
A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. Section 201G-51, Hawaii Revised Statutes, is
2 amended by amending the definitions of "public housing project"
3 and "tenant" to read as follows:

4 ""Public housing project" or "complex" means a low-income
5 federally assisted housing project [~~directly~~] as established by
6 the United States Housing Act of 1937, as amended, and
7 controlled, owned, developed, or managed by the administration
8 pursuant to [~~part II, except for subparts F and G.~~] the federal
9 low rent public housing program.

10 "Tenant" means any person occupying a [~~room~~] dwelling
11 accommodation[~~7~~] or living quarters[~~7 or space~~] in any public
12 housing project, under or by virtue of any tenancy lease[~~7~~
13 ~~license, or permit~~] or rental agreement under or from the
14 administration."

15 SECTION 2. Section 201G-52, Hawaii Revised Statutes, is
16 amended by amending subsections (e) and (f) to read as follows:

17 "(e) If the tenant fails to attend or reschedule the
18 meeting provided for in subsection (c), the administration shall



1 provide the tenant with a second written notice. The notice
2 shall inform the tenant that:

3 (1) The administration shall proceed to terminate the
4 tenant's tenancy because of the tenant's outstanding
5 rent delinquency and the tenant's failure to respond
6 to the administration's written notice issued pursuant
7 to subsection (b);

8 (2) The tenant has [~~thirty days~~] ten business days from
9 receipt of the second written notice to request a
10 grievance hearing; and

11 (3) If the tenant fails to request a grievance hearing
12 within [~~thirty days,~~] ten business days, the
13 administration has the right to proceed with the
14 eviction hearing pursuant to section 201G-53.

15 (f) If the tenant meets with the administration as
16 provided for in subsection (c), the administration shall decide,
17 based upon the facts discussed at the meeting, what action is
18 appropriate to address the tenant's case. The administration
19 shall notify the tenant of such decision in writing. If the
20 administration decides to proceed with an action to terminate
21 the tenancy, the administration shall further inform the tenant
22 in the same written notice that:

PROPOSED

1 (1) The tenant has [~~thirty days~~] ten business days from
2 receipt of this notice to request a grievance hearing;
3 and

4 (2) If the tenant fails to request a grievance hearing
5 within [~~thirty days,~~] ten business days, the
6 administration has the right to proceed with the
7 eviction hearing pursuant to section 201G-53."

8 SECTION 3. Section 201G-53, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) Where the administration proposes to terminate a
11 lease[~~,~~] or rental agreement [~~, permit, or license,~~] and evict a
12 tenant [~~, licensee, or other occupant~~] under section 201G-52, a
13 hearing shall be held to determine whether cause exists for the
14 action. The administration shall give written notice to the
15 person concerned specifying the reason for which the eviction is
16 proposed and fixing the date and place of hearing. The written
17 notice shall further inform the tenant [~~, licensee, or other~~
18 ~~occupant~~] of the right to inspect and copy the tenant file at
19 the tenant's expense before the hearing is held. The notice
20 shall be given at least five days before the date set for the
21 hearing. At the hearing, before final action is taken, the
22 person concerned shall be entitled to be heard in person or

1 through counsel, and shall be accorded a full and fair hearing
2 in accordance with the requirements of a contested case hearing
3 provided for under sections 91-9 and 91-10 to 91-13. This full
4 and fair hearing shall be deemed to be a contested case hearing
5 before the agency that is required pursuant to chapter 91."

6 SECTION 4. Section 201G-55, Hawaii Revised Statutes, is
7 amended by amending subsections (a) and (b) to read as follows:

8 "(a) If it is proven to the satisfaction of the eviction
9 board that there is cause to terminate a lease~~[7]~~ or rental
10 agreement [~~7~~, ~~permit, or license~~] and evict the tenant [~~7~~
11 ~~licensee, or other occupant,~~] the administration shall provide
12 the tenant with a written notice of the administration's
13 decision to terminate the lease. The notice shall inform the
14 tenant that a writ of possession may be issued by the
15 administration within ten days. The notice shall also inform
16 the tenant [~~of~~] whether the grounds for eviction are considered
17 curable, and if so, what the tenant must do to remedy the
18 grounds, by when it must be done, and what the tenant must do to
19 document for the administration that the grounds have been
20 remedied.

