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# A BILL FOR AN ACT

RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY.

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

1 PART I

2 SECTION 1. The purpose of this part is to make the  
3 administration of housing projects by the Hawaii public housing  
4 authority more efficient by:

5 (1) Authorizing the Hawaii public housing authority to  
6 assess all the units in a state public housing project  
7 a fee for the common area expenses of the housing  
8 project;

9 (2) Eliminating most procedural requirements preliminary  
10 to hearings for evictions of tenants of public housing  
11 projects;

12 (3) Requiring written notice to delinquent tenants in  
13 accordance with federal law; and

14 (4) Providing that hearings officers appointed by the  
15 public housing authority will conduct eviction  
16 hearings.



1 SECTION 2. Chapter 356D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§356D- Assessments for common area expenses. (a) In  
5 accordance with rules adopted by the authority pursuant to  
6 chapter 91, at least one per cent of common area expenses for a  
7 state public housing project shall be assessed against all the  
8 units in the state public housing project.

9 (b) If any common area expense is caused by the misconduct  
10 of any unit resident, the authority may assess that expense  
11 exclusively against the unit resident.

12 (c) The authority, either directly or through its managing  
13 agent or resident manager, shall notify the unit residents of a  
14 state public housing project in writing of common area expense  
15 assessment increases at least thirty days prior to an increase."

16 SECTION 3. Section 356D-92, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "§356D-92 Termination and eviction. (a) Except as  
19 otherwise provided, the authority may terminate any lease,  
20 rental agreement, permit, or license covering the use and  
21 occupation of any dwelling unit or other premises located within



1 a public housing project and evict from any premises any tenant,  
2 licensee, or other occupant for any of the following reasons:

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

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

- 19 ~~(1) Inform the tenant that continued delinquency shall~~  
20 ~~result in the tenant's eviction;~~
- 21 ~~(2) Inform the tenant of the tenant's right to apply for~~  
22 ~~an interim adjustment in rent;~~

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



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

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

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

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

16       ~~(2) The tenant has ten business days from receipt of the~~  
17       ~~second written notice to request a grievance hearing,~~  
18       ~~and~~

19       ~~(3) If the tenant fails to request a grievance hearing~~  
20       ~~within ten business days, the authority has the right~~  
21       ~~to proceed with the eviction hearing pursuant to~~  
22       ~~section 356D-93.~~



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

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

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

17           "(b) Hearings shall be conducted by ~~[an eviction board]~~ a  
18 hearings officer appointed by the authority. ~~[The eviction~~  
19 ~~board shall consist of not fewer than three persons, of which~~  
20 ~~one member shall be a tenant.]~~ At least one ~~[eviction board]~~  
21 hearings officer shall be ~~[established]~~ appointed in each county  
22 of the State. The findings, conclusions, decision, and order of



1 the [~~eviction board~~] hearings officer shall be final unless an  
2 appeal is taken as hereinafter provided.

3 (c) The [~~eviction board~~] hearings officer shall have the  
4 same powers respecting administering oaths, compelling the  
5 attendance of witnesses and the production of documentary  
6 evidence, and examining witnesses, as are possessed by circuit  
7 courts. In case of disobedience by any person of any order of  
8 the [~~eviction board,~~] hearings officer, or of any subpoena  
9 issued by the [~~eviction board,~~] hearings officer, or the refusal  
10 of any witness to testify to any matter regarding which the  
11 witness may lawfully be questioned, any circuit judge, on  
12 application by the [~~eviction board,~~] hearings officer, shall  
13 compel obedience as in the case of disobedience of the  
14 requirements of a subpoena issued by a circuit court, or a  
15 refusal to testify therein."

16 SECTION 5. Section 356D-94, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:

18 "(a) If it is proven to the satisfaction of the [~~eviction~~  
19 ~~board~~] hearings officer that there is cause to terminate a lease  
20 or rental agreement and evict the tenant, the authority shall  
21 provide the tenant with a written notice of the authority's  
22 decision to terminate the tenancy. The notice shall inform the



1 tenant that a writ of possession may be issued by the authority  
2 within ten business days. The notice shall also inform the  
3 tenant whether the grounds for eviction are considered curable  
4 and, if so, what the tenant must do to remedy the grounds, by  
5 when it must be done, and what the tenant must do to document  
6 for the authority that the grounds have been remedied."

7 PART II

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

10 "[+]§356D-4[+] **General powers of the authority.** (a) The  
11 authority may:

- 12 (1) Sue and be sued;
- 13 (2) Have a seal and alter the same at pleasure;
- 14 (3) Make and execute contracts and other instruments  
15 necessary or convenient to the exercise of its powers;  
16 and
- 17 (4) Adopt bylaws and rules in accordance with chapter 91  
18 for its organization, internal management, and to  
19 carry into effect its purposes, powers, and programs.

20 (b) In addition to other powers conferred upon it, the  
21 authority may do all things necessary and convenient to carry  
22 out the powers expressly provided in this chapter.





1        (c) The authority shall not sell or lease any public  
2 housing project without prior legislative approval."

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

6        SECTION 8. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8        SECTION 9. This Act shall take effect on July 1, 2020.



S.B. NO. 1160  
S.D. 2  
H.D. 2

**REPORT Title:**

Hawaii Public Housing Authority; Common Area Expenses

**Description:**

Authorizes the Hawaii public housing authority to assess all the units in a state public housing project for common area expenses. Eliminates most procedural requirements to hearing for eviction of tenants from public housing, but requires written notice per federal law. Requires evictions to be conducted by hearings officers appointed by the Hawaii public housing authority. Requires legislative approval prior to HPHA sale or lease of any project. (SB1160 HD2)

