

JAN 22 2010

A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. The legislature finds that many grandparents in
2 Hawaii raise their grandchildren when the parents of the child
3 are not able to provide for the child due to a family crisis
4 beyond the control of the grandparent. The legislature further
5 finds that elderly housing projects do not allow grandchildren
6 to reside with their grandparents, even in family crisis
7 situations and this has sometimes forced grandparents to move
8 out of their housing project units into homelessness.

9 The purpose of this Act is to:

- 10 (1) Allow grandparents residing in elderly housing
11 projects to temporarily raise their minor
12 grandchildren in their housing project units in
13 certain family crisis situations; and
- 14 (2) Afford elderly housing project residents, who have
15 been evicted for raising minor grandchildren in their
16 units, priority status for acceptance back into



1 elderly public housing projects after the family
2 crisis has abated.

3 SECTION 2. Section 356D-71, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§356D-71[+] Resident selection; dwelling units;
6 rentals. In the administration of elder or elderly housing, the
7 authority shall observe the following with regard to resident
8 selection, dwelling units, and rentals:

9 (1) Except as provided in this section, the authority
10 shall accept elder or elderly households as residents
11 in the housing projects; the authority shall also
12 allow the minor grandchildren of a resident of an
13 elderly housing project to live with the resident on a
14 temporary basis, if due to a family crisis, as
15 determined by the authority, the minor grandchildren
16 would otherwise be without appropriate care. A family
17 crisis shall include the following situations:

18 (A) Imprisonment or arrest of the parent of the
19 minor;

20 (B) Criminal forfeiture of the dwelling of the parent
21 of the minor pursuant to chapter 712A that
22 results in the homelessness of the minor;



- 1 (C) Admission under chapter 334 to a psychiatric
2 facility or civil commitment of the parent of the
3 minor for mental health, mental illness, drug
4 addiction, or alcoholism;
- 5 (D) The minor is abused or neglected, as defined in
6 section 346-1, and the minor has been removed
7 under authority of law from the care of the
8 parent; or
- 9 (E) Abandonment of the minor by the parent for any
10 length of time and the absence of other relatives
11 able or willing to care for the minor;
- 12 provided that if a grandparent resident has been
13 evicted by the authority solely because the resident
14 allowed a minor grandchild who is in a family crisis,
15 as described in this subsection, to reside in the
16 resident's unit, that same grandparent shall be given
17 first priority to be accepted in the housing projects
18 upon abatement of the family crisis;
- 19 (2) It may accept as residents in any dwelling unit one or
20 more persons, related or unrelated by blood or
21 marriage. It may also accept as a resident in any
22 dwelling unit or in any housing project, in the case



1 of illness or other disability of an elder who is a
2 resident in the dwelling unit or in the project, a
3 person designated by the elder as the elder's live-in
4 aide whose qualifications as a live-in aide are
5 verified by the authority, although the person is not
6 an elder; provided that the person shall cease to be a
7 resident therein upon the recovery of, or removal from
8 the project of, the elder;

9 (3) It may rent or lease to an elder a dwelling unit
10 consisting of any number of rooms as the authority
11 deems necessary or advisable to provide safe and
12 sanitary accommodations to the proposed resident or
13 residents without overcrowding;

14 (4) Notwithstanding that the elder has no written rental
15 agreement or that the agreement has expired, during
16 hospitalization of the elder due to illness or other
17 disability so long as the elder continues to tender
18 the usual rent to the authority or proceeds to tender
19 receipts for rent lawfully withheld, no action or
20 proceeding to recover possession of the dwelling unit
21 may be maintained against the elder, nor shall the
22 authority otherwise cause the elder to quit the



1 dwelling unit involuntarily, demand an increase in
2 rent from the elder, or decrease the services to which
3 the elder has been entitled; and

4 (5) Elder or elderly housing shall be subject to chapter
5 521."

6 SECTION 3. If any part of this Act is found to be in
7 conflict with federal requirements that are a prescribed
8 condition for the allocation of federal funds to the State, the
9 conflicting part of this Act is inoperative solely to the extent
10 of the conflict and with respect to the agencies directly
11 affected, and this finding does not affect the operation of the
12 remainder of this Act in its application to the agencies
13 concerned. The rules under this Act shall meet the federal
14 requirements that are a necessary condition of the receipt of
15 federal funds by the State.

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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

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S.B. NO. 2473

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Report Title:

Elderly Housing; Kupuna; Grandchildren

Description:

Allows grandchildren of elderly housing project residents to temporarily reside with the residents in certain family crisis situations. Affords residents evicted for raising grandchildren-in-crisis in their housing project units, priority status to return to project housing.

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

