
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 part I to be appropriately
3 designated and to read as follows:

4 "§356D- Mandatory drug testing for federal and state
5 low-income housing tenants and applicants. (a) The authority
6 shall establish a drug testing program to be administered to any
7 tenant or any applicant of federal or state low-income housing
8 under this chapter; provided that dependent children under the
9 age of eighteen of a tenant or applicant, shall be exempt from
10 the drug testing requirements in this chapter.

11 (b) Submission to a drug test shall be a condition of the
12 tenant or applicant renting or leasing a federal or state low-
13 income housing dwelling under this chapter. An individual who
14 refuses to be tested or tests positive for a controlled
15 substance as a result of a drug test required under this
16 section shall be ineligible to rent or lease such a dwelling;
17 provided that upon the successful completion of a six-month
18 substance abuse treatment program offered by a special treatment



1 facility, as defined in section 334-1, the individual may apply
2 or reapply to lease or rent a dwelling.

3 (c) The authority shall provide notice of drug testing to
4 the individual at the time of application to lease or rent a
5 dwelling under this chapter.

6 (d) Any costs associated with the drug testing and
7 treatment from a substance abuse treatment program required under
8 this section shall be the responsibility of the individual being
9 tested or receiving substance abuse treatment; provided that if
10 the individual tests negative for controlled substances, the
11 authority shall reimburse the individual for the amount paid
12 for the drug testing.

13 (e) Drug tests shall be administered by the authority in
14 accordance with drug testing standards or rules adopted by the
15 department of health that ensure fair, accurate, and reliable
16 testing and confirmatory procedures.

17 (f) The authority shall adopt rules in accordance with
18 chapter 91 to implement this section."

19 SECTION 2. Section 356D-31, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:

21 "(a) In the operation or management of federal public
22 housing projects, the authority (acting directly or by an agent



1 or agents) at all times shall observe the following duties with
2 respect to rentals and tenant selection:

3 (1) It may establish maximum limits of annual net income
4 for tenant selection in any public housing project,
5 less such exemptions as may be authorized by federal
6 regulations pertaining to public housing. The
7 authority may agree to conditions as to tenant
8 eligibility or preference required by the federal
9 government pursuant to federal law in any contract for
10 financial assistance with the authority;

11 (2) It may rent or lease the dwelling units therein only
12 at rentals within the financial reach of persons who
13 lack the amount of income that it determines to be
14 necessary to obtain safe, sanitary, and uncongested
15 dwelling accommodations within the area of operation.
16 of the authority and to provide an adequate standard
17 of living; ~~and~~

18 (3) It may rent or lease to a tenant a dwelling consisting
19 of the number of rooms (but no greater number) that it
20 deems necessary to provide safe and sanitary
21 accommodations to the proposed occupants thereof,
22 without overcrowding~~[]~~; and



1 (4) It shall require any tenant who rents or leases, or
2 any individual who applies to rent or lease, a federal
3 low-income housing dwelling under this part, to submit
4 to drug testing under section 356D- ."

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

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

19 (b) The authority shall require any tenant who rents or
20 leases, or any individual who applies to rent or lease, a state
21 low-income housing dwelling under this part, to submit to drug
22 testing under section 356D- ."



1 SECTION 4. Section 356D-92, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Except as otherwise provided, the authority may
4 terminate any lease, rental agreement, permit, or license
5 covering the use and occupation of any dwelling unit or other
6 premises located within a public housing project and evict from
7 any premises any tenant, licensee, or other occupant for any of
8 the following reasons:

9 (1) Failure to pay rent when due;

10 (2) Violation of any of the provisions of a lease, rental
11 agreement, permit, or license;

12 (3) Violation of any of the rules of the authority;

13 (4) Failure to maintain the dwelling unit in a clean,
14 sanitary, and habitable condition; [~~or~~]

15 (5) The existence of any other circumstances giving rise
16 to an immediate right to possession by the
17 authority[-];

18 (6) Refusal to submit to a drug test under this chapter;

19 or

20 (7) Testing positive for a controlled substance as a
21 result of a drug test required under this chapter."



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

Ricardo T. Astinilla
John M. Lopez
Hilkechuma
Karen Cuyunera
L. O.
Gregory M. Mung

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H.B. NO. 1885

Report Title:

Public Housing Tenants and Applicants; Drug Testing

Description:

Requires Hawaii Public Housing Authority to establish a drug testing program to be administered to any tenant or any applicant of federal or state low-income housing under chapter 356D, Hawaii Revised Statutes (HRS). Makes submission to a drug test a condition of the tenant or applicant renting or leasing a federal or state low-income housing dwelling under chapter 356D, HRS.

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