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S.B. NO. 2834

A Bill for an Act Relating to the Landlord-Tenant Code.

Be It Enacted by the Legislature of the State of Hawaii:

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

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

(b) Upon the death of the tenant or, in the case of multiple tenants, the death of all tenants, the landlord shall contact the representative by registered mail and any other contact information provided by the tenant to provide notice

pursuant to subsection (c). In the absence of a written designation of a representative by the deceased tenant, the landlord shall send notice to the estate of the deceased tenant at the address of the dwelling unit. If upon delivery of the notice to the estate, an individual comes forward and provides the landlord with a court order evidencing the individual's authority to act as a representative for the deceased tenant, the individual shall be considered the representative for the purposes of this section. In the absence of a written designation of a representative by the deceased tenant or the designated representative or representative of the deceased tenant's estate does not come forward, a family member who comes forward shall be considered the representative for the purposes of this section.

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

- (1) The name of the deceased tenant, the address of the dwelling unit, and that the representative, if any, was identified by the tenant to collect or dispose of the tenant's personal property in the event of the tenant's death;
- (2) The approximate date of the deceased tenant's death;
- (3) The monthly rent amount and the date through which rent has been paid;
- (4) A statement that the tenancy will terminate fifteen calendar days from the date the notice is mailed or personally delivered or the date through which the rent has been paid, whichever is later; and
- (5) A statement that upon the termination of the tenancy, the landlord may dispose of any remaining personal property that the landlord, in good faith, determines to be of value, in or around the dwelling unit, by either:
 - (A) Selling the property, in a commercially reasonable manner;
 - (B) Storing the property at the expense of the deceased tenant's estate; or
 - (C) Donating the property to a charitable organization.

(d) If the representative contacts the landlord within fifteen calendar days of the mailing or personal delivery of the written notice pursuant to subsection (c), the landlord shall provide the representative access to the dwelling unit for the sole purpose of allowing the representative to remove the deceased tenant's personal property in a reasonable manner. The representative shall surrender the dwelling unit to the landlord after the removal of the deceased tenant's personal property. This section shall not create a landlord-tenant relationship between the landlord and the representative.

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

- (1) Selling the property, in a commercially reasonable manner;
- (2) Storing the property at the expense of the deceased tenant's estate; or
- (3) Donating the property to a charitable organization.

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

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held in a trust for the representative for thirty calendar days, after which time the proceeds shall be forfeited to the landlord.

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

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

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

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

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

SECTION 2. New statutory material is underscored.¹

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

(Approved May 28, 2024.)

Note

1. Edited pursuant to HRS §23G-16.5.