

**SANTA FE COUNTY  
HOUSING AUTHORITY BOARD  
RESOLUTION NO. 2019 -   2   HB**

**A RESOLUTION APPROVING THE SANTA FE COUNTY HOUSING  
AUTHORITY'S ABANDONED PROPERTY POLICY**

**WHEREAS**, Santa Fe County Housing Authority (SFCHA) shall adopt a written Abandoned Property Policy that establishes policies and procedures for personal property that residents leave behind after permanently vacating a public housing dwelling unit; and

**WHEREAS**, an abandoned property policy is necessary to provide guidance to staff and public housing tenants; and

**WHEREAS**, having Abandoned Property Policy in place keeps the SFCHA in compliance with state law and federal regulation; and

**WHEREAS**, the SFCHA shall administer the Abandoned Property Policy in accordance with SFCHA Policies;

**NOW, THEREFORE, BE IT RESOLVED** by the Santa Fe County Housing Authority Board hereby adopts the Santa Fe County Housing Authority's Abandoned Property Policy for the Public Housing Program attached hereto as Exhibit A.

**PASSED, APPROVED, AND ADOPTED THIS** 29 **DAY OF** January, 2019.

**SANTA FE COUNTY HOUSING AUTHORITY BOARD**

By: Anna T. Hamilton  
Anna T. Hamilton, Chair

ATTEST:  
Geraldine Salazar  
Geraldine Salazar, Santa Fe County Clerk

Date: 1-29-2019

**APPROVED AS TO FORM:**

R. Bruce Fredrick  
R. Bruce Fredrick, Santa Fe County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
I hereby Certify That This Instrument Was Filed for  
Record On The 30TH Day Of January, 2019 at 10:22:02 AM  
and Was Duly Recorded as Instrument # 1877876  
of The Records Of Santa Fe County

HOUSING RESOLUTION  
PAGES: 5

Witness My Hand And Seal Of Office  
Estrulla Geraldine Salazar  
deputy County Clerk, Santa Fe, NM

SANTA FE COUNTY CLERK RECORDED 01/30/2019

SANTA FE COUNTY CLERK RECORDED 01/30/2019

SANTA FE COUNTY HOUSING AUTHORITY  
ABANDONED PROPERTY POLICY

I. **Scope**

This policy applies to personal property that residents leave behind after permanently vacating a public housing dwelling unit.

II. **Definitions:** As used in this Policy:

"Abandonment" of a dwelling unit means the resident is absent from the dwelling, without notice to the owner, more than seven (7) continuous days after rent for the dwelling unit is delinquent. The lease is terminated as of the eighth day of such absence.

"Contact person" means the person designated by a resident in writing as the person to contact in the event of the resident's death. The contact person is authorized by the resident to (a) retrieve the resident's personal property from the dwelling unit and (b) to receive any refund owed to the resident in the event of the resident's death.

"Disposal" of a resident's personal property means discarding, selling, or donating the property or retaining the property for the Authority's use, in a manner consistent with this Policy.

"Notice address" means the resident's forwarding address if provided by the resident. If the resident left no forwarding address, "notice address" means any address (other than the vacated dwelling unit) that the resident has provided to the Housing Authority, including the address of the Contact Person, the resident's employment, a family member, or an emergency contact.

"Permanent vacation" of a dwelling unit means the resident has permanently vacated the unit as evidenced by the resident's voluntary surrender of the dwelling unit, abandonment of the dwelling unit, the execution of a writ of restitution, or the death of the sole occupant of the dwelling unit.

"Personal property" means tangible items of personal property that have value. For purposes of this Policy, personal property does not include used household products, damaged or inoperable property, dangerous or hazardous items, or refuse.

III. **Inventory, Storage and Disposal, Fees, Etc.:**

A. As soon as practicable after a dwelling unit has been

SFC CLERK RECORDED 01/30/2019

SFC CLERK RECORDED 01/30/2019

Permanently vacated, staff will enter the unit and create an itemized inventory of all personal property, if any, remaining in the unit.

**B.** Staff will estimate the value of each item of personal property and the total value of all such items on the personal property inventory, which shall be dated, signed and filed in the lease file. If no personal property was left in the dwelling unit, staff will make a note in the lease file.

