

---

---

# 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, the minor  
15 grandchildren would otherwise be without appropriate  
16 care. A family crisis shall include the following  
17 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           If the need arises for an elderly housing project  
13           resident to allow the resident's grandchild or  
14           grandchildren to reside in the elderly housing project  
15           due to a family crisis, the grandparent and grandchild  
16           or grandchildren shall be transferred to a state  
17           family housing unit of appropriate size on the same  
18           island as soon as one becomes available; provided that  
19           if a grandparent resident has been evicted or  
20           transferred by the authority solely because the  
21           resident allowed a minor grandchild or grandchildren  
22           to reside in the resident's unit due to a family



1 crisis, that grandparent resident shall be given first  
2 priority to be accepted in the elderly housing  
3 projects on the same island upon abatement of the  
4 family crisis; and provided further that federal  
5 family housing units may be used as a substitute for  
6 state family housing units whenever they may be  
7 available. The authority may use its discretion to  
8 determine if other situations constitute a family  
9 crisis for the purposes of this section;

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



- 1           (3) It may rent or lease to an elder a dwelling unit  
2           consisting of any number of rooms as the authority  
3           deems necessary or advisable to provide safe and  
4           sanitary accommodations to the proposed resident or  
5           residents without overcrowding;
- 6           (4) Notwithstanding that the elder has no written rental  
7           agreement or that the agreement has expired, during  
8           hospitalization of the elder due to illness or other  
9           disability so long as the elder continues to tender  
10          the usual rent to the authority or proceeds to tender  
11          receipts for rent lawfully withheld, no action or  
12          proceeding to recover possession of the dwelling unit  
13          may be maintained against the elder, nor shall the  
14          authority otherwise cause the elder to quit the  
15          dwelling unit involuntarily, demand an increase in  
16          rent from the elder, or decrease the services to which  
17          the elder has been entitled; and
- 18          (5) Elder or elderly housing shall be subject to chapter  
19          521."

20           SECTION 3. If any part of this Act is found to be in  
21          conflict with federal requirements that are a prescribed  
22          condition for the allocation of federal funds to the State, the



1 conflicting part of this Act is inoperative solely to the extent  
2 of the conflict and with respect to the agencies directly  
3 affected, and this finding does not affect the operation of the  
4 remainder of this Act in its application to the agencies  
5 concerned. The rules under this Act shall meet the federal  
6 requirements that are a necessary condition of the receipt of  
7 federal funds by the State.

8 SECTION 4. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

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

11



**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. (SD1)

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

