
A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING.

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

1 SECTION 1. 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 2. Section 356D-8, Hawaii Revised Statutes, is
17 amended to read as follows:

1 "[\+]§356D-8[\+] **Acquisition, use, and disposition of**
2 **property.** (a) The authority may acquire any real or personal
3 property or interest therein by purchase, exchange, gift, grant,
4 lease, or other means from any person or government to provide
5 public housing. Exchange of real property shall be in
6 accordance with section 171-50.

7 (b) The authority may own or hold real property. All real
8 property owned or held by the authority shall be exempt from
9 mechanics' or materialmen's liens and also from levy and sale by
10 virtue of an execution, and no execution or other judicial
11 process shall issue against the property of the authority nor
12 shall any judgment against the authority be a charge or lien
13 upon its real property; provided that this subsection shall not
14 apply to nor limit the right of obligees to foreclose or
15 otherwise enforce any mortgage of the authority or the right of
16 obligees to pursue any remedies for the enforcement of any
17 pledge or lien given by the authority on its rents, fees, or
18 revenues. The authority and its property shall be exempt from
19 all taxes and assessments.

20 (c) The authority may lease or rent all or a portion of
21 any public housing project and establish and revise the rents or
22 charges therefor[-]; provided that the authority shall:

- 1 (1) Establish a schedule setting forth the minimum rent
2 for state public housing units by number of bedrooms
3 and type of project;
- 4 (2) Charge no less than \$ per month for any state
5 public housing unit; and
- 6 (3) Annually adjust the minimum rent by the percentage, if
7 any, by which the consumer price index for the year
8 exceeds the consumer price index for the prior year.
9 The consumer price index for any year is the average
10 of the consumer price index for all urban consumers as
11 determined by the United States Department of Labor
12 for the applicable county, or if not published for the
13 county, then for the state.

14 The authority may sell, exchange, transfer, assign, or pledge
15 any property, real or personal, or any interest therein to any
16 person or government.

17 (d) The authority may insure or provide for the insurance
18 of its property or operations against risks as it deems
19 advisable.

20 (e) The authority shall seek reimbursement from tenants
21 for the full cost incurred in repairing damages to a tenant's
22 unit.

1 (f) The minimum rent set forth in subsection (c) shall not
2 apply whenever its application will disqualify the authority
3 from receiving federal funds or aid."

4 SECTION 3. Section 356D-42, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "~~[§]§356D-42[§]~~ **Housing; tenant selection.** Subject to the
7 following limitations and preferences, the authority shall
8 select tenants [~~upon the basis of those in greatest need~~] for
9 the particular housing. The authority may limit the tenants of
10 any state low-income housing project to classes of persons when
11 required by federal law or regulation as a term or condition of
12 obtaining assistance from the federal government. [~~Within the~~
13 ~~priorities established by the authority recognizing need,~~
14 ~~veterans~~] Veterans with a permanent disability of ten per cent
15 or more as certified by the United States Department of Veterans
16 Affairs, the dependent parents of the veteran, and the deceased
17 veteran's widow shall be given first preference."

18 SECTION 4. Section 356D-43, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Notwithstanding any other law to the contrary, the
21 authority shall fix the rates of the rentals for dwelling units
22 and other facilities in state low-income housing projects

1 provided for by this subpart, at rates that will produce
2 revenues that will be sufficient to pay all expenses of
3 management, operation, and maintenance, including the cost of
4 insurance, a proportionate share of the administrative expenses
5 of the authority to be fixed by it, and the costs of repairs,
6 equipment, and improvements, to the end that the state
7 low-income housing projects shall be and always remain
8 self-supporting[-]; provided that the rates of the rentals shall
9 be no less than the minimum rent set forth in section 356D-8.

10 The authority, in its discretion, may fix the rates in amounts
11 as will produce additional revenues (in addition to the
12 foregoing) sufficient to amortize the cost of the state
13 low-income housing project or projects, including equipment,
14 over a period or periods of time that the authority may deem
15 advisable."

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 2020.

Report Title:

Public Housing; Common Area Expenses; Minimum Rent; Preferences

Description:

Authorizes the Hawaii public housing authority to assess all units in a state public housing project for common area expenses. Requires the authority to establish a minimum rent schedule. Requires a minimum monthly rent for state public housing units and annual Consumer Price Index adjustment of minimum rent. Requires the Authority to seek reimbursement for the full cost of damages to a unit. Effective 7/1/2020. (SD1)