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March 13, 2024

LATE

The Honorable Mark M. Nakashima, Chair

House Committee on Consumer Protection & Commerce
State Capitol, Conference Room 329 & Videoconference

RE: Senate Bill 2834, SD1, Relating to the Landlord-Tenant Code

HEARING: Wednesday, March 13, 2024, at 2:20 p.m.

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 11,000 members. HAR provides **comments** on Senate Bill 2834, SD1, which 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.

HAR supports the intent of this measure to provide a process under the Landlord-Tenant Code should a tenant unfortunately pass away. We note that there could be instances where a family member/next of kin comes forward who is not the designated representative or representing the estate and may want to assist with handling the deceased's personal property. This is the most common situation currently should a tenant unfortunately pass away.

Should this bill move forward, we would respectfully request amendments to allow family members/next of kin to assist in the removal of the personal property of the deceased should the designated representative or estate not come forward. Additionally, we would also request that references to "days" in this measure are clarified to refer to "calendar days" to avoid any confusion. Finally, this measure would likely require HAR to amend our Standard Forms. HAR provides Standard Forms for the entire industry to utilize which are regularly updated to keep in compliance with current law. Therefore, we would respectfully request an implementation date of November 1, 2024 to coincide with our next updated Standard Forms release schedule.

Mahalo for the opportunity to testify on this measure.



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COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Mark M. Nakashima, Chair
Rep. Jackson D. Sayama, Vice Chair

RE: SB2834 - RELATING TO THE LANDLORD-TENANT CODE

Dear Representatives,

I am an attorney and have practiced landlord-tenant law for over 30 years. I support the instant bill.

I provided testimony regarding an earlier version of this bill, which is still applicable. However, I wanted to note that the current version of the bill is better in that it provides more direction for landlords and the heirs of tenants when those tenants pass away.

As I mentioned previously, the Residential Landlord-Tenant Code (the "Code") does not presently provide specific guidance to addresses tenant deaths. When a unit is occupied by a single individual who dies, there is no roadmap in the law to guide either the housing providers or the tenant's survivors as to the end of possession of the rented unit and disposition of the deceased tenant's belongings. As a result, the death of a tenant can delay returning the tenant's belongings to their heirs and delays returning a residential unit to the inventory of available housing, which makes the current housing crisis worse.

If passed, this bill will provide an orderly means to end tenancies upon a tenant's death. This bill provides guidance to housing providers and tenants as to what should happen when a tenant dies. It should also allow residential units to be more quickly made available to families needing housing.

Thank you for considering my testimony.

Please let me know if you have any questions.

Very truly yours,

/s/ David W. H. Chee

David W. H. Chee