

JAN 24 2013

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 state law requires
2 the Hawaii public housing authority to provide a grievance
3 hearing in all eviction actions involving the agency's federal
4 low-income housing program. This requirement is generally
5 consistent with the United States Department of Housing and
6 Urban Development regulations, although federal regulations
7 provide exceptions that permit proceeding with the eviction
8 directly in certain limited circumstances.

9 The purpose of this Act is to exempt the Hawaii public
10 housing authority from the requirement to provide a grievance
11 hearing if a federal law, rule, regulation, memorandum, notice,
12 contract, or other instrument of the federal government allows
13 public housing agents to terminate tenancy or evict tenants from
14 public housing without following administrative grievance
15 procedures.

16 SECTION 2. Section 356D-92, Hawaii Revised Statutes, is
17 amended to read as follows:



1 "§356D-92 Termination and eviction. (a) Except as
2 otherwise provided, the authority may terminate any lease,
3 rental agreement, permit, or license covering the use and
4 occupation of any dwelling unit or other premises located within
5 a public housing project and evict from any premises any tenant,
6 licensee, or other occupant for any of the following reasons:

7 (1) Failure to pay rent when due;

8 (2) Violation of any of the provisions of a lease, rental
9 agreement, permit, or license;

10 (3) Violation of any of the rules of the authority;

11 (4) Failure to maintain the dwelling unit in a clean,
12 sanitary, and habitable condition; or

13 (5) The existence of any other circumstances giving rise
14 to an immediate right to possession by the authority.

15 (b) When any tenant has been delinquent in payment of
16 rent, the authority, either directly or through its managing
17 agent, shall provide the tenant with a written notice in
18 accordance with requirements imposed under federal law and
19 regulation (24 C.F.R. part 966) that shall inform the tenant of
20 the delinquency.

21 (c) Where a federal law, rule, regulation, memorandum,
22 notice, contract, or other instrument of the federal government



1 allows public housing agents to terminate tenancy or evict
2 tenants from public housing without following administrative
3 grievance procedures, the termination of tenancy and eviction
4 shall be governed by chapter 521."

5 SECTION 3. Section 521-7, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§521-7 Exclusions from application of chapter.** Unless
8 created solely to avoid the application of this chapter, this
9 chapter shall not apply to:

- 10 (1) Residence at an institution, whether public or
11 private, where residence is merely incidental to
12 detention or the provision of medical, geriatric,
13 educational, religious, or similar services;
- 14 (2) Residence in a structure directly controlled and
15 managed by:
- 16 (A) The University of Hawaii or any other university
17 or college in the State for housing its own
18 students or faculty or residence in a structure
19 erected on land leased from the university or
20 college by a nonprofit corporation for the
21 exclusive purpose of housing students or faculty
22 of the college or university; or



- 1 (B) A private dorm management company that offers a
2 minimum of fifty beds to students of any college,
3 university, or other institution of higher
4 education in the State;
- 5 (3) Occupancy under a bona fide contract of sale of the
6 dwelling unit or the property of which it is a part
7 where the tenant is, or succeeds to the interest of,
8 the purchaser;
- 9 (4) Residence by a member of a fraternal organization in a
10 structure operated without profit for the benefit of
11 the organization;
- 12 (5) Transient occupancy on a day-to-day basis in a hotel
13 or motel;
- 14 (6) Occupancy by an employee of the owner or landlord
15 whose right to occupancy is conditional upon that
16 employment or by a pensioner of the owner or landlord
17 or occupancy for a period of up to four years
18 subsequent thereto, pursuant to a plan for the
19 transfer of the dwelling unit or the property of which
20 it is a part to the occupant;



- 1 (7) A lease of improved residential land for a term of
- 2 fifteen years or more, measured from the date of the
- 3 commencement of the lease;
- 4 (8) Occupancy by the prospective purchaser after an
- 5 accepted offer to purchase and prior to the actual
- 6 transfer of the owner's rights;
- 7 (9) Occupancy in a homeless facility or any other program
- 8 for the homeless authorized under part XVII of chapter
- 9 346;
- 10 (10) Residence or occupancy in a public housing project or
- 11 complex directly controlled, owned, or managed by the
- 12 Hawaii public housing authority pursuant to the
- 13 federal low rent public housing program~~[+]~~, except for
- 14 the termination of tenancy or eviction actions as
- 15 provided in section 356D-92(c); or
- 16 (11) Residence or occupancy in a transitional facility for
- 17 abused family or household members."

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY: Suzanne Ciminelli



S.B. NO. 939

Report Title:

Hawaii Public Housing Authority; Termination and Eviction

Description:

Authorizes the Hawaii public housing authority to process terminations of tenancy or evictions from the federal low-income public housing program without providing a grievance hearing when permitted by the federal government.

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

