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# 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.



**Report Title:**

Public Housing; Disposition of Abandoned or Seized Property

**Description:**

Establishes a process whereby the Hawaii Public Housing Authority may dispose of abandoned or seized property that it has acquired on state low-income housing projects. Effective July 1, 2013. (HB888 CD1)

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

