HAWAII PUBLIC HOUSING AUTHORITY
NOTICE OF
BOARD OF DIRECTORS MEETING
1002 North School Street, Building A
Honolulu, Hawaii 96817
Thursday, July 16, 2026
****9:20 a.m.**

AGENDA

THIS MEETING WILL BE HELD VIA ZOOM (INTERACTIVE AUDIO VISUAL CONFERENCE TECHNOLOGY) OR TELECONFERENCE CALL (AUDIO-ONLY COMMUNICATION) AND AT 1002 NORTH SCHOOL STREET, BUILDING A, HONOLULU, HI 96817

Viewing/Participating in the Meeting:

Zoom: The public may participate in the Board meeting as it happens via Zoom (a free video conferencing service to hold virtual meetings online) by clicking on this link: https://us06web.zoom.us/j/8166551024?pwd=V1QwWnc3aE96bkxmeTI4V0tIekhkZz09&omn=83425407515 When prompted, enter the Meeting ID: 816 655 1024 and the Password: 9dn9C3

Alternatively, the public may also participate via telephone by calling: 1-669-900-6833. When prompted, callers should enter the Meeting ID: 816 655 1024 and the Password: 9dn9C3. We request that meeting participants change the display on their device to show their first and last name to expedite roll call. Please keep in mind that many devices will display your cellphone number if not changed.

If the Hawaii Public Housing Authority (HPHA) loses internet or Zoom connection during the meeting where audiovisual communication cannot be maintained with all participating Board members and quorum is lost, the meeting will automatically be recessed for 30 minutes to restore audiovisual communication. **Audio-Only Communication:** If the attempt to restore audiovisual communication is unsuccessful, all Board members, staff, the public may continue to participate in the Board meeting via teleconference call by calling 1-862-799-9759, whereby audio-only communication will be established for all participants and the meeting will continue. When prompted, callers outside of the United States should enter the Access Code: 8232649.

Physical Meeting Location:

The public may also attend the meeting at 1002 North School Street, Building A, Honolulu, HI 96817, which will be connected via Zoom to the remote meeting. At this time, no Board members are scheduled to be physically present at this location.

Providing/Submitting Testimony – Written, Oral, Audiovisual:

Interested persons can submit written testimony in advance of each meeting that will be distributed to the Board members prior to the meeting. Written testimony should indicate the relevant agenda item. Submit written testimony via email to angela.j.nabua@hawaii.gov or via postal mail to the Hawaii Public Housing Authority at P.O. Box 17907, Honolulu, HI 96817. We request written testimony be submitted no later than 48 hours prior to the scheduled meeting to ensure that the testimony may be distributed to the Board prior to the meeting. Late written testimony will be distributed to the Board at the meeting and retained as part of the record and distributed to the Board members as soon as practicable, but we cannot ensure they will receive it with sufficient time for review prior to decision-making on the agenda item in question.

The Board will also consider public testimony given at the meeting on any item relevant to this agenda. Pursuant to Section 92-3, Hawaii Revised Statutes, and Section 17-2000-18, Hawaii Administrative Rules, the Board may limit public testimony to three minutes per agenda item and shall only accept oral testimony related to items on the agenda.

Individuals may submit oral testimony during the meeting by sending an email request to angela.j.nabua@hawaii.gov no later than Tuesday, July 14, 2026, or by using the "Raise Hand" feature in Zoom, or by physically raising their hand on camera or in the public testimony room and waiting to be called upon by the Chairperson. Individuals may also provide audiovisual oral testimony by using the "Raise Hand" feature in Zoom, clicking the "Unmute" icon to talk, and clicking the "Start Video" icon to turn camera on.

Executive Session: If or when the Board of Directors enter executive session, all non-Board members will be moved to the virtual waiting room by the HPHA. Individuals are welcome to wait in the virtual waiting room and will be readmitted to the meeting at the end of the executive session.

I. CALL TO ORDER/ESTABLISHING QUORUM

II. APPROVAL OF MINUTES

Regular Meeting Minutes, June 18, 2026

III. DISCUSSION AND/OR DECISION MAKING

A. To Adopt Hawaii Public Housing Authority Board Resolution No. 26-06 Expressing Appreciation to Director Roy Katsuda

B. To Approve the Conciliation Agreement in Mulu v. Hawaii Public Housing Authority, HUD Case Number 01-23-5077-V, and to Authorize the

Executive Director to Take All Actions Necessary to Carry Out the Agreement

(The Board may go into Executive Session pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(3) to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities related to this motion.)

C. To: (1) Authorize the Executive Director to Utilize the Hawaii Public Housing Authority's Credit Rating and General Revenue Pledge in Connection with Tax-Exempt and Taxable Bond(s) Issued by the Hawaii Housing Finance and Development Corporation (HHFDC) for Ka Lei Momi Initiative Redevelopment Projects; **(2)** Authorize the Executive Director to Draft and Negotiate Related Financing Documents; and **(3)** Authorize the Executive Director to Initiate Negotiations for Lending Bond Proceeds to Development Entities Undertaking Approved Ka Lei Momi Initiative Redevelopment Projects, Subject to Review of the Department of the Attorney General

(The Board may go into Executive Session pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(3) to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities related to this motion.)

D. To: **(1)** Adopt Proposed Changes to the Hawaii Public Housing Authority's (HPHA) Chapter 17-2020, Hawaii Administrative Rules (HAR), Entitled "Eviction – Practice and Procedure", As Follows:
   (A) Amend Section 17-2020-2 to Include a Definition for "Household";
   (B) Rename Subchapter 2 as "Prehearing Procedure";
   (C) Amend Section 17-2020-11 to Clarify that a Notice of Proposed Termination Shall Inform a Tenant of Tenant's Right to Reply to the HPHA Pursuant to Section 17-2021-5, HAR;
   (D) Rename Subchapter 3 as "Hearing Procedure";
   (E) Add a New Subchapter 3.1, Entitled "Hearings", Consisting of Sections 17-2021-31 to 17-2020-40;
   (F) Amend Section 17-2031-31(c) to State the Composition of the Eviction Board Shall be Consistent with the Requirements of Section 356D-93, Hawaii Revised Statutes;
   (G) Amend Section 17-2020-33 as Follows:
      (i) Clarify that Non-Curable Violations May Be Committed by a Tenant, Any Member of Tenant's Household, or Any Guest or Other Person Under Tenant's Control;
      (ii) Provide that the Following Violations are to be Considered Non-Curable by the Eviction Board:
         (a) Any Violation or Conduct that Threatens or Could Threaten the Health or Safety of Other Residents; HPHA Employees or Representatives, or Other

Individuals on Any HPHA Property or that Damages the HPHA's Property Itself;

(b) Any Criminal Activity that Threatens or Could Threaten the Health, Safety, or Right to Peaceful Enjoyment of Other Residents, HPHA Employees or Representatives, or Other Individuals on Any HPHA Property or that Damages the HPHA's Property Itself is Non-Curable;

(c) Where Any Family Member is Convicted of a Felony During the Term of Tenancy, Including but Not Limited to Any Felony Involving Violence, Threats of Violence, Weapons, Sexual Offenses, Crimes Against Persons, Crimes Against Property, Offenses Involving the HPHA's or a Resident or Tenant Association's Property or Funds, or Any Other Felony that Threatens or Could Threaten the Health, Safety, or Peaceful Enjoyment of the Premises by Others;

(d) Any Property Damage, Regardless of Whether Such Damage Threatens or Could Threaten the Health or Safety of Other Residents, HPHA Employees or Representatives, or Other Individuals, Which Requires a Projected Cost Which Exceeds $3,000;

(e) Any Violation Where the Family Allows an Individual, who the Family Knows to be Trespassed from the Property, to Visit or Stay on the Property or in the Family's Dwelling Unit during the Trespass Period;

(f) Any Violation Where at the Time of Admission, Reexamination, Interim, or at Any Other Time, the Family has Submitted False Information to the HPHA or has Withheld Information from the HPHA or has Made Willful Misstatements to the HPHA; and

(g) Any False Statement or Misrepresentation by the Household During Any HPHA Related Grievance or Eviction Hearing that Affects or Could Reasonably Affect the Hearing Decision; and

(iii) Delete Subsections (c) and (d) Which are Inconsistent with Section 356D-64, Hawaii Revised Statutes; and

(H) Make Technical, Non-Substantive Changes to Sections 17-2020-4, 17-2020-11, and 17-2020-31; and

(2) Authorize the Executive Director to Conduct a Public Hearing and Undertake All Other Actions Necessary Under Chapter 91, Hawaii Revised Statutes, and Administrative Directive No. 18-02 to Implement the Revision of Chapter 17-2020, Hawaii Administrative Rules, Including Making Non-Substantive Revisions to Formatting as May Be Required

E. To: **(1)** Adopt Proposed Changes to the Hawaii Public Housing Authority's (HPHA) Chapter 17-2028, Hawaii Administrative Rules (HAR), Entitled "Federally Assisted Public Housing Projects", As Follows:

(A) Amend Section 17-2028-2 as Follows:

(i) Incorporate the Definition for "Co-Head" from the HPHA's Admissions & Continued Occupancy Policy (ACOP);

(ii) Align the Definition of "Family" with 24 CFR Section 5.403;

(iii) Incorporate the Definition for "Head of Household" from the HPHA's ACOP;

(iv) Incorporate the Definition for "Homeless" or "Homelessness" from the HPHA's ACOP;

(v) Revise the Definition of "Household" to Also Include Foster Children and Foster Adults Approved by the HPHA to Reside in a Dwelling Unit;

(vi) Delete the Definition of "Involuntarily Displaced";

(vii) Delete the Definition of "Serviceman";

(viii) Revise the Definition of "Spouse" to Clarify that a Spouse Shares Equal Responsibility with a Head of Household for Ensuring a Family Fulfills All Responsibilities Under the Program;

(ix) Delete the Definition of "Utility Reimbursement"; and

(x) Add a New Definition for "Work-Exempt Individual";

(B) Amend Section 17-2028-5 as Follows:

(i) Clarify that the Occupancy Standards Set Forth the Appropriate Bedroom Size for Tenant Transfers; and

(ii) Incorporate Language Regarding the Occupancy Limits Prescribed by Local County Housing Codes Found in Section 17-2028-6;

(C) Repeal Section 17-2028-6;

(D) Amend Section 17-2028-7(j) to Clarify the HPHA Shall Not Provide Utility Allowance Reimbursements if the Utility Allowance Exceeds Total Tenant Payment;

(E) Amend Section 17-2028-22 as Follows:

(i) Require a Family to Submit a Valid Social Security Number and Appropriate Documentation to the HPHA for a New Household Member Under the Age of Six Within Ninety Calendar Days of the Addition;

(ii) Clarify that an Applicant is Ineligible for Admission if Applicant Gives the HPHA Reasonable Cause to Believe Applicant Engages in or During a Three-Year Period Preceding the Date a Preliminary Application was Submitted had Engaged in Drug-Related Criminal Activity; Violent Criminal Activity; Other Criminal Activity Involving Violence, Threats of Violence, Weapons, Sexual Offense, Crimes Against Persons, Crimes Against Property, Offenses Involving the HPHA's Property or Funds; or Any Other Criminal Activity Which is Considered Likely to Adversely

Affect the Health, Safety, or Right to Peaceful Enjoyment of a Public Housing Property by Other Tenants or the HPHA;

(iii) Require an Applicant to Disclose Any Pre-Existing Relationship(s) with a Director, Officer, Employee, or Representative of the HPHA Which May Present a Conflict of Interest; and

(iv) Establish that an Applicant is Ineligible for Admission if Applicant Uses a Federally Assisted or State-Aided Public Housing Dwelling Unit or Any Dwelling Unit Receiving Rental Assistance from the HPHA as a Primary Residence or Mailing Address as an Unauthorized Tenant;

(F) Amend Section 17-2028-23 as Follows:

(i) Clarify that an Applicant or Tenant Must Have a Request for a Live-In Aide Approved by the HPHA in Writing;

(ii) Clarify that an Individual is Ineligible to Serve as a Live-In Aide if the Individual Gives the HPHA Reasonable Cause to Believe the Individual Engages in or During a Three-Year Period Preceding a Tenant's Live-In Aide Request was Submitted had Engaged in Drug-Related Criminal Activity; Violent Criminal Activity; Other Criminal Activity Involving Violence, Threats of Violence, Weapons, Sexual Offense, Crimes Against Persons, Crimes Against Property, Offenses Involving the HPHA's Property or Funds; or Any Other Criminal Activity Which is Considered Likely to Adversely Affect the Health, Safety, or Right to Peaceful Enjoyment of a Public Housing Property by Other Tenants or the HPHA;

(iii) Require that a Live-In Aide Not Provide Supportive Services on Only a Part-Time, Rotating, or Intermittent Basis;

(iv) Require that a Live-In Aide be Certified by a Doctor or Other Professional as Capable of Providing Supportive Services for Twenty-Four Hours a Day; and

(v) Require that a Live-In Aide Reside with a Tenant and Must Use the Tenant's Dwelling Unit as the Sole Residence;

(G) Amend Section 17-2028-24 to Remove the Ten Business Day Deadline to Notify Applicants of Their Selection or Non-Selection for a Limited Opening of a Waiting List and Instead State the HPHA Shall Notify Applicants Within a Reasonable Time Following the Closing of the Waiting List;

(H) Amend Section 17-2028-34 as Follows:

(i) Remove the Local Preferences for Involuntarily Displacement and Domestic Violence Victims Receiving Case Management Services from a Domestic Violence Shelter, Program, or Clearinghouse;

(ii) Amend the Local Preference for Homelessness by Clarifying that an Applicant Qualifies if Applicant Experienced Homelessness at Any Time During the Twelve Months Preceding the Preliminary Application Date, and Applicant

Completed or is Compliant with a Housing or Service Plan as Certified by a Case Manager or Other Employee of a Social Service Provider or Nonprofit Organization Receiving Federal, State, or County Funding, or a State or County Agency Which Administers Social Service Programs; and

(iii) Remove the Requirement that Single Applicants who are Elderly, Disabled, or Displaced Receive Preference in Placement on a Waiting List Over All Other Single Applicants, Regardless of Local Preferences;

(I) Amend Section 17-2028-37 to Clarify that an Applicant May Only Request an Informal Hearing if the HPHA Removes Applicant from a Waiting List as a Result of an Ineligibility Determination;

(J) Amend Section 17-2028-39 to Remove the Requirement that Fifty Percent of Available Dwelling Units be for Applicants Without a Preference;

(K) Adopt Section 17-2028-51.01 to:

(i) Establish that a Work Requirement Policy for all Non-Elderly, Non-Disabled Family Members of Fifteen Hours Per Week of Work-Related Activities;

(ii) Establish that Work-Related Activities May Include Employment on at Least a Part-Time Basis; Enrollment in an Accredited Educational Institution or a Vocational, Technical, or Other Degree-Seeking Certification Program; Apprenticeships or Internships; Employment Counseling; U.S. Job Corps; and Community Service or Volunteer Activities;

(iii) Establish how the HPHA may Verify Compliance with the Work-Requirement Policy for Non-Exempt Persons;

(iv) Establish that Non-Work-Exempt Applicants Shall Be Given a Six Month Grace Period Following Their Admission to the Program;

(v) Establish a Ninety-Calendar Day Warning Period to be Given if a Non-Work Exempt Tenant Falls Out of Compliance;

(vi) Establish that the HPHA May Suspend this Policy During Periods of Economic Downturn, Natural Disasters, Public Health Emergencies, or for Other Reasons as Determined to be Necessary; and

(vii) Clarify that the Work Requirement Policy Does Not Exempt a Tenant or any Family Member from Complying with the Community Service Requirements Pursuant to 24 CFR Part 960, Subpart F;

(L) Adopt Section 17-2028-51.02 to:

(i) Establish that a Non-Work Exempt Family Member May Request a Hardship Exemption from the Work Requirement Policy in Writing and the Information that Must Be Included;

(ii) Establish Examples of Qualifying Hardships;

(iii) Establish the Factors to be Considered by the HPHA and the Timeline for Review of a Hardship Exemption Request;
(iv) Establish how the HPHA will Determine the Length of any Hardship Exemption it Grants; and
(v) Establish that a Tenant may Grieve the Denial of a Hardship Exemption by the HPHA;

(M) Amend Section 17-2028-52 to Require that a Tenant Comply with the Work Requirement Policy to Remain Eligible for Continued Occupancy;

(N) Amend Section 17-2028-54 to Allow the HPHA to Perform Biennial Reexaminations;

(O) Amend Section 17-2028-55 to Clarify the HPHA may Perform Biennial Reexaminations;

(P) Amend Section 17-2028-57 to:
(i) Remove Language Regarding the Transfer State-Aided Public Housing Tenants to Federal Public Housing Properties;
(ii) Establish that if no Dwelling Unit is Available at a Public Housing Project, the HPHA may Transfer a Family to Another Property Within the Same Geographic Waiting List Area; and
(iii) Remove the Restriction on Families Transferring Between Federally Assisted Housing Programs;

(Q) Amend Section 17-2020-59 to Provide that the HPHA may Terminate a Rental Agreement if a Tenant, Member of Tenant's Household, or a Guest or Other Person Under the Tenant's Control:
(i) Engages in the Illegal Use of a Drug or Gives the Authority Reasonable Cause to Believe that the Illegal Use (or Pattern of Illegal Use) of a Drug or Abuse (or Pattern of Abuse) of Alcohol may Interfere with the Health, Safety, or Right to Peaceful Enjoyment of Any Authority Property by Other Tenants;
(ii) Engages in Any Criminal Activity on Any of the Authority's Properties That Threatens or Could Threaten the Health, Safety, or Right to Peaceful Enjoyment of Other Residents, the Authority's Employees or Representatives, or Other Individuals on a Property or that Damages the Authority's Property Itself;
(iii) Engages in Any Drug-Related Criminal Activity on or Near Any Authority Property as Determined by the Authority;
(iv) Engages in Conduct on Any of the Authority's Properties that Threatens or Could Threaten the Health or Safety of Other Residents, the Authority's Employees or Representatives, or Other Individuals on a Property or That Damages the Authority's Property Itself;
(v) Has Been Convicted of a Felony During the Term of the Tenancy, Including but not Limited to Felonies Involving

