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# A BILL FOR AN ACT

RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY.

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

1           SECTION 1. The purpose of this Act is to enhance the  
2 cleanliness, upkeep, and safety of federal and state low-income  
3 public housing projects by authorizing the Hawaii public housing  
4 authority to timely dispose of property abandoned, seized, or  
5 remaining upon eviction in or around any federal, elder or  
6 elderly housing, and state low-income housing projects.

7           SECTION 2. Chapter 356D, Hawaii Revised Statutes, is  
8 amended by adding two new sections to part I to be appropriately  
9 designated and to read as follows:

10           "§356D-A Disposition of property abandoned, seized, or  
11 remaining upon eviction. (a) The authority may sell, donate,  
12 or otherwise dispose of property abandoned, seized or remaining  
13 from an eviction in or around any federal, elder or elderly  
14 housing, or state low-income housing project as defined in  
15 section 356D-51, upon compliance with the requirements of this  
16 section.



1        (b) The authority shall send notice by certified mail, at  
2 least five calendar days prior to disposition of the abandoned  
3 or seized property determined, in good faith, by the authority  
4 to be of value, to the address of the owner of the property  
5 abandoned or seized if the owner is known or can be determined.  
6 The notice shall apprise the owner of the identity and location  
7 of the property abandoned or seized and of the authority's  
8 intent to sell, donate, or otherwise dispose of the property.  
9 If the identity or the address of the owner is unknown or cannot  
10 be determined, the notice shall be posted on the premises on  
11 which the property was abandoned or seized.

12        (c) If the abandoned or seized property has an estimated  
13 value of \$500 or more per item, the authority shall also give  
14 public notice of the disposition at least once in a publication  
15 of statewide circulation or in a publication of local  
16 circulation in the county in which the property was abandoned or  
17 seized; provided that the disposition shall take place no fewer  
18 than five days after notice of intent to dispose of the  
19 property. The value of the items shall be estimated at the  
20 discretion of the authority.



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

7        (e) Any person entitled to the abandoned or seized  
8 property determined to be of value, may repossess the property  
9 prior to its disposition upon proof of entitlement and payment  
10 of all unpaid rent, debts, charges, and fines owed to the  
11 authority and all handling, storage (not less than \$25 per day),  
12 appraisal, advertising, and any other expenses incurred in  
13 connection with the proposed disposition of the abandoned or  
14 seized property.

15        (f) The requirements of notice by certified mail, public  
16 notice, and public auction pursuant to subsections (c) and (d)  
17 shall not apply when the value of the abandoned or seized  
18 property is less than \$500 per item. Such property may be  
19 disposed of as the authority deems appropriate.

20        (g) The requirements of subsections (b), (c), and (d)  
21 shall not apply to property determined by the authority, in good



1 faith, to be of value that is remaining upon an eviction or writ  
2 of possession ordered under section 356D-94. Upon an eviction  
3 or writ of possession ordered under section 356D-94, the  
4 property determined, in good faith, by the authority to be of  
5 value, of the person against whom the order is entered, and  
6 those of any persons using the premises incident to the person's  
7 holding, may be removed from the premises and stored by the  
8 authority. If the action to remove the property is taken, the  
9 authority shall have a lien on the property so taken for the  
10 expenses incurred by it in moving and storing the same, and the  
11 authority shall be authorized to sell or otherwise dispose of  
12 the property if unclaimed after thirty days.

13 (h) The proceeds of the sale of property abandoned, seized  
14 or remaining upon eviction, after deduction of all unpaid rent,  
15 debts, charges, and fines owed to the authority, and all  
16 expenses of handling, storage, appraisal, advertising, and other  
17 sale expenses, shall be first offset against any amounts owed by  
18 the owner to the authority.

19 (i) When a tenant has quit the premises, any property in  
20 or around the premises left unsold after conformance to  
21 subsections (a) through (h), or otherwise left abandoned by the



1 tenant and determined by the authority, in good faith, to be of  
2 no value may be disposed of at the authority's discretion  
3 without liability to the authority.

