

JAN 21 2011

S.B. NO. 109

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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 situation has sometimes forced grandparents to  
8 move out of their housing project units, resulting in  
9 homelessness for both the grandparent and the grandchild.

10           The purpose of this Act is to:

11           (1) Allow grandparents residing in elderly public 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 public housing project residents who  
16 terminated their residency because they have or would  
17 have been evicted for raising minor grandchildren in  
18 their 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 ~~[-]~~; grandchildren in family crisis. (a) In the  
7 administration of elder or elderly housing, the authority shall  
8 observe the following with regard to resident selection,  
9 dwelling units, and rentals:

10 (1) Except as provided in this section, the authority  
11 shall accept elder or elderly households as residents  
12 in the housing projects;

13 (2) It may accept as residents in any dwelling unit one or  
14 more persons, related or unrelated by blood or  
15 marriage. It may also accept as a resident in any  
16 dwelling unit or in any housing project, in the case  
17 of illness or other disability of an elder who is a  
18 resident in the dwelling unit or in the project, a  
19 person designated by the elder as the elder's live-in  
20 aide whose qualifications as a live-in aide are  
21 verified by the authority, although the person is not  
22 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) It may rent or lease to an elder a dwelling unit  
4 consisting of any number of rooms as the authority  
5 deems necessary or advisable to provide safe and  
6 sanitary accommodations to the proposed resident or  
7 residents without overcrowding; provided that the  
8 elder shall not be eligible for a larger dwelling unit  
9 because a minor grandchild or grandchildren are living  
10 with the elder due to a family crisis, pursuant to  
11 subsection (b);

12 (4) Notwithstanding that the elder has no written rental  
13 agreement or that the agreement has expired, during  
14 hospitalization of the elder due to illness or other  
15 disability so long as the elder continues to tender  
16 the usual rent to the authority or proceeds to tender  
17 receipts for rent lawfully withheld, no action or  
18 proceeding to recover possession of the dwelling unit  
19 may be maintained against the elder, nor shall the  
20 authority otherwise cause the elder to quit the  
21 dwelling unit involuntarily, demand an increase in



1 rent from the elder, or decrease the services to which  
2 the elder has been entitled; and

3 (5) Elder or elderly housing shall be subject to chapter  
4 521.

5 (b) The authority shall, upon verification of a family  
6 crisis, allow any minor who is the grandchild of a resident of  
7 an elderly housing project to live temporarily with the elder  
8 for no longer than three months if, due to the family crisis,  
9 the minor would otherwise be without appropriate care; provided  
10 that:

11 (1) The elder is competent;

12 (2) The elder reports the presence of each minor in the  
13 dwelling unit to the authority within seven days of  
14 arrival;

15 (3) No more than two minors shall live with the elder  
16 during the same three-month period, and the elder  
17 shall be limited to one three-month period per year  
18 during which the minor or minors may live with the  
19 elder;

20 (4) The minor is younger than eighteen years of age while  
21 residing with the elder; and



1       (5) The minor leaves the dwelling unit as soon as the  
2           family crisis has abated.

3       (c) For the purposes of this section, a family crisis  
4 includes the following situations:

5       (1) Imprisonment or arrest of the parent of the minor;

6       (2) Criminal forfeiture of the dwelling of the parent of  
7           the minor pursuant to chapter 712A that results in the  
8           homelessness of the minor;

9       (3) Admission under chapter 334 to a psychiatric facility  
10           or civil commitment of the parent of the minor for  
11           mental health, mental illness, drug addiction, or  
12           alcoholism;

13       (4) The minor is abused or neglected, as defined in  
14           section 346-1, and the minor has been removed under  
15           authority of law from the care of the parent; or

16       (5) Abandonment of the minor by the parent for any length  
17           of time and the absence of other relatives able or  
18           willing to care for the minor.

19       The authority may use its discretion to determine if other  
20 situations constitute a family crisis for the purposes of this  
21 section."



1 SECTION 3. The Hawaii public housing authority shall give  
2 first priority for housing in elderly housing projects on the  
3 same island to an eligible resident who terminated residency in  
4 an elderly housing project solely because the resident was or  
5 would have been evicted from the project due to a grandchild or  
6 grandchildren living with the resident upon the expiration of  
7 the three-month period authorized in section 356D-71(b), Hawaii  
8 Revised Statutes.

9 SECTION 4. Nothing in this Act shall be construed to in  
10 any way diminish, amend, or abate the intent to retain elderly  
11 housing projects and accommodate the elderly with proper housing  
12 to the greatest extent possible.

13 SECTION 5. If any part of this Act is found to be in  
14 conflict with federal requirements that are a prescribed  
15 condition for the allocation of federal funds to the State, the  
16 conflicting part of this Act is inoperative solely to the extent  
17 of the conflict and with respect to the agencies directly  
18 affected, and this finding does not affect the operation of the  
19 remainder of this Act in its application to the agencies  
20 concerned. Any rules adopted by the Hawaii public housing  
21 authority to implement this Act shall meet the federal



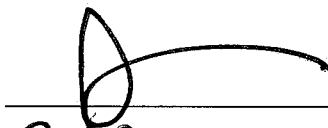
1 requirements that are a necessary condition of the receipt of  
2 federal funds by the State.


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

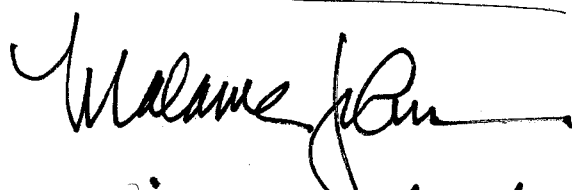
5 SECTION 7. This Act shall take effect on July 1, 2011.

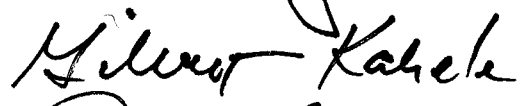
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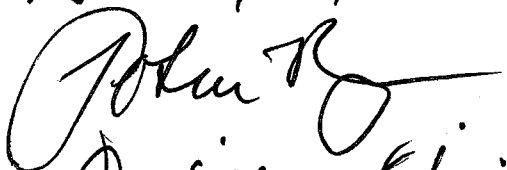
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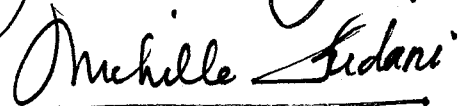
  
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**Ummike**



**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; limits temporary residence to three months; limits the number of grandchildren to two during the three-month period; affords residents evicted for raising grandchildren-in-crisis in their housing project units priority status to return to project housing.

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

