

JAN 19 2024

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 tenant's belongings within the unit if the
9 tenant becomes deceased 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 tenants to provide notice
14 pursuant to subsection (c). In the absence of a written
15 designation by the tenant of a representative, the landlord
16 shall send notice to the estate of the deceased tenant at the
17 rented premises address. If upon delivery of the notice to the



1 estate, an individual comes forward and provides the landlord
2 with a court order evidencing their authority to act as a
3 representative for the deceased tenant, the person shall be
4 considered the representative for the purposed of this section.

5 (c) The notice required under this section shall contain
6 the following information:

7 (1) The name of the deceased tenant, the address of the
8 rented premises, and that the representative, if any,
9 was identified by the tenant to collect or dispose of
10 the tenant's belongings in the event of their death;

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

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

14 (4) A statement that the tenancy will terminate fifteen
15 days from the date the notice is mailed or personally
16 delivered or the date through which the rent has been
17 paid, whichever is later; and

18 (5) A statement that upon the termination of the tenancy,
19 the landlord may dispose of any remaining property
20 which the landlord, in good faith, determines to be of
21 value, in or around the rented premises, by either:



- 1 (A) Selling the property, in a commercially
- 2 reasonable manner;
- 3 (B) Storing the property at the expense of the
- 4 tenant's estate; or
- 5 (C) Donating the property to a charitable
- 6 organization.
- 7 (d) If the representative contacts the landlord within
- 8 fifteen days of the mailing of the written notice pursuant to
- 9 subsection (c), the landlord shall provide access to the
- 10 representative for the sole purpose of allowing the
- 11 representative to remove the tenants' belongings in a reasonable
- 12 manner. The landlord shall allow access to the premises for the
- 13 representative to remove the tenants' property and return the
- 14 premises to the landlord. This section shall not create a
- 15 landlord-tenant relationship between the landlord and the
- 16 representative.
- 17 (e) The tenancy shall terminate fifteen days from the date
- 18 the notice is mailed or personally delivered to the
- 19 representative or the tenant's estate, or the date through which
- 20 the rent has been paid, whichever is later. Upon the
- 21 termination of the tenancy, the landlord may dispose of any

1 remaining property in or around the unit which the landlord, in
2 good faith, determines to be of value by either:

3 (1) Selling the property, in a commercially reasonable
4 manner;

5 (2) Storing the property at the expense of the tenant's
6 estate; or

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

8 (f) The method of disposal of the remaining property of

9 value shall be at the discretion of the landlord and without

10 liability to the landlord; provided that the landlord is in

11 compliance with this section. If property is sold in a

12 commercially reasonable manner, then the proceeds of the sale,

13 after deducting accrued rent and costs of storage, advertising,

14 and sale, shall be held in a trust for the representative for

15 thirty days, after which time the proceeds shall be forfeited to

16 the landlord.

17 (g) The landlord may dispose of any remaining property

18 that has no value, including but not limited to trash and

19 perishable food, immediately and without notice to the

20 representative or tenant's estate without liability.



1 (h) Within fourteen days of the termination of the tenancy
2 or fourteen days after the representative has removed the
3 tenants' property, the landlord shall account for the security
4 deposit as provided by section 521-44; provided that any
5 security deposit balance owed to the tenant shall be paid to
6 representative.

7 (i) A landlord in compliance with the provisions of this
8 section shall have no further duty or liability to the
9 representative or the tenant's estate after the expiration of
10 the tenancy."

11 SECTION 2. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.

13

INTRODUCED BY:  _____



S.B. NO. 2834

Report Title:

Landlord Tenant Code; Death of Tenant

Description:

Amends the landlord-tenant code to provide for a process to dispense of property and return the premises to a landlord when there is a death of a tenant.

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

