

FEB 04 2013

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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. 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 as deemed appropriate by the authority.

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 section  
10 356D-10. The authority may also disburse funds from this trust  
11 fund to providers of services without regard to chapters 103 and  
12 103D. The establishment of the trust described in subsection  
13 (a), including but not limited to the specification by the  
14 authority, as its settlor, of any specific criteria or other  
15 eligibility requirements for disbursements, shall not be deemed  
16 to be "rules" or "rulemaking" subject to chapter 91 or otherwise  
17 be subject to chapter 91. Neither the trust established by the  
18 authority pursuant to subsection (a), nor any trustee thereof,  
19 shall be a department, office, agency, board, commission,  
20 bureau, instrumentality, committee, authority, or office of the  
21 State or any of its political subdivisions, or otherwise deemed  
22 a public or quasi-public entity, nor shall the initial funding



1 of, or a transfer to, the trust constitute a state grant or  
2 subsidy. The trust, including any disbursement of funds  
3 therefrom to providers of services, shall not be subject to laws  
4 or rules governing state and other public or quasi-public  
5 entities, including but not limited to chapters 23, 36, 37, 38,  
6 40, 42F, 76, 78, 84, 89, 91, 92, 92F, 103, and 103D.

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

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

20 "(b) All moneys received and collected by the authority,  
21 not otherwise pledged, obligated, or required by law to be  
22 placed in any other special fund, shall be deposited into the



1 public housing revolving fund[-] or the resident programs and  
2 services trust fund established pursuant to section 356D- ."

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

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

6



**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. (SD1)

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

