
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 a new section to be appropriately designated
3 and to read as follows:

4 "§356D- Community facilities; fees; damages. (a) Each
5 unit shall be assessed a community facilities maintenance fee of
6 at least one per cent of the community facility expenses.

7 (b) The authority shall notify all tenants in writing of
8 any increase in the community facilities maintenance fee at
9 least thirty days prior to an increase.

10 (c) The authority shall adopt rules in accordance with
11 chapter 91 for the purposes of this section."

12 SECTION 2. Section 356D-8, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "~~§~~356D-8~~§~~ **Acquisition, use, and disposition of**
15 **property.** (a) The authority may acquire any real or personal
16 property or interest therein by purchase, exchange, gift, grant,
17 lease, or other means from any person or government to provide



1 public housing. Exchange of real property shall be in
2 accordance with section 171-50.

3 (b) The authority may own or hold real property. All real
4 property owned or held by the authority shall be exempt from
5 mechanics' or materialmen's liens and also from levy and sale by
6 virtue of an execution, and no execution or other judicial
7 process shall issue against the property of the authority nor
8 shall any judgment against the authority be a charge or lien
9 upon its real property; provided that this subsection shall not
10 apply to nor limit the right of obligees to foreclose or
11 otherwise enforce any mortgage of the authority or the right of
12 obligees to pursue any remedies for the enforcement of any
13 pledge or lien given by the authority on its rents, fees, or
14 revenues. The authority and its property shall be exempt from
15 all taxes and assessments.

16 (c) The authority may lease or rent all or a portion of
17 any public housing project and establish and revise the rents or
18 charges therefor[-]; provided that the authority shall:

19 (1) Establish a schedule setting forth the minimum rent
20 for state public housing units by number of bedrooms
21 and type of housing project;



- 1 (2) Charge no less than \$300 per month for any state
2 public housing unit; and
- 3 (3) Annually adjust the minimum rent by the percentage, if
4 any, by which the consumer price index for the year
5 exceeds the consumer price index for the prior year.
6 The consumer price index for any year is the average
7 of the consumer price index for all urban consumers as
8 determined by the United States Department of Labor
9 for the applicable county, or if not published for the
10 county, then for the State.

11 The authority may sell, exchange, transfer, assign, or pledge
12 any property, real or personal, or any interest therein to any
13 person or government.

14 (d) The authority may insure or provide for the insurance
15 of its property or operations against risks as it deems
16 advisable.

17 (e) If any rent schedule contemplated by subsection (c)
18 might, if effected, result in loss to the State or to any
19 special fund affected, of any federal funds, or would be in
20 violation of the Constitution or any law of the United States,
21 the authority shall suspend application of subsection (c) as



1 shall be necessary to avoid the loss of federal funds or to
2 avoid the unconstitutionality or violation."

3 SECTION 3. Section 356D-42, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~[§]356D-42[§]~~ **Housing; tenant selection.** Subject to the
6 following limitations and preferences, the authority shall
7 select tenants ~~[upon the basis of those in greatest need]~~ for
8 the particular housing. The authority may limit the tenants of
9 any state low-income housing project to classes of persons when
10 required by federal law or regulation as a term or condition of
11 obtaining assistance from the federal government. ~~[Within the~~
12 ~~priorities established by the authority recognizing need,~~
13 ~~veterans]~~ Veterans with a permanent disability of ten per cent
14 or more as certified by the United States Department of Veterans
15 Affairs, the dependent parents of the veteran, and the deceased
16 veteran's widow shall be given first preference."

17 SECTION 4. Section 356D-43, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) Notwithstanding any other law to the contrary, the
20 authority shall fix the rates of the rentals for dwelling units
21 and other facilities in state low-income housing projects
22 provided for by this subpart, at rates that will produce



1 revenues that will be sufficient to pay all expenses of
2 management, operation, and maintenance, including the cost of
3 insurance, a proportionate share of the administrative expenses
4 of the authority to be fixed by it, and the costs of repairs,
5 equipment, and improvements, to the end that the state low-
6 income housing projects shall be and always remain self-
7 supporting[-]; provided that the rates of the rentals shall be
8 no less than the minimum rent set forth in section 356D-8. The
9 authority, in its discretion, may fix the rates in amounts as
10 will produce additional revenues (in addition to the foregoing)
11 sufficient to amortize the cost of the state low-income housing
12 project or projects, including equipment, over a period or
13 periods of time that the authority may deem advisable."

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

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



Report Title:

Public Housing; Community Facility Maintenance Fee; Minimum Rent; Preferences

Description:

Authorizes the Hawaii public housing authority to assess a fee to all units for community facility maintenance. Requires minimum rent schedule for housing projects and annual Consumer Price Index adjustments of minimum rent. (HB1303 HD1)

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

