

JAN 25 2017

A BILL FOR AN ACT

RELATING TO RESIDENCY REQUIREMENTS.

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

1 SECTION 1. Section 346-29, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) No applicant or recipient who is found guilty of
4 fraudulently misrepresenting residence to obtain assistance in
5 two or more states shall be entitled to public assistance under
6 this chapter for ten years from date of conviction. No
7 applicant or recipient shall be entitled to public assistance
8 under this chapter who is a resident of the State for less than
9 sixty consecutive days before the date of application for public
10 assistance, or who is a fugitive felon or who is in violation of
11 a condition of probation or parole or has sufficient income or
12 other resources to provide a standard above that provided in
13 this chapter, or who is an inmate of any public institution,
14 except that any inmate of a public institution who is otherwise
15 eligible for medical assistance and who has been determined by
16 the medical director of the institution as having a major
17 illness or medical condition requiring the provision of medical



1 care outside of the institution may receive assistance under
2 this chapter. An inmate of a public institution or resident of
3 a medical institution may apply for assistance to begin after
4 the inmate's discharge from the institution. To enforce this
5 subsection, the department shall examine each list of inmates
6 within, or newly admitted to, a correctional facility in the
7 State that is submitted to the department by the director of
8 public safety pursuant to section 353-12.5, regardless of the
9 nature of the offense for which an inmate is incarcerated or the
10 duration of incarceration, to determine whether an inmate is
11 eligible for public assistance under this chapter.

12 An applicant or recipient shall be exempt from the sixty-
13 day residency requirement of this subsection if the applicant or
14 recipient is a resident of the State and:

- 15 (1) Was born in the State;
- 16 (2) Previously lived in the State for at least three
17 hundred sixty-five consecutive days;
- 18 (3) Became a resident of the State to join a close
19 relative who resided in the State for at least one
20 hundred eighty days before the applicant or recipient
21 became a resident of the State; or



1 (4) Became a resident of the State to accept a bona fide
2 offer of employment that the applicant or recipient
3 was eligible to accept.

4 As used in this subsection:

5 "Close relative" means a person's blood or hanai parent,
6 grandparent, brother, sister, spouse, civil union partner, or
7 child.

8 "Resident" means a person who is physically present in the
9 State at the time the person claims to have established the
10 person's domicile in the State and shows the person's intent is
11 to make Hawaii the person's primary residence."

12 SECTION 2. Section 356D-42, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§356D-42 Housing; tenant selection.** (a) The authority
15 shall select tenants upon the basis of those in greatest need
16 for the particular housing, subject to the following limitations
17 and preferences:

18 (1) The authority may limit the tenants of any state low-
19 income housing project to classes of persons when
20 required by federal law or regulation as a term or
21 condition of obtaining assistance from the federal



1 government; provided that not less than fifty per cent
2 of available units shall be for applicants without
3 preference and up to fifty per cent of available units
4 shall be for applicants with preference;

5 (2) Within the priorities established by the authority
6 recognizing need, veterans with a permanent disability
7 of ten per cent or more, as certified by the United
8 States Department of Veterans Affairs, and their
9 dependent parents, if any. The deceased veteran's
10 widow or widower shall be given first preference.

11 Parents of veterans shall not use the veteran status
12 of their adult child as a basis for preference; [and]

13 (3) Subject to any limitations set by federal law or
14 regulation, the authority shall not select as a
15 tenant, and may terminate the tenancy of, any person
16 if the person or any household member owns or acquires
17 a home within the State[-]; and

18 (4) The authority shall not select as a tenant any
19 applicant who has not been a resident of the State for
20 at least sixty consecutive days unless the applicant:

21 (A) Was born in the State;



1 (B) Previously lived in the State for at least three
2 hundred sixty-five consecutive days;

3 (C) Became a resident of the State to join a close
4 relative who resided in the State for at least
5 one hundred eighty days before the applicant or
6 recipient became a resident of the State; or

7 (D) Became a resident of the State to accept a bona
8 fide offer of employment that the applicant or
9 recipient was eligible to accept.

10 As used in this subsection:

11 "Close relative" means a person's blood or hanai parent,
12 grandparent, brother, sister, spouse, civil union partner, or
13 child.

14 "Resident" means a person who is physically present in the
15 State at the time the person claims to have established the
16 person's domicile in the State and shows the person's intent is
17 to make Hawaii the person's primary residence.

18 (b) The authority shall adopt rules pursuant to chapter 91
19 to carry out the purposes of this section."



S.B. NO. 1241

1 SECTION 3. This Act does not affect rights and duties that
 2 matured, penalties that were incurred, and proceedings that were
 3 begun before its effective date.

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

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

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INTRODUCED BY: Hal Rhoad

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S.B. NO. 1241

Report Title:

Public Assistance; State Low-income Housing; Residency Requirements

Description:

Establishes residency requirements for eligibility for public assistance and state low-income housing, includes exemptions to requirements under certain circumstances.

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