Violence, Threats of Violence, Weapons, Sexual Offenses, Crimes Against Persons, Crimes Against Property, Offenses Involving the Authority's or a Resident or Tenant Association's Property or Funds, or Any Other Felony That Threatens, or That Could Threaten, the Health, Safety, or Peaceful Enjoyment of the Premises by Others;

(vi) Allows an Individual, Who They Know to be Trespassed from the Property, to Visit or Stay on the Property or in the Unit During the Trespass Period;

(vii) Furnishes False or Misleading Information During any Authority Grievance or Eviction Hearing That Affects or Could Reasonably Affect the Hearing Decision; and

(viii) Clarify that Notice of Proposed Termination Shall Be Given to a Tenant Thirty Calendar Days Before an Eviction Referral is Made;

(R) Amend Section 17-2028-61 to Establish a Minimum Rent of $100;

(S) Amend Section 17-2028-62 to Remove Reference to the Utility Allowance Reimbursement;

(T) Delete and Replace Section 17-2028-63(b) with Section 17-2028-64(d), and Clarify that the HPHA May Exempt Resident Associations and Nonprofits from the Facilities Maintenance Fee for Community Events or Programs Meant to Provide Supportive Services; and

(U) Make Technical, Non-Substantive Changes to Sections 17-2028-2, 17-2028-3, 17-2028-7, 17-2028-21, 17-2028-22, 17-2028-32, 17-2028-36, 17-2028-37, 17-2028-38, 17-2028-39, 17-2028-54, 17-2028-59, 17-2028-60, 17-2028-60.01, 17-2028-60.02, 17-2028-60.03, 17-2028-62, 17-2028-64, 17-2028-82, 17-2028-83, and 17-2028-92; and

(2) Authorize the Executive Director to Conduct a Public Hearing and Undertake All Other Actions Necessary Under Chapter 91, Hawaii Revised Statutes, and Administrative Directive No. 18-02 to Implement the Revision of Chapter 17-2028, Hawaii Administrative Rules, Including Making Non-Substantive Revisions to Formatting as May Be Required

F. To: **(1)** Appoint Ms. Teresa Kobayashi to the Hawaii Public Housing Authority's (HPHA) State Eviction Board as a Tenant Board Member, for a Four-Year Term Beginning August 1, 2026, and Ending July 31, 2030; and **(2)** Appoint Ms. Andrea Liana to the HPHA State Eviction Board as a Tenant Board Member, for a Four-Year Term Beginning August 1, 2026, and Ending July 31, 2030

G. Report on Impact of Hawaii Public Housing Authority Hawaii's Administrative Rules (HAR) and Policy Amendments

IV. REPORTS

A. Executive Director's Report:

Monthly reports are included in the Board packet. Meeting updates will include the following:

- Update on the School Street Elderly Housing Redevelopment and Ka Lei Momi Redevelopment Projects (including Kuhio Park Terrace, Mayor Wright Homes, Kapaa, Kaahumanu Homes, Lanakila Homes, Kahekili Terrace and Possible Alternative Sites), including timelines and progress, permitting, design, financing and pending approvals
- Status of HUD's Scheduled Inspections of HPHA's Asset Management Projects Statewide
- Status of Section 8 Subsidy Programs - Lease-up Rates, Funding for Kupuna Rent Supplement Program

** The start time is an approximation, and the meeting will begin immediately after the conclusion of the HHA Wilikina Apartments Project, Inc. Annual Meeting.

The Board agenda and packet materials, which include, meeting minutes listed under item II, a written description and narrative discussion of each item and supporting documents listed under item III, and the monthly Executive Director's report listed under item IV, for this meeting are available for inspection on the HPHA's website: https://hpha.hawaii.gov/about-the-hpha/meeting-packets and are available for in person review at the Board's office located at 1002 North School Street, Building E, Honolulu, HI 96817. Written testimony is provided to the Board prior to the start of the meeting, when practicable. Once the meeting has started, the HPHA cannot guarantee that the Board will receive late written testimony prior to hearing any specific item.

If you need an auxiliary aid/service or other accommodation due to a disability, contact Ms. Angela Nabua by telephone at (808) 832-4682 or by email at angela.j.nabua@hawaii.gov as soon as possible, preferably by close of business three days prior to the meeting date. Requests should be made as early as possible to have a greater likelihood of being fulfilled. If a response is received after Tuesday, July 14, 2026, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate/accessible formats.

HAWAII PUBLIC HOUSING AUTHORITY
SUMMARY MINUTES OF THE REGULAR MEETING
HELD AT 1002 NORTH SCHOOL STREET, BUILDING A
HONOLULU, HAWAII 96817
ON THURSDAY, June 18, 2026
IN THE CITY AND COUNTY OF HONOLULU, STATE OF HAWAII
Audiovisual link: June 18, 2026 Video Link

The Board of Directors of the Hawaii Public Housing Authority held their Regular Board Meeting at 1002 North School Street, on Thursday, June 18, 2026. The Board meeting was conducted by video conference via Zoom. Video recording of the meeting can be found on the HPHA's website: HPHA Meeting Packets.

The public was able to participate in the meeting via Zoom or telephone by calling in. The meeting was also open to the public for in-person participation at 1002 N. School Street, Building A, Honolulu, HI 96817. No Board members were physically present at this location. It was announced that if the HPHA lost internet or Zoom connection during the meeting, the meeting would be recessed and reconvened pursuant to instructions in the posted agenda.

Chairperson Hall stated that the Board would accept public testimony on any item relevant to the agenda during the public testimony portion of the meeting and at the time the agenda item is called for discussion. Chairperson Hall acknowledged the Board members received written testimony prior to the Board meeting.

At approximately 9:35 a.m., Chairperson Hall called the meeting to order, held a roll call, and declared a quorum present. Those present were as follows: (00:00:56)

PRESENT: (Via Zoom)	Director Robert Hall, Chairperson Director Betty Lou Larson, Vice Chairperson Director Christyl Nagao, Secretary Director Joseph H. Campos, II Director Lisa Anne Darcy Director Desiree Kihano (Directors acknowledged that no one was present at their location.) Deputy Attorney General Chase Suzumoto
EXCUSED:	Director Lyndsey Garcia Director Scott Glenn Director Roy Katsuda
STAFF PRESENT:	Hakim Ouansafi, Executive Director

(Via Zoom) Bennett Liu, Chief Financial Officer
Ryan Akamine, Chief Compliance Officer
Rick Sogawa, Contracts and Procurement Officer
Carson Schultz, Redevelopment Officer
Dale Fujimoto, Property Mgt & Maint Services Branch Chief
Jennifer Weber, Section 8 Subsidy Program Branch Chief
Amanda Suyat, Hearings Officer
Dallis Ontiveros, Housing Information Officer
Angela Nabua, Administrative Assistant

OTHERS PRESENT (via Zoom/teleconference):
Jesse Wu, HUD, Director of Public Housing (Honolulu Field Office) joined the meeting (00:02:33)
Lenda Tomoniko, Kuhio Park Terrace Low-Rise Resident
June Talia, Kuhio Park Terrace Low-Rise Resident

Chairperson Hall acknowledged that written testimony was received by the Board members.

Approval of Regular Minutes

Director Campos moved, (00:03:02)

To Approve the Regular Meeting Minutes of May 21, 2026

Chairperson Hall called for public testimony. No public testimony was given.

The minutes were unanimously approved as presented. (00:03:39)

Discussion and Decision Making

Director Campos moved, (00:04:34)

To: (1) Adopt Resolution No. 26-04 Approving the Hawaii Public Housing Authority's (HPHA) Capital Fund Program 5-Year Action Plans for Fiscal Years 2025–2029 and Fiscal Years 2026–2030; and (2) Authorize the Executive Director to Take the Required Actions to Submit the Approved Plans to the U.S. Department of Housing and Urban Development (HUD)

Chairperson Hall called for public testimony. The Board accepted oral testimony.

The motion was unanimously approved. (00:08:51)

Director Campos moved, (00:09:34)

> **To: (1) Adopt Resolution No. 26-05 Approving the Hawaii Public Housing Authority's (HPHA) Operating Budget for Fiscal Year 2026 – 2027; (2) Authorize the Executive Director to Take All Actions Necessary to Submit Budget Certifications to the U.S. Department of Housing and Urban Development (Form HUD-52574) and to Implement the Approved Budget; and (3) Authorize the Executive Director to Accept and Implement Any Additional Operating Funds as May be Made Available or Appropriated During the Fiscal Period**

Chairperson Hall called for public testimony. No public testimony was given.

Director Darcy asked if there were any updates or changes since the Finance Task Force met that could affect the proposed budget being presented. She also requested the Board be informed of items that should be monitored.

The Executive Director reported that there were no changes since the previous Board meeting and confirmed that financial updates are included in each Board packet.

The Chair thanked the Task Force for its efforts in assisting with and completing the budget review process.

> **The motion was unanimously approved.** (00:14:15)

<u>Executive Director's Report</u> (00:14:18)

Chairperson Hall called for public testimony. No public testimony was given.

Executive Director Ouansafi reported that the development projects continue to progress and are making significant advancements.

Director Larson requested additional year-to-date budget information in future financial reports and congratulated staff on the progress of the School Street project.

(End of Section)

The meeting adjourned at 9:52 a.m.

MINUTES CERTIFICATION FOR June 18, 2026

Prepared by:

____

Angela Nabua Date
Secretary

Approved by the Hawaii Public Housing Authority Board of Directors at their Regular Meeting on July 16, 2026 [ ] As Presented [ ] As Amended

____

Director Christyl Nagao Date
Board Secretary

NOTE: Time stamp indicating when in the posted recording the board began discussion of each agenda item and when motions and votes were taken is included in parenthesis.

Approved by the Executive Director [handwritten initials]
July 16, 2026

FOR ACTION

SUBJECT: To Adopt Hawaii Public Housing Authority Board Resolution No. 26-06 Expressing Appreciation to Director Roy Katsuda

I. FACTS

A. Director Roy Katsuda was a member of the Hawaii Public Housing Authority's Board of Directors until the end of his term on June 30, 2026.

II. RECOMMENDATION

That the Board of Directors Adopt Hawaii Public Housing Authority Board Resolution No. 26-05 Expressing Appreciation to Director Roy Katsuda

Attachment A: Resolution 26-06, Expressing Appreciation to Director Roy Katsuda

Approved by the Board of Directors
on the date set forth above
[ ] As Presented [ ] As Amended

____
Robert J. Hall
Chairperson

RESOLUTION NO. 26-06
HAWAII PUBLIC HOUSING AUTHORITY

EXPRESSING APPRECIATION TO DIRECTOR ROY KATSUDA

WHEREAS, Director Roy Katsuda was a member of the Hawaii Public Housing Authority's (HPHA) Board of Directors; and

WHEREAS, Director Katsuda brought years of experience in affordable housing, grants management, employment services, and in the private and non-profit sectors; and

WHEREAS, Director Katsuda worked tirelessly to improve programs and housing opportunities for the families in the HPHA's programs and in his community; and

WHEREAS, Director Katsuda has worked to highlight policy issues by encouraging productive discussions at the Board level; and

WHEREAS, in his role as a Board member, Director Katsuda was particularly interested in effective management and financial stability of the agency; and

WHEREAS, the HPHA's Board of Directors and the HPHA staff hold Director Katsuda in the highest personal regard.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Hawaii Public Housing Authority adopt Resolution No. 26-06 Expressing Appreciation to Director Roy Katsuda on this 16th day of July 2026;

AND, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to Director Katsuda reflecting sincere appreciation of the Board for his contributions to the Hawaii Public Housing Authority, and the citizens of the State of Hawaii.

Adopted by the Board of Directors
on the date set forth above

Robert J. Hall
Chairperson

Approved by the Executive Director
July 16, 2026

FOR ACTION

SUBJECT: To Approve the Conciliation Agreement in Mulu v. Hawaii Public Housing Authority, HUD Case Number 01-23-5077-V, and to Authorize the Executive Director to Take All Actions Necessary to Carry Out the Agreement

I. FACTS

A. On December 7, 2023, the Complainant, a federal public housing tenant , filed a Housing Discrimination Complaint with the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Region IX (FHEO).

B. This matter resulted in a voluntary, non-binding, and confidential conciliation with the FHEO, which required numerous meetings and discussions to arrive at an agreement between the parties and with the FHEO.

II. DISCUSSION

A. The Board will go into executive session pursuant to Hawaii Revised Statutes sections 92-4 and/or 92-5(a)(4) to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities related to this matter.

B. The Conciliation Agreement resulting from the conciliation process was reviewed by the Department of the Attorney General.

III. RECOMMENDATION

That the Board of Directors Approve the Conciliation Agreement in Mulu v. Hawaii Public Housing Authority, HUD Case Number 01-23-5077-V, and to Authorize the Executive Director to Take All Actions Necessary to Carry Out the Agreement

Attachment A: Letter dated December 7, 2023, set forth and containing the Housing Discrimination Complaint by Complainant against the Hawaii Public Housing Authority (CONFIDENTIAL)

Attachment B: Conciliation Agreement Between the Parties Under Violence Against Women Act, as amended (VAWA) Approved by the FHEO Regional Director on behalf of the United States Department of Housing and Urban Development HUD CASE NUMBER: 01-23-5077-V (CONFIDENTIAL)

Prepared by: Ryan Akamine, Chief Compliance Officer ______

Approved by the Board of Directors
on the date set forth above
[ ] As Presented [ ] As Amended

____
Robert H. Hall
Chairperson

Approved by Executive Director
July 16, 2026

FOR ACTION

SUBJECT: To: **(1)** Authorize the Executive Director to Utilize the Hawaii Public Housing Authority's Credit Rating and General Revenue Pledge in Connection with Tax-Exempt and Taxable Bond(s) Issued by the Hawaii Housing Finance and Development Corporation (HHFDC) for Ka Lei Momi Initiative Redevelopment Projects; **(2)** Authorize the Executive Director to Draft and Negotiate Related Financing Documents; and **(3)** Authorize the Executive Director to Initiate Negotiations for Lending Bond Proceeds to Development Entities Undertaking Approved Ka Lei Momi Initiative Redevelopment Projects, Subject to Review of the Department of the Attorney General

(The Board may go into Executive Session pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(3) to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities related to this motion.)

I. FACTS

A. On January 23, 2023, the HPHA issued "RFQ DEV-2023-03 Project: Ka Lei Momi ("KLM") Request for Qualifications for Master Developer" (the "RFQ"), a comprehensive redevelopment effort intended to replace and modernize aging public housing communities while increasing the supply of affordable housing throughout the State of Hawaii.

B. Following evaluation of proposals, HPHA selected HCDC Hawaii Development LLC and its affiliates (the "Developer") as Master Developer for the KLM redevelopment sites and subsequently entered into various planning and development agreements for individual redevelopment projects.

C. The KLM Initiative contemplates the phased redevelopment of multiple HPHA-owned properties through public-private partnerships utilizing a combination of public housing funds, tax-exempt bond financing, Low-Income Housing Tax Credits ("LIHTC"), private equity investments, conventional debt financing, and other available funding sources.

D. Several KLM redevelopment phases are anticipated to require financing through tax-exempt and taxable bond issuances.

E. HPHA has investigated various means to finance these efforts and has determined that it would be more efficient and cost-effective for HPHA to serve as the lender for some KLM redevelopment projects using general revenue bonds.

F. Under this approach, the Hawaii Housing Finance and Development Corporation will still serve as the bond issuer and the bonds would be secured by HPHA's general revenues, which would consist of HPHA revenues that are not restricted by federal or state law.

G. HPHA currently maintains a strong credit profile and currently has an AA- credit rating from Standard and Poors. The general revenue bond financing structure would utilize HPHA's existing credit rating and general revenue pledge to enhance the credit quality of the bonds and reduce borrowing costs.

II. DISCUSSION

A. The redevelopment of HPHA's public housing inventory under the KLM Redevelopment project requires access to substantial capital beyond the resources available through traditional federal and state appropriations. Under the proposed financing structure, HPHA would serve as the obligor for the bond financing and would provide a pledge of certain general revenues to support repayment of the bonds. Project revenues, tax credit equity proceeds, permanent financing proceeds, and other available project sources would be expected to provide the primary source of repayment.

B. If this general revenue bond structure is used, then bonds secured by HPHA's general revenues would not consist of HPHA revenues that are restricted by federal or state law.

C. Preliminary discussions with financing partners indicate that utilizing HPHA's credit rating and general revenue pledge could result in favorable financing terms and materially reduce borrowing costs when compared to project-level financing without credit enhancement.

D. The use of HPHA's credit support provides several potential benefits, including:

1. Lower borrowing costs resulting from enhanced bond ratings;

2. Increased financing capacity for redevelopment projects;

3. Monetary proceeds as a result of serving as the Obligor on a

transaction;

4. Improved marketability of bond offerings;

5. Greater flexibility in structuring construction and permanent financing; and

6. Acceleration of redevelopment activities under the KLM Initiative.

E. HPHA staff recognizes that utilizing HPHA's credit rating and providing HPHA's general revenue pledge requires careful evaluation and prudent oversight. Accordingly, staff will work diligently, together with legal counsel, bond counsel, underwriters, and other consultants, to evaluate and address, as appropriate, the following considerations for each proposed transaction:

1. Ensuring that project revenues, tax credit equity contributions, permanent financing proceeds, and other project funding sources are sufficient to satisfy bond repayment obligations;

2. Evaluating any potential effect on HPHA's future financing capacity;

3. Preserving the strength and integrity of HPHA's credit rating when utilized in support of financing;

4. Meeting all reporting, compliance, and monitoring responsibilities associated with the financing structure; and

5. Assessing construction, lease-up, market, and operational performance considerations associated with the underlying redevelopment projects.

F. HPHA staff will keep the Board informed regarding any financing transaction utilizing this authorization and will return to the Board to provide a project-specific presentation on the financing structure, material terms, anticipated benefits, associated risks, and the manner in which this authorization applies to the transaction.

