

ACT 24

S.B. NO. 2332

A Bill for an Act Relating to Housing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 201G-51, Hawaii Revised Statutes, is amended by amending the definitions of “public housing project” and “tenant” to read as follows:

““Public housing project” or “complex” means a low-income federally assisted housing project [directly] as established by the United States Housing Act of 1937, as amended, and controlled, owned, developed, or managed by the administration pursuant to [part II, except for subparts F and G.] the federal low rent public housing program.

“Tenant” means any person occupying a [~~room;~~] dwelling accommodation[;] or living quarters[; or space] in any public housing project, under or by virtue of any tenancy lease[; license, or permit] or rental agreement under or from the administration.”

SECTION 2. Section 201G-52, Hawaii Revised Statutes, is amended by amending subsections (e) and (f) to read as follows:

“(e) If the tenant fails to attend or reschedule the meeting provided for in subsection (c), the administration shall provide the tenant with a second written notice. The notice shall inform the tenant that:

- (1) The administration shall proceed to terminate the tenant’s tenancy because of the tenant’s outstanding rent delinquency and the tenant’s failure to respond to the administration’s written notice issued pursuant to subsection (b);
- (2) The tenant has [~~thirty days] ten business days from receipt of the second written notice to request a grievance hearing; and~~
- (3) If the tenant fails to request a grievance hearing within [~~thirty days,] ten business days, the administration has the right to proceed with the eviction hearing pursuant to section 201G-53.~~

(f) If the tenant meets with the administration as provided for in subsection (c), the administration shall decide, based upon the facts discussed at the meeting, what action is appropriate to address the tenant’s case. The administration shall notify the tenant of such decision in writing. If the administration decides to proceed with an action to terminate the tenancy, the administration shall further inform the tenant in the same written notice that:

- (1) The tenant has [~~thirty days] ten business days from receipt of this notice to request a grievance hearing; and~~

- (2) If the tenant fails to request a grievance hearing within ~~[thirty days,]~~ ten business days, the administration has the right to proceed with the eviction hearing pursuant to section 201G-53.”

SECTION 3. Section 201G-53, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Where the administration proposes to terminate a lease[;] or rental agreement[; ~~permit, or license,~~] and evict a tenant[; ~~licensee, or other occupant~~] under section 201G-52, a hearing shall be held to determine whether cause exists for the action. The administration shall give written notice to the person concerned specifying the reason for which the eviction is proposed and fixing the date and place of hearing. The written notice shall further inform the tenant[; ~~licensee, or other occupant~~] of the right to inspect and copy the tenant file at the tenant’s expense before the hearing is held. The notice shall be given at least five days before the date set for the hearing. At the hearing, before final action is taken, the person concerned shall be entitled to be heard in person or through counsel, and shall be accorded a full and fair hearing in accordance with the requirements of a contested case hearing provided for under sections 91-9 and 91-10 to 91-13. This full and fair hearing shall be deemed to be a contested case hearing before the agency that is required pursuant to chapter 91.”

SECTION 4. Section 201G-55, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) If it is proven to the satisfaction of the eviction board that there is cause to terminate a lease[;] or rental agreement[; ~~permit, or license~~] and evict the tenant[; ~~licensee, or other occupant,~~] the administration shall provide the tenant with a written notice of the administration’s decision to terminate the lease. The notice shall inform the tenant that a writ of possession may be issued by the administration within ten days. The notice shall also inform the tenant [of] whether the grounds for eviction are considered curable, and if so, what the tenant must do to remedy the grounds, by when it must be done, and what the tenant must do to document for the administration that the grounds have been remedied.

(b) When the grounds for termination of the lease may be cured by the [~~occupant, licensee, or other occupant,~~] tenant, the tenant shall have ten business days from receipt of the notice provided for in subsection (a) to cure such grounds. If the grounds are cured within the ten-day period, no writ of possession may be issued. If the condition is not cured within the ten-day period, the administration may issue a writ of possession forthwith.”

SECTION 5. Section 201G-56, Hawaii Revised Statutes, is amended to read as follows:

“**§201G-56 Ex parte motion.** If a tenant [~~or licensee~~] cannot be served with an order of eviction or writ of possession, and the facts shall appear by affidavit to the administration, service to the tenant [~~or licensee~~] may be made according to the special order of the administration. The order shall require the officer to affix a certified copy of the order of eviction or writ of possession in a conspicuous place upon the premises such as the door or wall of the dwelling unit.”

SECTION 6. 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 the University of Hawaii for housing students or faculty of the University of Hawaii or residence in a structure erected on land leased from the University of Hawaii by a nonprofit corporation for the exclusive purpose of housing students or faculty of the University of Hawaii;
- (3) Occupancy under a bona fide contract of sale of the dwelling unit or the property of which it is a part where the tenant is, or succeeds to the interest of, the purchaser;
- (4) Residence by a member of a fraternal organization in a structure operated without profit for the benefit of the organization;
- (5) Transient occupancy on a day-to-day basis in a hotel or motel;
- (6) Occupancy by an employee of the owner or landlord whose right to occupancy is conditional upon such employment or by a pensioner of the owner or landlord or occupancy for a period of up to four years subsequent thereto, pursuant to a plan for the transfer of the dwelling unit or the property of which it is a part to the occupant;
- (7) A lease of improved residential land for a term of fifteen years or more, measured from the date of the commencement of the lease;
- (8) Occupancy by the prospective purchaser after an accepted offer to purchase and prior to the actual transfer of the owner's rights;
- (9) Occupancy in a homeless facility, or any other program for the homeless authorized under chapter 201G, part IV;
- (10) Residence or occupancy in a public housing project or complex [~~or shelter~~] directly controlled, owned, or managed by the [~~Hawaii housing finance and development administration;~~] Hawaii public housing administration pursuant to the federal low rent public housing program; or
- (11) Residence or occupancy in a transitional facility for abused family or household members.”

SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 2006.

(Approved April 25, 2006.)

Note

1. Period should be stricken.