
A BILL FOR AN ACT

RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE.

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

1 SECTION 1. The purpose of this Act is to address the
2 situation of a residential tenant after a foreclosure of the
3 tenant's rental unit. More specifically, this Act subjects the
4 mortgagee in possession or purchaser of the rental unit to the
5 rental agreement between the former landlord and tenant until
6 the agreement expires.

7 SECTION 2. Section 521-45, Hawaii Revised Statutes, is
8 amended by amending subsections (a) and (b) to read as follows:

9 "(a) Unless otherwise agreed, a landlord who [~~conveys~~]:

10 (1) Conveys premises [which] that include a dwelling unit
11 subject to a rental agreement in a good faith sale to
12 a person not connected with the landlord and
13 discloses, in writing, in any form of contract for the
14 sale of such premises; or

15 (2) Loses, because of a foreclosure sale or action, the
16 landlord's interest in premises that include a
17 dwelling unit subject to a rental agreement;



1 is relieved of liability under the rental agreement and under
2 this chapter as to events occurring subsequent to the
3 conveyance.

4 (b) The new owner who purchases or comes into possession
5 of the premises referred to in subsection (a) is liable under
6 the rental agreement until the agreement expires and under this
7 chapter."

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2009.

11

INTRODUCED BY:

Calvin H. Ay

JAN 23 2009



Report Title:

Rental Agreement; Applicability After Foreclosure

Description:

Makes a mortgagee in possession or purchaser of residential rental property that has been foreclosed upon subject to a rental agreement between the previous landlord and a tenant.