(End of Section)

III. RECOMMENDATION

That the Board of Directors: **(1)** Authorize the Executive Director to Utilize the Hawaii Public Housing Authority's Credit Rating and General Revenue Pledge in Connection with Tax-Exempt and Taxable Bond(s) Issued by the Hawaii Housing Finance and Development Corporation (HHFDC) for Ka Lei Momi Initiative Redevelopment Projects; **(2)** Authorize the Executive Director to Draft and Negotiate Related Financing Documents; and **(3)** Authorize the Executive Director to Initiate Negotiations for Lending Bond Proceeds to Development Entities Undertaking Approved Ka Lei Momi Initiative Redevelopment Projects, Subject to Review of the Department of the Attorney General

Attachment A: Example General Revenue Pledge
Attachment B: HPHA's S&P Global Ratings Report

Prepared by: Carson Schultz, Development Officer cjs

Approved by the Board of Directors
on the date set forth above
[ ] As Presented [ ] As Amended

____
Robert J. Hall
Chairperson

EXAMPLE GENERAL REVENUE PLEDGE

Security and Sources of Payment for Series 2026A Bonds

The Series 2026A Bonds will be special obligations of the Authority payable solely from Net Operating Income, from the General Revenues of the Authority, and from the money and investments held in the Funds and accounts held by the Trustee under the Indenture until disbursed as provided therein. The Bonds are also secured by the Mortgage. The pledge of the Authority's General Revenues to the payment of the Bonds is subject to the right of the Authority to issue, without limitation, other obligations to be paid from the General Revenues on a parity of lien with the Bonds. The Authority may also pledge any specific revenues, which otherwise would be General Revenues, to the payment of other obligations, those payments to have a priority over the payments to be made on the Bonds. Nothing in the Indenture prohibits the Authority from issuing indebtedness that is payable solely from revenues, proceeds and earnings which are not Project Revenues or Bond proceeds, and are not payable, in whole or in part, from money in any of the Funds or in the Rebate Fund. See "SECURITY AND SOURCES OF PAYMENT FOR SERIES 2026A BONDS."

THE SERIES 2026A BONDS ARE GENERAL REVENUE OBLIGATIONS OF THE AUTHORITY. THE SERIES 2026A BONDS DO NOT AND SHALL NOT OTHERWISE REPRESENT OR CONSTITUTE A DEBT OR PLEDGE OF THE FAITH AND CREDIT OR THE TAXING POWER OF THE COUNTY, THE STATE, OR OF ANY POLITICAL SUBDIVISION, MUNICIPALITY OR OTHER LOCAL AGENCY THEREOF NOR IN ANY EVENT SHALL THE SERIES 2026A BONDS BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN THOSE OF THE AUTHORITY. THE AUTHORITY HAS NO TAXING POWER. SEE "SECURITY AND SOURCES OF PAYMENT FOR SERIES 2026A BONDS."

The General Revenues of the Authority are pledged to the payment of the Bonds. **"General Revenues" means the revenues of the Authority generally (other than Project Revenues), as provided for in** [*applicable Hawaii Housing Authority law, which appears to be Title 20, Section 356D-21(d)(4)]* **the Act and are not now or hereafter pledged or restricted by law, regulation, contract, covenant, resolution, mortgage or otherwise (including restrictions relating to funds made available to the Authority under the U.S. Housing Act of 1937), solely to another particular purpose.**

Research Update:

Hawaii Public Housing Authority Assigned 'AA-' Issuer Credit Rating

June 12, 2026

Primary Contact

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Overview

- S&P Global Ratings assigned its 'AA-' issuer credit rating (ICR) to **Hawaii Public Housing Authority** (HPHA, or the authority).
- The outlook is stable.

Rationale

Security

An ICR reflects the obligor's general creditworthiness and its capacity and willingness to meet financial commitments when they come due. It does not apply to any specific financial obligation and does not consider the obligation's nature and provisions, bankruptcy standing, or liquidation; statutory preferences; or legality and enforceability.

Credit highlights

HPHA exists as a component unit of the State of Hawaii, with a mission to provide safe, decent, and sanitary dwellings for low- and moderate-income residents. The authority's approximately 340 employees support the operation of about 8,783 affordable housing units and the administration of more than 3,490 housing choice vouchers (HCVs). These include portions participating under Veterans Affairs Supportive Housing, nonelderly disabled voucher program, foster youth to independence program, and emergency housing voucher program. The authority also receives substantial support from the state for both development and operation of affordable housing and administers monthly rent subsidies through its state-funded rental assistance program. In addition, HPHA acts as performance-based contract administrator for the state, managing rental payment assistance to landlords across Hawaii.

Given its reliance on federal government support for approximately 71% of its revenue over the past three fiscal years, the authority is periodically vulnerable to potential funding cuts from the U.S. Department of Housing and Urban Development (HUD). HUD is the main source of public funding for affordable housing and, as a federal government entity, is bound to congressional budget decisions. However, HPHA also received an average of 12% of its annual operating revenue from the state during that same period, alleviating some of this risk.

A recent statewide needs assessment cited a shortfall of 10,000 affordable units, which the authority has committed to providing over the next decade through a coordinated redevelopment project known as Ka Lei Momi, or The Pearl Garland. The effort will target nine existing HPHA sites over multiple two-year phases and will leverage a variety of financing sources to deliver master planned, mixed-income, mixed-use, transit-oriented developments for a total of 10,000 net new units as well as a one-for-one replacement of existing public housing units. Despite the substantial scale and estimated cost of the initiative, the authority does not anticipate taking on debt to finance redevelopment, and instead plans to rely on state and other resources and programs, including low-income housing tax credits (LIHTC), rental assistance demonstration (RAD), and Section 18 dispositions. Considering this, and HPHA's reported lack of debt or interest expenses, the authority's debt ratios are the strongest of any rated public housing authority (PHA), at levels we consider extremely strong. Furthermore, even if the authority pivots to utilizing on-balance-sheet debt financing as part of its redevelopment strategy, we expect that debt metrics will remain extremely strong for the near term.

Because HPHA is a government-related entity, we see a moderate likelihood of extraordinary support from the U.S. government to the authority in the event of financial distress, based on the combined strong link and limited importance. This results in no change to the stand-alone credit profile of 'aa-'.

The rating reflects our opinion of the authority's:

- Extremely strong liquidity assessment--evident in estimated cash inflows that are approximately 10.4x more than estimated cash outflows through 2026--indicating ample funding for operations and debt service;
- Extremely strong debt profile, based on five-year average (fiscal 2024 audit through fiscal 2028 S&P Global Ratings-calculated forecasts) hard debt-to-EBITDA of 0x and EBITDA-hard interest coverage of 29,141,366x on account of a lack of current or anticipated debt or interest;
- Very strong management and governance, supported by a detailed strategic planning framework, a consistency of strategy with organizational capabilities, and strong management expertise and experience;
- Extremely strong market dependencies, with low rent relative to market rent for affordable units, coupled with vacancies significantly lower than the local market average;
- Vulnerable financial performance under our criteria, based on five-year average EBITDA to revenue of 11.5%, though it is still comparable to that of rated PHAs; and
- Risk associated with reliance on federal funding, offset by robust state support.

Environmental, social, and governance

We have analyzed the authority's environmental, social, and governance factors relative to its market position, management and governance, financial performance, and debt and liquidity profile. We believe that HPHA's location in Hawaii exposes it to elevated environment-related physical risks such as hurricanes, wildfires, earthquakes, and tsunamis, which could damage its properties or infrastructure. However, the authority carries property insurance coverage for major environmental events, partly mitigating this risk, in our view. We view social and governance factors as neutral considerations in our credit analysis.

Outlook

The stable outlook reflects our expectation that HPHA's very strong management and governance and extremely strong liquidity position, debt profile, and market dependencies will support the ongoing pursuit of its mission in the near term without significant disruption in financial metrics. As the authority continues the strategic redevelopment of its portfolio through the Ka Lei Momi project in fiscal 2026 and beyond, we believe that financial performance and debt will likely hold given the use of outside financing sources rather than on-balance-sheet debt. Accordingly, we do not anticipate changing the rating within the two-year outlook period.

Downside scenario

We could consider a negative rating action if, in the course of the planned development activity within the portfolio, or as a result of unforeseen financial strain, operating margins contract to levels consistently less than 10% EBITDA to total revenue, alongside weakening in either liquidity or market dependencies such that metrics are no longer in line with those of peers.

Upside scenario

All else equal, if the authority improves or sustains EBITDA to total revenue at levels that we consider strong (above 30%)--in line with those of higher-rated peers--we could take a positive rating action.

Credit Opinion

Enterprise Risk Profile

Industry risk: very strong

We view industry risk for traditional housing providers as low (equating to an assessment of '2', or very strong, on a four-point scale where '1' is the strongest score) based on our "Methodology: Industry Risk" criteria, Nov. 19, 2013. Economic cycles can sometimes affect housing providers more than other types of social services because real estate fluctuations can change asset valuations. Real estate markets can be overbuilt, leading to depressed occupancy, rentals, and property values. Despite that, residential rental markets typically pose less risk than other property classes, and housing providers' focus on affordable housing typically lends further stability. Competitive risk is fairly low as a result of effective barriers to entry in many jurisdictions, minimal risk of substitution, and generally stable trends in growth margins.

Regulatory framework: very strong

We view PHAs as benefiting from a strong public policy mandate and operating under a stable, well-established framework that makes them key providers in the sector. Sector oversight is strong with high governance, reporting, and disclosure standards so that sector or individual risks are easily identified. However, risks, once identified, are not always remedied at an early stage.

Operational support to the authority is direct and ongoing. The authority regularly receives federal grants in the form of operating contributions to maintain and operate low-income housing and administer various programs to provide low-income affordable housing. There is no precedent of negative intervention from governments or their agencies, and we do not expect any such intervention during the next few years. Public housing is subject to tenant income and rent limits.

Market dependencies: extremely strong

Overall physical vacancy rates were reported at a low 4.6% for 2025, almost level with 4.4% reported in 2024. We consider the resulting trailing three-year average vacancy rate of 4.7% significantly lower than the 2024 average for the state (7.4%), according to third-party market information, and indicative of the strength of local demand for affordable housing. Similarly, average rent for the authority's units is approximately 12% of market rent, according to third-party information for 2025, demonstrating the authority's dedication to providing affordable housing.

Management and governance: very strong

We view management and governance as very strong. An 11-member board of commissioners consisting of experienced individuals dedicated and committed to the authority's mission and values governs the authority. The board has nine public members appointed by the governor of Hawaii and two additional ex officio members: the director of the Department of Human Services and the governor's designee. Board members serve four-year terms and meet monthly.

In addition to its required annual and five-year plans with HUD, both of which outline important program initiatives and specific strategic goals, the authority prepares a variety of annual planning documents for its board, which enshrine specific key performance indicators and tracking metrics. We view the authority's financial and disclosure reports as timely and detailed, conforming to solid and generally accepted accounting standards, and we believe that the authority's overarching strategy is consistent with its capabilities and that marketplace conditions are accounted for.

Management has substantial expertise and experience, in our view, and has a track record of success that compares well to that of peers, partly evident in the designation of HPHA as a Moving to Work agency in 2022 in the landlord incentives cohort. Furthermore, despite the authority's lack of certain formal policies, such as those regarding liquidity, debt management, and investments, we believe that its risk management standards and tolerances and financial policies are strong, with both prudent policies and high-risk management standards that are cascaded from the state.

Financial Risk Profile

Our financial performance and debt profile assessments typically capture a five-year average of the relevant metrics comprising two years of historical audited data, the current-year estimate, and two years of forecasts. The current-year estimate and the forecasts are based on our assumptions and expectations of the housing provider's forward-looking financial standing based on evolving economic and institutional conditions, discussions and information provided by management, and other considerations where applicable. The five years of financial information are generally weighted equally. For this analysis, we used audited information for fiscal years 2024 and 2025, budget information for fiscal 2026, and forecast figures for fiscal years 2027 and 2028. Our liquidity assessment considers a forward-looking 12-month horizon spanning fiscal 2026.

Financial performance: vulnerable

The financial performance assessment measures the profitability of a housing provider, which supports its ability to provide housing services, maintain its housing stock, and ultimately service its debt obligations. We use EBITDA as a percentage of adjusted operating revenue to initially assess a housing provider's financial performance. Rental revenue and subsidies are the bulk of HPHA's revenue, accounting for approximately 99% of operating revenue sources in fiscal 2025, and we view this as a credit strength compared with a base reliant on riskier revenue streams.

For audited fiscal 2025, we calculated EBITDA to be approximately $26.4 million, or 11.6% of gross revenue, for the consolidated governmental and proprietary funds. This ratio is expected to marginally strengthen to 12% in budget forecasts for fiscal 2026, culminating in five-year average EBITDA-to-revenue of 11.5%, which is characterized as vulnerable under our criteria but not uncommon for similarly rated U.S. PHAs. State grants totaled $24.1 million in 2025, equal to 10.5% of operating revenue and slightly below the 12% average share of the three prior years. Our forecasts suggest that S&P Global Ratings-calculated net operating income could weaken from the recent historical baseline, partly as a result of the authority's conservative assumptions regarding federal and state subsidies. Nevertheless, we expect stable performance in the near term, with average EBITDA margins remaining above 10%.

Debt profile: extremely strong

The debt profile is extremely strong, in our view, with no reported debt or interest costs in recent history and no intention to add debt within the forecast period. In conjunction with robust support from the state legislature and executive branch, HPHA has leveraged state grants and appropriations for its financing needs in recent years, and management expects this support to continue. Therefore, we calculate total five-year average EBITDA interest coverage of approximately 29,141,300x--equal to our calculated five-year average EBITDA--and a debt-to-EBITDA ratio of 0.0x. While the authority has no plans to issue debt in the near future, even in the case of a strategic pivot toward debt financing, we expect that debt metrics will remain extremely strong throughout the outlook period.

Liquidity: extremely strong

We view liquidity as extremely strong. In our base case, during the next 12 months for fiscal 2026 we estimate that sources of liquidity totaling at least $216.4 million will cover uses more than 10.4x. Liquidity sources consist of S&P Global Ratings-calculated cash from operations totaling $29.7 million, cash and liquid investments of $120.1 million, and forecast working capital inflows of $66.6 million. Liquidity uses are represented by $20.8 million of internal cash slated for capital expenditure. Our calculated liquidity ratio could deteriorate if the authority's expected cash generated from continuing operations falls short of our projections, or if cash and liquid investment balances decline.

We regard access to external liquidity as satisfactory, meaning we expect the authority has sufficient access to the capital markets, or a strong and diversified pool of banks, in normal circumstances.

Hawaii Public Housing Authority--key rating factors

Factors	Numerical assessment
Industry risk	2
Regulatory framework	2
Market dependencies	1
Management and governance	2
Enterprise risk profile	1.8
Financial performance	5

Hawaii Public Housing Authority--key rating factors

Factors	Numerical assessment
Debt profile	1
Liquidity	1
Financial risk profile	2.3

Ratings List	
New Rating	
Hawaii Pub Hsg Auth, HI Issuer Credit Rating	AA-/Stable
Housing	
Hawaii Public Housing Authority, HI General Obligation	AA-/Stable

The ratings appearing below the new issues represent an aggregation of debt issues (ASID) associated with related maturities. The maturities similarly reflect our opinion about the creditworthiness of the U.S. Public Finance obligor's legal pledge for payment of the financial obligation. Nevertheless, these maturities may have different credit ratings than the rating presented next to the ASID depending on whether or not additional legal pledge(s) support the specific maturity's payment obligation, such as credit enhancement, as a result of defeasance, or other factors.

Certain terms used in this report, particularly certain adjectives used to express our view on rating relevant factors, have specific meanings ascribed to them in our criteria, and should therefore be read in conjunction with such criteria. Please see Ratings Criteria at https://disclosure.spglobal.com/ratings/en/regulatory/ratings-criteria for further information. A description of each of S&P Global Ratings' rating categories is contained in "S&P Global Ratings Definitions" at https://disclosure.spglobal.com/ratings/en/regulatory/article/-/view/sourceId/504352. Complete ratings information is available to RatingsDirect subscribers at www.capitaliq.com. All ratings referenced herein can be found on S&P Global Ratings' public website at www.spglobal.com/ratings.

FOR ACTION

SUBJECT: To: **(1)** Adopt Proposed Changes to the Hawaii Public Housing Authority's (HPHA) Chapter 17-2020, Hawaii Administrative Rules (HAR), Entitled "Eviction – Practice and Procedure", As Follows:

(A) Amend Section 17-2020-2 to Include a Definition for "Household";
(B) Rename Subchapter 2 as "Prehearing Procedure";
(C) Amend Section 17-2020-11 to Clarify that a Notice of Proposed Termination Shall Inform a Tenant of Tenant's Right to Reply to the HPHA Pursuant to Section 17-2021-5, HAR;
(D) Rename Subchapter 3 as "Hearing Procedure";
(E) Add a New Subchapter 3.1, Entitled "Hearings", Consisting of Sections 17-2020-31 to 17-2020-40;
(F) Amend Section 17-2020-31(c) to State the Composition of the Eviction Board Shall be Consistent with the Requirements of Section 356D-93, Hawaii Revised Statutes;
(G) Amend Section 17-2020-33 as Follows:
   (i) Clarify that Non-Curable Violations May Be Committed by a Tenant, Any Member of Tenant's Household, or Any Guest or Other Person Under Tenant's Control;
   (ii) Provide that the Following Violations are to be Considered Non-Curable by the Eviction Board:
      (a) Any Violation or Conduct that Threatens or Could Threaten the Health or Safety of Other Residents; HPHA Employees or Representatives, or Other Individuals on Any HPHA Property or that Damages the HPHA's Property Itself;
      (b) Any Criminal Activity that Threatens or Could Threaten the Health, Safety, or Right to Peaceful Enjoyment of Other Residents, HPHA Employees or Representatives, or Other Individuals on Any HPHA Property or that Damages the HPHA's Property Itself is Non-Curable;
      (c) Where Any Family Member is Convicted of a Felony During the Term of Tenancy, Including but Not Limited to Any Felony Involving Violence, Threats of Violence, Weapons, Sexual Offenses, Crimes Against Persons, Crimes Against Property, Offenses Involving the HPHA's or a Resident or Tenant Association's Property or Funds, or Any Other Felony that

Threatens or Could Threaten the Health, Safety, or Peaceful Enjoyment of the Premises by Others;

(d) Any Property Damage, Regardless of Whether Such Damage Threatens or Could Threaten the Health or Safety of Other Residents, HPHA Employees or Representatives, or Other Individuals, Which Requires a Projected Cost Which Exceeds $3,000;

(e) Any Violation Where the Family Allows an Individual, who the Family Knows to be Trespassed from the Property, to Visit or Stay on the Property or in the Family's Dwelling Unit during the Trespass Period;

(f) Any Violation Where at the Time of Admission, Reexamination, Interim, or at Any Other Time, the Family has Submitted False Information to the HPHA or has Withheld Information from the HPHA or has Made Willful Misstatements to the HPHA; and

(g) Any False Statement or Misrepresentation by the Household During Any HPHA Related Grievance or Eviction Hearing that Affects or Could Reasonably Affect the Hearing Decision; and

(iii) Delete Subsections (c) and (d) Which are Inconsistent with Sections 356D-91 to 356D-98, Hawaii Revised Statutes; and

(H) Make Technical, Non-Substantive Changes to Sections 17-2020-4, 17-2020-11, and 17-2020-31; and

(2) Authorize the Executive Director to Conduct a Public Hearing and Undertake All Other Actions Necessary Under Chapter 91, Hawaii Revised Statutes, and Administrative Directive No. 18-02 to Implement the Revision of Chapter 17-2020, Hawaii Administrative Rules, Including Making Non-Substantive Revisions to Formatting as May Be Required

* * *

The proposed amendments to the Hawaii Public Housing Authority's (HPHA) Chapter 17-2020, Hawaii Administrative Rules, entitled "Eviction – Practice and Procedure" may be viewed on the internet on or about July 16, 2026, on the HPHA's website at https://www.hpha.hawaii.gov/about-the-hpha/hpha-policies-rules/. The proposed amendments may also be viewed at the HPHA's Main Administrative Office located at 1002 North School Street, Building E, Honolulu, Hawaii 96817, from 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays. Interested persons may request a copy of the draft rules be mailed to them by calling (808) 204-9042 or by emailing a request to hpha@hawaii.gov.

