

ACT 64

H.B. NO. 2445

A Bill for an Act Relating to Housing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Presently, all residents of state-funded elderly public housing projects and privately owned projects assisted by the State must be sixty-two years of age or older. Although this narrowly defined requirement helps to preserve the intent of elder only housing, it prohibits elderly households with relatively younger spouses or co-tenants from being able to reside in the projects and places a burden on renting units, particularly in privately owned elderly housing. Additionally, the sixty-two years of age requirement precludes mature adults who have disabilities but who have not reached the age of sixty-two from accessing housing opportunities in elderly housing projects. As such, more flexibility is needed to address the housing needs of the elderly and persons with disabilities.

The purpose of this Act is to expand affordable rental housing opportunities for the elderly in state-funded elderly public housing projects and privately owned projects that are assisted by the housing and community development corporation of Hawaii with state or federal resources if at least one person in the household is at least sixty-two years of age. This Act is also intended to increase affordable rental housing opportunities for persons with disabilities.

SECTION 2. Section 201G-1, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

“Elder or elderly households” means households in which at least one member is sixty-two years of age, the spouse or partner has attained the age of majority, and the remaining members have attained the age of fifty-five years at the time of application to the project. A live-in aide shall cease to be a resident therein upon the recovery of, or removal from the project of, the elder.

“Elder or elderly housing” means:

- (1) A housing project intended for and occupied by elder or elderly households; or
- (2) Housing provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elder or elderly persons, or if the Secretary makes a determination, the project may also be occupied by persons with disabilities who have reached the age of majority.

“Live-in aide” means a person who:

- (1) Is eighteen years of age or older;
- (2) Is living in the unit solely to assist the elder or elderly person in daily living activities including bathing, meal preparation and delivery, medicinal care, transportation, and physical activities;
- (3) Is not legally obligated to support the elder or elderly person; and
- (4) Is verified by the corporation as meeting these requirements.”

SECTION 3. Section 201G-1, Hawaii Revised Statutes, is amended by amending the definition of “elder” to read as follows:

“Elder” or “elderly” means a person who is a resident of the State and has attained the age of sixty-two years.”

SECTION 4. Section 201G-152, Hawaii Revised Statutes, is amended to read as follows:

“§201G-152 Resident selection: dwelling accommodations; rentals. In the administration of [~~housing projects for the elderly;~~] elder or elderly housing, the corporation shall observe the following with regard to resident selection, dwelling accommodations, and rentals:

- (1) Except as hereinafter provided, it shall accept [~~only elders~~] elder or elderly households as residents in the housing projects;
- (2) It may accept¹ residents in any housing unit one or more persons, related or unrelated by marriage. It may also accept as a resident in any dwelling accommodation or in any project, in the case of illness or other disability of an elder who is a resident in the dwelling accommodation or in the project, a person designated by the elder as the elder’s [~~companion and who is approved~~] live-in aide whose qualifications as a live-in aide are verified by the corporation, although the person is not an elder; provided that the person shall cease to be a resident therein upon the recovery of, or removal from the project of, the elder;
- (3) It may rent or lease to an elder a dwelling accommodation consisting of any number of rooms as the corporation deems necessary or advisable to provide safe and sanitary accommodations to the proposed resident or residents [~~thereof~~] without overcrowding; and
- (4) Notwithstanding that the elder has no written rental agreement or that it has expired, so long as the elder continues to tender the usual rent to the corporation or proceeds to tender receipts for rent lawfully withheld, no action or proceeding to recover possession of the dwelling unit may be maintained against the elder, nor shall the corporation otherwise cause the elder to quit the dwelling unit involuntarily, demand an increase in rent from the elder, or decrease the services to which the elder has been entitled during hospitalization of the elder due to illness or other disability.”

SECTION 5. Section 201G-151, Hawaii Revised Statutes, is repealed.

SECTION 6. Statutory material to be repealed is bracketed and ~~stricken~~.² New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval, and shall apply to all existing state-funded elderly housing projects or privately owned projects that are assisted by the housing and community development corporation of Hawaii with state or federal resources.

(Approved May 23, 2002.)

Notes

1. Prior to amendment “as” appeared here.
2. Edited pursuant to HRS §23G-16.5.