

JAN 19 2007

A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING.

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

1 SECTION 1. The legislature finds that state public housing
2 rules prohibit anyone evicted from public housing after 1985
3 from re-applying for placement in public housing. Recognizing
4 the need to maintain an orderly housing project and the ability
5 of people to reform past behavior, an appeals process is
6 warranted under certain conditions for previously evicted
7 applicants interested in public housing.

8 The purpose of this Act is to allow persons denied
9 eligibility for public housing based on an eviction after 1985,
10 the right to appeal a denial for public housing after ten years
11 following the eviction.

12 SECTION 2. Section 356D-31, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) In the operation or management of federal public
15 housing projects, the authority (acting directly or by an agent
16 or agents) at all times shall observe the following duties with
17 respect to rentals and tenant selection:



- 1 (1) It may establish maximum limits of annual net income
2 for tenant selection in any public housing project,
3 less such exemptions as may be authorized by federal
4 regulations pertaining to public housing. The
5 authority may agree to conditions as to tenant
6 eligibility or preference required by the federal
7 government pursuant to federal law in any contract for
8 financial assistance with the authority;
- 9 (2) It may rent or lease the dwelling units therein only
10 at rentals within the financial reach of persons who
11 lack the amount of income that it determines to be
12 necessary to obtain safe, sanitary, and uncongested
13 dwelling accommodations within the area of operation
14 of the authority and to provide an adequate standard
15 of living; [~~and~~]
- 16 (3) It may rent or lease to a tenant a dwelling consisting
17 of the number of rooms (but no greater number) that it
18 deems necessary to provide safe and sanitary
19 accommodations to the proposed occupants thereof,
20 without overcrowding[~~-~~]; and
- 21 (4) It shall allow any person to appeal to the authority a
22 denial of eligibility for public housing based on an



1 eviction that occurred ten years or more prior to the
2 current application for public housing. Upon appeal,
3 the authority may reverse the earlier denial and
4 accept an application for public housing from the
5 person, if recommended favorably by the executive
6 director; provided that the person shall:

7 (A) Not be subject to any federal law prohibiting the
8 person from admission to any public housing; and

9 (B) Have written verification of responsible behavior
10 since the eviction, which may include but not be
11 limited to favorable landlord references and
12 completion of drug rehabilitation or anger
13 management programs when required by a competent
14 authority."

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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

18
INTRODUCED BY:

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Report Title:

Public Housing; Eviction.

Description:

Allows a person previously evicted from a public housing to appeal the eviction under certain conditions; provided that the appeal is at least 10 years following the eviction.