I. FACTS

A. The Hawaii Public Housing Authority's (HPHA) low-income public housing program is governed by a variety of federal, State, and agency statutes and rules found in the United States Code; the Code of Federal Regulations (CFR); Chapter 356D, Hawaii Revised Statutes (HRS); and the Hawaii Administrative Rules (HAR).

B. Sections 356D-4 and 356D-13, HRS, authorize the HPHA to adopt administrative rules with the force and effect of law to govern its federal programs.

C. Pursuant to 24 CFR section 966.4(l)(4)(ii), a public housing agency may evict a tenant by bringing an administrative action after a due process administrative hearing. The HPHA's eviction procedures are set forth in Chapter 17-2020, HAR.

II. DISCUSSION

A. On February 19, 2026, the HPHA Board of Directors approved the "Hawaii Public Housing Authority Emergency Rules Relating to Eviction". The emergency rules were signed by the Governor, filed with the Office of the Lieutenant Governor, and went into effect on March 10, 2026.

B. Pursuant to section 91-4(b), HRS, emergency rules remain effective for a period not longer than one hundred twenty days without renewal. The Emergency Rules Relating to Eviction will expire on July 8, 2026.

C. The Emergency Rules Relating to Eviction were adopted to address the significant and alarming increase in criminal activity occurring on and around public housing properties over the past several months. The HPHA found that in its current form, Chapter 17-2020, HAR, could hinder its ability to fully and adequately address violations or conduct that threatens or could threaten the health and safety of individuals at its properties.

D. Since the adoption of the Emergency Rules Relating to Eviction, the HPHA's law enforcement partners have anecdotally reported a reduction in serious violent and drug-related criminal activity on and around public housing properties. The HPHA also completed one eviction case for health and safety violations. Some information and details regarding suspected criminal activity on public housing properties have not been released to the HPHA so as not to compromise ongoing law enforcement investigations.

E. HPHA continues to cooperate with law enforcement agencies to execute and enforce trespass bans on individuals engaging in criminal activity on its properties.

F. The proposed amendments to Chapter 17-2020, HAR, that are before the Board of Directors will incorporate the emergency rule changes into the permanent rules. More specifically, the HPHA is proposing the following:

1. Amend section 17-2020-2 to include a definition for "household".

2. Rename subchapter 2 as "Prehearing Procedure".

3. Amend section 17-2020-11 to clarify that a notice of the proposed termination shall inform a tenant of their right to reply to the HPHA pursuant to section 17-2021-5, HAR, instead of by requesting a grievance hearing. Section 17-2021-5, HAR, establishes that a tenant who has been referred for eviction may grieve the receipt of a Notice of Violation and Proposed Termination before the Federal Eviction Board.

4. Rename subchapter 3 as "Hearing Procedure".

5. Add a new subchapter 3.1, entitled "Hearings", consisting of sections 17-2020-31 to 17-2020-40.

6. Amend section 17-2020-31(c) to state that the composition of the Federal Eviction Board shall be consistent with the requirements of section 356D-93, HRS.

7. Amend section 17-2020-33 as follows:

   a. Clarify that non-curable violations may be committed by a tenant, any member of the tenant's household, or any guest or other person under the tenant's control.

   b. Provide that the Federal Eviction Board shall consider the following violations as non-curable:

      i. Any violation or conduct that threatens or could threaten the health or safety of other residents; HPHA employees or representatives, or other individuals on any HPHA property or that damages the HPHA's property itself;

      ii. Any criminal activity that threatens or could threaten the health, safety, or right to peaceful enjoyment of other residents, HPHA employees or representatives, or other individuals on any HPHA property or that damages the HPHA's property itself is non-curable;

iii. Where any family member is convicted of a felony during the term of tenancy, including but not limited to any felony involving violence, threats of violence, weapons, sexual offenses, crimes against persons, crimes against property, offenses involving the HPHA's or a resident or tenant association's property or funds, or any other felony that threatens or could threaten the health, safety, or peaceful enjoyment of the premises by others;

iv. Any property damage, regardless of whether such damage threatens or could threaten the health or safety of other residents, HPHA employees or representatives, or other individuals, which requires a projected cost which exceeds $3,000;

v. Any violation where the family allows an individual, who the family knows to be trespassed from the property, to visit or stay on the property or in the family's dwelling unit during the trespass period;

vi. Any violation where at the time of admission, reexamination, interim, or at any other time, the family has submitted false information to the HPHA or has withheld information from the HPHA or has made willful misstatements to the HPHA; and

vii. Any false statement or misrepresentation by the household during any HPHA related grievance or eviction hearing that affects or could reasonably affect the hearing decision.

c. Delete subsections (c) and (d) which are inconsistent with sections 356D-91 to 356D-98, HRS.

8. Make technical, non-substantive changes to sections 17-2020-4, 17-2020-11, and 17-2020-31.

G. Upon approval by the Board of Directors, the HPHA must request permission from the Governor to take the proposed amendments to a public hearing. If approved by the Governor, the HPHA must give 30 days' notice to the public before holding the public hearing.

H. The Executive Director may make technical, non-substantive amendments to the proposed draft during the public review and comment period. After the public hearing, the Executive Director will transmit the proposed amendments to the Governor for final approval provided no substantive changes are required. Staff anticipates the following schedule for approval.

Action	Timeframe
For Action to approve draft amendments	July 16, 2026
Request Governor approval of public hearing	July 16, 2026
Receive Governor's approval	July 30, 2026
Publish hearing notice in newspapers (30-day notice)	August 6, 2026
Public Hearing	September 8, 2026
Final Board approval / transmit to Governor	September 17, 2026
Rules effective	October 1, 2026

I. The HPHA will solicit input and comments from the Resident Advisory Board on proposed changes.

J. If substantive amendments are proposed after the public hearing, the revised rules will be presented to the Board of Directors for additional review and approval.

III. RECOMMENDATION

That the Board of Directors: **(1)** Adopt Proposed Changes to the Hawaii Public Housing Authority's (HPHA) Chapter 17-2020, Hawaii Administrative Rules (HAR), Entitled "Eviction – Practice and Procedure", As Follows:

(A) Amend Section 17-2020-2 to Include a Definition for "Household";
(B) Rename Subchapter 2 as "Prehearing Procedure";
(C) Amend Section 17-2020-11 to Clarify that a Notice of Proposed Termination Shall Inform a Tenant of Tenant's Right to Reply to the HPHA Pursuant to Section 17-2021-5, HAR;
(D) Rename Subchapter 3 as "Hearing Procedure";
(E) Add a New Subchapter 3.1, Entitled "Hearings", Consisting of Sections 17-2020-31 to 17-2020-40;
(F) Amend Section 17-2020-31(c) to State the Composition of the Eviction Board Shall be Consistent with the Requirements of Section 356D-93, Hawaii Revised Statutes;
(G) Amend Section 17-2020-33 as Follows:
    (i) Clarify that Non-Curable Violations May Be Committed by a Tenant, Any Member of Tenant's Household, or Any Guest or Other Person Under Tenant's Control;

(ii) Provide that the Following Violations are to be Considered Non-Curable by the Eviction Board:

(a) Any Violation or Conduct that Threatens or Could Threaten the Health or Safety of Other Residents; HPHA Employees or Representatives, or Other Individuals on Any HPHA Property or that Damages the HPHA's Property Itself;

(b) Any Criminal Activity that Threatens or Could Threaten the Health, Safety, or Right to Peaceful Enjoyment of Other Residents, HPHA Employees or Representatives, or Other Individuals on Any HPHA Property or that Damages the HPHA's Property Itself is Non-Curable;

(c) Where Any Family Member is Convicted of a Felony During the Term of Tenancy, Including but Not Limited to Any Felony Involving Violence, Threats of Violence, Weapons, Sexual Offenses, Crimes Against Persons, Crimes Against Property, Offenses Involving the HPHA's or a Resident or Tenant Association's Property or Funds, or Any Other Felony that Threatens or Could Threaten the Health, Safety, or Peaceful Enjoyment of the Premises by Others;

(d) Any Property Damage, Regardless of Whether Such Damage Threatens or Could Threaten the Health or Safety of Other Residents, HPHA Employees or Representatives, or Other Individuals, Which Requires a Projected Cost Which Exceeds $3,000;

(e) Any Violation Where the Family Allows an Individual, who the Family Knows to be Trespassed from the Property, to Visit or Stay on the Property or in the Family's Dwelling Unit during the Trespass Period;

(f) Any Violation Where at the Time of Admission, Reexamination, Interim, or at Any Other Time, the Family has Submitted False Information to the HPHA or has Withheld Information from the HPHA or has Made Willful Misstatements to the HPHA; and

(g) Any False Statement or Misrepresentation by the Household During Any HPHA Related Grievance or Eviction Hearing that Affects or Could Reasonably Affect the Hearing Decision; and

(iii) Delete Subsections (c) and (d) Which are Inconsistent with Sections 356D-91 to 356D-98, Hawaii Revised Statutes; and

(H) Make Technical, Non-Substantive Changes to Sections 17-2020-4, 17-2020-11, and 17-2020-31; and

(2) Authorize the Executive Director to Conduct a Public Hearing and Undertake All Other Actions Necessary Under Chapter 91, Hawaii Revised Statutes, and Administrative Directive No. 18-02 to Implement the Revision of Chapter 17-

2020, Hawaii Administrative Rules, Including Making Non-Substantive Revisions to Formatting as May Be Required

Attachment A: Proposed Draft of Chapter 17-2020, HAR, in Ramseyer Format
Attachment B: Proposed Draft of Chapter 17-2020, HAR, in Standard Format

Prepared by: Nicolas Ayabe, Housing Planner NA

Reviewed and Approved by: Benjamin Park, Chief Planner BP

Approved by the Board of Directors
on the date set forth above
[ ] As Presented [ ] As Amended

Robert J. Hall
Chairperson

DEPARTMENT OF HUMAN SERVICES

Amendment and Compilation of Chapter 17-2020
Hawaii Administrative Rules

July 16, 2026

1. Chapter 17-2020, Hawaii Administrative Rules, entitled "Eviction – Practice and Procedure", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER 2020

EVICTION – PRACTICE AND PROCEDURE

Subchapter 1 General Provisions

Subchapter 2 [~~Hearing~~] Prehearing Procedure

Subchapter 3 [~~Hearings~~] Hearing Procedure

[~~A. Conditions~~]

Subchapter 3.1. Hearings

[~~B. Hearings~~]

Subchapter 4 Appeals

Subchapter 5 Miscellaneous Provisions

Historical note: This chapter is substantially based upon chapter 17-501 [Eff 01/01/81; am and comp 05/26/98; R 10/25/99] and chapter 15-182 [Eff 10/25/99; R 08/06/04]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-2020-1 Purpose. These rules shall govern the practice and procedure for terminating the tenancy of persons using or occupying any unit in a project owned or operated by the Hawaii public housing authority except for rental housing projects governed by chapter 356D-44, HRS. These rules afford tenants an opportunity for a hearing if a tenant disputes any action by the authority to evict the tenant from the tenant's unit. These rules shall be liberally construed to ensure that the rights of the parties are preserved in a just and timely resolution of every hearing. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 CFR §966.4; HRS §356D-98)

§17-2020-2 Definitions. Whenever used in this chapter, unless specifically defined:

"Agreement" means any lease, rental agreement, permit, or license covering the use and occupation of any unit or other premises owned or controlled by the authority.

"Alcohol abuse" means a tenant or any member of the tenant's household has engaged in abuse or pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

"Authority" means the Hawaii public housing authority.

"Board" or "eviction board" means the board appointed by the authority to conduct eviction hearings and terminate the rental agreements in accordance with this chapter.

"C.F.R." means the United States Code of Federal Regulations.

"Criminal activity" means the tenant, any member of the tenant's household, a guest or another person under the tenant's control has engaged in any conduct constituting a criminal violation of federal law, HRS, or local ordinances regardless of whether there has been an arrest or conviction for such activity and without satisfying the standard of proof used for a criminal conviction.

"Document" means written decisions, orders, and notices issued for the purposes of this chapter.

"Drug" means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. §802) as it existed on March 28, 2023.

"Drug related criminal activity" means the illegal manufacture, sale, distribution, or use of a drug, or possession of a drug with intent to manufacture, sell, distribute, or use the drug.

"Dwelling unit" means a residential unit in a housing project.

"Grievance hearing" means the hearing prescribed in the grievance procedure set forth in rules of the authority.

"HRS" means the Hawaii Revised Statutes.

"Hearing" means a quasi-judicial proceeding in which he authority prepares to terminate an agreement.

"Hearings clerk" means the person responsible for receiving, recording, and preserving the records of the eviction board.

"Hearings officer" means the person representing the authority in a hearing.

“Household” means the family and any additional person who, with the authority’s permission, lives in a dwelling unit, such as a live-in aide, foster child, or foster adult.

"Party" means a person or agency as defined in section 356D-91, HRS, as it existed on March 28, 2013.

"Presiding officer" means the member of the eviction board duly elected by a majority of the board members to serve as its chairman where the eviction board is comprised of more than one member.

"Project manager" means the authority's representative assigned to manage projects in a management area or any other employee of the authority specifically designated by position description.

"Rental agreement" means the agreement or contract containing the terms and conditions of occupancy of a dwelling unit entered into by the tenant and authority.

"Tenant" means the person or persons who enter into a rental agreement with the authority to reside in a dwelling unit and who are subject to eviction proceedings under this chapter.

"U.S.C." means the United States Code.

"Violent criminal activity" means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage. [Eff 08/06/04; am and comp 05/24/14; am and comp   ] (Auth: 24 C.F.R. §§92-6, 356D-4, 356D-13, 356D-98) (Imp: HRS §§356D-92, 356D-93, 356D-94, 356D-98)

§17-2020-3 Communications. (a) Communications to the eviction board may be mailed or delivered to the authority’s hearings office.

(b) A quorum of the eviction board, consisting of at least one, but not more than three members, shall be present to validate any action taken.

(c) No employee of the authority shall be an eviction board member, unless specifically designated by the authority.

(d) All documents issued by the eviction board may be executed by facsimile signature. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§92-15, 356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-92, 356D-93, 356D-98)

§17-2020-4 Process service. (a) All documents issued for the purpose of this chapter shall be served either:

(1) Personally to the tenant or adult household member by any person who is not a party and is not less than 18 years of age of the State; or

(2) By certified mail return receipt requested; or

(3) If personal service or service by certified mail cannot be effectuated, the document or documents may be served:

[~~(i)~~]<u>(A)</u> By posting the document or documents on the unit occupied by the tenant and by first class mail to the party's last known address; or

[~~(ii)~~]<u>(B)</u> By publication in a newspaper of general circulation and by first class mail.

(b) Service upon a party shall be complete if:

(1) The party or the party's attorney is personally served;

(2) The party signs the receipt for certified mail;

(3) The document or documents are posted on the unit occupied by the tenant and mailed to the party's last known address by first-class mail;

(4) Upon publication in a newspaper of general circulation; or

(5) By special order of the eviction board, upon a finding that service by other means is not practicable, a document is posted on the unit occupied by the party. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: HRS §§356D-4, 356D-13, 356D-98) (Imp: HRS §§356D-92, 356D-93, 356D-98)

§17-2020-5 Grounds for termination of tenancy and eviction. (a) The eviction board shall determine whether there are sufficient grounds for termination of the rental agreement.

(b) The grounds for termination of the rental agreement are set forth in section 356D-92, HRS, and section 17-2028-59. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-92, 356D-98)

§§17-2020-6 to 17-2020-10 (Reserved).

SUBCHAPTER 2

[~~HEARING~~] PREHEARING PROCEDURE

§17-2020-11 Notice of cause for cases referred for eviction. (a) Project managers within each county may initiate eviction proceedings for any of the reasons set forth in section 356D-92, HRS, as it existed on [~~March 28, 2013~~] July 16, 2026, and section 17-2028-59. The tenant shall be notified in writing, and the document shall state the reason for and the date of the proposed termination of the agreement. The document shall also inform the tenant of the tenant's right to reply to the authority's staff [~~and to request a grievance hearing~~] pursuant to section 17-2021-5.

(b) If the violation is for delinquent payment of rent, the authority may negotiate a reasonable payment arrangement with a family in accordance with section 17-2028-58.

(c) The tenant shall be notified in accordance with 24 C.F.R. §966.4(k) and (l)(3) and section 356D-93(a), HRS, as they existed on [~~March 28, 2013~~] July 16, 2026.

(d) If the tenant fails to respond within the time period prescribed by the notice of proposed termination, the project manager shall submit a written request to the eviction board that the tenant be evicted [Eff and comp 05/24/14; am and comp] (Auth: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-92, 356D-98)

§17-2020-12 Notice of hearing. Notice of hearing shall meet the requirements of 24 C.F.R. §966.4(k), (l)(3), (m) and section 356D-93(a), HRS, as they existed on March 28, 2013. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-92, 356D-93, 356D-98)

§17-2020-13 Request for subpoena. (a) Only parties to the hearing may request the issuance of a subpoena, subject to subsection (b). The eviction board or its designated representative shall issue the subpoena.

