
A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING.

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

1 SECTION 1. Section 356D-62, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Except as otherwise provided by law, the authority
4 may terminate any lease, rental agreement, permit, or license
5 covering the use and occupation of any dwelling unit or other
6 premises located within a state low-income housing project and
7 evict from any premises any tenant, licensee, or other occupant
8 for any of the following reasons:

- 9 (1) Failure to pay rent when due;
- 10 (2) Violation of any provision of a lease, rental
11 agreement, permit, or license;
- 12 (3) Violation of any rule of the authority;
- 13 (4) Failure to maintain the dwelling unit in a clean,
14 sanitary, and habitable condition;
- 15 (5) Upon a third violation of section 356D-6.5; provided
16 that a violation of paragraph (2) or (3), or this
17 paragraph by a person who is not a tenant, a guest who



1 is visiting a tenant, or any member of the tenant's
2 household shall be deemed a violation by the tenant;
3 or

4 (6) The existence of any other circumstances giving rise
5 to an immediate right to possession by the
6 authority[-];

7 provided that, for public housing administered by the State,
8 before terminating any lease, rental agreement, permit, or
9 license and evicting from any premises any tenant, licensee, or
10 other occupant for marijuana use, the authority shall issue a
11 written warning to the tenant, engage the tenant in an informal
12 meeting to discuss marijuana use, and provide a formal grievance
13 hearing before the eviction board pursuant to this chapter;
14 provided further that the authority shall file for exemption
15 under 21 Code of Federal Regulations Sections 1307.03 and
16 1308.43 for the authorized use of any controlled substance that
17 may create a conflict with federal law or regulation. Tenants
18 shall be exempt from termination for marijuana use upon the
19 presentation by the tenant of medical documentation
20 demonstrating that no alternative treatment is recommended or
21 available."



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 Statutory material to be repealed is bracketed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

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



Report Title:

Hawaii Public Housing Authority; Evictions; Alternative Remedy

Description:

Requires the Hawaii Public Housing Authority to establish a formal procedure for the eviction of a tenant for marijuana use from public housing administered by the State. Requires the Hawaii Public Housing Authority to file for exemption to federal regulations on controlled substances. Allows tenants to be exempt from eviction for marijuana use, provided the tenant provides sufficient medical documentation. (SD1)

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