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# A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. The purpose of this Act is to amend chapter  
2 356D, Hawaii Revised Statutes, relating to the Hawaii public  
3 housing authority, to reflect the legislature's intent to codify  
4 various Acts into chapter 356D, Hawaii Revised Statutes,  
5 following the 2006 regular session, in the appropriate places  
6 within that chapter and to make other necessary technical and  
7 housekeeping amendments.

8 PART I

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

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

16 "Tenant" means any person occupying a dwelling  
17 accommodation or living quarters in any public housing project,



1 under or by virtue of any tenancy lease or rental agreement  
2 under or from the authority."

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

5 "(f) If the tenant meets with the authority as provided  
6 for in subsection (b), the authority shall decide, based upon  
7 the facts discussed at the meeting, what action is appropriate  
8 to 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 [~~thirty days~~] ten business days, from  
13 receipt of this notice to request a grievance hearing;  
14 and

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

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



1           **"§521-7 Exclusions from application of chapter.** Unless  
2 created solely to avoid the application of this chapter, this  
3 chapter shall not apply to:

4           (1) Residence at an institution, whether public or  
5           private, where residence is merely incidental to  
6           detention or the provision of medical, geriatric,  
7           educational, religious, or similar services;

8           (2) Residence in a structure directly controlled and  
9           managed by the University of Hawaii for housing  
10          students or faculty of the University of Hawaii or  
11          residence in a structure erected on land leased from  
12          the University of Hawaii by a nonprofit corporation  
13          for the exclusive purpose of housing students or  
14          faculty of the University of Hawaii;

15          (3) Occupancy under a bona fide contract of sale of the  
16          dwelling unit or the property of which it is a part  
17          where the tenant is, or succeeds to the interest of,  
18          the purchaser;

19          (4) Residence by a member of a fraternal organization in a  
20          structure operated without profit for the benefit of  
21          the organization;



- 1 (5) Transient occupancy on a day-to-day basis in a hotel  
2 or motel;
- 3 (6) Occupancy by an employee of the owner or landlord  
4 whose right to occupancy is conditional upon such  
5 employment or by a pensioner of the owner or landlord  
6 or occupancy for a period of up to four years  
7 subsequent thereto, pursuant to a plan for the  
8 transfer of the dwelling unit or the property of which  
9 it is a part to the occupant;
- 10 (7) A lease of improved residential land for a term of  
11 fifteen years or more, measured from the date of the  
12 commencement of the lease;
- 13 (8) Occupancy by the prospective purchaser after an  
14 accepted offer to purchase and prior to the actual  
15 transfer of the owner's rights;
- 16 (9) Occupancy in a homeless facility, or any other program  
17 for the homeless authorized under chapter [~~201C, part~~  
18 ~~IV;~~] 356D, part VII;
- 19 (10) Residence or occupancy in a public housing project or  
20 complex directly controlled, owned, or managed by the  
21 Hawaii public housing authority pursuant to the  
22 federal low rent public housing program; or



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

3 PART II

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

6 "[+]§356D-97[+] **Appeals.** An aggrieved party may secure a  
7 review of any final judgment of the circuit court under this  
8 part by appeal to the [~~intermediate~~] appellate [~~court,~~] courts,  
9 subject to chapter 602. The appeal shall be taken in the manner  
10 provided in the rules of court."

11 PART III

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

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

19 "§356D- Temporary emergency housing. (a) In addition  
20 to any other duties prescribed by law, the authority shall  
21 develop, in consultation with the four counties, a procedure for  
22 identifying locations that shall be used for temporary emergency



1 shelters for homeless individuals and families. The authority  
2 shall actively partner with and monitor the efforts of the  
3 counties.

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

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

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

19 PART IV

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

22 SECTION 10. This Act shall take effect upon its approval.



**Report Title:**

Hawaii Public Housing Authority

**Description:**

Amends chapter 356D, Hawaii Revised Statutes, relating to the Hawaii Public Housing Authority, to reflect the Legislature's intent to codify various Acts into this chapter, and to make other necessary technical amendments. (SB1447 HD1)