(b) The request for issuance of subpoena of a witness shall be in writing and shall state the name and address of the desired witness and the reasons why the testimony of the witness is material and relevant to the issues in the hearing. The party requesting the subpoena shall pay to the witness the same fees and mileage as prescribed in chapter 607, HRS. The request for issuance of a subpoena duces tecum for documents and records shall be in writing. The party requesting the subpoena duces tecum for documents and records shall pay all copying costs. The request shall specify the particular document or record, or part thereof sought, and shall state the reasons why the document or record is material and relevant to the issues of the hearing. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§92-16, 356D-4, 356D-13, 356D-98, 607-12) (Imp: 24 C.F.R. §966.4; HRS §§356D-92, 356D-98)

§§17-2020-14 to 17-2020-20 (Reserved).

SUBCHAPTER 3

[~~HEARINGS~~] HEARING PROCEDURE

[~~A. Conditions~~]

§17-2020-21 Counsel. (a) Unless otherwise directed by the eviction board, one counsel for each party represented shall be permitted to conduct direct and cross examination of a witness, state and argue an objection or motion, and make opening or closing argument.

(b) A tenant may appear on the tenant's own behalf or with another person as the tenant may authorize. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-93, 356D-98)

§17-2020-22 Motions. (a) All motions shall state the grounds and shall set forth the relief or order sought. Motions need not be in writing.

(b) All motions shall be presented to the eviction board at the commencement of the hearing. If a written motion is presented, a copy shall be provided to the opposing party.

(c) The opposing party may state opposition to any motion presented to the eviction board. The eviction board may consider all motions and opposing motions and shall rule on each motion when appropriate. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: HRS §§356D-4, 356D-13, 356D-98) (Imp: HRS §§356D-93, 356D-98)

§17-2020-23 Waiver of procedure. Upon agreement of the parties, any procedure in a hearing may be modified or waived and informal disposition may be made of any case by agreed settlement, consent order, or default. [Eff 08/06/04; comp 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§356D-4; 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-93, 356D-98)

§17-2020-24 Records. (a) The hearings clerk shall keep written summaries of all hearings. Neither a full transcript nor recording of the hearing shall be required.

(b) All records of a hearing shall be confidential pursuant to section 92F-13(2), HRS, and released only at the direction of the eviction board, by judicial order, upon request by a tenant who is a party to the hearing, or upon the filing of a notice of appeal pursuant to chapter 91, HRS, and section 356D-96, HRS. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§91, 92F-13(2), 356D-4, 356D-13, 356D-96, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-93, 356D-98)

§§17-2020-25 to 17-2020-30 (Reserved).

SUBCHAPTER 3.1

HEARINGS

[~~B. Hearings~~]

§17-2020-31 Eviction Board. (a) In all hearings where the eviction board consists of more than one member, the presiding officer shall preside.

(b) The eviction board shall determine the order of appearance of the parties to a hearing and shall administer the oath to all witnesses as prescribed by section 621-12, HRS. The eviction board may limit the time of each witness giving testimony upon a particular issue.

(c) The composition of the eviction board shall [~~consist of not less than one and no more than three members, of which one member shall be a tenant~~] be consistent with the requirements of section 356D-93, HRS.

(d) Hearings shall be conducted in an informal manner unless otherwise required by law.

(e) The eviction board may remove any person who disrupts a hearing.

(f) If a tenant, the tenant's attorney, or the tenant's representative is removed for disruptive conduct, the hearing may continue, and a determination made based upon the available evidence and testimony presented.

(g) All hearings shall be confidential and closed to the public unless the tenant agrees otherwise.

(h) The hearing may be conducted through the use of video conferencing technology in accordance with section 356D-93(b), HRS, as it existed on [~~March 28, 2013~~] July 16, 2026. The authority shall notify the tenant, the tenant's attorney, or the tenant's representative in writing prior to the scheduled hearing date that the hearing shall be conducted using video conferencing technology. [Eff 08/06/04; am and comp 05/24/14; am and comp] (Auth: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-93, 356D-98)

§17-2020-32 Default. A tenant who fails to appear at a hearing after being duly notified may be found in default and the eviction board may proceed with the hearing. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-93, 356D-98)

§17-2020-33 Curable and non-curable violations. (a) The eviction board shall determine whether or not the violation of a rental agreement constitutes a curable or non-curable violation. A violation is curable if the violation for which the tenant is being referred is a first offense and is not defined as a non-curable violation.

(b) Non-curable violations include <u>any of the following by a tenant, any member of the tenant's household, or any guest or other person under the tenant's control</u>:

(1) Any violations <u>or conduct</u> that threaten <u>or could threaten</u> the health or safety of the other residents, the authority’s employees or representatives<u>, or other individuals on any authority property or that damages the authority’s property itself</u>;

(2) Any drug-related criminal activity or violent criminal activity;

(3) Any criminal activity that threatens or could threaten the health, safety, or right to peaceful enjoyment of other residents, the authority’s employees or representatives, or other individuals on any authority property or that damages the authority's property itself;

(4) Where the tenant has received notice from the United States Department of Housing and Urban Development that the tenant is no longer eligible to remain in the unit;

(5) Where any member of the family has been convicted of a felony during the term of the tenancy, [~~and the felony is related to the authority's property or funds, the resident association or tenant association's property or funds, homicide or attempted homicide, assault or attempted assault, terroristic threatening, firearms, dangerous weapons, kidnapping or attempted kidnapping, abduction or false imprisonment, sexual assault or attempted sexual assault, extortion, burglary, unauthorized control of propelled vehicle, and criminal damage; and~~] including but not limited to any felony involving violence, threats of violence, weapons, sexual offenses, crimes against persons, crimes against property, offenses involving the authority’s or a resident or tenant association’s property or funds, or any other felony that threatens, or that could threaten, the health, safety, or peaceful enjoyment of the premises by others;

(6) Any property damage, regardless of whether such damage threatens or could threaten the health or safety of other residents, the authority’s employees or representatives, or

other individuals, which requires repair at a projected cost which exceeds $3,000;

(7) Any violation where the family allows an individual, who the family knows to be trespassed from the property, to visit or stay on the property or in the family's dwelling unit during the trespass period;

(8) Any violation where at the time of admission, reexamination, interim, or at any other time, the family has submitted false information to the authority or has withheld valuable information from the authority or has made willful misstatements to the authority;

(9) Any false statement or misrepresentation by the household during any authority related grievance or eviction hearing that affects or could reasonably affect the hearing decision; and

[~~(6)~~](10) Where 24 C.F.R. §966.4, as it existed on [~~March 28, 2013~~] July 16, 2026, requires termination of the rental agreement and eviction.

[~~(c) Where, after considering the circumstances of the case, the eviction board finds the violation is curable, the eviction board may issue a decision and order which stays the issuance of a writ of possession or the condition that the tenant and if applicable, member(s) of tenant's family, comply with certain conditions related to the occupancy for a period of time as established by the eviction board.~~

~~(d) In the event that the eviction board stays the issuance of the writ of possession subject to conditions as described in subsection (c), and the tenant or if applicable, family member(s), violate any term or condition imposed by the eviction board in its decision and order, the eviction board shall issue the writ of possession and the tenant shall be evicted forth with provided that:~~

~~(1) The authority sends a written notice to the tenant stating:~~

~~(i) The grounds for requesting the issuance of a writ of possession;~~

~~(ii) The condition of the eviction board's decision and order violated by tenant or if applicable, family member(s);~~

~~(iii) The tenant is not entitled to a grievance hearing; and~~

~~(iv) The date the hearing is scheduled before the eviction board to determine whether the tenant violated the board's decision and order; and~~

~~(2) At the hearing, the eviction board determines that its decision and order was violated. If the tenant fails to appear at the hearing, the tenant shall be in default, and the eviction board shall issue the writ of possession forthwith and the tenant shall be evicted.~~] [Eff 8/6/04; am and comp 05/24/14; am and comp] (Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-94, 356D-98) (Imp: 24 CFR §§5.100, 966.4; HRS §§356D-94, 356D-98)

§§17-2020-34 to 17-2020-40 (Reserved).

SUBCHAPTER 4

APPEALS

§17-2020-41 Appeals of contested case hearings. Any person aggrieved by the final decision and order of the eviction board may institute proceedings for review in the circuit court within thirty days after receipt of the decision as provided in section 356D-96, HRS. [Eff 08/06/04; am and ren 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-96, 356D-98)

§§17-2020-42 to 17-2020-50 (Reserved).

SUBCHAPTER 5

MISCELLANEOUS PROVISIONS

§17-2020-51 Severability. If any part, section, sentence clause, or phrase of these rules or its application to any person or circumstance is for any reason held to be unconstitutional or invalid, the remaining parts, sections, sentences, clauses, and phrases or applications of these rules to other persons or circumstances shall not be affected. [Eff 08/06/04; comp 05/24/14; comp] (Auth: HRS §§356D-4, 356D-13, 356D-98) (Imp: HRS §356D-98)

§17-2020-52 Number. The use of all words used in the singular shall extend to and include the plural." [Eff 08/06/04; comp 05/24/14; comp] (Auth: HRS §§356D-4, 356D-13, 356D-98) (Imp: HRS §356D-98)

2. Material, except source notes and other notes, to be repealed is bracketed and stricken. New material is underscored.

3. Additions to update source notes and other notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of Chapter 17-2020, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, were adopted on July 16, 2026, and filed with the Office of the Lieutenant Governor.

Robert J. Hall, Chairperson
Board of Directors
Hawaii Public Housing Authority

APPROVED AS TO FORM:

Deputy Attorney General

FOR ACTION, ATTACHMENT B
PROPOSED AMENDMENTS TO CHAPTER 17-2020, HAR,
STANDARD FORMAT

DEPARTMENT OF HUMAN SERVICES

Amendment and Compilation of Chapter 17-2020
Hawaii Administrative Rules

July 16, 2026

SUMMARY

1. §17-2020-2 is amended.

2. §17-2020-4 is amended.

3. §17-2020-11 is amended.

4. A new subchapter 3.1, consisting of §§17-2020-31 to 17-2020-40, is added.

5. §17-2020-31 is amended.

6. §17-2020-33 is amended.

7. Chapter 17-2020 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER 2020

EVICTION – PRACTICE AND PROCEDURE

Subchapter 1 General Provisions

Subchapter 2 Prehearing Procedure

Subchapter 3 Hearing Procedure

Subchapter 3.1. Hearings

Subchapter 4 Appeals

Subchapter 5 Miscellaneous Provisions

Historical note: This chapter is substantially based upon chapter 17-501 [Eff 01/01/81; am and comp 05/26/98; R 10/25/99] and chapter 15-182 [Eff 10/25/99; R 08/06/04]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-2020-1 Purpose. These rules shall govern the practice and procedure for terminating the tenancy of persons using or occupying any unit in a project owned or operated by the Hawaii public housing authority except for rental housing projects governed by chapter 356D-44, HRS. These rules afford tenants an opportunity for a hearing if a tenant disputes any action by the authority to evict the tenant from the tenant's unit. These rules shall be liberally construed to ensure that the rights of the parties are preserved in a just and timely resolution of every hearing. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 CFR §966.4; HRS §356D-98)

§17-2020-2 Definitions. Whenever used in this chapter, unless specifically defined:

"Agreement" means any lease, rental agreement, permit, or license covering the use and occupation of any unit or other premises owned or controlled by the authority.

"Alcohol abuse" means a tenant or any member of the tenant's household has engaged in abuse or pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

"Authority" means the Hawaii public housing authority.

"Board" or "eviction board" means the board appointed by the authority to conduct eviction hearings and terminate the rental agreements in accordance with this chapter.

"C.F.R." means the United States Code of Federal Regulations.

"Criminal activity" means the tenant, any member of the tenant's household, a guest or another person under the tenant's control has engaged in any conduct constituting a criminal violation of federal law, HRS, or local ordinances regardless of whether there has been an arrest or conviction for such activity and without satisfying the standard of proof used for a criminal conviction.

"Document" means written decisions, orders, and notices issued for the purposes of this chapter.

"Drug" means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. §802) as it existed on March 28, 2023.

"Drug related criminal activity" means the illegal manufacture, sale, distribution, or use of a drug, or possession of a drug with intent to manufacture, sell, distribute, or use the drug.

"Dwelling unit" means a residential unit in a housing project.

"Grievance hearing" means the hearing prescribed in the grievance procedure set forth in rules of the authority.

"HRS" means the Hawaii Revised Statutes.

"Hearing" means a quasi-judicial proceeding in which he authority prepares to terminate an agreement.

"Hearings clerk" means the person responsible for receiving, recording, and preserving the records of the eviction board.

"Hearings officer" means the person representing the authority in a hearing.

“Household” means the family and any additional person who, with the authority’s permission, lives in a dwelling unit, such as a live-in aide, foster child, or foster adult.

"Party" means a person or agency as defined in section 356D-91, HRS, as it existed on March 28, 2013.

"Presiding officer" means the member of the eviction board duly elected by a majority of the board members to serve as its chairman where the eviction board is comprised of more than one member.

"Project manager" means the authority's representative assigned to manage projects in a management area or any other employee of the authority specifically designated by position description.

"Rental agreement" means the agreement or contract containing the terms and conditions of occupancy of a dwelling unit entered into by the tenant and authority.

"Tenant" means the person or persons who enter into a rental agreement with the authority to reside in a dwelling unit and who are subject to eviction proceedings under this chapter.

"U.S.C." means the United States Code.

"Violent criminal activity" means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage. [Eff 08/06/04; am and comp 05/24/14; am and comp] (Auth: 24 C.F.R. §§92-6, 356D-4, 356D-13, 356D-98) (Imp: HRS §§356D-92, 356D-93, 356D-94, 356D-98)

§17-2020-3 Communications. (a) Communications to the eviction board may be mailed or delivered to the authority’s hearings office.

(b) A quorum of the eviction board, consisting of at least one, but not more than three members, shall be present to validate any action taken.

(c) No employee of the authority shall be an eviction board member, unless specifically designated by the authority.

(d) All documents issued by the eviction board may be executed by facsimile signature. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§92-15, 356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-92, 356D-93, 356D-98)

§17-2020-4 Process service. (a) All documents issued for the purpose of this chapter shall be served either:

(1) Personally to the tenant or adult household member by any person who is not a party and is not less than 18 years of age of the State; or

(2) By certified mail return receipt requested; or

(3) If personal service or service by certified mail cannot be effectuated, the document or documents may be served:

   (A) By posting the document or documents on the unit occupied by the tenant and by first class mail to the party's last known address; or

   (B) By publication in a newspaper of general circulation and by first class mail.

(b) Service upon a party shall be complete if:

(1) The party or the party's attorney is personally served;

(2) The party signs the receipt for certified mail;

(3) The document or documents are posted on the unit occupied by the tenant and mailed to the party's last known address by first-class mail;
(4) Upon publication in a newspaper of general circulation; or
(5) By special order of the eviction board, upon a finding that service by other means is not practicable, a document is posted on the unit occupied by the party. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: HRS §§356D-4, 356D-13, 356D-98) (Imp: HRS §§356D-92, 356D-93, 356D-98)

§17-2020-5 Grounds for termination of tenancy and eviction. (a) The eviction board shall determine whether there are sufficient grounds for termination of the rental agreement.

(b) The grounds for termination of the rental agreement are set forth in section 356D-92, HRS, and section 17-2028-59. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-92, 356D-98)

§§17-2020-6 to 17-2020-10 (Reserved).

SUBCHAPTER 2

PREHEARING PROCEDURE

§17-2020-11 Notice of cause for cases referred for eviction. (a) Project managers within each county may initiate eviction proceedings for any of the reasons set forth in section 356D-92, HRS, as it existed on July 16, 2026, and section 17-2028-59. The tenant shall be notified in writing, and the document shall state the reason for and the date of the proposed termination of the agreement. The document shall also inform the tenant of the tenant's right to reply to the authority's staff pursuant to section 17-2021-5.

(b) If the violation is for delinquent payment of rent, the authority may negotiate a reasonable payment arrangement with a family in accordance with section 17-2028-58.

(c) The tenant shall be notified in accordance with 24 C.F.R. §966.4(k) and (1)(3) and section 356D-93(a), HRS, as they existed on July 16, 2026.

(d) If the tenant fails to respond within the time period prescribed by the notice of proposed termination, the project manager shall submit a written request to the eviction board that the tenant be evicted [Eff and comp 05/24/14; am and comp] (Auth: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-92, 356D-98)

§17-2020-12 Notice of hearing. Notice of hearing shall meet the requirements of 24 C.F.R. §966.4(k), (1)(3), (m) and section 356D-93(a), HRS, as they existed on March 28, 2013. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-92, 356D-93, 356D-98)

§17-2020-13 Request for subpoena. (a) Only parties to the hearing may request the issuance of a subpoena, subject to subsection (b). The eviction board or its designated representative shall issue the subpoena.

(b) The request for issuance of subpoena of a witness shall be in writing and shall state the name and address of the desired witness and the reasons why the testimony of the witness is material and relevant to the issues in the hearing. The party requesting the subpoena shall pay to the witness the same fees and mileage as prescribed in chapter 607, HRS. The request for issuance of a subpoena duces tecum for documents and records shall be in writing. The party requesting the subpoena duces tecum for documents and records shall pay all copying costs. The request shall specify the particular document or record, or part thereof sought, and shall state the reasons why the document or record is material and relevant to the issues of the hearing. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§92-16, 356D-4, 356D-13, 356D-98, 607-12) (Imp: 24 C.F.R. §966.4; HRS §§356D-92, 356D-98)

§§17-2020-14 to 17-2020-20 (Reserved).

SUBCHAPTER 3

HEARING PROCEDURE

§17-2020-21 Counsel. (a) Unless otherwise directed by the eviction board, one counsel for each party represented shall be permitted to conduct direct and cross examination of a witness, state and argue an objection or motion, and make opening or closing argument.

(b) A tenant may appear on the tenant's own behalf or with another person as the tenant may authorize. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-93, 356D-98)

§17-2020-22 Motions. (a) All motions shall state the grounds and shall set forth the relief or order sought. Motions need not be in writing.

(b) All motions shall be presented to the eviction board at the commencement of the hearing. If a written motion is presented, a copy shall be provided to the opposing party.