21 (b) When the grounds for termination of the lease may be
22 cured by the [~~occupant, licensee, or other occupant,~~] tenant,

1 the tenant shall have ten business days from receipt of the
2 notice provided for in subsection (a) to cure such grounds. If
3 the grounds are cured within the ten-day period, no writ of
4 possession may be issued. If the condition is not cured within
5 the ten-day period, the administration may issue a writ of
6 possession forthwith."

7 SECTION 5. Section 201G-56, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§201G-56 Ex parte motion.** If a tenant [~~or licensee~~]
10 cannot be served with an order of eviction or writ of
11 possession, and the facts shall appear by affidavit to the
12 administration, service to the tenant [~~or licensee~~] may be made
13 according to the special order of the administration. The order
14 shall require the officer to affix a certified copy of the order
15 of eviction or writ of possession in a conspicuous place upon
16 the premises such as the door or wall of the dwelling unit."

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

19 "**§521-7 Exclusions from application of chapter.** Unless
20 created solely to avoid the application of this chapter, this
21 chapter shall not apply to:

- 1 (1) Residence at an institution, whether public or
- 2 private, where residence is merely incidental to
- 3 detention or the provision of medical, geriatric,
- 4 educational, religious, or similar services;
- 5 (2) Residence in a structure directly controlled and
- 6 managed by the University of Hawaii for housing
- 7 students or faculty of the University of Hawaii or
- 8 residence in a structure erected on land leased from
- 9 the University of Hawaii by a nonprofit corporation
- 10 for the exclusive purpose of housing students or
- 11 faculty of the University of Hawaii;
- 12 (3) Occupancy under a bona fide contract of sale of the
- 13 dwelling unit or the property of which it is a part
- 14 where the tenant is, or succeeds to the interest of,
- 15 the purchaser;
- 16 (4) Residence by a member of a fraternal organization in a
- 17 structure operated without profit for the benefit of
- 18 the organization;
- 19 (5) Transient occupancy on a day-to-day basis in a hotel
- 20 or motel;
- 21 (6) Occupancy by an employee of the owner or landlord
- 22 whose right to occupancy is conditional upon such

1 employment or by a pensioner of the owner or landlord
2 or occupancy for a period of up to four years
3 subsequent thereto, pursuant to a plan for the
4 transfer of the dwelling unit or the property of which
5 it is a part to the occupant;

6 (7) A lease of improved residential land for a term of
7 fifteen years or more, measured from the date of the
8 commencement of the lease;

9 (8) Occupancy by the prospective purchaser after an
10 accepted offer to purchase and prior to the actual
11 transfer of the owner's rights;

12 (9) Occupancy in a homeless facility, or any other program
13 for the homeless authorized under chapter 201G, part
14 IV;

15 (10) Residence or occupancy in a public housing project or
16 complex [~~or shelter~~] directly controlled, owned, or
17 managed by the [~~Hawaii housing finance and development~~
18 ~~administration;~~] Hawaii public housing administration
19 pursuant to the federal low rent public housing
20 program; or

21 (11) Residence or occupancy in a transitional facility for
22 abused family or household members."

1 SECTION 7. 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 8. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 9. This Act shall take effect on July 1, 2006.

PROPOSED

Report Title:

Public Housing; Eviction Proceedings; Landlord-Tenant Code

Description:

Amends the definitions of "public housing project" and "tenant" for purposes of evictions from federal public housing. Amends references to the time period in which a public housing tenant has to request a grievance hearing in the written notice of eviction to conform to the recently amended grievance procedure rules. Amends reference to public housing project or complex in the residential landlord-tenant code. (SD2)

