



GOV. MSG. NO. 1133

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

May 28, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on May 28, 2024, the following bill was signed into law:

SB2834 SD1 HD2 CD1

RELATING TO THE LANDLORD-TENANT
CODE.
ACT 033

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on MAY 28 2024
THE SENATE
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

S.B. NO. 2834
S.D. 1
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO THE LANDLORD-TENANT CODE.

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

1 SECTION 1. Chapter 521, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§521- Death of a tenant; notice. (a) As part of the
5 rental agreement or in a separate written instrument, a tenant
6 may designate the name and contact information, including
7 mailing address, of a representative authorized by the tenant to
8 collect or dispose of the tenant's personal property within the
9 dwelling unit if the tenant dies during the tenancy.

10 (b) Upon the death of the tenant or, in the case of
11 multiple tenants, the death of all tenants, the landlord shall
12 contact the representative by registered mail and any other
13 contact information provided by the tenant to provide notice
14 pursuant to subsection (c). In the absence of a written
15 designation of a representative by the deceased tenant, the
16 landlord shall send notice to the estate of the deceased tenant
17 at the address of the dwelling unit. If upon delivery of the
18 notice to the estate, an individual comes forward and provides



1 the landlord with a court order evidencing the individual's
2 authority to act as a representative for the deceased tenant,
3 the individual shall be considered the representative for the
4 purposes of this section. In the absence of a written
5 designation of a representative by the deceased tenant or the
6 designated representative or representative of the deceased
7 tenant's estate does not come forward, a family member who comes
8 forward shall be considered the representative for the purposes
9 of this section.

10 (c) The notice required under this section shall contain
11 the following information:

12 (1) The name of the deceased tenant, the address of the
13 dwelling unit, and that the representative, if any,
14 was identified by the tenant to collect or dispose of
15 the tenant's personal property in the event of the
16 tenant's death;

17 (2) The approximate date of the deceased tenant's death;

18 (3) The monthly rent amount and the date through which
19 rent has been paid;

20 (4) A statement that the tenancy will terminate fifteen
21 calendar days from the date the notice is mailed or



1 personally delivered or the date through which the
2 rent has been paid, whichever is later; and
3 (5) A statement that upon the termination of the tenancy,
4 the landlord may dispose of any remaining personal
5 property that the landlord, in good faith, determines
6 to be of value, in or around the dwelling unit, by
7 either:
8 (A) Selling the property, in a commercially
9 reasonable manner;
10 (B) Storing the property at the expense of the
11 deceased tenant's estate; or
12 (C) Donating the property to a charitable
13 organization.
14 (d) If the representative contacts the landlord within
15 fifteen calendar days of the mailing or personal delivery of the
16 written notice pursuant to subsection (c), the landlord shall
17 provide the representative access to the dwelling unit for the
18 sole purpose of allowing the representative to remove the
19 deceased tenant's personal property in a reasonable manner. The
20 representative shall surrender the dwelling unit to the landlord
21 after the removal of the deceased tenant's personal property.



1 This section shall not create a landlord-tenant relationship
2 between the landlord and the representative.

3 (e) The tenancy shall terminate fifteen calendar days from
4 the date the notice is mailed or personally delivered to the
5 representative or the deceased tenant's estate, or the date
6 through which the rent has been paid, whichever is later. Upon
7 the termination of the tenancy, the landlord may dispose of any
8 remaining personal property in or around the dwelling unit that
9 the landlord, in good faith, determines to be of value by:

10 (1) Selling the property, in a commercially reasonable
11 manner;

12 (2) Storing the property at the expense of the deceased
13 tenant's estate; or

14 (3) Donating the property to a charitable organization.

15 (f) The method of disposal of the remaining personal
16 property of value shall be at the discretion of the landlord and
17 without liability to the landlord; provided that the landlord is
18 in compliance with this section. If personal property is sold
19 in a commercially reasonable manner, then the proceeds of the
20 sale, after deducting accrued rent and costs of storage,
21 advertising, and sale, shall be held in a trust for the



1 representative for thirty calendar days, after which time the
2 proceeds shall be forfeited to the landlord.

3 (g) The landlord may dispose of any remaining personal
4 property that has no value, including but not limited to trash
5 and perishable food, immediately and without notice to the
6 representative or the deceased tenant's estate without
7 liability.

8 (h) Within fourteen calendar days of the termination of
9 the tenancy or fourteen calendar days after the representative
10 has removed the tenant's personal property, the landlord shall
11 account for the security deposit as provided by section 521-44;
12 provided that any security deposit balance owed to the tenant
13 shall be paid to the representative or the deceased tenant's
14 estate.

15 (i) A landlord in compliance with the provisions of this
16 section shall have no further duty or liability to the
17 representative or the deceased tenant's estate after the
18 expiration of the tenancy.

19 (j) A landlord shall have no obligation to disclose the
20 death of a tenant or the history of deaths of tenants in a
21 rented unit to a prospective tenant.



1 (k) For purposes of this section, "family member" means a
2 person who is related to the deceased tenant by blood, marriage,
3 reciprocal beneficiary relationship, civil union, adoption, or
4 legal guardianship."

5 SECTION 2. New statutory material is underscored.

6 SECTION 3. This Act shall take effect on November 1, 2024.



S.B. NO. 2834
S.D. 1
H.D. 2
C.D. 1

APPROVED this **28th** day of **May**, 2024


A handwritten signature in black ink, appearing to read "Josh Green". The signature is written in a cursive style with a large initial "J".


GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2024
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.


President of the Senate


Clerk of the Senate

SB No. 2834, SD 1, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives