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# 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 during periods of family  
7 crisis, and this has sometimes forced grandparents to move out  
8 of their housing project units, resulting in homelessness of  
9 both the grandparent and the grandchild.

10           The purpose of this Act is to:

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



1 public housing projects after the family crisis has  
2 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;

12 (2) It may accept as residents in any dwelling unit one or  
13 more persons, related or unrelated by blood or  
14 marriage. It may also accept as a resident in any  
15 dwelling unit or in any housing project, in the case  
16 of illness or other disability of an elder who is a  
17 resident in the dwelling unit or in the project, a  
18 person designated by the elder as the elder's live-in  
19 aide whose qualifications as a live-in aide are  
20 verified by the authority, although the person is not  
21 an elder; provided that the person shall cease to be a



1 resident therein upon the recovery of, or removal from  
2 the project of, the elder;

3 (3) The authority shall, upon verification of a family  
4 crisis, allow any minor who is the grandchild of a  
5 tenant of an elderly housing project to temporarily  
6 live with the tenant for no longer than three months  
7 if, due to the family crisis, the minor would  
8 otherwise be without appropriate care; provided that  
9 the minor is younger than eighteen years of age while  
10 residing with the tenant, the tenant is competent, the  
11 tenant reports the presence of each minor in the  
12 dwelling to the authority within seven days of  
13 arrival, and the minor leaves the dwelling as soon as  
14 the family crisis has abated.

15 A family crisis includes the following  
16 situations:

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

19 (B) Criminal forfeiture of the dwelling of the parent  
20 of the minor pursuant to chapter 712A that  
21 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           The authority may use its discretion to determine if  
13           other situations constitute a family crisis for the  
14           purposes of this paragraph.

15        [~~3~~] (4) It may rent or lease to an elder a dwelling unit  
16           consisting of any number of rooms as the authority  
17           deems necessary or advisable to provide safe and  
18           sanitary accommodations to the proposed resident or  
19           residents without overcrowding;

20        [~~4~~] (5) Notwithstanding that the elder has no written  
21           rental agreement or that the agreement has expired,  
22           during hospitalization of the elder due to illness or



1 other disability so long as the elder continues to  
 2 tender the usual rent to the authority or proceeds to  
 3 tender receipts for rent lawfully withheld, no action  
 4 or proceeding to recover possession of the dwelling  
 5 unit may be maintained against the elder, nor shall  
 6 the authority otherwise cause the elder to quit the  
 7 dwelling unit involuntarily, demand an increase in  
 8 rent from the elder, or decrease the services to which  
 9 the elder has been entitled; and

10 [~~5~~] (6) Elder or elderly housing shall be subject to  
 11 chapter 521."

12 SECTION 3. The Hawaii public housing authority shall give  
 13 an elderly tenant who has been evicted solely because the tenant  
 14 allowed a minor grandchild or grandchildren to reside in the  
 15 tenant's unit due to a verified family crisis, first priority  
 16 for housing in elderly housing projects on the same island.

17 SECTION 4. If any part of this Act is found to be in  
 18 conflict with federal requirements that are a prescribed  
 19 condition for the allocation of federal funds to the State, the  
 20 conflicting part of this Act is inoperative solely to the extent  
 21 of the conflict and with respect to the agencies directly  
 22 affected, and this finding does not affect the operation of the



1 remainder of this Act in its application to the agencies  
2 concerned. The rules under this Act shall meet the federal  
3 requirements that are a necessary condition of the receipt of  
4 federal funds by the State.

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

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



**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. (SB2473 HD1)

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

