
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 two new sections to be appropriately
3 designated and to read as follows:

4 "§356D- Adoption of project house rules. (a) The
5 authority shall require each public housing project to adopt
6 house rules pursuant to chapter 91 including rules that:

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

10 (2) Require mandatory reporting to the proper county
11 police department of any activity that may constitute
12 an offense of criminal property damage under chapter
13 708;

14 (3) Require mandatory reporting to the proper county
15 police department of any activity that may constitute
16 an offense of terroristic threatening under chapter
17 707; and



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

4 §356D- 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-32, Hawaii Revised Statutes, is
12 amended by amending subsection (c) to read as follows:

13 "(c) When the authority seeks eviction of a tenant due to
14 delinquency in payment of rent, the authority shall comply with
15 the procedures set forth in section [~~356D-92(b)~~] 356-92(c)
16 before proceeding with the eviction hearing."

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

19 "§356D-92 Termination and eviction. (a) Except as
20 otherwise provided, the authority may terminate any lease,
21 rental agreement, permit, or license covering the use and
22 occupation of any dwelling unit or other premises located within

1 a public housing project and evict from any premises any tenant,
2 licensee, or other occupant for any of the following reasons:

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

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

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

20 ~~[(b)]~~ (c) When any tenant has been delinquent in payment
21 of rent, the authority, either directly or through its managing
22 agent, shall provide the tenant with a written notice no later



1 than forty-five days from the date of delinquency that shall
2 inform the tenant of the delinquency and schedule a meeting
3 between the tenant and the authority or its agent. The written
4 notice shall:

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



1 ~~[(e)]~~ (d) At the meeting described in subsection ~~[(b)7]~~
2 (c), the authority or its agent shall:

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

6 (2) Consider whether a reasonable payment plan is
7 appropriate for the tenant's situation and, if
8 appropriate, offer a payment plan to the tenant; and

9 (3) Inform the tenant of and explain the issues as
10 required under subsection ~~[(b)(1)]~~, (c)(1), (2), and
11 (3).

12 ~~[(d)]~~ (e) The authority shall develop a checklist
13 outlining all of the requirements listed in subsection ~~[(e)]~~
14 (d). The authority or its agent and the tenant shall complete,
15 sign, and date the checklist to memorialize the meeting.

16 ~~[(e)]~~ (f) If the tenant fails to attend or reschedule the
17 meeting provided for in subsection ~~[(b)7]~~ (c), the authority
18 shall provide the tenant with a second written notice. The
19 notice shall inform the tenant that:

20 (1) The authority shall proceed to terminate the tenant's
21 tenancy because of the tenant's outstanding rent
22 delinquency and the tenant's failure to respond to the



1 authority's written notice issued pursuant to
2 subsection [~~(b)~~] (c);

3 (2) The tenant has ten business days from receipt of the
4 second written notice to request a grievance hearing;
5 and

6 (3) If the tenant fails to request a grievance hearing
7 within ten business days, the authority has the right
8 to proceed with the eviction hearing pursuant to
9 section 356D-93.

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

18 (1) The tenant has ten business days from receipt of this
19 notice to request a grievance hearing; and

20 (2) If the tenant fails to request a grievance hearing
21 within ten business days, the authority has the right



H.B. NO. 1118

1 to proceed with the eviction hearing pursuant to
 2 section 356D-93."

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

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

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INTRODUCED BY:

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JAN 24 2011

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.

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

