

---

---

# 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-    Guests; violation of rules; trespassing. (a)  
5 A tenant of public housing shall be responsible for each guest  
6 invited onto public housing property. If a tenant's guest  
7 repeatedly violates any state law, county ordinance, or Hawaii  
8 public housing authority rule while on public housing property,  
9 the tenant may be subject to eviction pursuant to section 356D-  
10 92.

11           (b) A tenant of public housing shall accompany each guest  
12 of the tenant while in the common area of a public housing  
13 project. If a tenant's unaccompanied guest violates any state  
14 law, county ordinance, or Hawaii public housing authority rule  
15 and remains unlawfully in or upon the premises of the public  
16 housing project after a reasonable warning or request to leave  
17 by housing authority management or a police officer, the guest



1 shall be considered to be trespassing pursuant to section 708-  
2 813.

3 (c) As used in this section:

4 "Common area" means roofs, halls, corridors, lobbies,  
5 stairs, stairways, fire escapes, entrances and exits of the  
6 building or buildings, basements, yards, gardens, recreational  
7 facilities, parking areas, storage spaces, and other parts of  
8 the project normally in common use or other areas designated by  
9 the Hawaii public housing authority.

10 "Housing authority management" means housing authority  
11 employees or agents officially designated by the Hawaii public  
12 housing authority to manage the public housing project or to  
13 enforce rules relating to the project, including resident  
14 managers or managers, tenant monitors, or security guards."

15 SECTION 2. Section 356D-92, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17 "(a) Except as otherwise provided, the authority may  
18 terminate any lease, rental agreement, permit, or license  
19 covering the use and occupation of any dwelling unit or other  
20 premises located within a public housing project and evict from  
21 any premises any tenant, licensee, or other occupant for any of  
22 the following reasons:



- 1 (1) Failure to pay rent when due;
- 2 (2) Violation of any of the provisions of a lease, rental  
3 agreement, permit, or license;
- 4 (3) Violation of any of the rules of the authority;
- 5 (4) Repeated violation of any state law, county ordinance,  
6 or rule of the authority by the tenant's invited guest  
7 while on public housing project property;
- 8 [~~4~~] (5) Failure to maintain the dwelling unit in a clean,  
9 sanitary, and habitable condition; or
- 10 [~~5~~] (6) The existence of any other circumstances giving  
11 rise to an immediate right to possession by the  
12 authority."

13 SECTION 3. Section 708-813, Hawaii Revised Statutes, is  
14 amended by amending subsection (1) to read as follows:

15 "(1) A person commits the offense of criminal trespass in  
16 the first degree if:

- 17 (a) That person knowingly enters or remains unlawfully:
  - 18 (i) In a dwelling; or
  - 19 (ii) In or upon the premises of a hotel or apartment  
20 building;
- 21 (b) That person:



1 (i) Knowingly enters or remains unlawfully in or upon  
2 premises that are fenced or enclosed in a manner  
3 designed to exclude intruders; and

4 (ii) Is in possession of a firearm, as defined in  
5 section 134-1, at the time of the intrusion; [~~ex~~]

6 (c) That person enters or remains unlawfully in or upon  
7 the premises of any public school as defined in  
8 section 302A-101, or any private school, after  
9 reasonable warning or request to leave by school  
10 authorities or a police officer; provided [~~however,~~  
11 ~~such~~] that a warning or request to leave shall be  
12 unnecessary between 10:00 p.m. and 5:00 a.m.; or

13 (d) That person enters or remains unlawfully in or upon  
14 the premises of any public housing project, as defined  
15 in section 356D-1 or 356D-91, or state low-income  
16 housing project, as defined in section 356D-51, after  
17 reasonable warning or request to leave by housing  
18 authority management or a police officer.

19 For purposes of this paragraph:

20 "Housing authority management" means housing  
21 authority employees or agents officially designated by  
22 the Hawaii public housing authority to manage the



1           public housing project or to enforce rules relating to  
2           the project, including resident managers or managers,  
3           tenant monitors, or security guards."

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

7           SECTION 5. If any provision of this Act, or the  
8 application thereof to any person or circumstance is held  
9 invalid, the invalidity does not affect other provisions or  
10 applications of the Act, which can be given effect without the  
11 invalid provision or application, and to this end the provisions  
12 of this Act are severable.

13           SECTION 6. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15           SECTION 7. This Act shall take effect on July 1, 2010.

**Report Title:**

Criminal Trespass; Public Housing Project

**Description:**

Amends criminal trespass in the first degree to include a person who enters or remains unlawfully in or upon the premises of a public housing project after reasonable request or warning to leave by housing management authorities. Provides that a tenant may be evicted if the tenant's guest repeatedly violates any law or rule while on public housing property. Requires a tenant to accompany the tenant's guest while in public housing common areas. (SB2278 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

