**S.B. NO.** <sup>2834</sup> 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:**

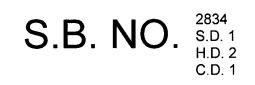
1	SECTION 1. Chapter 521, Hawaii Revised Statutes, is
2	amended by adding a new section to be appropriately designated
3	and to read as follows:
4	"§521- Death of a tenant; notice. (a) As part of the
5	rental agreement or in a separate written instrument, a tenant
6	may designate the name and contact 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
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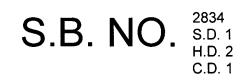
1	the landl	ord with a court order evidencing the individual's
2	authority	to act as a representative for the deceased tenant,
3	the indiv	idual shall be considered the representative for the
4	purposes	of this section. In the absence of a written
5	designati	on of a representative by the deceased tenant or the
6	designate	d representative or representative of the deceased
7	tenant's	estate does not come forward, a family member who comes
8	forward s	hall be considered the representative for the purposes
9	of this s	ection.
10	<u>(c)</u>	The notice required under this section shall contain
11	the follo	wing 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

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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	<u>fifteen c</u>	alendar days of the mailing or personal delivery of the
16	<u>written n</u>	otice pursuant to subsection (c), the landlord shall
17	provide t	he representative access to the dwelling unit for the
18	<u>sole purp</u>	oose of allowing the representative to remove the
19	deceased	tenant's personal property in a reasonable manner. The
20	represent	ative shall surrender the dwelling unit to the landlord
21	after the	e removal of the deceased tenant's personal property.





1	<u>This sect</u>	ion shall not create a landlord-tenant relationship
2	between t	he landlord and the representative.
3	<u>(e)</u>	The tenancy shall terminate fifteen calendar days from
4	the date	the notice is mailed or personally delivered to the
5	represent	ative or the deceased tenant's estate, or the date
6	through w	hich the rent has been paid, whichever is later. Upon
7	the termi	nation of the tenancy, the landlord may dispose of any
8	remaining	personal property in or around the dwelling unit that
9	the landl	ord, 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	<u>(f)</u>	The method of disposal of the remaining personal
16	property	of value shall be at the discretion of the landlord and
17	without 1	iability to the landlord; provided that the landlord is
18	<u>in compli</u>	ance with this section. If personal property is sold
19	in a comm	ercially reasonable manner, then the proceeds of the
20	sale, aft	er deducting accrued rent and costs of storage,
21	advertisi	ng, and sale, shall be held in a trust for the

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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.

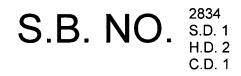
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1	(k) For purposes of this section, "family member" means a
2	person who is related to the deceased tenant by blood, marriage,
3	reciprocal beneficiary relationship, civil union, adoption, or
4	legal guardianship."
5	SECTION 2. New statutory material is underscored.
6	SECTION 3. This Act shall take effect on November 1, 2024.





#### Report Title:

Residential Landlord-Tenant Code; Death of Tenant; Disposal of Personal Property

### Description:

Amends the Residential Landlord-Tenant Code to provide for a process to dispose of the tenant's personal property and surrender the dwelling unit to a landlord when there is a death of a tenant. Takes effect 11/1/2024. (CD1)

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

