

ACT 193

H.B. NO. 1361

A Bill for an Act Relating to Housing.

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

SECTION 1. The purpose of this Act is to correct chapter 356D, Hawaii Revised Statutes, relating to the Hawaii public housing authority, to reflect the legislature's intent to codify various acts passed during the regular session of 2006

into chapter 356D, Hawaii Revised Statutes, and to make other necessary technical and housekeeping amendments.

PART I

SECTION 2. The purpose of this part is to reflect the legislature's intent to codify relevant provisions of Act 24, Session Laws of Hawaii 2006, into chapter 356D, Hawaii Revised Statutes.

SECTION 3. Section 356D-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Tenant” means any person occupying a dwelling unit or living quarters in any public housing project, under or by virtue of any tenancy lease or rental agreement under or from the authority.”

SECTION 4. Section 356D-92, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) If the tenant meets with the authority as provided for in subsection (b), the authority shall decide, based upon the facts discussed at the meeting, what action is appropriate to address the tenant's case. The authority shall notify the tenant of its decision in writing. If the authority decides to proceed with an action to terminate the tenancy, the authority shall further inform the tenant in the same written notice that:

- (1) The tenant has [thirty days] ten business days from receipt of this notice to request a grievance hearing; and
- (2) If the tenant fails to request a grievance hearing within [thirty days,] ten business days, the authority has the right to proceed with the eviction hearing pursuant to section 356D-93.”

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

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

- (1) Residence at an institution, whether public or private, where residence is merely incidental to detention or the provision of medical, geriatric, educational, religious, or similar services;
- (2) Residence in a structure directly controlled and managed by the University of Hawaii for housing students or faculty of the University of Hawaii or residence in a structure erected on land leased from the University of Hawaii by a nonprofit corporation for the exclusive purpose of housing students or faculty of the University of Hawaii;
- (3) Occupancy under a bona fide contract of sale of the dwelling unit or the property of which it is a part where the tenant is, or succeeds to the interest of, the purchaser;
- (4) Residence by a member of a fraternal organization in a structure operated without profit for the benefit of the organization;
- (5) Transient occupancy on a day-to-day basis in a hotel or motel;
- (6) Occupancy by an employee of the owner or landlord whose right to occupancy is conditional upon such employment or by a pensioner of the owner or landlord or occupancy for a period of up to four years subsequent thereto, pursuant to a plan for the transfer of the dwelling unit or the property of which it is a part to the occupant;

- (7) A lease of improved residential land for a term of fifteen years or more, measured from the date of the commencement of the lease;
- (8) Occupancy by the prospective purchaser after an accepted offer to purchase and prior to the actual transfer of the owner's rights;
- (9) Occupancy in a homeless facility, or any other program for the homeless authorized under chapter [201G, part IV;] 356D, part VII;
- (10) Residence or occupancy in a public housing project or complex directly controlled, owned, or managed by the Hawaii public housing authority pursuant to the federal low rent public housing program; or
- (11) Residence or occupancy in a transitional facility for abused family or household members."

PART II

SECTION 6. Section 356D-97, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~356D-97~~(1)~~] **Appeals.** An aggrieved party may secure a review of any final judgment of the circuit court under this part by appeal to the [intermediate] appellate [~~court,~~] courts, subject to chapter 602. The appeal shall be taken in the manner provided in the rules of court."

PART III

SECTION 7. The purpose of this part is to reflect the legislature's intent to codify relevant provisions of Act 100, Session Laws of Hawaii 2006, in chapter 356D, Hawaii Revised Statutes.

SECTION 8. Chapter 356D, Hawaii Revised Statutes, is amended by adding to part VII a new section to be appropriately designated and to read as follows:

"**§356D- Temporary emergency housing.** (a) In addition to any other duties prescribed by law, the authority shall develop, in consultation with the four counties, a procedure for identifying locations that shall be used for temporary emergency shelters for homeless individuals and families. The authority shall actively partner with and monitor the efforts of the counties.

(b) Each county shall be responsible for partnering with nonprofit organizations to locate, designate, and maintain the areas that shall be used for temporary emergency shelters. The designated locations may include private, county, state, and federal lands at Kalaeloa.

(c) With regard to the former Barbers Point Naval Air Station, the authority shall work with landowners and the local redevelopment authority on the use of barracks and other facilities located in the Kalaeloa community development district that are suitable for temporary emergency housing for homeless individuals and families.

(d) The authority shall submit an annual report to the legislature detailing the activities and outcomes under this section no later than twenty days prior to the convening of each regular session beginning with the 2008 regular session."

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 10. This Act shall take effect upon approval.

(Approved June 18, 2007.)

Note

1. Edited pursuant to HRS §23G-16.5.