO. 14

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. The legislature finds that security deposits can help ensure tenants will timely pay their rent and maintain their rental property in an appropriate manner. The legislature further finds that security deposits, as defined in the residential landlord-tenant code under chapter 521, Hawaii Revised Statutes, can only be used by a landlord for accidental or intentional damages, cleaning the unit, or compensating for damages caused by a tenant who wrongfully quits the unit. However, the legislature also finds that landlords may rent their property to tenants who then take on obligations, such as sewer, water, and electricity expenses, that, if unpaid, could affect the property.

Accordingly, the purpose of this Act is to amend the residential landlord-tenant code to allow use of the security deposit for specific unpaid charges when a tenant moves out, including:

- (1) Replacing keys, including key fobs, parking cards, garage door openers, and mail box keys; and
- (2) Paying for utility service provided by the landlord under the rental agreement but not included in the rent.

SECTION 2. Section 521-8, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:  
““Utility service” means service for electricity, water, sewer, and natural gas.”

SECTION 3. Section 521-44, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) As used in this section “security deposit” means money deposited by or for the tenant with the landlord to be held by the landlord to:

- (1) Remedy tenant defaults for accidental or intentional damages resulting from failure to comply with section 521-51, for failure to pay rent due, or for failure to return all keys, including key fobs, parking cards, garage door openers, and mail box keys, furnished by the landlord at the termination of the rental agreement;
- (2) Clean the dwelling unit or have it cleaned at the termination of the rental agreement so as to place the condition of the dwelling unit in as fit a condition as that which the tenant entered into possession of the dwelling unit;
- (3) Compensate for damages caused by a tenant who wrongfully quits the dwelling unit; ~~and~~
- (4) Compensate for damages under subsection (b) caused by any pet animal allowed to reside in the premises pursuant to the rental agreement[-]; and
- (5) Compensate the landlord for moneys owed by the tenant under the rental agreement for utility service provided by the landlord but not included in the rent.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on November 1, 2015.

(Approved May 5, 2015.)