

JAN 24 2024

A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING.

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

1 SECTION 1. The legislature finds that when a person is
2 evicted, that person may become ineligible for any future
3 participation in federally-assisted public housing projects.
4 The legislature further finds that, generally, the eviction
5 process is commenced by the filing of a complaint or other
6 formal proceeding. In many cases, these proceedings are
7 eventually concluded without an eviction when the tenant either
8 pays all delinquent amounts or voluntarily moves out. A tenant
9 is considered "evicted" only when a landlord obtains a writ of
10 possession from a court to forcibly remove the tenant.
11 Unfortunately, many local authorities incorrectly interpret an
12 "eviction" to mean the filing of the initial complaint for an
13 eviction, rather than the resulting order granting the removal
14 of the tenant.

15 The legislature therefore finds that it is crucial to
16 clarify when an eviction has occurred, as many vulnerable
17 residents could unjustly lose access to low income housing when



1 local authorities misinterpret the law. Accordingly, the
2 purpose of this Act is to clarify that, in determining the
3 eligibility of tenants, the Hawaii public housing authority
4 shall not determine an applicant ineligible due to a prior
5 eviction proceeding unless a writ of possession was issued and
6 served as a result of the proceeding.

7 It is further the intent of the legislature that this Act
8 in no way shall prevent the Hawaii public housing authority from
9 declining to assist persons who lack merit due to engaging in
10 illegal activities, causing threats to health and safety, or
11 engaging in other behaviors that make them unworthy of being
12 eligible for public housing programs. The purpose of this Act
13 is simply to clarify that the Hawaii public housing authority
14 shall not terminate someone's public housing, or disqualify them
15 from seeking public housing, if the only derogatory mark on
16 their record is an eviction lawsuit that did not result in a
17 writ of possession that was issued and served as a result of the
18 proceeding.

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



1 "§356D- Tenant eligibility; prior evictions. (a) In
 2 determining the eligibility of a tenant applicant for any
 3 program administered by the authority under this chapter, the
 4 authority shall not determine the applicant ineligible due to a
 5 prior eviction proceeding initiated against the applicant unless
 6 a writ of possession was issued and served as a result of the
 7 proceeding.

8 (b) Nothing in this section shall be construed to limit
 9 the effect of title 24 Code of Federal Regulations section
 10 960.202(a)(2)(iii).

11 (c) The authority shall adopt rules pursuant to chapter 91
 12 to carry out the purposes of this section."

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

15

INTRODUCED BY:  _____



S.B. NO. 3277

Report Title:

Hawaii Public Housing Authority; Eviction; Public Benefit Eligibility

Description:

Prohibits a determination of ineligibility for tenant applicants for any program under the Hawaii Public Housing Authority law due to an eviction unless a writ of possession was issued and served as a result of the proceeding.

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

