
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 legislature finds that the procedure for
2 removing and disposing of property abandoned by tenants is
3 unduly burdensome to landlords. Specifically, the required
4 newspaper publication prior to the sale or donation of abandoned
5 property means additional time and expense for landlords,
6 without providing a tenant with any additional protection
7 because tenants who abandon their property are generally
8 provided with multiple notices to vacate the premises.

9 Thus, the legislature finds that repealing the requirement
10 that a landlord publish prior notice of the sale or donation of
11 a tenant's abandoned property would unalter the protections
12 already provided for tenants, reduce the expenses of landlords,
13 and increase the efficiency of the housing market.

14 SECTION 2. Section 521-44, Hawaii Revised Statutes, is
15 amended by amending subsection (d) to read as follows:

16 "(d) For the purposes of this section, if a tenant is
17 absent from the dwelling unit for a continuous period of twenty
18 days or more without written notice to the landlord, the tenant



1 shall be deemed to have wrongfully quit the dwelling unit;
2 provided that the tenant shall not be considered to be absent
3 from the dwelling unit without notice to the landlord during any
4 period for which the landlord has received payment of rent. In
5 addition to any other right or remedy the landlord has with
6 respect to [such] a tenant who has wrongfully quit the dwelling
7 unit, the landlord may retain the entire amount of any security
8 deposit the landlord has received from or on behalf of [such]
9 the tenant. Disposition of the tenant's abandoned personal
10 property shall be conducted pursuant to section 521-56."

11 SECTION 3. Section 521-56, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§521-56 **Disposition of tenant's abandoned possessions.**

14 (a) When the tenant [~~, within the meaning of section 521-70(d)~~
15 ~~or section 521-44(d),~~] has [wrongfully]:

16 (1) Wrongfully quit the premises, [~~or when the tenant has~~
17 quit] within the meaning of section 521-44(d);

18 (2) Wrongfully quit the dwelling unit and has
19 unequivocally indicated by words or deeds the
20 intention not to resume the tenancy, within the
21 meaning of section 521-70(d);



1 (3) Quit the premises pursuant to a notice to quit [~~or~~
2 ~~upon~~];

3 (4) Quit the premises upon the natural expiration of the
4 term[~~7~~]; or

5 (5) Been removed pursuant to a writ of possession issued
6 under to section 666-11;

7 and has abandoned [~~personalty which the landlord, in good faith,~~
8 ~~determines to be of value,~~] personal property in or around the
9 premises, the landlord may sell [~~such personalty,~~] the personal
10 property in a commercially reasonable manner, store [~~such~~
11 ~~personalty at the tenant's expense,~~] the personal property, or
12 donate [~~such personalty to a charitable organization.~~] the
13 personal property. Before selling or donating [~~such~~
14 ~~personalty,~~] the landlord shall make reasonable efforts to
15 apprise the tenant of the identity and location of the personal
16 property, and the landlord's intent to sell or donate [~~such~~
17 ~~personalty~~] the personal property by mailing notice to the
18 tenant's forwarding address, or to an address designated by the
19 tenant for the purpose of notification or if neither of these is
20 available, to the tenant's previous known address. Following
21 [~~such~~] the notice, the landlord may sell [~~the personalty after~~
22 ~~advertising the sale in a daily paper of general circulation~~



1 ~~within the circuit in which the premises is located for at least~~
2 ~~three consecutive days, or the landlord may] or~~ donate the
3 ~~[personalty to a charitable organization,]~~ personal property;
4 provided that [~~such~~] the sale or donation shall not take place
5 until fifteen days after notice is mailed, after which the
6 tenant is deemed to have received notice.

7 (b) The proceeds of the sale of [~~personalty~~] the personal
8 property under subsection (a) [~~shall, after deduction of accrued~~
9 ~~rent and costs of storage and sale, including the cost of~~
10 ~~advertising, be held in trust for the tenant for thirty days,~~
11 ~~after which time the proceeds]~~ shall be forfeited to the
12 landlord.

13 (c) When the tenant has quit the premises, any
14 [~~personalty~~] personal property in or around the premises left
15 unsold after conformance to subsection (a) or otherwise left
16 abandoned by the tenant [~~and determined by the landlord to be of~~
17 ~~no value]~~ may be disposed of at the landlord's discretion
18 without liability to the landlord."

19 SECTION 4. Section 521-70, Hawaii Revised Statutes, is
20 amended by amending subsection (d) to read as follows:

21 "(d) If the tenant wrongfully quits the dwelling unit and
22 unequivocally indicates by words or deeds the tenant's intention



1 not to resume the tenancy, the tenant shall be liable to the
2 landlord for the lesser of the following amounts for [~~such~~] the
3 abandonment:

- 4 (1) The entire rent due for the remainder of the term; or
5 (2) All rent accrued during the period reasonably
6 necessary to re-rent the dwelling unit at the fair
7 rental, plus the difference between [~~such~~] the fair
8 rent and the rent agreed to in the prior rental
9 agreement and a reasonable commission for the renting
10 of the dwelling unit. This paragraph applies if the
11 amount calculated hereunder is less than the amount
12 calculated under paragraph (1) whether or not the
13 landlord re-rents the dwelling unit.

14 Proceeds of the sale of the tenant's abandoned personal property
15 conducted pursuant to section 521-56, after deduction of the
16 costs of storage and sale, including the cost of advertising, if
17 any, shall reduce the amount owed by the tenant to the landlord
18 pursuant to this section."

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



H.B. NO. 19

1 SECTION 6. This Act shall take effect on July 1, 2013.

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INTRODUCED BY:

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JAN 16 2013



H.B. NO. 19

Report Title:

Landlord-Tenant Code; Abandoned Personal Property; Eviction

Description:

Deletes the requirement that a landlord place a newspaper advertisement before selling or donating abandoned tenant property. Allows landlords to sell a tenant's property abandoned after the tenant is removed pursuant to a writ of possession. Effective 07/01/2013.

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

