



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 21, 2013

GOV. MSG. NO. 1250

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

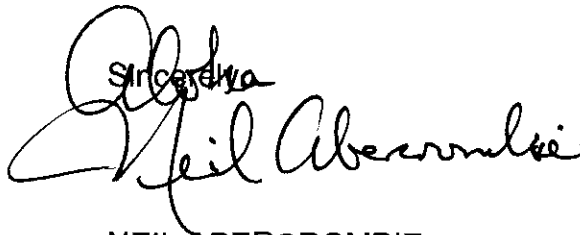
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 21, 2013, the following bill was signed into law:

HB888 HD2 SD1 CD1

RELATING TO DISPOSITION OF PERSONAL
PROPERTY ON PUBLIC HOUSING PROPERTIES
ACT 147 (13)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

JUN 21 2013

on _____

HOUSE OF REPRESENTATIVES
TWENTY-SEVENTH LEGISLATURE, 2013
STATE OF HAWAII

ACT 147

H.B. NO. 888
H.D. 2
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO DISPOSITION OF PERSONAL PROPERTY ON PUBLIC HOUSING PROPERTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 356D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§356D- Disposition of abandoned or seized property.

5 (a) The authority may sell, donate, or otherwise dispose of
6 property abandoned or seized in or around any state low-income
7 housing project upon compliance with the requirements of this
8 section.

9 (b) The authority shall send notice by certified mail, at
10 least five calendar days prior to disposition of the abandoned
11 or seized property, to the address of the owner of the property
12 abandoned or seized if the owner is known or can be determined.
13 The notice shall apprise the owner of the identity and location
14 of the property abandoned or seized and of the intent of the
15 authority to sell, donate, or otherwise dispose of the property.
16 If the identity or the address of the owner is unknown or cannot



1 be determined, the notice shall be posted on the premises on
2 which the property was abandoned or seized.

3 (c) If the abandoned or seized property has an estimated
4 value of \$500 or more per item, the authority shall also give
5 public notice of the disposition at least once statewide or in a
6 publication of local circulation in the county in which the
7 property was abandoned or seized; provided that the disposition
8 shall not take place fewer than five days after the notice of
9 intent to dispose of the property. The value of the items shall
10 be estimated at the discretion of the authority.

11 (d) The sale of abandoned or seized property having an
12 estimated value of \$500 or more per item as estimated at the
13 discretion of the authority shall be by public auction through
14 oral offers in the county in which the property was abandoned or
15 seized. If no bid is received, the property may be disposed of
16 as the authority deems appropriate.

17 (e) Any person entitled to the abandoned or seized
18 property may repossess the property prior to its disposition
19 upon proof of entitlement and payment of all unpaid rent, debts,
20 charges, and fines owed to the authority and all handling,
21 storage (not less than \$25 per day), appraisal, advertising, and

1 any other expenses incurred in connection with the proposed
2 disposition of the abandoned or seized property.

3 (f) The requirement of public notice and public auction
4 pursuant to subsections (c) and (d) shall not apply when the
5 value of the abandoned or seized property is less than \$500 per
6 item. Such property may be disposed of as the authority deems
7 appropriate.

8 (g) The proceeds of the sale of abandoned or seized
9 property, after deduction of all unpaid rent, debts, charges,
10 and fines owed to the authority, and all expenses of handling,
11 storage, appraisal, advertising, and other sale expenses, shall
12 be first offset against any amounts owed by the owner to the
13 State. Any amount remaining shall be held in trust for the
14 owner of the property for thirty days, after which time the
15 proceeds shall be paid into the authority's appropriate special
16 fund.

17 (h) The State, its officers, employees, and agents shall
18 not be liable to the owner of abandoned or seized property for
19 actions taken pursuant to this section."

20 SECTION 2. Section 356D-56, Hawaii Revised Statutes, is
21 repealed.



1 ~~["§356D-56] Lien on abandoned personalty, sale, etc.~~
2 ~~Whenever the authority has in its possession for four months~~
3 ~~after the termination of any residency or occupancy mentioned in~~
4 ~~this subpart, any personal property that has been left in or~~
5 ~~about any state low-income housing project by any person who~~
6 ~~formerly resided in, or occupied a room, dwelling unit, living~~
7 ~~quarters, or space in the state low-income housing project, the~~
8 ~~authority may sell the same at public auction. The proceeds of~~
9 ~~sale shall be applied to the payment of its charges for storage~~
10 ~~of the personal property, for public notice and sale, and to the~~
11 ~~payment of other amounts, if any, then due and owing to it from~~
12 ~~the former resident or occupant for rent or for any utility or~~
13 ~~service. Before any sale is made, the authority shall first~~
14 ~~give public notice of the time and place of sale at least two~~
15 ~~times in the county in which the personal property is located.~~
16 ~~The notice shall contain a brief description of the property,~~
17 ~~the name, if known, of the former resident or occupant who left~~
18 ~~the property in or about the housing project, the amount of the~~
19 ~~charges for storage, if any, and the indebtedness, if any, and~~
20 ~~the time and place of the sale. The charges for storage, if~~
21 ~~any, and for notice and sale, and the indebtedness, if any,~~




1 ~~shall be a lien upon the personal property. Notices of several~~
2 ~~sales may be combined and given in one notice, and whenever~~
3 ~~combined and given, the expenses of notice and sale shall be a~~
4 ~~lien and shall be satisfied in ratable proportion according to~~
5 ~~the amount received for each lot of property so noticed for~~
6 ~~sale."]~~

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2013.

APPROVED this 21 day of JUN, 2013



GOVERNOR OF THE STATE OF HAWAII

