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## A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING.

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

1           SECTION 1. Chapter 201H, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§201H-    Tenant eligibility. Any eligibility review of  
5 tenants conducted by the corporation shall allow any tenant  
6 found ineligible because of excessive income:

7           (1) A reasonable time period to relocate;

8           (2) An opportunity to open individual development  
9           accounts; and

10          (3) An opportunity to purchase the tenant's unit, not  
11           including, the underlying land, if provided by law and  
12           approved by the corporation.

13          The corporation may adopt rules pursuant to chapter 91 to  
14 effectuate this section."

15          SECTION 2. Section 356D-92, Hawaii Revised Statutes, is  
16 amended to read as follows:

17          "**§356D-92 Termination and eviction.** (a) Except as  
18 otherwise provided, the authority may terminate any lease,



1 rental agreement, permit, or license covering the use and  
2 occupation of any dwelling unit or other premises located within  
3 a public housing project and evict from any premises any tenant,  
4 licensee, or other occupant for any of the following reasons:

- 5 (1) Failure to pay rent when due;
- 6 (2) Violation of any of the provisions of a lease, rental  
7 agreement, permit, or license;
- 8 (3) Violation of any of the rules of the authority;
- 9 (4) Failure to maintain the dwelling unit in a clean,  
10 sanitary, and habitable condition; or
- 11 (5) The existence of any other circumstances giving rise  
12 to an immediate right to possession by the authority.

13 (b) When any tenant has been delinquent in payment of  
14 rent, the authority, either directly or through its managing  
15 agent, shall provide the tenant with a written notice no later  
16 than forty-five days from the date of delinquency that shall  
17 inform the tenant of the delinquency and schedule a meeting  
18 between the tenant and the authority or its agent. The written  
19 notice shall:

- 20 (1) Inform the tenant that continued delinquency shall  
21 result in the tenant's eviction;



- 1           (2) Inform the tenant of the tenant's right to apply for  
2           an interim adjustment in rent;
- 3           (3) Explain to the tenant the steps of the grievance and  
4           eviction processes and how the processes protect the  
5           tenant;
- 6           (4) Provide the tenant with a sample letter for demanding  
7           a grievance hearing;
- 8           (5) Set forth the location, date, and time, which shall be  
9           no earlier than fourteen days from the date of the  
10          written notice, at which the tenant may meet with the  
11          authority or its agent to discuss the delinquency in  
12          rent; and
- 13          (6) Inform the tenant that the tenant shall either attend  
14          the meeting or, if applicable, contact the authority  
15          or the authority's agent before the meeting time to  
16          reschedule the meeting.
- 17          (c) At the meeting described in subsection (b), the  
18          authority or its agent shall:
- 19               (1) Inquire into the cause of the tenant's delinquency and  
20               offer suggestions, if any, that the authority may feel  
21               appropriate to address the causes of delinquency;



1           (2) Consider whether a reasonable payment plan is  
2           appropriate for the tenant's situation and, if  
3           appropriate, offer a payment plan to the tenant; and

4           (3) Inform the tenant of and explain the issues as  
5           required under subsection (b)(1), (2), and (3).

6           (d) The authority shall develop a checklist outlining all  
7 of the requirements listed in subsection (c). The authority or  
8 its agent and the tenant shall complete, sign, and date the  
9 checklist to memorialize the meeting.

10          (e) If the tenant fails to attend or reschedule the  
11 meeting provided for in subsection (b), the authority shall  
12 provide the tenant with a second written notice. The notice  
13 shall inform the tenant that:

14          (1) The authority shall proceed to terminate the tenant's  
15 tenancy because of the tenant's outstanding rent  
16 delinquency and the tenant's failure to respond to the  
17 authority's written notice issued pursuant to  
18 subsection (b);

19          (2) The tenant has ten business days from receipt of the  
20 second written notice to request a grievance hearing;  
21 and



1 (3) If the tenant fails to request a grievance hearing  
2 within ten business days, the authority has the right  
3 to proceed with the eviction hearing pursuant to  
4 section 356D-93.

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

12 (1) The tenant has ten business days from receipt of this  
13 notice to request a grievance hearing; and

14 (2) If the tenant fails to request a grievance hearing  
15 within ten business days, the authority has the right  
16 to proceed with the eviction hearing pursuant to  
17 section 356D-93.

18 (g) Except as provided by law, the authority shall allow  
19 any tenant whose tenancy is terminated due to excessive income:

20 (1) A reasonable time period to relocate;

21 (2) An opportunity to open an individual development  
22 account; and



1        (3) An opportunity to purchase the tenant's unit, not  
2                    including the underlying land if approved by the  
3                    authority.

4        The authority may adopt rules pursuant to chapter 91 to  
5 effectuate this subsection."

6        SECTION 3. New statutory material is underscored.

7        SECTION 4. This Act shall take effect upon its approval.

8

INTRODUCED BY:



JAN 15 2008



**Report Title:**

Public Housing; Tenancy

**Description:**

Allows public housing tenants with excessive incomes more time to relocate, an opportunity to open individual development accounts, and to purchase their units if provided by law.

