
A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING.

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

1 SECTION 1. Section 356D-92, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§356D-92 Termination and eviction. (a) Except as
4 otherwise provided, the authority may terminate any lease,
5 rental agreement, permit, or license covering the use and
6 occupation of any dwelling unit or other premises located within
7 a public housing project and evict from any premises any tenant,
8 licensee, or other occupant for any of the following reasons:

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

17 (b) When any tenant has been delinquent in payment of
18 rent, the authority, either directly or through its managing



1 agent, shall provide the tenant with a written notice [~~no later~~
2 ~~than forty five days from the date of delinquency~~] in accordance
3 with requirements imposed under federal law that shall inform
4 the tenant of the delinquency [~~and schedule a meeting between~~
5 ~~the tenant and the authority or its agent.~~ The written notice
6 shall:

- 7 ~~(1) Inform the tenant that continued delinquency shall~~
8 ~~result in the tenant's eviction;~~
- 9 ~~(2) Inform the tenant of the tenant's right to apply for~~
10 ~~an interim adjustment in rent;~~
- 11 ~~(3) Explain to the tenant the steps of the grievance and~~
12 ~~eviction processes and how the processes protect the~~
13 ~~tenant;~~
- 14 ~~(4) Provide the tenant with a sample letter for demanding~~
15 ~~a grievance hearing;~~
- 16 ~~(5) Set forth the location, date, and time, which shall be~~
17 ~~no earlier than fourteen days from the date of the~~
18 ~~written notice, at which the tenant may meet with the~~
19 ~~authority or its agent to discuss the delinquency in~~
20 ~~rent; and~~
- 21 ~~(6) Inform the tenant that the tenant shall either attend~~
22 ~~the meeting or, if applicable, contact the authority~~



1 ~~or the authority's agent before the meeting time to~~
2 ~~reschedule the meeting.~~

3 ~~(c) At the meeting described in subsection (b), the~~
4 ~~authority or its agent shall:~~

5 ~~(1) Inquire into the cause of the tenant's delinquency and~~
6 ~~offer suggestions, if any, that the authority may feel~~
7 ~~appropriate to address the causes of delinquency;~~

8 ~~(2) Consider whether a reasonable payment plan is~~
9 ~~appropriate for the tenant's situation and, if~~
10 ~~appropriate, offer a payment plan to the tenant; and~~

11 ~~(3) Inform the tenant of and explain the issues as~~
12 ~~required under subsection (b) (1), (2), and (3).~~

13 ~~(d) The authority shall develop a checklist outlining all~~
14 ~~of the requirements listed in subsection (c). The authority or~~
15 ~~its agent and the tenant shall complete, sign, and date the~~
16 ~~checklist to memorialize the meeting.~~

17 ~~(e) If the tenant fails to attend or reschedule the~~
18 ~~meeting provided for in subsection (b), the authority shall~~
19 ~~provide the tenant with a second written notice. The notice~~
20 ~~shall inform the tenant that:~~

21 ~~(1) The authority shall proceed to terminate the tenant's~~
22 ~~tenancy because of the tenant's outstanding rent~~

1 ~~delinquency and the tenant's failure to respond to the~~
2 ~~authority's written notice issued pursuant to~~
3 ~~subsection (b);~~

4 ~~(2) The tenant has ten business days from receipt of the~~
5 ~~second written notice to request a grievance hearing;~~
6 ~~and~~

7 ~~(3) If the tenant fails to request a grievance hearing~~
8 ~~within ten business days, the authority has the right~~
9 ~~to proceed with the eviction hearing pursuant to~~
10 ~~section 356D-93.~~

11 ~~(f) If the tenant meets with the authority as provided for~~
12 ~~in subsection (b), the authority shall decide, based upon the~~
13 ~~facts discussed at the meeting, what action is appropriate to~~
14 ~~address the tenant's case. The authority shall notify the~~
15 ~~tenant of its decision in writing. If the authority decides to~~
16 ~~proceed with an action to terminate the tenancy, the authority~~
17 ~~shall further inform the tenant in the same written notice] and~~
18 provide that:

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



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

4 SECTION 2. Section 356D-93, Hawaii Revised Statutes, is
5 amended by amending subsections (b) and (c) to read as follows:

6 "(b) Hearings shall be conducted by [~~an eviction board~~] a
7 hearings officer appointed by the authority. [~~The eviction~~
8 ~~board shall consist of not fewer than three persons, of which~~
9 ~~one member shall be a tenant.~~] At least one [~~eviction board~~]
10 hearings officer shall be [~~established~~] appointed in each county
11 of the State. The findings, conclusions, decision, and order of
12 the [~~eviction board~~] hearings officer shall be final unless an
13 appeal is taken as hereinafter provided.

14 (c) The [~~eviction board~~] hearings officer shall have the
15 same powers respecting administering oaths, compelling the
16 attendance of witnesses and the production of documentary
17 evidence, and examining witnesses, as are possessed by circuit
18 courts. In case of disobedience by any person of any order of
19 the [~~eviction board,~~] hearings officer, or of any subpoena
20 issued by the [~~eviction board,~~] hearings officer, or the refusal
21 of any witness to testify to any matter regarding which the
22 witness may lawfully be questioned, any circuit judge, on



1 application by the [~~eviction board,~~] hearings officer, shall
2 compel obedience as in the case of disobedience of the
3 requirements of a subpoena issued by a circuit court, or a
4 refusal to testify therein."

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun, before its effective date.

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Public Housing; Evictions

Description:

Eliminates most procedural requirements preliminary to hearing for eviction of tenants from public housing. Requires evictions to be conducted by hearings officers appointed by the Hawaii public housing authority. (HB1440 HD1)

