



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 10, 2017

GOV. MSG. NO. 1215

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 10, 2017, the following bill was signed into law:

HB1009 HD3 SD1 CD1

RELATING TO THE LANDLORD TENANT CODE
ACT 114 (17)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO THE LANDLORD TENANT CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. Section 521-7, Hawaii Revised Statutes, is
3 amended to read as follows:

4 "§521-7. Exclusions from application of chapter. Unless
5 created solely to avoid the application of this chapter, this
6 chapter shall not apply to:

7 (1) Residence at an institution, whether public or
8 private, where residence is merely incidental to
9 detention or the provision of medical, geriatric,
10 educational, religious, or similar services;

11 (2) Residence in a structure directly controlled and
12 managed by:

13 (A) The University of Hawaii or any other university
14 or college in the State for housing its own
15 students or faculty or residence in a structure
16 erected on land leased from the university or
17 college by a nonprofit corporation for the



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



1 PART II

2 SECTION 2. Section 356D-44, Hawaii Revised Statutes, is
3 amended to read as follows:

4 "§356D-44 Administration of state low-income public
5 housing projects and programs. (a) The authority shall
6 construct, develop, and administer property or housing for the
7 purpose of state low-income public housing projects and
8 programs.

9 (b) The authority shall offer any decommissioned low-
10 income public housing project, except for federal housing
11 projects, to nonprofit or for-profit organizations or government
12 agencies for rehabilitation into emergency or transitional
13 shelter facilities for the homeless or rehabilitation into
14 rental units that set aside at least fifty per cent of the units
15 to persons or families with incomes at or below fifty per cent
16 of the area median family income; provided that:

17 (1) The housing project is wholly owned by the State on
18 either state-owned or ceded lands;

19 (2) The authority has determined that the housing project
20 is not eligible for rehabilitation using the
21 authority's current resources; and



1 (3) The nonprofit or for-profit organization or government
2 agency demonstrates expertise in rehabilitation of
3 housing projects and has community, public, and
4 private resources to substantially pay for the
5 rehabilitation.

6 The land and improvements may be leased to the nonprofit or for-
7 profit organization or government agency for a period not to
8 exceed ninety-nine years for a sum of \$1 per year.

9 ~~[(c) State low income housing projects shall be subject to~~
10 ~~chapter 521.~~

11 ~~(d)]~~ (c) The authority shall adopt necessary rules in
12 accordance with chapter 91, including the establishment and
13 collection of reasonable fees for administering the state low-
14 income housing projects or programs and to carry out any state
15 program under subsection (a)."

16 SECTION 3. Section 356D-71, Hawaii Revised Statutes, is
17 amended to read as follows:

18 " ~~[+] §356D-71 [.]~~ Resident selection; dwelling units;
19 rentals. In the administration of elder or elderly housing, the
20 authority shall observe the following with regard to resident
21 selection, dwelling units, and rentals:



- 1 (1) Except as provided in this section, the authority
2 shall accept elder or elderly households as residents
3 in the housing projects;
- 4 (2) It may accept as residents in any dwelling unit one or
5 more persons, related or unrelated by blood or
6 marriage. It may also accept as a resident in any
7 dwelling unit or in any housing project, in the case
8 of illness or other disability of an elder who is a
9 resident in the dwelling unit or in the project, a
10 person designated by the elder as the elder's live-in
11 aide whose qualifications as a live-in aide are
12 verified by the authority, although the person is not
13 an elder; provided that the person shall cease to be a
14 resident therein upon the recovery of, or removal from
15 the project of, the elder;
- 16 (3) It may rent or lease to an elder a dwelling unit
17 consisting of any number of rooms as the authority
18 deems necessary or advisable to provide safe and
19 sanitary accommodations to the proposed resident or
20 residents without overcrowding; and



1 (4) Notwithstanding that the elder has no written rental
 2 agreement or that the agreement has expired, during
 3 hospitalization of the elder due to illness or other
 4 disability so long as the elder continues to tender
 5 the usual rent to the authority or proceeds to tender
 6 receipts for rent lawfully withheld, no action or
 7 proceeding to recover possession of the dwelling unit
 8 may be maintained against the elder, nor shall the
 9 authority otherwise cause the elder to quit the
 10 dwelling unit involuntarily, demand an increase in
 11 rent from the elder, or decrease the services to which
 12 the elder has been entitled[~~and~~

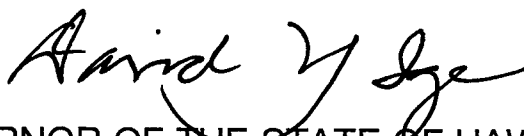
13 ~~(5) Elder or elderly housing shall be subject to chapter~~
 14 ~~521]."~~

PART III

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

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

APPROVED this 10 day of JUL , 2017



GOVERNOR OF THE STATE OF HAWAII

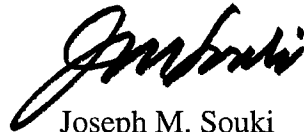


HB No. 1009, HD 3, SD 1, CD 1

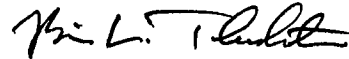
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives

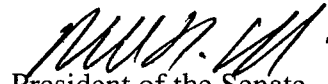



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.


President of the Senate


Clerk of the Senate