
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



1 notice to the estate, an individual comes forward and provides
2 the landlord with a court order evidencing the individual's
3 authority to act as a representative for the deceased tenant,
4 the individual shall be considered the representative for the
5 purposes of this section. In the absence of a written
6 designation of a representative by the deceased tenant or the
7 designated representative or representative of the deceased
8 tenant's estate does not come forward, a family member who comes
9 forward shall be considered the representative for the purposes
10 of this section.

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

13 (1) The name of the deceased tenant, the address of the
14 dwelling unit, and that the representative, if any,
15 was identified by the tenant to collect or dispose of
16 the tenant's personal property in the event of the
17 tenant's death;

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

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



1 (4) A statement that the tenancy will terminate fifteen
2 calendar days from the date the notice is mailed or
3 personally delivered or the date through which the
4 rent has been paid, whichever is later; and

5 (5) A statement that upon the termination of the tenancy,
6 the landlord may dispose of any remaining personal
7 property that the landlord, in good faith, determines
8 to be of value, in or around the dwelling unit, by
9 either:

10 (A) Selling the property, in a commercially
11 reasonable manner;

12 (B) Storing the property at the expense of the
13 deceased tenant's estate; or

14 (C) Donating the property to a charitable
15 organization.

16 (d) If the representative contacts the landlord within
17 fifteen calendar days of the mailing or personal delivery of the
18 written notice pursuant to subsection (c), the landlord shall
19 provide the representative access to the dwelling unit for the
20 sole purpose of allowing the representative to remove the
21 deceased tenant's personal property in a reasonable manner. The



1 representative shall surrender the dwelling unit to the landlord
2 after the removal of the deceased tenant's personal property.

3 This section shall not create a landlord-tenant relationship
4 between the landlord and the representative.

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

12 (1) Selling the property, in a commercially reasonable
13 manner;

14 (2) Storing the property at the expense of the deceased
15 tenant's estate; or

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

17 (f) The method of disposal of the remaining personal
18 property of value shall be at the discretion of the landlord and
19 without liability to the landlord; provided that the landlord is
20 in compliance with this section. If personal property is sold
21 in a commercially reasonable manner, then the proceeds of the



1 sale, after deducting accrued rent and costs of storage,
2 advertising, and sale, shall be held in a trust for the
3 representative for thirty calendar days, after which time the
4 proceeds shall be forfeited to the landlord.

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

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

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



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

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

8 SECTION 2. New statutory material is underscored.

9 SECTION 3. This Act shall take effect on July 1, 3000.



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. Effective 7/1/3000. (HD2)

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

