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

3           "~~+~~§356D-42~~+~~ Housing; tenant selection~~-~~;  
4 consideration of certain minor criminal convictions prohibited.

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

16           (b) Notwithstanding any other law to the contrary, in the  
17 selection of elderly and disabled tenants, the authority shall  
18 not consider a conviction for a petty misdemeanor or misdemeanor



1 as provided in the Hawaii Penal Code that occurred five years or  
2 more prior to the tenant application date; provided that the  
3 authority may consider any evictions or any conviction for a  
4 petty misdemeanor or misdemeanor involving:

- 5       (1) Drug-related criminal activity, including the illegal  
6           use of a controlled substance;
- 7       (2) Violent criminal activity;
- 8       (3) A sexual offense as defined in section 846E-1;
- 9       (4) Abuse of alcohol; or
- 10      (5) Any violation of an order of restraint, trespassing,  
11           domestic abuse, or any crime that includes weapon  
12           involvement."

13           SECTION 2. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

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

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**Report Title:**

State Low Income Public Housing; Criminal Background; Prohibited Criteria

**Description:**

Prohibits the Hawaii public housing authority, when selecting tenants, from considering a prospective elderly or disabled tenant's conviction for a minor crime that occurred five years or more before the application date. Provides exceptions for evictions and crimes involving drugs, violence, sexual offenses, alcohol, orders of restraint, trespassing, domestic abuse, or weapons. (SD1)

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

