

JAN 17 2013

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 be appropriately designated
3 and to read as follows:

4 "§356D- Resident programs and services trust fund. (a)

5 The authority may establish a charitable trust, recognized as
6 tax-exempt under section 501(c)(3) of the Internal Revenue Code
7 to be known as the "resident programs and services trust fund"
8 and appoint one or more trustees thereof, which may include
9 members of the board. The authority, as settlor of the trust,
10 may deposit into this trust fund any moneys received from any
11 public or private contracts; any private or public grants,
12 awards, devises, bequests, or gifts; any appropriation, grant,
13 allocation, or other source from any political subdivision of
14 local, state, or federal government; any other fees, revenues,
15 or funds received or managed by the authority, including by
16 transfer; or any proceeds or revenues generated by any
17 activities permitted under this chapter, where permitted by
18 applicable law and accounting principles.



1 (b) Notwithstanding any other law to the contrary, the
2 trust fund established by the authority pursuant to subsection
3 (a) may be used to receive, disburse, and account for funds of
4 public housing resident and housing choice voucher recipient
5 programs and services furnished by or on behalf of the
6 authority, other state agencies, and any political subdivision
7 of local, state, or federal government.

8 (c) For the purposes of this section, the moneys in this
9 fund, without the prior written approval of the governor, shall
10 be available for resident programs and services, which may
11 include but not be limited to:

- 12 (1) Programs and services to improve family self-
13 sufficiency;
- 14 (2) Supportive services for disabled or elderly public
15 housing tenants or housing choice voucher recipients;
- 16 (3) Employment training and opportunities;
- 17 (4) Financial literacy programs and training;
- 18 (5) Educational attainment or advancement, including
19 scholarships to public or private educational
20 institutions;



1 (6) Life skills programs and activities, including
2 housekeeping, cooking, and gardening on authority
3 lands; or

4 (7) Any other education or health related programs and
5 services.

6 (d) The moneys in this fund may be supplemented by other
7 funds available for or appropriated by the legislature or any
8 political subdivision of local, state, or federal government for
9 the same purposes. Moneys deposited in the trust fund and any
10 accounts thereunder or any other trust fund or account shall be
11 held by the fund, as trustee, in a depository as described in
12 section 38-1 or according to a similar arrangement at the
13 discretion of the authority.

14 (e) Notwithstanding any other law to the contrary,
15 including but not limited to section 36-21, the proceeds in the
16 fund may be used for long-term and other special financings of
17 the authority and for necessary expenses, including
18 administrative or other associated costs incurred in managing
19 this section. The authority may use proceeds in the fund for
20 capital improvements supporting resident programs and services,
21 including the construction and maintenance of training
22 facilities, equipment, technology, and services; community



1 facilities and spaces for service providers; the construction
2 and maintenance of gardens; or any other reasonable need
3 supporting public housing resident programs and services.

4 (f) The resident programs and services trust fund and any
5 accounts thereunder and any other trust fund or account
6 necessary to carry out the purposes of this section shall be
7 managed by the authority outside the state treasury pursuant to
8 section 356D-14. The authority may disburse funds from this
9 trust fund to a corporation organized pursuant to the provisions
10 of section 356D-10. The authority may also disburse funds from
11 this trust fund to providers of services without regard to
12 chapters 103 and 103D. The establishment of the trust described
13 in subsection (a), including but not limited to the
14 specification by the authority, as its settlor, of any specific
15 criteria or other eligibility requirements for disbursements,
16 shall not be deemed to be "rules" or "rulemaking" subject to
17 chapter 91 or otherwise be subject to chapter 91. Neither the
18 trust established by the authority pursuant to subsection (a),
19 nor any trustee thereof, shall be a department, office, agency,
20 board, commission, bureau, instrumentality, committee,
21 authority, or office of the State or any of its political
22 subdivisions, or otherwise deemed a public or quasi-public



1 entity, nor shall the initial funding of, or a transfer to, the
2 trust constitute a state grant or subsidy. The trust, including
3 any disbursement of funds therefrom to providers of services,
4 shall not be subject to laws or rules governing state and other
5 public or quasi-public entities, including but not limited to
6 chapters 23, 36, 37, 38, 40, 42F, 76, 78, 84, 89, 91, 92, 92F,
7 103, and 103D.

8 (g) This section shall be liberally construed so as not to
9 hinder or impede the authority in its participation in
10 applicable programs including but not limited to the
11 establishment of the trust and its operation. It is the purpose
12 and intent of this section to authorize and empower the
13 authority to manage and use the trust fund to do any and all
14 things necessary to provide services that will improve the
15 lives, earning capacity, education, health, and well-being of
16 low-income residents of public housing and housing choice
17 voucher recipients. Should any inconsistency arise between any
18 other law and this section, this section shall control."

19 SECTION 2. Section 356D-28, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:

21 "(b) All moneys received and collected by the authority,
22 not otherwise pledged, obligated, or required by law to be



1 placed in any other special fund, shall be deposited into the
2 public housing revolving fund[-] or the resident programs and
3 services trust fund established pursuant to section 356D- ."

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

6 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Shiranne Chun Oakland

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S.B. NO. 85

Report Title:

Hawaii Public Housing Authority; Resident Programs and Services Trust Fund

Description:

Authorizes the Hawaii public housing authority to establish the resident programs and services trust fund, to be administered by the authority.

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