(c) The opposing party may state opposition to any motion presented to the eviction board. The eviction board may consider all motions and opposing motions and shall rule on each motion when appropriate. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: HRS §§356D-4, 356D-13, 356D-98) (Imp: HRS §§356D-93, 356D-98)

§17-2020-23 Waiver of procedure. Upon agreement of the parties, any procedure in a hearing may be modified or waived and informal disposition may be made of any case by agreed settlement, consent order, or default. [Eff 08/06/04; comp 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§356D-4; 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-93, 356D-98)

§17-2020-24 Records. (a) The hearings clerk shall keep written summaries of all hearings. Neither a full transcript nor recording of the hearing shall be required.

(b) All records of a hearing shall be confidential pursuant to section 92F-13(2), HRS, and released only at the direction of the eviction board, by judicial order, upon request by a tenant who is a party to the hearing, or upon the filing of a notice of appeal pursuant to chapter 91, HRS, and section 356D-96, HRS. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§91, 92F-13(2), 356D-4, 356D-13, 356D-96, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-93, 356D-98)

§§17-2020-25 to 17-2020-30 (Reserved).

SUBCHAPTER 3.1

HEARINGS

§17-2020-31 Eviction Board. (a) In all hearings where the eviction board consists of more than one member, the presiding officer shall preside.

(b) The eviction board shall determine the order of appearance of the parties to a hearing and shall administer the oath to all witnesses as prescribed by section 621-12, HRS. The eviction board may limit the time of each witness giving testimony upon a particular issue.

(c) The composition of the eviction board shall be consistent with the requirements of section 356D-93, HRS.

(d) Hearings shall be conducted in an informal manner unless otherwise required by law.

(e) The eviction board may remove any person who disrupts a hearing.

(f) If a tenant, the tenant's attorney, or the tenant's representative is removed for disruptive conduct, the hearing may continue, and a determination made based upon the available evidence and testimony presented.

(g) All hearings shall be confidential and closed to the public unless the tenant agrees otherwise.

(h) The hearing may be conducted through the use of video conferencing technology in accordance with section 356D-93(b), HRS, as it existed on July 16, 2026. The authority shall notify the tenant, the tenant's attorney, or the tenant's representative in writing prior to the scheduled hearing date that the hearing shall be conducted using video conferencing technology. [Eff 08/06/04; am and comp 05/24/14; am and comp] (Auth: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-93, 356D-98)

§17-2020-32 Default. A tenant who fails to appear at a hearing after being duly notified may be found in default and the eviction board may proceed with the hearing. [Eff 08/06/04; am and comp 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-93, 356D-98)

§17-2020-33 Curable and non-curable violations. (a) The eviction board shall determine whether or not the violation of a rental agreement constitutes a curable or non-curable violation. A violation is curable if the violation for which the tenant is being referred is a first offense and is not defined as a non-curable violation.

(b) Non-curable violations include any of the following by a tenant, any member of the tenant's household, or any guest or other person under the tenant's control:

(1) Any violations or conduct that threaten or could threaten the health or safety of the other residents, the authority’s employees or representatives, or other individuals on any authority property or that damages the authority’s property itself;

(2) Any drug-related criminal activity or violent criminal activity;

(3) Any criminal activity that threatens or could threaten the health, safety, or right to peaceful enjoyment of other residents, the authority’s employees or

representatives, or other individuals on any authority property or that damages the authority's property itself;

(4) Where the tenant has received notice from the United States Department of Housing and Urban Development that the tenant is no longer eligible to remain in the unit;

(5) Where any member of the family has been convicted of a felony during the term of the tenancy, including but not limited to any felony involving violence, threats of violence, weapons, sexual offenses, crimes against persons, crimes against property, offenses involving the authority’s or a resident or tenant association’s property or funds, or any other felony that threatens, or that could threaten, the health, safety, or peaceful enjoyment of the premises by others;

(6) Any property damage, regardless of whether such damage threatens or could threaten the health or safety of other residents, the authority’s employees or representatives, or other individuals, which requires repair at a projected cost which exceeds $3,000;

(7) Any violation where the family allows an individual, who the family knows to be trespassed from the property, to visit or stay on the property or in the family’s dwelling unit during the trespass period;

(8) Any violation where at the time of admission, reexamination, interim, or at any other time, the family has submitted false information to the authority or has withheld valuable information from the authority or has made willful misstatements to the authority;

(9) Any false statement or misrepresentation by the household during any authority related

grievance or eviction hearing that affects or could reasonably affect the hearing decision; and

(10) Where 24 C.F.R. §966.4, as it existed on July 16, 2026, requires termination of the rental agreement and eviction. [Eff 8/6/04; am and comp 05/24/14; am and comp] (Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-94, 356D-98) (Imp: 24 CFR §§5.100, 966.4; HRS §§356D-94, 356D-98)

§§17-2020-34 to 17-2020-40 (Reserved).

SUBCHAPTER 4

APPEALS

§17-2020-41 Appeals of contested case hearings. Any person aggrieved by the final decision and order of the eviction board may institute proceedings for review in the circuit court within thirty days after receipt of the decision as provided in section 356D-96, HRS. [Eff 08/06/04; am and ren 05/24/14; comp] (Auth: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-96, 356D-98)

§§17-2020-42 to 17-2020-50 (Reserved).

SUBCHAPTER 5

MISCELLANEOUS PROVISIONS

§17-2020-51 Severability. If any part, section, sentence clause, or phrase of these rules or its application to any person or circumstance is for any reason held to be unconstitutional or invalid, the remaining parts, sections, sentences, clauses, and phrases or applications of these rules to other persons or circumstances shall not be affected. [Eff 08/06/04; comp 05/24/14; comp] (Auth: HRS §§356D-4, 356D-13, 356D-98) (Imp: HRS §356D-98)

§17-2020-52 Number. The use of all words used in the singular shall extend to and include the plural. [Eff 08/06/04; comp 05/24/14; comp] (Auth: HRS §§356D-4, 356D-13, 356D-98) (Imp: HRS §356D-98)

DEPARTMENT OF HUMAN SERVICES

Amendments to and compilation of chapter 17-2020, Hawaii Administrative Rules, on the Summary page dated July 16, 2026, were adopted on [DATE], following a public hearing held on [DATE], after public notice was given in the Honolulu Star-Advertiser, the Maui News, the Garden Island, West Hawaii Today, and the Hawaii Tribune-Herald on [DATE].

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

____
Robert J. Hall, Chairperson
Board of Directors
Hawaii Public Housing
Authority

____
Josh Green, MD
Governor
State of Hawaii

Dated: _______________________

APPROVED AS TO FORM:

____
Deputy Attorney General

Filed: _______________________

Approved by the Executive Director ____
July 16, 2026

FOR ACTION

SUBJECT: To: **(1)** Adopt Proposed Changes to the Hawaii Public Housing Authority's (HPHA) Chapter 17-2028, Hawaii Administrative Rules (HAR), Entitled "Federally Assisted Public Housing Projects", As Follows:

(A) Amend Section 17-2028-2 as Follows:
- (i) Incorporate the Definition for "Co-Head" from the HPHA's Admissions & Continued Occupancy Policy (ACOP);
- (ii) Align the Definition of "Family" with 24 CFR Section 5.403;
- (iii) Incorporate the Definition for "Head of Household" from the HPHA's ACOP;
- (iv) Incorporate the Definition for "Homeless" or "Homelessness" from the HPHA's ACOP;
- (v) Revise the Definition of "Household" to Also Include Foster Children and Foster Adults Approved by the HPHA to Reside in a Dwelling Unit;
- (vi) Delete the Definition of "Involuntarily Displaced";
- (vii) Delete the Definition of "Serviceman";
- (viii) Revise the Definition of "Spouse" to Clarify that a Spouse Shares Equal Responsibility with a Head of Household for Ensuring a Family Fulfills All Responsibilities Under the Program;
- (ix) Delete the Definition of "Utility Reimbursement"; and
- (x) Add a New Definition for "Work-Exempt Individual";

(B) Amend Section 17-2028-5 as Follows:
- (i) Clarify that the Occupancy Standards Set Forth the Appropriate Bedroom Size for Tenant Transfers; and
- (ii) Incorporate Language Regarding the Occupancy Limits Prescribed by Local County Housing Codes Found in Section 17-2028-6;

(C) Repeal Section 17-2028-6;

(D) Amend Section 17-2028-7(j) to Clarify the HPHA Shall Not Provide Utility Allowance Reimbursements if the Utility Allowance Exceeds Total Tenant Payment;

(E) Amend Section 17-2028-22 as Follows:
- (i) Require a Family to Submit a Valid Social Security Number and Appropriate Documentation to the HPHA for a New Household Member Under the Age of Six Within Ninety Calendar Days of the Addition;
- (ii) Clarify that an Applicant is Ineligible for Admission if Applicant Gives the HPHA Reasonable Cause to Believe

Applicant Engages in or During a Three-Year Period Preceding the Date a Preliminary Application was Submitted had Engaged in Drug-Related Criminal Activity; Violent Criminal Activity; Other Criminal Activity Involving Violence, Threats of Violence, Weapons, Sexual Offense, Crimes Against Persons, Crimes Against Property, Offenses Involving the HPHA's Property or Funds; or Any Other Criminal Activity Which is Considered Likely to Adversely Affect the Health, Safety, or Right to Peaceful Enjoyment of a Public Housing Property by Other Tenants or the HPHA;

(iii) Require an Applicant to Disclose Any Pre-Existing Relationship(s) with a Director, Officer, Employee, or Representative of the HPHA Which May Present a Conflict of Interest; and

(iv) Establish that an Applicant is Ineligible for Admission if Applicant Uses a Federally Assisted or State-Aided Public Housing Dwelling Unit or Any Dwelling Unit Receiving Rental Assistance from the HPHA as a Primary Residence or Mailing Address as an Unauthorized Tenant;

(F) Amend Section 17-2028-23 as Follows:

(i) Clarify that an Applicant or Tenant Must Have a Request for a Live-In Aide Approved by the HPHA in Writing;

(ii) Clarify that an Individual is Ineligible to Serve as a Live-In Aide if the Individual Gives the HPHA Reasonable Cause to Believe the Individual Engages in or During a Three-Year Period Preceding a Tenant's Live-In Aide Request was Submitted had Engaged in Drug-Related Criminal Activity; Violent Criminal Activity; Other Criminal Activity Involving Violence, Threats of Violence, Weapons, Sexual Offense, Crimes Against Persons, Crimes Against Property, Offenses Involving the HPHA's Property or Funds; or Any Other Criminal Activity Which is Considered Likely to Adversely Affect the Health, Safety, or Right to Peaceful Enjoyment of a Public Housing Property by Other Tenants or the HPHA;

(iii) Require that a Live-In Aide Not Provide Supportive Services on Only a Part-Time, Rotating, or Intermittent Basis;

(iv) Require that a Live-In Aide be Certified by a Doctor or Other Professional as Capable of Providing Supportive Services for Twenty-Four Hours a Day; and

(v) Require that a Live-In Aide Reside with a Tenant and Must Use the Tenant's Dwelling Unit as the Sole Residence;

(G) Amend Section 17-2028-24 to Remove the Ten Business Day Deadline to Notify Applicants of Their Selection or Non-Selection for a Limited Opening of a Waiting List and Instead State the HPHA Shall Notify Applicants Within a Reasonable Time Following the Closing of the Waiting List;

(H) Amend Section 17-2028-34 as Follows:
   (i) Remove the Local Preferences for Involuntarily Displacement and Domestic Violence Victims Receiving Case Management Services from a Domestic Violence Shelter, Program, or Clearinghouse;
   (ii) Amend the Local Preference for Homelessness by Clarifying that an Applicant Qualifies if Applicant Experienced Homelessness at Any Time During the Twelve Months Preceding the Preliminary Application Date, and Applicant Completed or is Compliant with a Housing or Service Plan as Certified by a Case Manager or Other Employee of a Social Service Provider or Nonprofit Organization Receiving Federal, State, or County Funding, or a State or County Agency Which Administers Social Service Programs; and
   (iii) Remove the Requirement that Single Applicants who are Elderly, Disabled, or Displaced Receive Preference in Placement on a Waiting List Over All Other Single Applicants, Regardless of Local Preferences;

(I) Amend Section 17-2028-37 to Clarify that an Applicant May Only Request an Informal Hearing if the HPHA Removes Applicant from a Waiting List as a Result of an Ineligibility Determination;

(J) Amend Section 17-2028-39 to Remove the Requirement that Fifty Percent of Available Dwelling Units be for Applicants Without a Preference;

(K) Adopt Section 17-2028-51.01 to:
   (i) Establish that a Work Requirement Policy for all Non-Elderly, Non-Disabled Family Members of Fifteen Hours Per Week of Work-Related Activities;
   (ii) Establish that Work-Related Activities May Include Employment on at Least a Part-Time Basis; Enrollment in an Accredited Educational Institution or a Vocational, Technical, or Other Degree-Seeking Certification Program; Apprenticeships or Internships; Employment Counseling; U.S. Job Corps; and Community Service or Volunteer Activities;
   (iii) Establish how the HPHA may Verify Compliance with the Work-Requirement Policy for Non-Exempt Persons;
   (iv) Establish that Non-Work-Exempt Applicants Shall Be Given a Six Month Grace Period Following Their Admission to the Program;
   (v) Establish a Ninety-Calendar Day Warning Period to be Given if a Non-Work Exempt Tenant Falls Out of Compliance;
   (vi) Establish that the HPHA May Suspend this Policy During Periods of Economic Downturn, Natural Disasters, Public

Health Emergencies, or for Other Reasons as Determined to be Necessary; and

(vii) Clarify that the Work Requirement Policy Does Not Exempt a Tenant or any Family Member from Complying with the Community Service Requirements Pursuant to 24 CFR Part 960, Subpart F;

(L) Adopt Section 17-2028-51.02 to:

(i) Establish that a Non-Work Exempt Family Member May Request a Hardship Exemption from the Work Requirement Policy in Writing and the Information that Must Be Included;

(ii) Establish Examples of Qualifying Hardships;

(iii) Establish the Factors to be Considered by the HPHA and the Timeline for Review of a Hardship Exemption Request;

(iv) Establish how the HPHA will Determine the Length of any Hardship Exemption it Grants; and

(v) Establish that a Tenant may Grieve the Denial of a Hardship Exemption by the HPHA;

(M) Amend Section 17-2028-52 to Require that a Tenant Comply with the Work Requirement Policy to Remain Eligible for Continued Occupancy;

(N) Amend Section 17-2028-54 to Allow the HPHA to Perform Biennial Reexaminations;

(O) Amend Section 17-2028-55 to Clarify the HPHA may Perform Biennial Reexaminations;

(P) Amend Section 17-2028-57 to:

(i) Remove Language Regarding the Transfer State-Aided Public Housing Tenants to Federal Public Housing Properties;

(ii) Establish that if no Dwelling Unit is Available at a Public Housing Project, the HPHA may Transfer a Family to Another Property Within the Same Geographic Waiting List Area; and

(iii) Remove the Restriction on Families Transferring Between Federally Assisted Housing Programs;

(Q) Amend Section 17-2020-59 to Provide that the HPHA may Terminate a Rental Agreement if a Tenant, Member of Tenant's Household, or a Guest or Other Person Under the Tenant's Control:

(i) Engages in the Illegal Use of a Drug or Gives the Authority Reasonable Cause to Believe that the Illegal Use (or Pattern of Illegal Use) of a Drug or Abuse (or Pattern of Abuse) of Alcohol may Interfere with the Health, Safety, or Right to Peaceful Enjoyment of Any Authority Property by Other Tenants;

(ii) Engages in Any Criminal Activity on Any of the Authority's Properties That Threatens or Could Threaten the Health, Safety, or Right to Peaceful Enjoyment of Other Residents, the Authority's Employees or Representatives, or Other Individuals on a Property or that Damages the Authority's Property Itself;

(iii) Engages in Any Drug-Related Criminal Activity on or Near Any Authority Property as Determined by the Authority;

(iv) Engages in Conduct on Any of the Authority's Properties that Threatens or Could Threaten the Health or Safety of Other Residents, the Authority's Employees or Representatives, or Other Individuals on a Property or That Damages the Authority's Property Itself;

(v) Has Been Convicted of a Felony During the Term of the Tenancy, Including but not Limited to Felonies Involving Violence, Threats of Violence, Weapons, Sexual Offenses, Crimes Against Persons, Crimes Against Property, Offenses Involving the Authority's or a Resident or Tenant Association's Property or Funds, or Any Other Felony That Threatens, or That Could Threaten, the Health, Safety, or Peaceful Enjoyment of the Premises by Others;

(vi) Allows an Individual, Who They Know to be Trespassed from the Property, to Visit or Stay on the Property or in the Unit During the Trespass Period;

(vii) Furnishes False or Misleading Information During any Authority Grievance or Eviction Hearing That Affects or Could Reasonably Affect the Hearing Decision; and

(viii) Clarify that Notice of Proposed Termination Shall Be Given to a Tenant Thirty Calendar Days Before an Eviction Referral is Made;

(R) Amend Section 17-2028-61 to Establish a Minimum Rent of $100;

(S) Amend Section 17-2028-62 to Remove Reference to the Utility Allowance Reimbursement;

(T) Delete and Replace Section 17-2028-63(b) with Section 17-2028-64(d), and Clarify that the HPHA May Exempt Resident Associations and Nonprofits from the Facilities Maintenance Fee for Community Events or Programs Meant to Provide Supportive Services; and

(U) Make Technical, Non-Substantive Changes to Sections 17-2028-2, 17-2028-3, 17-2028-7, 17-2028-21, 17-2028-22, 17-2028-32, 17-2028-36, 17-2028-37, 17-2028-38, 17-2028-39, 17-2028-54, 17-2028-59, 17-2028-60, 17-2028-60.01, 17-2028-60.02, 17-2028-60.03, 17-2028-62, 17-2028-64, 17-2028-82, 17-2028-83, and 17-2028-92; and

(2) Authorize the Executive Director to Conduct a Public Hearing and Undertake All Other Actions Necessary Under Chapter 91, Hawaii Revised Statutes, and Administrative Directive No. 18-02 to Implement the

Revision of Chapter 17-2028, Hawaii Administrative Rules, Including Making Non-Substantive Revisions to Formatting as May Be Required

* * *

The proposed amendments to the Hawaii Public Housing Authority's (HPHA) Chapter 17-2028, Hawaii Administrative Rules, entitled "Federally Assisted Public Housing Projects" may be viewed on the internet on or about July 16, 2026, on the HPHA's website at https://www.HPHA.hawaii.gov/about-the-HPHA/HPHA-policies-rules/. The proposed amendments may also be viewed at the HPHA's Main Administrative Office located at 1002 North School Street, Building E, Honolulu, Hawaii 96187, from 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays. Interested persons may request a copy of the draft rules be mailed to them by calling (808) 204-9042 or by emailing a request to HPHA@hawaii.gov.