**C.** Except in the case of a deceased or evicted resident, the Authority will store personal property for a minimum of 30 days after the resident abandons or surrenders the dwelling unit. The Authority may store the property in the dwelling unit or in another location. The Authority will presume that the resident has abandoned any personal property that remains in the Authority's possession longer than 30 days after the dwelling unit has been permanently vacated.

**D.** Except in the case of a deceased or evicted resident, the Authority shall dispose of personal property that is presumed abandoned by the resident as follows:

**(1)** If the total value of all such personal property is **less than \$100**, the Authority will dispose of the property in any manner it deems appropriate without further liability or obligation to the resident.

**(2)** If the total value of all such personal property is **\$100 or more**, the Authority may:

**(i)** sell the personal property and the proceeds of the sale, if in excess of money due and owing to the owner, shall be mailed to the resident at the notice address with an itemized statement of the amounts received and amounts allocated to other costs, **within fifteen days of the sale**; or

**(ii)** retain the property for the Authority's use or the use of others, in which case the Authority will credit the account of the resident for the fair market value of the property against any money due and owing to the Authority, and any value in excess of money due and owing will be mailed to the resident at the notice address along with an itemized statement of the value allocated to the property and the amount allocated to costs **within fifteen days of the retention of the property**.

**(3)** The Authority will charge a storage fee \$10.00 for each day that the Authority stores a resident's personal property onsite and the actual cost of storage if stored offsite. In addition, any disposal costs

incurred by the Authority will be assessed to the resident. Storage and disposal fees will be subtracted from any refund owed to the resident.

(4) Residents may retrieve their personal property at any time prior to disposal upon paying storage and any other applicable fees. The Authority will provide reasonable access to the resident to retrieve the resident's personal property.

**IV. Abandonment of Dwelling Unit.**

A. As soon as practicable after the date of abandonment, staff will hand-deliver or mail a notice of intent to dispose of the resident's personal property ("notice of intent") to the resident's notice address. A copy of the notice of intent will be maintained in the lease file.

B. The notice of intent will inform the resident that the Authority will dispose of the resident's personal property if the resident fails to retrieve the property within 30 days after the date of the notice. The notice of intent will include the inventory of personal property prepared by staff, the accumulated storage fee, and the telephone number and address where the resident may contact the Authority to retrieve the resident's property upon paying all applicable fees.

C. If the resident or person designated by the resident does not retrieve or make reasonable arrangements to retrieve the resident's property within 30 days, staff may dispose of the property as provided in Section III (D) above.

**V. Voluntary Surrender of Premises.**

A. If the resident informs the Authority that the resident is voluntarily surrendering the dwelling unit to the Authority, the Authority will store any personal property remaining in the unit for 30 days after the date of surrender.

B. If after 30 days from surrender of the unit, the resident has not retrieved all the stored personal property, the Authority will dispose of the property as provided in Section III (D) above.

**VI. Evictions.**

A. Unless otherwise agreed in writing between the Authority and the resident, the Authority will dispose of any personal property that remains in a dwelling unit 3 days after execution of the writ of restitution.

SFC CLERK RECORDED 01/30/2019

SFC CLERK RECORDED 01/30/2019

**B.** The Authority will dispose of the personal property in such manner as the Authority deems appropriate without further liability or obligation to the resident.

**VII. Deceased Resident.**

In the event of the death of a resident who is the sole occupant of a rental unit, staff:

(A) **Will** turn over possession of property left in the dwelling unit to the contract person or to any other person lawfully entitled to the property, including the personal representative of the resident's estate, if a request for the property is made prior to it being discarded as provided below.

(B) **Will** refund the resident's security deposit, less any lawful deductions (including the cost of removing and storing the property) to the Contact Person or to any other person lawfully entitled to the refund.

(D) **May** require any person who removes property from the resident's dwelling unit to sign an inventory of the property being removed.

(E) **May** discard or otherwise dispose of property removed by the Authority from the resident's dwelling unit if:

(1) the Authority has mailed a written request by certified mail, return receipt requested, to the Contact Person, requesting that the property be removed;

(2) the Contact Person failed to remove the property within 30 days after the request is mailed; and

(3) the Authority, prior to the date of discarding the property, has not been contacted by anyone claiming the property.

**VIII. Miscellaneous.**

**A.** This Policy is not intended to amend the terms and conditions of any lease.

**B.** The Housing Director will interpret this Policy in manner that is consistent with the applicable lease terms and the law.