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# 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 state law requires  
2 the Hawaii public housing authority to provide a grievance  
3 hearing in all eviction actions involving the agency's federal  
4 low-income housing program. This requirement is generally  
5 consistent with the United States Department of Housing and  
6 Urban Development regulations, although federal regulations  
7 provide exceptions that permit proceeding with the eviction  
8 directly in certain limited circumstances.

9           The purpose of this Act is to exempt the Hawaii public  
10 housing authority from the requirement to provide a grievance  
11 hearing if a federal law, rule, regulation, memorandum, notice,  
12 contract, or other instrument of the federal government allows  
13 public housing agents to terminate tenancy or evict tenants from  
14 public housing without following administrative grievance  
15 procedures.

16           SECTION 2. Section 356D-92, Hawaii Revised Statutes, is  
17 amended to read as follows:



1           **"§356D-92 Termination and eviction.** (a) Except as  
2 otherwise provided, the authority may terminate any lease,  
3 rental agreement, permit, or license covering the use and  
4 occupation of any dwelling unit or other premises located within  
5 a public housing project and evict from any premises any tenant,  
6 licensee, or other occupant for any of the following reasons:

- 7           (1) Failure to pay rent when due;
- 8           (2) Violation of any of the provisions of a lease, rental  
9           agreement, permit, or license;
- 10          (3) Violation of any of the rules of the authority;
- 11          (4) Failure to maintain the dwelling unit in a clean,  
12          sanitary, and habitable condition; or
- 13          (5) The existence of any other circumstances giving rise  
14          to an immediate right to possession by the authority.

15          (b) When any tenant has been delinquent in payment of  
16 rent, the authority, either directly or through its managing  
17 agent, shall provide the tenant with a written notice in  
18 accordance with requirements imposed under federal law and  
19 regulation (24 C.F.R. part 966) that shall inform the tenant of  
20 the delinquency.

21          (c) Notwithstanding section 673-3, where a federal law,  
22 rule, regulation, memorandum, notice, contract, or other



1 instrument of the federal government allows public housing  
2 agents to terminate tenancy or evict tenants from public housing  
3 without following administrative grievance procedures, the  
4 termination of tenancy and eviction shall be governed by chapter  
5 521, in which case judicial proceedings shall substitute for and  
6 shall supercede any otherwise-applicable administrative  
7 procedure."

8 SECTION 3. Section 521-7, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§521-7 Exclusions from application of chapter.** Unless  
11 created solely to avoid the application of this chapter, this  
12 chapter shall not apply to:

13 (1) Residence at an institution, whether public or  
14 private, where residence is merely incidental to  
15 detention or the provision of medical, geriatric,  
16 educational, religious, or similar services;

17 (2) Residence in a structure directly controlled and  
18 managed by:

19 (A) The University of Hawaii or any other university  
20 or college in the State for housing its own  
21 students or faculty or residence in a structure  
22 erected on land leased from the university or



- 1 college by a nonprofit corporation for the  
2 exclusive purpose of housing students or faculty  
3 of the college or university; or
- 4 (B) A private dorm management company that offers a  
5 minimum of fifty beds to students of any college,  
6 university, or other institution of higher  
7 education in the State;
- 8 (3) Occupancy under a bona fide contract of sale of the  
9 dwelling unit or the property of which it is a part  
10 where the tenant is, or succeeds to the interest of,  
11 the purchaser;
- 12 (4) Residence by a member of a fraternal organization in a  
13 structure operated without profit for the benefit of  
14 the organization;
- 15 (5) Transient occupancy on a day-to-day basis in a hotel  
16 or motel;
- 17 (6) Occupancy by an employee of the owner or landlord  
18 whose right to occupancy is conditional upon that  
19 employment or by a pensioner of the owner or landlord  
20 or occupancy for a period of up to four years  
21 subsequent thereto, pursuant to a plan for the



1 transfer of the dwelling unit or the property of which  
2 it is a part to the occupant;

3 (7) A lease of improved residential land for a term of  
4 fifteen years or more, measured from the date of the  
5 commencement of the lease;

6 (8) Occupancy by the prospective purchaser after an  
7 accepted offer to purchase and prior to the actual  
8 transfer of the owner's rights;

9 (9) Occupancy in a homeless facility or any other program  
10 for the homeless authorized under part XVII of chapter  
11 346;

12 (10) Residence or occupancy in a public housing project or  
13 complex directly controlled, owned, or managed by the  
14 Hawaii public housing authority pursuant to the  
15 federal low rent public housing program<sup>+</sup>, except for  
16 termination of tenancy or eviction actions as provided  
17 in section 356D-92(c); or

18 (11) Residence or occupancy in a transitional facility for  
19 abused family or household members."

20 SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

22 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Hawaii Public Housing Authority; Termination and Eviction

**Description:**

Notwithstanding section 673-3, Hawaii Revised Statutes, authorizes Hawaii Public Housing Authority to process terminations of tenancy or evictions from the federal low-income public housing program without providing a grievance hearing when permitted by the federal government. (HB1116 HD1)

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