I. FACTS

A. The Hawaii Public Housing Authority's (HPHA) low-income public housing program is governed by a variety of federal, State, and agency statutes and rules found in the United States Code; the Code of Federal Regulations (CFR); Chapter 356D, Hawaii Revised Statutes (HRS); and the Hawaii Administrative Rules (HAR).

B. Sections 356D-4 and 356D-13, HRS, authorize the HPHA to adopt administrative rules with the force and effect of law to govern its federal programs.

II. DISCUSSION

A. Proposed Amendments Related to the HPHA's Rental Agreement Termination Policies

1. On February 19, 2026, the HPHA Board of Directors approved the "Hawaii Public Housing Authority Emergency Rules Relating to Eviction". The emergency rules were signed by the Governor, filed with the Office of the Lieutenant Governor, and went into effect on March 10, 2026.

2. Pursuant to Section 91-4(b), HRS, emergency rules remain effective for a period not longer than one hundred twenty days without renewal. The Emergency Rules Relating to Eviction will expire on July 8, 2026.

3. The Emergency Rules Relating to Eviction were adopted to address the significant and alarming increase in criminal activity occurring on and around public housing properties over the past several months. The HPHA found that in its current form, Chapter 17-2028, HAR, could hinder its ability to fully and adequately address violations or conduct that threatens or could threaten the health and safety of individuals at its properties.

4. Since the adoption of the Emergency Rules Relating to Eviction, the HPHA's law enforcement partners have anecdotally reported a reduction in serious violent and drug-related criminal activity on and around public housing properties. The HPHA also completed one eviction case for health and safety violations. Some information and details regarding suspected criminal activity on public housing properties have not been released to the HPHA so as not to compromise ongoing law enforcement investigations.

5. The proposed draft of Chapter 17-2028, HAR, incorporates the emergency rule changes into the permanent rules. It would also make similar amendments to the sections which govern eligibility determinations for new applicants for public housing and proposed live-in aides.

B. Proposed Amendments Related to HUD-Approved 'Moving to Work' Activities and Other Planned Policies

1. As a Moving to Work (MTW) Expansion Agency, the HPHA must regularly submit an MTW Supplement to the U.S. Department of Housing and Urban Development (HUD) as an addendum to the Annual Public Housing Agency (PHA) Plan. The MTW Supplement provides the public with information on all planned MTW policies and activities. HUD also uses the MTW Supplement to monitor and evaluate the effectiveness of these policies.

2. The Board of Directors approved the final draft and submission of the HPHA's Annual PHA Plan and MTW Supplement for FY 2027 to HUD on April 9, 2026. The HUD Honolulu Field Office and HUD MTW Office approved the HPHA's Annual PHA Plan and MTW Supplement for FY 2027 on June 30, 2026.

3. The proposed draft of Chapter 17-2028, HAR, would establish and effectuate several of the planned policies and activities described in the Annual PHA Plan and MTW Supplement for FY 2027, including biennial reexaminations, eliminating the utility reimbursement, creating a work requirement policy for able-bodied tenant family members, changing the minimum rent to $100, and aligning the

public housing local preferences with the HPHA's Housing Choice Voucher Program.

C. The specific proposed amendments to Chapter 17-2028, HAR, are as follows:

1. Amend Section 17-2028-2 as follows:

a. Incorporate the definition for "co-head" from pg. 2-4 of the HPHA's Admissions & Continued Occupancy Policy (ACOP);

b. Align the definition of "family" with 24 CFR Section 5.403;

c. Incorporate the definition for "head of household" from pg. 2-4 of the HPHA's ACOP;

d. Incorporate the definition for "homeless" or "homelessness" from pg. 4-6 of the HPHA's ACOP;

e. Revise the definition of "household" to also include foster children and foster adults approved by the HPHA to reside in a dwelling unit;

f. Delete the definition of "involuntarily displaced";

g. Delete the definition of "serviceman";

h. Revise the definition of "spouse" to clarify that a spouse shares equal responsibility with a head of household for ensuring a family fulfills all responsibilities under the program and Rental Agreement;

i. Delete the definition of "utility reimbursement"; and

j. Add a new definition for "work-exempt individual";

2. Amend Section 17-2028-5 as follows:

a. In subsection (b), clarify that the occupancy standards set forth the appropriate bedroom size for tenant transfers; and

b. Adopt a new subsection (c) which incorporates language regarding the occupancy limits prescribed by local county housing codes found in Section 17-2028-6.

3. Repeal Section 17-2028-6.

4. Amend Section 17-2028-7(j) to clarify the HPHA shall not provide utility allowance reimbursements if a family's utility allowance exceeds their total tenant payment.

5. Amend Section 17-2028-22 as follows:

    a. Clarify that a family must provide a valid social security number (SSN) for all household members at least six years of age and all household members under the age of six who have an SSN. If a family wishes to add a new household member under the age of six who has no SSN, the family must provide the HPHA within 90 calendar days following the addition either a valid SSN card from the Social Security Administration (SSA); an original document from the SSA with the child's name and SSN; or an original document from a federal, state, or local government agency which contains the child's name and SSN;

    b. Clarify in subsection (a)(1)(J) that an applicant is ineligible for admission if applicant gives the HPHA reasonable cause to believe applicant engages in or during a three-year period preceding the date a preliminary application was submitted had engaged in drug-related criminal activity; violent criminal activity; other criminal activity involving violence, threats of violence, weapons, sexual offense, crimes against persons, crimes against property, offenses involving the HPHA's property or funds; or any other criminal activity which is considered likely to adversely affect the health, safety, or right to peaceful enjoyment of a public housing property by other tenants or the HPHA;

    c. Require that an applicant must disclose any pre-existing relationship(s) with a director, officer, employee, or representative of the authority, including but not limited to familial relationships, business relationships, or any other personal relationships where an individual may reasonably be perceived as having an influence over applicant's eligibility determination, waiting list position, or unit assignment; and

    d. Establish in a new subsection (a)(1)(N) that an applicant is ineligible for admission if applicant uses a federally assisted or state-aided public housing dwelling unit or any dwelling unit receiving rental assistance from the HPHA as a primary residence or mailing address as an unauthorized tenant.

6. Amend Section 17-2028-23 as follows:

    a. Clarify that an applicant or tenant must have a request for a live-in aide approved by the HPHA in writing;

    b. Clarify in paragraph (8) that an individual is ineligible to serve as a live-in aide if the individual gives the HPHA reasonable cause to believe the individual engages in or during a three-year period preceding a tenant's live-in aide request was submitted had engaged in drug-related criminal activity; violent criminal activity; other criminal activity involving violence, threats of violence, weapons, sexual offense, crimes against persons, crimes against property, offenses involving the HPHA's property or funds; or any other criminal activity which is considered likely to adversely affect the health, safety, or right to peaceful enjoyment of a public housing property by other tenants or the HPHA;

    c. Establish in a new paragraph (15) that a live-in aide must not provide supportive services on only a part-time, rotating, or intermittent basis;

    d. Establish in a new paragraph (16) that a live-in must be certified by a doctor or other professional as capable of providing supportive services for twenty-four hours a day; and

    e. Establish in a new paragraph (17) that a live-in aide must reside with a tenant and use the tenant's dwelling unit as their sole residence;

7. Amend Section 17-2028-34 as follows:

    a. Amend subsection (a) to remove the local preferences for involuntarily displacement and domestic violence victims receiving case management services from a domestic violence shelter, program, or clearinghouse;

    b. Amend the local preference for homelessness in subsection (a) by clarifying that an applicant qualifies if applicant experienced homelessness at any time during the twelve months preceding the preliminary application date, and applicant completed or is compliant with a housing or service plan as certified by a case manager or other employee of a social service provider or nonprofit organization receiving federal, state, or county funding, or a state or county agency which administers social service programs; and

c. Delete subsection (c) which requires that single applicants who are elderly, disabled, or displaced receive preference in placement on a waiting list over all other single applicants, regardless of their local preferences.

8. Amend section 17-2028-37 to clarify that an applicant may only request an informal hearing if the HPHA removes applicant from a waiting list as a result of an ineligibility determination.

9. Pursuant to Act 99, Session Laws of Hawaii 2023, delete Section 17-2028-39(c) which requires that fifty percent of available dwelling units be made available to applicants with a local preference and fifty percent to applicants without a local preference.

10. Adopt Section 17-2028-51.01 which:

a. Establishes a new Work Requirement Policy for all non-elderly, non-disabled family members of fifteen hours per week of work-related activities;

b. Establishes that work-related activities may include employment on at least a part-time basis; enrollment in an accredited educational institution or a vocational, technical, or other degree-seeking certification program; apprenticeships or internships; employment counseling; U.S. Job Corps; and community service or volunteer activities, provided that such activities do not constitute more than eight hours of the required weekly minimum;

c. Establishes that the HPHA may verify compliance with the Work Requirement Policy through:

i. Use of an upfront income verification system such as HUD's Enterprise Income Verification System or the State Department of Human Services' Hawaii Automated Welfare Information System;

ii. Written, third-party verification from an employer or staffing agency;

iii. Written, third-party verification from an organization receiving community service or volunteer assistance; or

iv. Written, third-party verification from a school or program for education or job training;

d. Establishes that non-work-exempt applicants will be given a ninety-calendar day grace period following their admission to the program;

e. Establishes that the HPHA may suspend this policy during periods of economic downturn, natural disasters, public health emergencies, or for other reasons as determined to be necessary; and

f. Establish that the Work Requirement Policy does not exempt a tenant or any family member from complying with HUD's Community Service Requirements set forth in 24 CFR Part 960, Subpart F.

11. Adopt Section 17-2028-51.02 which:

a. Establishes that a non-work exempt family member may request a hardship exemption from the work requirement policy in writing and the information that must be included;

b. Establish examples of qualifying hardships which may include but are not limited to:

i. A doctor or medical professional verifies that tenant received or is receiving inpatient care at a hospital, nursing facility, or intermediate care facility for an illness or injury that is not of a permanent nature;

ii. Tenant must travel out of state for an extended period of time for medical care for themself or a dependent; or

iii. Tenant certifies they are a victim of domestic violence, dating violence, sexual assault, or stalking;

c. Establishes the factors to be considered by the HPHA and the timeline for review of a hardship exemption request;

d. Establishes how the HPHA will determine the length of any hardship exemption it grants; and

e. Establishes that a tenant may grieve the denial of a hardship exemption by the HPHA.

12. Add Section 17-2028-52(a)(6) to require that a tenant comply with the work requirement policy to remain eligible for continued occupancy.

13. Amend Section 17-2028-54 to allow the HPHA to perform biennial reexaminations.

14. Amend Section 17-2028-55 to clarify the HPHA may perform biennial reexaminations.

15. Amend Section 17-2028-57 to:

    a. Remove language regarding the transfer state-aided public housing tenants to federal public housing properties;

    b. Establish that if no dwelling unit is available at a public housing project, the HPHA may transfer a family to another property within the same geographic waiting list area; and

    c. Remove the restriction on families transferring between federally assisted housing programs.

16. Amend Section 17-2020-59 to provide that the HPHA may terminate a rental agreement if a tenant, member of tenant's household, or a guest or other person under the tenant's control:

    a. Engages in the illegal use of a drug or gives the authority reasonable cause to believe that the illegal use (or pattern of illegal use) of a drug or abuse (or pattern of abuse) of alcohol may interfere with the health, safety, or right to peaceful enjoyment of any authority property by other tenants;

    b. Engages in any criminal activity on any of the authority's properties that threatens or could threaten the health, safety, or right to peaceful enjoyment of other residents, the authority's employees or representatives, or other individuals on a property or that damages the authority's property itself;

    c. Engages in any drug-related criminal activity on or near any authority property as determined by the authority;

    d. Engages in conduct on any of the authority's properties that threatens or could threaten the health or safety of other residents, the authority's employees or representatives, or other individuals on a property or that damages the authority's property itself;

e. Has been convicted of a felony during the term of the tenancy, including but not limited to felonies involving violence, threats of violence, weapons, sexual offenses, crimes against persons, crimes against property, offenses involving the authority's or a resident or tenant association's property or funds, or any other felony that threatens, or that could threaten, the health, safety, or peaceful enjoyment of the premises by others;

f. Allows an individual, who they know to be trespassed from the property, to visit or stay on the property or in the unit during the trespass period;

g. Furnishes false or misleading information during any authority grievance or eviction hearing that affects or could reasonably affect the hearing decision; and

h. Clarify that notice of proposed termination shall be given to a tenant thirty calendar days before an eviction referral is made.

17. Amend Section 17-2028-61 to establish a minimum rent of $100.

18. Amend Section 17-2028-62 to remove reference to the utility allowance reimbursement.

19. Delete and replace Section 17-2028-63(b) with Section 17-2028-64(d), and clarify that the HPHA may exempt a duly recognized resident association or nonprofit organization from a facility maintenance fee for community events or programs meant to provide supportive services to tenants.

20. Make technical, non-substantive changes to Sections 17-2028-2, 17-2028-3, 17-2028-7, 17-2028-21, 17-2028-22, 17-2028-24, 17-2028-32, 17-2028-36, 17-2028-37, 17-2028-38, 17-2028-39, 17-2028-54, 17-2028-59, 17-2028-60, 17-2028-60.01, 17-2028-60.02, 17-2028-60.03, 17-2028-62, 17-2028-64, 17-2028-82, 17-2028-83, And 17-2028-92.

D. Upon approval by the Board of Directors, the HPHA must request permission from the Governor to take the proposed amendments to a public hearing. If approved by the Governor, the HPHA must give 30 days' notice to the public before holding the public hearing.

E. The Executive Director may make technical, non-substantive amendments to the proposed draft during the public review and comment period. After the public hearing, the Executive Director will transmit the proposed amendments to the Governor for final approval provided no substantive changes are required. Staff anticipate the following schedule for the approval.

Action	Timeframe
For Action to approve draft amendments	July 16, 2026
Request Governor approval of public hearing	July 16, 2026
Receive Governor's approval	July 30, 2026
Publish hearing notice in newspapers (30-day notice)	August 6, 2026
Public Hearing	September 7, 2026
Final Board approval / transmit to Governor	September 17, 2026
Rules effective	October 1, 2026

F. If substantive amendments are proposed after the public hearing, the revised rules will be presented to the Board of Directors for additional review and approval.

G. The HPHA will gather input and comments from the Resident Advisory Board on the proposed rules.

III. RECOMMENDATION

That the Board of Directors: **(1)** Adopt Proposed Changes to the Hawaii Public Housing Authority's (HPHA) Chapter 17-2028, Hawaii Administrative Rules (HAR), Entitled "Federally Assisted Public Housing Projects", As Follows:

(A) Amend Section 17-2028-2 as Follows:
- (i) Incorporate the Definition for "Co-Head" from the HPHA's Admissions & Continued Occupancy Policy (ACOP);
- (ii) Align the Definition of "Family" with 24 CFR Section 5.403;
- (iii) Incorporate the Definition for "Head of Household" from the HPHA's ACOP;
- (iv) Incorporate the Definition for "Homeless" or "Homelessness" from the HPHA's ACOP;
- (v) Revise the Definition of "Household" to Also Include Foster Children and Foster Adults Approved by the HPHA to Reside in a Dwelling Unit;
- (vi) Delete the Definition of "Involuntarily Displaced";
- (vii) Delete the Definition of "Serviceman";

(viii) Revise the Definition of "Spouse" to Clarify that a Spouse Shares Equal Responsibility with a Head of Household for Ensuring a Family Fulfills All Responsibilities Under the Program;
(ix) Delete the Definition of "Utility Reimbursement"; and
(x) Add a New Definition for "Work-Exempt Individual";

(B) Amend Section 17-2028-5 as Follows:
(i) Clarify that the Occupancy Standards Set Forth the Appropriate Bedroom Size for Tenant Transfers; and
(ii) Incorporate Language Regarding the Occupancy Limits Prescribed by Local County Housing Codes Found in Section 17-2028-6;

(C) Repeal Section 17-2028-6;

(D) Amend Section 17-2028-7(j) to Clarify the HPHA Shall Not Provide Utility Allowance Reimbursements if the Utility Allowance Exceeds Total Tenant Payment;

(E) Amend Section 17-2028-22 as Follows:
(i) Require a Family to Submit a Valid Social Security Number and Appropriate Documentation to the HPHA for a New Household Member Under the Age of Six Within Ninety Calendar Days of the Addition;
(ii) Clarify that an Applicant is Ineligible for Admission if Applicant Gives the HPHA Reasonable Cause to Believe Applicant Engages in or During a Three-Year Period Preceding the Date a Preliminary Application was Submitted had Engaged in Drug-Related Criminal Activity; Violent Criminal Activity; Other Criminal Activity Involving Violence, Threats of Violence, Weapons, Sexual Offense, Crimes Against Persons, Crimes Against Property, Offenses Involving the HPHA's Property or Funds; or Any Other Criminal Activity Which is Considered Likely to Adversely Affect the Health, Safety, or Right to Peaceful Enjoyment of a Public Housing Property by Other Tenants or the HPHA;
(iii) Require an Applicant to Disclose Any Pre-Existing Relationship(s) with a Director, Officer, Employee, or Representative of the HPHA Which May Present a Conflict of Interest; and
(iv) Establish that an Applicant is Ineligible for Admission if Applicant Uses a Federally Assisted or State-Aided Public Housing Dwelling Unit or Any Dwelling Unit Receiving Rental Assistance from the HPHA as a Primary Residence or Mailing Address as an Unauthorized Tenant;

(F) Amend Section 17-2028-23 as Follows:
(i) Clarify that an Applicant or Tenant Must Have a Request for a Live-In Aide Approved by the HPHA in Writing;
(ii) Clarify that an Individual is Ineligible to Serve as a Live-In Aide if the Individual Gives the HPHA Reasonable Cause to Believe the Individual Engages in or During a Three-Year Period Preceding a Tenant's Live-In Aide Request was Submitted had Engaged in Drug-Related Criminal Activity; Violent Criminal Activity; Other

