

---

---

# A BILL FOR AN ACT

RELATING TO PAYMENT OF RENT.

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

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

3           "**§521-21 Rent.** (a) The landlord and tenant may agree to  
4 any consideration, not otherwise prohibited by law, as rent. In  
5 the absence of such agreement, and subject to section 521-71(e)  
6 in the case of holdover tenants, the tenant shall pay to the  
7 landlord the fair rental value for the dwelling unit.

8           (b) Rents shall be payable at the time and place agreed to  
9 by the parties. Unless otherwise agreed, the entire rent shall  
10 be payable at the beginning of any term for one month or less,  
11 and for longer terms in equal monthly installments payable at  
12 the beginning of each month. When a rental agreement with a  
13 public assistance recipient requires that the rent be paid on or  
14 before the third day after the day on which the public  
15 assistance check is usually received, the tenant shall have the  
16 option of establishing a new due date by making a one-time  
17 payment to cover the period between the original due date and  
18 the newly established date. The new date shall not exceed by



1 more than three days, excluding Saturdays, Sundays, and  
2 holidays, the date on which checks are mailed. The one-time  
3 payment shall be established by dividing the monthly rental by  
4 thirty and multiplying the result by the number of days between  
5 the original and the new due dates.

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

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

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

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

20 SECTION 2. New statutory material is underscored.



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



**Report Title:**

Landlord-tenant Code; Rent; Rental Agreements; Late Fees

**Description:**

Establishes a cap of eight per cent on late rent payment fees, applicable to all new rental agreements and rental agreement renewals entered into on or after the effective date of this measure. Effective 11/1/2017. (CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