4 **§356D-B Disposition of surplus proceeds.** After the sale  
5 of property abandoned, seized or remaining upon an ordered  
6 eviction or writ of possession, the authority shall apply the  
7 proceeds as provided in section 356D-A. If the balance is not  
8 claimed by the former tenant within thirty days after the sale  
9 thereof, then the balance shall be paid over to the director of  
10 finance and shall be kept by the director in a special deposit  
11 for a period not to exceed six months. If claimed by the former  
12 tenant during that period, it shall be paid to the former  
13 tenant. If no claim is made during that period, the sum shall  
14 become a government realization and shall be paid into the  
15 general fund."

16 SECTION 3. Section 356D-94, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "[~~f~~]**§356D-94**[~~}]~~ **Eviction.** (a) If it is proven to the  
19 satisfaction of the eviction board that there is cause to  
20 terminate a lease or rental agreement and evict the tenant, the  
21 authority shall provide the tenant with a written notice of the



1 authority's decision to terminate the tenancy. The notice shall  
2 inform the tenant that a writ of possession may be issued by the  
3 authority within ten business days. The notice shall also  
4 inform the tenant whether the grounds for eviction are  
5 considered curable and, if so, what the tenant must do to remedy  
6 the grounds, by when it must be done, and what the tenant must  
7 do to document for the authority that the grounds have been  
8 remedied.

9 (b) When the grounds for termination of the tenancy may be  
10 cured by the tenant, the tenant shall have ten business days  
11 from receipt of the notice provided for in subsection (a) to  
12 cure the grounds. If the grounds are cured within the ten-day  
13 period, no writ of possession may be issued. If the grounds are  
14 not cured within the ten-day period, the authority may issue a  
15 writ of possession forthwith.

16 (c) The authority may adopt rules pursuant to chapter 91  
17 to define curable and noncurable grounds for eviction. The  
18 authority may consider a tenant's history in determining  
19 noncurable grounds for eviction. A tenant's history may include  
20 chronic or consistent delinquency, or repeated violations of the  
21 terms of the rental agreement.



1           (d) Enforcement of the order by a writ of possession shall  
2 be effected either by an officer appointed by the authority, who  
3 shall have all of the powers of a police officer for all action  
4 in connection with the enforcement of the order, or by a sheriff  
5 or any other law enforcement officer of the State or any county,  
6 whose duty it shall be to carry out the order. The person  
7 enforcing the order shall remove all persons from the premises  
8 and put the authority in full possession thereof.

9           ~~[(e) Upon eviction, the household goods and personal  
10 effects of the person against whom the order is entered, and  
11 those of any persons using the premises incident to the person's  
12 holding, may be removed from the premises and stored by the  
13 authority. If the action is taken, the authority shall have a  
14 lien on the property so taken for the expenses incurred by it in  
15 moving and storing the same, and the authority is authorized to  
16 sell or otherwise dispose of the property if unclaimed after  
17 thirty days.]"~~

18           SECTION 4. Section 356D-56.1, Hawaii Revised Statutes, is  
19 repealed.

20           ~~["§356D-56.1 Disposition of abandoned or seized property.~~

21           ~~(a) The authority may sell, donate, or otherwise dispose of~~



1 ~~property abandoned or seized in or around any state low income~~  
2 ~~housing project upon compliance with the requirements of this~~  
3 ~~section.~~

4 ~~(b) The authority shall send notice by certified mail, at~~  
5 ~~least five calendar days prior to disposition of the abandoned~~  
6 ~~or seized property, to the address of the owner of the property~~  
7 ~~abandoned or seized if the owner is known or can be determined.~~  
8 ~~The notice shall apprise the owner of the identity and location~~  
9 ~~of the property abandoned or seized and of the intent of the~~  
10 ~~authority to sell, donate, or otherwise dispose of the property.~~  
11 ~~If the identity or the address of the owner is unknown or cannot~~  
12 ~~be determined, the notice shall be posted on the premises on~~  
13 ~~which the property was abandoned or seized.~~

