

ACT 179

S.B. NO. 119

A Bill for an Act Relating to Payment of Rent.

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

SECTION 1. Section 521-21, Hawaii Revised Statutes, is amended to read as follows:

“§521-21 Rent. (a) The landlord and tenant may agree to any consideration, not otherwise prohibited by law, as rent. In the absence of such agreement, and subject to section 521-71(e) in the case of holdover tenants, the tenant shall pay to the landlord the fair rental value for the dwelling unit.

(b) Rents shall be payable at the time and place agreed to by the parties. Unless otherwise agreed, the entire rent shall be payable at the beginning of any term for one month or less, and for longer terms in equal monthly installments payable at the beginning of each month. When a rental agreement with a public assistance recipient requires that the rent be paid on or before the third day after the day on which the public assistance check is usually received, the tenant shall have the option of establishing a new due date by making a one-time payment to cover the period between the original due date and the newly established date. The new date shall not exceed by more than three days, excluding Saturdays, Sundays, and holidays, the date on which checks are mailed. The one-time payment shall be established by dividing the monthly rental by thirty and multiplying the result by the number of days between the original and the new due dates.

(c) Except as otherwise provided in subsection (b), rent shall be uniformly apportionable from day to day.

(d) When the tenancy is from month to month, the amount of rent for such tenancy shall not be increased by the landlord without written notice given forty-five consecutive days prior to the effective date of the increase.

(e) When the tenancy is less than month to month, the amount of rent for such tenancy shall not be increased by the landlord without written notice given fifteen consecutive days prior to the effective date of the increase.

(f) Where the rental agreement provides for a late charge payable to the landlord for rent not paid when due, the late charge shall not exceed eight per cent of the amount of rent due.”

SECTION 2. New statutory material is underscored.

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SECTION 3. This Act shall take effect on November 1, 2017; provided that section 1 of this Act shall apply to all rental agreements entered into on or after the effective date of this Act and all rental agreement renewals entered into on or after the effective date of this Act.

(Approved July 11, 2017.)