
A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING.

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

1 SECTION 1. The legislature finds that more than \$2,000,000
2 is owed to the State by current and former tenants of public
3 housing units. Rent for public housing units can be as low as
4 \$50 per month and it can take upwards of seven months to evict a
5 tenant, following a convoluted process requiring multiple
6 notices.

7 The legislature further finds it necessary to streamline
8 the process applying federal guidelines in an effort to collect
9 these arrears and to make room for more responsible tenants.
10 Rotating tenants will also provide opportunities for those who
11 have been waiting for a public housing unit for years.

12 Homelessness is the State's second largest problem, and the
13 number of invisible homeless is said to be more than 10,000.
14 Hawaii's invisible homeless should also be given a chance to
15 transition through affordable rental units such as public
16 housing.

17 The legislature further finds that many public housing
18 units are sorely in need of repairs. As the state budget is



1 depleted, it is even more critical to protect these resources to
2 ensure that the authority can stay solvent and be able to keep
3 units in good repair. It is important, therefore, for tenants
4 to contribute more to the sustainability of these projects.

5 Residents who, despite job training and placement assistance, do
6 not pay rent, should be evicted to make room for more
7 responsible tenants who have been waiting for a unit.

8 In 2008, the legislature passed a resolution to increase
9 the minimum rent, but as of today, the Hawaii public housing
10 authority has not implemented the rent increase. The purpose of
11 this Act is to streamline the eviction process in public housing
12 to make room for responsible tenants.

13 SECTION 2. Section 356D-92, Hawaii Revised Statutes, is
14 amended as follows:

15 1. By amending subsections (b) and (c) to read:

16 "(b) When any tenant [~~has been delinquent in payment of~~
17 ~~rent,~~] does not comply with any of the provisions in subsection
18 (a) (2) to (5), the authority, either directly or through its
19 managing agent, shall provide the tenant with a written notice
20 no later than [~~forty-five~~] five days from the date of
21 delinquency that shall inform the tenant of the delinquency and



1 schedule a meeting between the tenant and the authority or its
2 agent. The written notice shall:

3 (1) Inform the tenant that continued [~~delinquency~~]
4 noncompliance shall result in the tenant's eviction;

5 [~~(2) Inform the tenant of the tenant's right to apply for~~
6 ~~an interim adjustment in rent;~~

7 ~~(3)]~~ (2) Explain to the tenant the steps of the grievance
8 and eviction processes and how the processes protect
9 the tenant;

10 [~~(4)]~~ (3) Provide the tenant with a sample letter for
11 demanding a grievance hearing;

12 [~~(5)]~~ (4) Set forth the location, date, and time, which
13 shall be no earlier than fourteen days from the date
14 of the written notice, at which the tenant may meet
15 with the authority or its agent to discuss the
16 delinquency in rent; and

17 [~~(6)]~~ (5) Inform the tenant that the tenant shall either
18 attend the meeting or, if applicable, contact the
19 authority or the authority's agent before the meeting
20 time to reschedule the meeting.

21 (c) At the meeting described in subsection (b), the
22 authority or its agent shall:



- 1 (1) Inquire into the cause of the tenant's [~~delinquency~~
2 noncompliance and offer suggestions, if any, [~~that the~~
3 ~~authority may feel appropriate to address the causes~~
4 ~~of delinquency,~~] as the authority deems necessary to
5 cure the noncompliance; and
- 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)]~~ (2) Inform the tenant of and explain the issues as
10 required under subsection (b) (1) [~~,~~] and (2) [~~,~~ and
11 ~~(3)~~]."
- 12 2. By amending subsections (e) and (f) to read:
- 13 "(e) If the tenant fails to attend or reschedule the
14 meeting provided for in subsection (b), the authority shall
15 provide the tenant with a second written notice. The notice
16 shall inform the tenant that:
- 17 (1) The authority shall proceed to terminate the tenant's
18 tenancy because of the tenant's [~~outstanding rent~~
19 ~~delinquency~~] noncompliance with any of the provisions
20 in subsection (a) (2) to (5) and the tenant's failure
21 to respond to the authority's written notice issued
22 pursuant to subsection (b);



1 (2) The tenant has [~~ten~~] five business days from receipt
2 of the second written notice to request a grievance
3 hearing; and

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

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

15 (1) The tenant has [~~ten~~] five business days from receipt
16 of this notice to request a grievance hearing; and

17 (2) If the tenant fails to request a grievance hearing
18 within [~~ten~~] five business days, the authority has the
19 right to proceed with the eviction hearing pursuant to
20 section 356D-93."

21 SECTION 3. Section 356D-94, Hawaii Revised Statutes, is
22 amended by amending subsection (a) to read as follows:



1 "(a) If it is proven to the satisfaction of the eviction
 2 board that there is cause to terminate a lease or rental
 3 agreement and evict the tenant, the authority shall provide the
 4 tenant with a written notice of the authority's decision to
 5 terminate the tenancy. The notice shall inform the tenant that
 6 a writ of possession may be issued by the authority within [~~ten~~
 7 five business days. The notice shall also inform the tenant
 8 whether the grounds for eviction are considered curable and, if
 9 so, what the tenant must do to remedy the grounds, by when it
 10 must be done, and what the tenant must do to document for the
 11 authority that the grounds have been remedied."

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

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

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

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INTRODUCED BY: Rich. Cutanilla
[Handwritten signatures: Barbara Mammoto, Tom Bruns, and others]
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Elaine

~~AS~~

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JAN 26 2011



Report Title:

Public Housing; Evictions

Description:

Shortens time for notice, meeting, and grievance requirements for violations with rental agreements, leases, violation of rules, or maintenance in public housing. Streamlines eviction process in public housing.

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

