
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 that shall apply to
7 tenants of federal or state low-income housing and applicants
8 who are selected for federal or state low-income housing;
9 provided that the program shall not apply to:

10 (1) A tenant or applicant who is fifty-five years of age
11 or older;

12 (2) A tenant or applicant who is handicapped; or

13 (3) A dependent of a tenant or applicant, if the dependent
14 is under the age of fifteen.

15 (b) The drug testing program established under this
16 section shall require, as a condition to renting or leasing a
17 federal or state low-income housing dwelling under this chapter,
18 that:



1 (1) All applicants submit to drug testing upon their
2 selection for federal or state low-income housing; and

3 (2) All tenants submit to random drug testing; provided
4 that random drug testing shall be given to no more
5 than fifty per cent of the tenants in a housing
6 project per year.

7 (c) If a tenant or applicant who is required to take a
8 drug test refuses to submit to drug testing or tests positive
9 for a controlled substance upon taking a drug test administered
10 under this section, that tenant or applicant shall be ineligible
11 to rent or lease a federal or state low-income housing dwelling
12 under this chapter.

13 (d) The authority shall provide notice of the drug testing
14 requirements of this section to all applicants when they are
15 applying to lease or rent a dwelling under this chapter.

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

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



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

3 "(a) In the operation or management of federal public
4 housing projects, the authority (acting directly or by an agent
5 or agents) at all times shall observe the following duties with
6 respect to rentals and tenant selection:

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

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



1 (3) It may rent or lease to a tenant a dwelling consisting
2 of the number of rooms (but no greater number) that it
3 deems necessary to provide safe and sanitary
4 accommodations to the proposed occupants thereof,
5 without overcrowding[-]; and

6 (4) It shall require any tenant who rents or leases and
7 any applicant who is selected to rent or lease a
8 federal low-income housing dwelling under this part,
9 to submit to drug testing under section 356D- ."

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

12 "[+]§356D-42[+] **Housing; tenant selection.** (a) Subject
13 to the following limitations and preferences, the authority
14 shall select tenants upon the basis of those in greatest need
15 for the particular housing. The authority may limit the tenants
16 of any state low-income housing project to classes of persons
17 when required by federal law or regulation as a term or
18 condition of obtaining assistance from the federal government.
19 Within the priorities established by the authority recognizing
20 need, veterans with a permanent disability of ten per cent or
21 more as certified by the United States Department of Veterans



1 Affairs, the dependent parents of the veteran, and the deceased
2 veteran's widow shall be given first preference.

3 (b) The authority shall require any tenant who rents or
4 leases a state low-income housing dwelling under this part, to
5 submit to drug testing as specified under section 356D-_____.

6 (c) Any applicant selected to rent or lease a low-income
7 housing dwelling under this part shall, prior to the execution
8 of a lease agreement, submit to drug testing as specified under
9 section 356D-_____."

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

12 "(a) Except as otherwise provided, the authority may
13 terminate any lease, rental agreement, permit, or license
14 covering the use and occupation of any dwelling unit or other
15 premises located within a public housing project and evict from
16 any premises any tenant, licensee, or other occupant for any of
17 the following reasons:

- 18 (1) Failure to pay rent when due;
19 (2) Violation of any of the provisions of a lease, rental
20 agreement, permit, or license;
21 (3) Violation of any of the rules of the authority;



- 1 (4) Failure to maintain the dwelling unit in a clean,
2 sanitary, and habitable condition; [~~or~~]
- 3 (5) The existence of any other circumstances giving rise
4 to an immediate right to possession by the
5 authority[~~or~~];
- 6 (6) Refusal to submit to a drug test under this chapter;
7 or
- 8 (7) Testing positive for a controlled substance as a
9 result of a drug test required under this chapter."

10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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



Report Title:

Public Housing Tenants and Applicants; Drug Testing

Description:

Requires the Hawaii Public Housing Authority to establish a drug testing program to be administered to any tenant and any applicant selected for federal or state low-income housing under chapter 356D, Hawaii Revised Statutes (HRS). Exempts specified individuals from the drug testing requirements. Makes submission to a drug testing a condition of renting or leasing a federal or state low-income housing dwelling under chapter 356D, HRS. (HB1885 HD1)

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