



GOV. MSG. NO. 951

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 18, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 18, 2007, the following bill was signed into law:

HB1361 HD1 SD1

A BILL FOR AN ACT RELATING TO HOUSING.
(ACT 193)

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Aiona, Jr.", written over a faint, illegible stamp.

JAMES R. AIONA, JR.
Acting Governor

A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. The purpose of this Act is to correct chapter
2 356D, Hawaii Revised Statutes, relating to the Hawaii public
3 housing authority, to reflect the legislature's intent to codify
4 various acts passed during the regular session of 2006 into
5 chapter 356D, Hawaii Revised Statutes, and to make other
6 necessary technical and housekeeping amendments.

7 **PART I**

8 SECTION 2. The purpose of this part is to reflect the
9 legislature's intent to codify relevant provisions of Act 24,
10 Session Laws of Hawaii 2006, into chapter 356D, Hawaii Revised
11 Statutes.

12 SECTION 3. Section 356D-1, Hawaii Revised Statutes, is
13 amended by adding a new definition to be appropriately inserted
14 and to read as follows:

15 "Tenant" means any person occupying a dwelling unit or
16 living quarters in any public housing project, under or by
17 virtue of any tenancy lease or rental agreement under or from
18 the authority."



1 SECTION 4. Section 356D-92, Hawaii Revised Statutes, is
2 amended by amending subsection (f) to read as follows:

3 "(f) If the tenant meets with the authority as provided
4 for in subsection (b), the authority shall decide, based upon
5 the facts discussed at the meeting, what action is appropriate
6 to address the tenant's case. The authority shall notify the
7 tenant of its decision in writing. If the authority decides to
8 proceed with an action to terminate the tenancy, the authority
9 shall further inform the tenant in the same written notice that:

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

13 (2) If the tenant fails to request a grievance hearing
14 within [~~thirty days,~~] ten business days, the authority
15 has the right to proceed with the eviction hearing
16 pursuant to section 356D-93."

17 SECTION 5. Section 521-7, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§521-7 Exclusions from application of chapter.** Unless
20 created solely to avoid the application of this chapter, this
21 chapter shall not apply to:



- 1 (1) Residence at an institution, whether public or
2 private, where residence is merely incidental to
3 detention or the provision of medical, geriatric,
4 educational, religious, or similar services;
- 5 (2) Residence in a structure directly controlled and
6 managed by the University of Hawaii for housing
7 students or faculty of the University of Hawaii or
8 residence in a structure erected on land leased from
9 the University of Hawaii by a nonprofit corporation
10 for the exclusive purpose of housing students or
11 faculty of the University of Hawaii;
- 12 (3) Occupancy under a bona fide contract of sale of the
13 dwelling unit or the property of which it is a part
14 where the tenant is, or succeeds to the interest of,
15 the purchaser;
- 16 (4) Residence by a member of a fraternal organization in a
17 structure operated without profit for the benefit of
18 the organization;
- 19 (5) Transient occupancy on a day-to-day basis in a hotel
20 or motel;
- 21 (6) Occupancy by an employee of the owner or landlord
22 whose right to occupancy is conditional upon such



1 employment or by a pensioner of the owner or landlord
2 or occupancy for a period of up to four years
3 subsequent thereto, pursuant to a plan for the
4 transfer of the dwelling unit or the property of which
5 it is a part to the occupant;

6 (7) A lease of improved residential land for a term of
7 fifteen years or more, measured from the date of the
8 commencement of the lease;

9 (8) Occupancy by the prospective purchaser after an
10 accepted offer to purchase and prior to the actual
11 transfer of the owner's rights;

12 (9) Occupancy in a homeless facility, or any other program
13 for the homeless authorized under chapter [~~201G, part~~
14 ~~IV,~~] 356D, part VII;

15 (10) Residence or occupancy in a public housing project or
16 complex directly controlled, owned, or managed by the
17 Hawaii public housing authority pursuant to the
18 federal low rent public housing program; or

19 (11) Residence or occupancy in a transitional facility for
20 abused family or household members."



1 **PART II**

2 SECTION 6. Section 356D-97, Hawaii Revised Statutes, is
3 amended to read as follows:

4 "~~+~~§356D-97~~+~~ **Appeals.** An aggrieved party may secure a
5 review of any final judgment of the circuit court under this
6 part by appeal to the ~~[intermediate]~~ appellate ~~[court,]~~ courts,
7 subject to chapter 602. The appeal shall be taken in the manner
8 provided in the rules of court."

9 **PART III**

10 SECTION 7. The purpose of this part is to reflect the
11 legislature's intent to codify relevant provisions of Act 100,
12 Session Laws of Hawaii 2006, in chapter 356D, Hawaii Revised
13 Statutes.

14 SECTION 8. Chapter 356D, Hawaii Revised Statutes, is
15 amended by adding to part VII a new section to be appropriately
16 designated and to read as follows:

17 "§356D- Temporary emergency housing. (a) In addition
18 to any other duties prescribed by law, the authority shall
19 develop, in consultation with the four counties, a procedure for
20 identifying locations that shall be used for temporary emergency
21 shelters for homeless individuals and families. The authority



1 shall actively partner with and monitor the efforts of the
2 counties.

3 (b) Each county shall be responsible for partnering with
4 nonprofit organizations to locate, designate, and maintain the
5 areas that shall be used for temporary emergency shelters. The
6 designated locations may include private, county, state, and
7 federal lands at Kalaeloa.

8 (c) With regard to the former Barbers Point Naval Air
9 Station, the authority shall work with landowners and the local
10 redevelopment authority on the use of barracks and other
11 facilities located in the Kalaeloa community development
12 district that are suitable for temporary emergency housing for
13 homeless individuals and families.

14 (d) The authority shall submit an annual report to the
15 legislature detailing the activities and outcomes under this
16 section no later than twenty days prior to the convening of each
17 regular session beginning with the 2008 regular session."

18 SECTION 9. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 10. This Act shall take effect upon approval.



H.B. NO. 1361
H.D. 1
S.D. 1

APPROVED this 18 day of JUN , 2007



JAMES R. AIONA JR.

ACTING GOVERNOR OF THE STATE OF HAWAII