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## A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING.

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

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

"§356D- Adoption of project house rules. (a) The authority shall require each public housing project to adopt house rules pursuant to chapter 91 including rules that:

(1) Specify penalties and consequences for violations of rental agreements, project house rules, and rental agreements;

(2) Require mandatory reporting to the proper county police department of any activity that may constitute an offense of criminal property damage under chapter 708; and

(3) Require mandatory reporting to the proper county police department of any activity that may constitute an offense of terroristic threatening under chapter 707;



1        (4) Require project managers to report to the authority  
 2                    any findings of violations under paragraphs (2) and  
 3                    (3).

4        §356-        Zero tolerance for drug dealing or drug use. Any  
 5 suspected drug dealing or drug use by a tenant, visitor, or  
 6 guest in any public housing project shall be reported by the  
 7 authority to the proper county police department. Suspected  
 8 drug activity that leads to a conviction under part IV of  
 9 chapter 712 shall be grounds for eviction under section 356D-  
 10 92(b)."

11        SECTION 2. Section 356D-46, Hawaii Revised Statutes, is  
 12 amended by amending subsection (a) to read as follows:

13        "(a) The authority may:

14        (1) Investigate living, dwelling, and housing conditions  
 15                    and the means and methods of improving those  
 16                    conditions;

17        (2) Enter upon any building or property to conduct  
 18                    investigations or to make surveys or soundings;

19        (3) Conduct unannounced visits to verify that the proper  
 20 tenant is occupying the unit and complying with  
 21 authority rules;



1        [~~3~~] (4) Conduct examinations and investigations, and hear  
2                    testimony and take proof under oath at public or  
3                    private hearings on any matter material for its  
4                    information;

5        [~~4~~] (5) Issue subpoenas requiring the attendance of  
6                    witnesses or the production of books and papers, and  
7                    order the examination of witnesses who are unable to  
8                    attend before the authority, are excused from  
9                    attendance, or by leave of courts as provided by  
10                   chapter 624, are out of the State; and

11       [~~5~~] (6) Make available to any government agency charged  
12                   with the duty of abating or requiring the correction  
13                   of nuisances or like conditions, or of demolishing  
14                   unsafe or unsanitary structures within its  
15                   jurisdictional limits, its findings and  
16                   recommendations with regard to any building or  
17                   property where conditions exist that are dangerous to  
18                   the public health, safety, or welfare."

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

21        "**§356D-92 Termination and eviction.** (a) Except as  
22        otherwise provided, the authority may terminate any lease,



1 rental agreement, permit, or license covering the use and  
2 occupation of any dwelling unit or other premises located within  
3 a public housing project and evict from any premises any tenant,  
4 licensee, or other occupant for any of the following reasons:

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

13 (b) Notwithstanding subsection (a), the authority shall  
14 terminate any lease, rental agreement, permit, or license  
15 covering the use and occupation of any dwelling unit or other  
16 premises located within a public housing project and evict from  
17 any premises any tenant, licensee, or other occupant upon:

- 18 (1) Three or more felony criminal convictions;
- 19 (2) Any conviction under part IV of chapter 712; or
- 20 (3) The third violation of a public housing project's  
21 house rules.



1            [~~(b)~~] (c) When any tenant has been delinquent in payment  
2 of rent, the authority, either directly or through its managing  
3 agent, shall provide the tenant with a written notice no later  
4 than forty-five days from the date of delinquency that shall  
5 inform the tenant of the delinquency and schedule a meeting  
6 between the tenant and the authority or its agent. The written  
7 notice shall:

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



1           (6) Inform the tenant that the tenant shall either attend  
2           the meeting or, if applicable, contact the authority  
3           or the authority's agent before the meeting time to  
4           reschedule the meeting.

5           ~~[(e)]~~ (d) At the meeting described in subsection ~~[(b),]~~  
6 (c), the authority or its agent shall:

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

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

13          (3) Inform the tenant of and explain the issues as  
14          required under subsection ~~[(b)(1),]~~ (c)(1), (2), and  
15          (3).

16          ~~[(d)]~~ (e) The authority shall develop a checklist outlining  
17 all of the requirements listed in subsection ~~[(e)-]~~ (d). The  
18 authority or its agent and the tenant shall complete, sign, and  
19 date the checklist to memorialize the meeting.

20          ~~[(e)]~~ (f) If the tenant fails to attend or reschedule the  
21 meeting provided for in subsection ~~[(b),]~~ (c), the authority



1 shall provide the tenant with a second written notice. The  
2 notice shall inform the tenant that:

3 (1) The authority shall proceed to terminate the tenant's  
4 tenancy because of the tenant's outstanding rent  
5 delinquency and the tenant's failure to respond to the  
6 authority's written notice issued pursuant to  
7 subsection ~~[(b)7]~~ (c);

8 (2) The tenant has ten business days from receipt of the  
9 second written notice to request a grievance hearing;  
10 and

11 (3) 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 ~~[(f)]~~ (g) If the tenant meets with the authority as  
16 provided for in subsection ~~[(b)7]~~ (c), the authority shall  
17 decide, based upon the facts discussed at the meeting, what  
18 action is appropriate to address the tenant's case. The  
19 authority shall notify the tenant of its decision in writing.  
20 If the authority decides to proceed with an action to terminate  
21 the tenancy, the authority shall further inform the tenant in  
22 the same written notice that:



- 1 (1) The tenant has ten business days from receipt of this
- 2 notice to request a grievance hearing; and
- 3 (2) If the tenant fails to request a grievance hearing
- 4 within ten business days, the authority has the right
- 5 to proceed with the eviction hearing pursuant to
- 6 section 356D-93."

7 SECTION 5. Statutory material to be repealed is bracketed  
 8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: Rich T. Parnell

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James Long  
Alfred S. ... II  
Dennis Coffman  
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**Report Title:**

Public Housing; Enforcement

**Description:**

Requires mandatory reporting for criminal property damage, drug dealing or drug use, and terroristic threatening. Requires the housing authority to evict tenants who violate rules.

