

JAN 22 2007

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 correct 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 read as follows:

15 "Tenant" means any persons occupying a dwelling
16 accommodation or living quarters in any public housing project,
17 under or by virtue of any tenancy lease or rental agreement
18 under or from the authority."

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

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

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

17 Section 5. 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 356D, part VII;

15 (10) Residence or occupancy in a public housing project or
16 complex directly controlled, owned, or managed by the
17 Hawaii public housing authority pursuant to the
18 federal low rent public housing program; or

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

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PART II

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

"[§356D-97] **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

1 shall actively partner with and monitor the efforts of the
2 counties.

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

8 (c) The authority shall pursue and secure Barbers Point
9 Barracks as temporary housing for homeless families and
10 individuals.

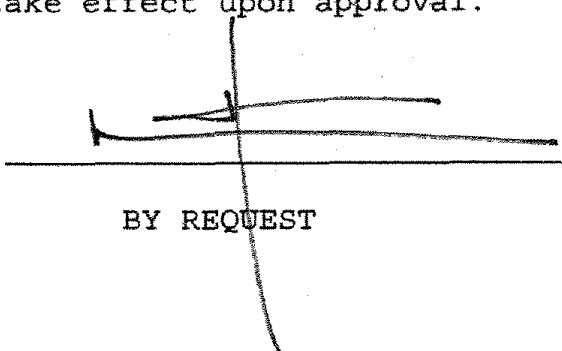
11 (d) The authority shall submit an annual report to the
12 legislature detailing the activities and outcomes under this
13 section no later than twenty days prior to the convening of each
14 regular session beginning with the 2007 regular session."

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

17 SECTION 10. This Act shall take effect upon approval.

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INTRODUCED BY: _____



BY REQUEST

JUSTIFICATION SHEET

SB 1447

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO HOUSING

PURPOSE: To reflect the Legislature's intent to codify into chapter 356D Hawaii Revised Statutes, (HRS) various acts that refer to 201G, HRS which was replaced.

MEANS: Add a new section to chapter 356D, part VII and amend sections 356D-1, 356D-92, 356D-97, and 521-7, HRS.

JUSTIFICATION: Because the revisor of statutes did not codify all provisions amending chapter 201G, HRS, adopted by the Legislature during the 2006 legislative session, this measure is intended to include those amendments relating to the Hawaii Public Housing Authority and the programs it administers in new chapter 356D, HRS.

This measure makes necessary amendments to relevant chapter 356D sections to ensure the codification of analogous amendments made in Act 24, SLH 2006.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HMS 229.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.