

ACT 98

S.B. NO. 329

A Bill for an Act Relating to Condominiums.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 514B-139, Hawaii Revised Statutes, is amended to read as follows:

“~~§514B-139~~ Upkeep of condominium; disposition of unclaimed possessions. (a) When personalty in or on the common elements of a project has been abandoned, the board may sell the personalty in a commercially reasonable manner, store the personalty at the expense of its owner, donate the personalty to a charitable organization, or otherwise dispose of the personalty in its sole discretion; provided that:

- (1) If the identity and address of the owner are known, no sale, storage, ~~[or] donation, or other disposal~~ shall occur until ~~[sixty]~~ thirty days after the ~~[board complies with the following:~~
- (+) ~~The~~ board notifies the owner in writing of:
 - (A) The identity and location of the personalty; and
 - (B) The board's intent to so sell, store, donate, or dispose of the personalty.

Notification shall be by certified mail, return receipt requested, to the owner's address as shown by the records of the association or to an address designated by the owner for the purpose of notification or, if neither of these is available, to the owner's last known address, if any; or
- (2) If the identity or address of the owner is unknown, the board ~~[shall first advertise the sale, donation, or disposition at least once in a daily paper of general circulation within the circuit in which the personalty is located.]~~ may proceed directly to sell, store, donate, or otherwise dispose of the personalty.
- (b) The proceeds of any sale or disposition of personalty under subsection ~~[(a);]~~ (a)(1), after deduction of any accrued costs of mailing, ~~[advertising,]~~ storage, and sale, shall be held for the owner for thirty days. Any proceeds not claimed within this period shall become the property of the association. The proceeds of any sale or disposition of personalty under subsection (a)(2) shall immediately become the property of the association.

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 2021.)