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Title & Tenancy 101

The following tenancies are used in the State of Hawaii. These are only general summaries, and you are encouraged to consult your attorney or accountant to help determine which you should use.

Tenants in Severalty

- Sole ownership of the property by one person or entity.
- If the owner passes, interest in the property is determined through probate.

Tenants in Common

- Ownership of the property by two or more persons or entities, each with a separate percentage interest.
- For unequal interests, the degree of each owner's interest must be specified.
- If an owner passes, that owner's interest is determined through probate.

Tenants by the Entirety

- Available to married couples or Hawaii civil union partners or registered reciprocal beneficiaries.
- If an owner passes, that owner's interest automatically passes to the surviving tenant.
- Until there is a termination of the tenancy, both owners' signatures are required for any deeds, mortgages, or other transfers of interests in the property.

Joint Tenancy

- Ownership by two or more individuals, each with equal interest in the property.
- If an owner passes, that owner's interest automatically transfers to the surviving tenant.
- Any owner may sever the joint tenancy by conveying his or her intent.



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