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# A BILL FOR AN ACT

RELATING TO THE LANDLORD TENANT CODE.

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

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**PART I**

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

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

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

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

(A) The University of Hawaii or any other university or college in the State for housing its own students or faculty or residence in a structure erected on land leased from the university or 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, and managed by the Hawaii  
20 public housing authority."

21 PART II

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

3 "§356D-44 Administration of state low-income public  
4 housing projects and programs. (a) The authority shall  
5 construct, develop, and administer property or housing for the  
6 purpose of state low-income public housing projects and  
7 programs.

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

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

18 (2) The authority has determined that the housing project  
19 is not eligible for rehabilitation using the  
20 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;  
 19 provided that parts I and II shall take effect on July 1, 2018.

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**Report Title:**

Landlord Tenant Code; Hawaii Public Housing Authority; Exemption

**Description:**

Exempts residence or occupancy in a structure or on a property directly controlled, owned, and managed by the Hawaii Public Housing Authority from the requirements of the residential landlord-tenant code. Substantive provisions effective 7/1/2018. (SD1)

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