14 ~~(c) If the abandoned or seized property has an estimated~~  
15 ~~value of \$500 or more per item, the authority shall also give~~  
16 ~~public notice of the disposition at least once statewide or in a~~  
17 ~~publication of local circulation in the county in which the~~  
18 ~~property was abandoned or seized, provided that the disposition~~  
19 ~~shall not take place fewer than five days after the notice of~~  
20 ~~intent to dispose of the property. The value of the items shall~~  
21 ~~be estimated at the discretion of the authority.~~





1       ~~(d) The sale of abandoned or seized property having an~~  
2 ~~estimated value of \$500 or more per item as estimated at the~~  
3 ~~discretion of the authority shall be by public auction through~~  
4 ~~oral offers in the county in which the property was abandoned or~~  
5 ~~seized. If no bid is received, the property may be disposed of~~  
6 ~~as the authority deems appropriate.~~

7       ~~(e) Any person entitled to the abandoned or seized~~  
8 ~~property may repossess the property prior to its disposition~~  
9 ~~upon proof of entitlement and payment of all unpaid rent, debts,~~  
10 ~~charges, and fines owed to the authority and all handling,~~  
11 ~~storage (not less than \$25 per day), appraisal, advertising, and~~  
12 ~~any other expenses incurred in connection with the proposed~~  
13 ~~disposition of the abandoned or seized property.~~

14       ~~(f) The requirement of public notice and public auction~~  
15 ~~pursuant to subsections (c) and (d) shall not apply when the~~  
16 ~~value of the abandoned or seized property is less than \$500 per~~  
17 ~~item. Such property may be disposed of as the authority deems~~  
18 ~~appropriate.~~

19       ~~(g) The proceeds of the sale of abandoned or seized~~  
20 ~~property, after deduction of all unpaid rent, debts, charges,~~  
21 ~~and fines owed to the authority, and all expenses of handling,~~



1 ~~storage, appraisal, advertising, and other sale expenses, shall~~  
2 ~~be first offset against any amounts owed by the owner to the~~  
3 ~~State. Any amount remaining shall be held in trust for the~~  
4 ~~owner of the property for thirty days, after which time the~~  
5 ~~proceeds shall be paid into the authority's appropriate special~~  
6 ~~fund.~~

7 ~~(h) The State, its officers, employees, and agents shall~~  
8 ~~not be liable to the owner of abandoned or seized property for~~  
9 ~~actions taken pursuant to this section." ]~~

10 SECTION 5. Section 356D-57, Hawaii Revised Statutes, is  
11 repealed.

12 [~~"§356D-57 Disposition of surplus proceeds. After the~~  
13 ~~sale, the authority shall apply the proceeds as provided in~~  
14 ~~section 356D-56. The balance, if any remaining, shall be paid~~  
15 ~~over to the former resident or occupant. If the balance is not~~  
16 ~~claimed by the former resident or occupant within thirty days~~  
17 ~~after the sale thereof, then the balance shall be paid over to~~  
18 ~~the director of finance and shall be kept by the director in a~~  
19 ~~special deposit for a period not to exceed six months. If~~  
20 ~~claimed by the former resident or occupant during that period,~~  
21 ~~it shall be paid to the former resident or occupant. If no~~



1 ~~claim is made during the period, the sum shall become a~~  
2 ~~government realization and shall be paid into the general~~  
3 ~~fund." ]~~

4 SECTION 6. In codifying the new sections added by section  
5 2 of this Act, the revisor of statutes shall substitute  
6 appropriate section numbers for the letters used in designating  
7 the new sections in this Act.

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

10 SECTION 8. This Act shall take effect upon its approval.

11

INTRODUCED BY:

*Thomson*  
*Paul E. Pfeiffer*

*Shiranne Chun Cleveland*  
*Will Egan*  
*Breene Hunt*  
*John D. ...*  
*Clarene K. ...*  
*Ed ...*  
*Michael ...*



# S.B. NO. 124

**Report Title:**

Hawaii Public Housing Authority; Disposition of Property;  
Abandoned Property; Eviction; Federal Public Housing; State  
Public Housing

**Description:**

Expands the Hawaii public housing authority's authority to dispose of property seized, abandoned or remaining upon eviction in and around federal, elder or elderly, or state low-income housing projects.

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

