
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 unit if the 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 the 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 purpose 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 personal property in the event of their
11 death;

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

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

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

19 (5) A statement that upon the termination of the tenancy,
20 the landlord may dispose of any remaining personal
21 property that the landlord, in good faith, determines



1 to be of value, in or around the rented premises, by
2 either:

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

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

7 (C) Donating the property to a charitable
8 organization.

9 (d) If the representative contacts the landlord within
10 fifteen days of the mailing of the written notice pursuant to
11 subsection (c), the landlord shall provide access to the
12 representative for the sole purpose of allowing the
13 representative to remove the tenant's personal property in a
14 reasonable manner. The landlord shall allow access to the
15 premises for the representative to remove the tenant's personal
16 property and return the premises to the landlord. This section
17 shall not create a landlord-tenant relationship between the
18 landlord and the representative.

19 (e) The tenancy shall terminate fifteen days from the date
20 the notice is mailed or personally delivered to the
21 representative or the tenant's estate, or the date through which



1 the rent has been paid, whichever is later. Upon the
2 termination of the tenancy, the landlord may dispose of any
3 remaining personal property in or around the unit which the
4 landlord, in good faith, determines to be of value by:

5 (1) Selling the property, in a commercially reasonable
6 manner;

7 (2) Storing the property at the expense of the tenant's
8 estate; or

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

10 (f) The method of disposal of the remaining personal
11 property of value shall be at the discretion of the landlord and
12 without liability to the landlord; provided that the landlord is
13 in compliance with this section. If personal property is sold
14 in a commercially reasonable manner, then the proceeds of the
15 sale, after deducting accrued rent and costs of storage,
16 advertising, and sale, shall be held in a trust for the
17 representative for thirty days, after which time the proceeds
18 shall be forfeited to the landlord.

19 (g) The landlord may dispose of any remaining personal
20 property that has no value, including but not limited to trash



1 and perishable food, immediately and without notice to the
2 representative or tenant's estate without liability.

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

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

13 (j) A landlord shall have no obligation to disclose the
14 death of a tenant or the history of deaths of tenants in a
15 rented unit to a prospective tenant."

16 SECTION 2. New statutory material is underscored.

17 SECTION 3. This Act shall take effect on July 1, 2040.

18



Report Title:

Residential Landlord-Tenant Code; Death of Tenant

Description:

Amends the Residential Landlord-Tenant Code to provide for a process to dispense of the tenant's personal property and return the premises to a landlord when there is a death of a tenant. Takes effect 7/1/2040. (SD1)

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