Criminal Activity Involving Violence, Threats of Violence, Weapons, Sexual Offense, Crimes Against Persons, Crimes Against Property, Offenses Involving the HPHA's Property or Funds; or Any Other Criminal Activity Which is Considered Likely to Adversely Affect the Health, Safety, or Right to Peaceful Enjoyment of a Public Housing Property by Other Tenants or the HPHA;

(iii) Require that a Live-In Aide Not Provide Supportive Services on Only a Part-Time, Rotating, or Intermittent Basis;

(iv) Require that a Live-In Aide be Certified by a Doctor or Other Professional as Capable of Providing Supportive Services for Twenty-Four Hours a Day; and

(v) Require that a Live-In Aide Reside with a Tenant and Must Use the Tenant's Dwelling Unit as the Sole Residence;

(G) Amend Section 17-2028-24 to Remove the Ten Business Day Deadline to Notify Applicants of Their Selection or Non-Selection for a Limited Opening of a Waiting List and Instead State the HPHA Shall Notify Applicants Within a Reasonable Time Following the Closing of the Waiting List;

(H) Amend Section 17-2028-34 as Follows:

(i) Remove the Local Preferences for Involuntarily Displacement and Domestic Violence Victims Receiving Case Management Services from a Domestic Violence Shelter, Program, or Clearinghouse;

(ii) Amend the Local Preference for Homelessness by Clarifying that an Applicant Qualifies if Applicant Experienced Homelessness at Any Time During the Twelve Months Preceding the Preliminary Application Date, and Applicant Completed or is Compliant with a Housing or Service Plan as Certified by a Case Manager or Other Employee of a Social Service Provider or Nonprofit Organization Receiving Federal, State, or County Funding, or a State or County Agency Which Administers Social Service Programs; and

(iii) Remove the Requirement that Single Applicants who are Elderly, Disabled, or Displaced Receive Preference in Placement on a Waiting List Over All Other Single Applicants, Regardless of Local Preferences;

(I) Amend Section 17-2028-37 to Clarify that an Applicant May Only Request an Informal Hearing if the HPHA Removes Applicant from a Waiting List as a Result of an Ineligibility Determination;

(J) Amend Section 17-2028-39 to Remove the Requirement that Fifty Percent of Available Dwelling Units be for Applicants Without a Preference;

(K) Adopt Section 17-2028-51.01 to:

(i) Establish that a Work Requirement Policy for all Non-Elderly, Non-Disabled Family Members of Fifteen Hours Per Week of Work-Related Activities;

(ii) Establish that Work-Related Activities May Include Employment on at Least a Part-Time Basis; Enrollment in an Accredited Educational Institution or a Vocational, Technical, or Other Degree-

Seeking Certification Program; Apprenticeships or Internships; Employment Counseling; U.S. Job Corps; and Community Service or Volunteer Activities;

(iii) Establish how the HPHA may Verify Compliance with the Work-Requirement Policy for Non-Exempt Persons;

(iv) Establish that Non-Work-Exempt Applicants Shall Be Given a Six Month Grace Period Following Their Admission to the Program;

(v) Establish a Ninety-Calendar Day Warning Period to be Given if a Non-Work Exempt Tenant Falls Out of Compliance;

(vi) Establish that the HPHA May Suspend this Policy During Periods of Economic Downturn, Natural Disasters, Public Health Emergencies, or for Other Reasons as Determined to be Necessary; and

(vii) Clarify that the Work Requirement Policy Does Not Exempt a Tenant or any Family Member from Complying with the Community Service Requirements Pursuant to 24 CFR Part 960, Subpart F;

(L) Adopt Section 17-2028-51.02 to:

(i) Establish that a Non-Work Exempt Family Member May Request a Hardship Exemption from the Work Requirement Policy in Writing and the Information that Must Be Included;

(ii) Establish Examples of Qualifying Hardships;

(iii) Establish the Factors to be Considered by the HPHA and the Timeline for Review of a Hardship Exemption Request;

(iv) Establish how the HPHA will Determine the Length of any Hardship Exemption it Grants; and

(v) Establish that a Tenant may Grieve the Denial of a Hardship Exemption by the HPHA;

(M) Amend Section 17-2028-52 to Require that a Tenant Comply with the Work Requirement Policy to Remain Eligible for Continued Occupancy;

(N) Amend Section 17-2028-54 to Allow the HPHA to Perform Biennial Reexaminations;

(O) Amend Section 17-2028-55 to Clarify the HPHA may Perform Biennial Reexaminations;

(P) Amend Section 17-2028-57 to:

(i) Remove Language Regarding the Transfer State-Aided Public Housing Tenants to Federal Public Housing Properties;

(ii) Establish that if no Dwelling Unit is Available at a Public Housing Project, the HPHA may Transfer a Family to Another Property Within the Same Geographic Waiting List Area; and

(iii) Remove the Restriction on Families Transferring Between Federally Assisted Housing Programs;

(Q) Amend Section 17-2020-59 to Provide that the HPHA may Terminate a Rental Agreement if a Tenant, Member of Tenant's Household, or a Guest or Other Person Under the Tenant's Control:

(i) Engages in the Illegal Use of a Drug or Gives the Authority Reasonable Cause to Believe that the Illegal Use (or Pattern of

Illegal Use) of a Drug or Abuse (or Pattern of Abuse) of Alcohol may Interfere with the Health, Safety, or Right to Peaceful Enjoyment of Any Authority Property by Other Tenants;

(ii) Engages in Any Criminal Activity on Any of the Authority's Properties That Threatens or Could Threaten the Health, Safety, or Right to Peaceful Enjoyment of Other Residents, the Authority's Employees or Representatives, or Other Individuals on a Property or that Damages the Authority's Property Itself;

(iii) Engages in Any Drug-Related Criminal Activity on or Near Any Authority Property as Determined by the Authority;

(iv) Engages in Conduct on Any of the Authority's Properties that Threatens or Could Threaten the Health or Safety of Other Residents, the Authority's Employees or Representatives, or Other Individuals on a Property or That Damages the Authority's Property Itself;

(v) Has Been Convicted of a Felony During the Term of the Tenancy, Including but not Limited to Felonies Involving Violence, Threats of Violence, Weapons, Sexual Offenses, Crimes Against Persons, Crimes Against Property, Offenses Involving the Authority's or a Resident or Tenant Association's Property or Funds, or Any Other Felony That Threatens, or That Could Threaten, the Health, Safety, or Peaceful Enjoyment of the Premises by Others;

(vi) Allows an Individual, Who They Know to be Trespassed from the Property, to Visit or Stay on the Property or in the Unit During the Trespass Period;

(vii) Furnishes False or Misleading Information During any Authority Grievance or Eviction Hearing That Affects or Could Reasonably Affect the Hearing Decision; and

(viii) Clarify that Notice of Proposed Termination Shall Be Given to a Tenant Thirty Calendar Days Before an Eviction Referral is Made;

(R) Amend Section 17-2028-61 to Establish a Minimum Rent of $100;

(S) Amend Section 17-2028-62 to Remove Reference to the Utility Allowance Reimbursement;

(T) Delete and Replace Section 17-2028-63(b) with Section 17-2028-64(d), and Clarify that the HPHA May Exempt Resident Associations and Nonprofits from the Facilities Maintenance Fee for Community Events or Programs Meant to Provide Supportive Services; and

(U) Make Technical, Non-Substantive Changes to Sections 17-2028-2, 17-2028-3, 17-2028-7, 17-2028-21, 17-2028-22, 17-2028-32, 17-2028-36, 17-2028-37, 17-2028-38, 17-2028-39, 17-2028-54, 17-2028-59, 17-2028-60, 17-2028-60.01, 17-2028-60.02, 17-2028-60.03, 17-2028-62, 17-2028-64, 17-2028-82, 17-2028-83, and 17-2028-92; and

(2) Authorize the Executive Director to Conduct a Public Hearing and Undertake All Other Actions Necessary Under Chapter 91, Hawaii Revised Statutes, and Administrative Directive No. 18-02 to Implement the Revision of Chapter 17-

2028, Hawaii Administrative Rules, Including Making Non-Substantive Revisions to Formatting as May Be Required

Attachment A: Proposed Draft of Chapter 17-2028, HAR, in Ramseyer Format
Attachment B. Proposed Draft of Chapter 17-2028, HAR, in Standard Format

Prepared by: Nicolas Ayabe, Housing Planner ______

Reviewed and Approved by: Benjamin Park, Chief Planner ______

Approved by the Board of Directors
on the date set forth above
[ ] As Presented [ ] As Amended

Robert J. Hall
Chairperson

FOR ACTION, ATTACHMENT A
PROPOSED AMENDMENTS TO CHAPTER 17-2028, HAR,
RAMSEYER FORMAT

DEPARTMENT OF HUMAN SERVICES

Amendment and Compilation of Chapter 17-2028
Hawaii Administrative Rules

July 16, 2026

1. Chapter 17-2028, Hawaii Administrative Rules, entitled "Federally Assisted Public Housing Projects", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER 2028

FEDERALLY ASSISTED PUBLIC HOUSING PROJECTS

Subchapter 1 General Provisions

Subchapter 2 Eligibility

Subchapter 3 Tenant Selection

Subchapter 4 Occupancy and Rental Agreement

Subchapter 4.1 Over-Income Families

Subchapter 5 Rents, Security Deposits, and Other Charges

Subchapter 6 Family Self-Sufficiency Program

Subchapter 7 Special Programs

Subchapter 8 Household Pets

Subchapter 9 Miscellaneous Provisions

Historical Note: Chapter 2028 of Title 17, Hawaii Administrative Rules, is substantially based upon Chapter 17-535, Hawaii Administrative Rules, [Eff 1/1/81; am and comp 2/11/85; am and comp 5/26/98; R 12/03/01], and Chapter 15-190, Hawaii Administrative Rules [Eff 12/03/01; R 9/04/07]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-2028-1 Purpose. These rules are adopted under chapter 91, HRS, and shall govern the administration of federal public housing programs designated to be carried out by a public housing agency, including admission to and the continued occupancy of federally assisted public housing projects owned or operated by the authority. These rules set forth some of the authority's admission and continued occupancy policies that a public housing authority is required to adopt pursuant to the U.S. Department of Housing and Urban Development federal public housing regulations in 24 C.F.R. Chapter IX ("ACOP"). These rules shall be used in conjunction with other public housing policies, but shall supersede any other policy that may conflict with these rules. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Parts 5, 903, 960, 965, 966; HRS §§356D-4, 356D-13)

§17-2028-2 Definitions. Whenever used in this chapter, unless specifically defined:

"Accessible dwelling unit" means a dwelling unit that is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical disabilities or a dwelling unit being made accessible as a result of alterations and is intended for use by a specific qualified individual with disabilities which meets the requirements of applicable standards that address the particular disability or impairment of an individual.

"Adjusted income" means "annual income" of the members of the family residing or intending to reside in the dwelling unit minus any HUD allowable expenses and deductions as defined in 24 C.F.R. §5.611 as it existed on [~~March 28, 2013~~] July 16, 2026.

"Admissions and Continued Occupancy Policy" or "ACOP" means these administrative rules and other administrative rules containing the policies by which the authority determines eligibility for admission, prospective tenant selection, dwelling unit assignment, fair and nondiscriminatory transfers, rental agreement terminations, pet policies, and other property-specific guidelines that a public housing authority is required to adopt pursuant to the U.S. Department of Housing and Urban Development federal public housing regulations in 24 C.F.R. Chapter IX.

"Annual income" means the gross amount of income anticipated to be received by the family during the twelve months after admission or reexamination. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income which has been excluded by HUD, as defined in 24 C.F.R. §5.609 as it existed on [~~March 28, 2013~~] July 16, 2026.

"Applicant" means an individual or family that submits an application for admission to the program but is not yet a participant in the program.

"Assets" or "net family assets" means net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment as defined in 24 C.F.R. §5.603 as it existed on [~~October 20, 2022~~] July 16, 2026, and excludes the value of necessary items of personal property such as furniture and automobiles.

"Assisted housing" means the same as "federally assisted housing".

"Authority" means the Hawaii public housing authority.

"Back charge" means the amount of arrears in rent or other charges owed to the authority.

"C.F.R." means the United States Code of Federal Regulations.

"Child" means a person who is born alive and is less than eighteen years of age.

"Co-head" means a person in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. Minors who are emancipated under state law may be designated as a co-head.

"Common areas" means areas which are available for use by more than one household, including lobbies, corridors, hallways, stairways, parking lots, spots, ramps, washing machine or laundry room, rooftops, elevators, washrooms and lobby areas, driveways, storerooms, fire escapes, entrances and exits of the building or buildings, basements, yards, gardens, recreational facilities, other parts of the project in common use or other areas designated by the authority, and shared ventilation ducts that service more than one dwelling unit.

"Community facilities" means real and personal property; buildings, equipment, lands, and grounds for recreational or social assemblies, and for educational, health, or welfare purposes; and necessary or convenient utilities, when designed primarily for the benefit and use of the authority or the occupants of the dwelling units.

"Community service" means the performance of voluntary work or duties that are a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

"Community wide" means inclusive of any location that is under the jurisdiction of the authority.

"Continuously assisted" means that the applicant is currently receiving assistance under any program of the United States Housing Act of 1937, as amended, and there is no break in assistance to the family.

"Covered families" means families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

"Criminal activity" means the tenant, any member of the tenant's household, a guest or another person under the tenant's control has engaged in any conduct constituting a criminal violation of federal law, HRS, or local ordinances regardless of whether there has been an arrest or conviction for such activity and without satisfying the standard of proof used for a criminal conviction.

"Designated housing" or "designated project" means a property (or properties), or a portion thereof that has been designated for occupancy by disabled families, elderly families, or mixed populations of disabled families and elderly families.

"Disabled family" means a family whose head, co-head, spouse, or sole member is a person with [~~disabilities~~] a disability; or two or more persons with [~~disabilities~~] a disability living together; or one or more persons with [~~disabilities~~] a disability living with one or more live-in aides.

"Domestic violence" means the actual or threatened physical violence directed against a family member by a spouse, former spouse, or other member of the family who is living or has lived with the family.

"Drug" means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. §802) as it existed on [~~October 20, 2022~~] July 16, 2026.

"Drug related criminal activity" means the illegal manufacture, sale, distribution, or use of a drug, or possession of a drug with intent to manufacture, sell, distribute, or use the drug.

"Dwelling unit" means a residential unit in a public housing project.

"Economic self-sufficiency program" means any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families.

"Elderly" or "elderly family" means a family whose head, co-head, spouse, or sole member is a person who is at least sixty-two years of age; or two or more persons who are at least sixty-two years of age living together; or one or more persons who are at least sixty-two years of age living with one or more live-in aides.

"Eligible family" means a family that meets the qualifications and requirements of the program for admission into federally assisted public housing.

"Enclosed or partially enclosed" means closed in by a roof or overhang and at least one wall. Enclosed or partially enclosed areas include but are not limited to areas commonly described as public lobbies, lanais, interior courtyards, patios, and covered walkways.

[~~"Exempt individual" means an individual who is exempt from complying with community service or self-sufficiency activities and which is further defined in 24 C.F.R. §960.601(b) as it existed on October 20, 2022.~~]

"Extremely low-income family" means a family whose annual income does not exceed thirty per cent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than thirty per cent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

"Family" means regardless of actual or perceived sexual orientation, gender identity, or marital status:

(1) A single person, who may be:

(A) An elderly person, near-elderly person, displaced person, disabled person, or any other single person; or

(B) An otherwise eligible youth who has attained at least eighteen years of age and not more than twenty-four years of age and who has left foster care, or will leave foster care within ninety days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(6)(H)), and is homeless or is at risk of becoming homeless at age sixteen or older; or

[~~(1)~~](2) Two or more persons who live or intend to live together as a unit and whose income and resources are available to meet the family's needs and whose head of family has reached the age of majority. Such families may include, but are not limited to:

(A) A family with or without children. A child who is temporarily away from the home because of placement in foster care is considered a member of the family. Family may include [~~foster children and~~] hanai children, or a child who is domiciled with, and for whom an adult member of the current household is caring for with written or unwritten permission from the legal parent or other person having legal custody, or a child domiciled with, and for whom an adult member of the current household is in the process of securing custody;

[~~(2)~~](B) An elderly family;

(C) A near-elderly family;

[~~(3)~~](D) A disabled family;

[~~(4)~~](E) A displaced family; and

[~~(5)~~](F) The remaining member of a tenant family who is recorded as an authorized occupant on the current list of household members and who has reached the age of majority[~~; or~~

~~(6) A single person who is not may be an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family~~].

"Family self-sufficiency program" or "FSS program" means the program established by the authority in accordance with 24 C.F.R. Part 984, as it existed on July 16, 2026, to promote self-sufficiency of assisted families, including the coordination of supportive services.

"Federally assisted housing" means housing assisted under any of the following HUD programs:

(1) Public housing;

(2) Housing receiving project-based or tenant-based assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C. §1437f) as it existed on [~~October 20, 2022~~] July 16, 2026;

(3) Housing that is assisted under section 202 of the Housing Act of 1959, as amended by section 801 of the National Affordable Housing Act (12 U.S.C. §1701q) as it existed on [~~October 20, 2022~~] July 16, 2026;

(4) Housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act as it existed on [~~October 20, 2022~~] July 16, 2026;

(5) Housing that is assisted under section 811 of the National Affordable Housing Act (42 U.S.C. §8013) as it existed on [~~October 20, 2022~~] July 16, 2026;

(6) Housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act (12 U.S.C. §1715l (d)(3)) that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act (12 U.S.C. §1715l (d)(5)) as it existed on [~~October 20, 2022~~] July 16, 2026;

(7) Housing insured, assisted, or held by HUD or by a State or local agency under section 236

of the National Housing Act (12 U.S.C. §1715z-1) as it existed on [~~October 20, 2022~~] July 16, 2026; or

(8) Housing assisted by the Rural Development Administration under section 514 or section 515 of the Housing Act of 1949 (42 U.S.C. §§1483, 1484) as it existed on [~~October 20, 2022~~] July 16, 2026.

"Foster children" means a person or persons, under eighteen years of age who is or are not related to the foster parent by blood, marriage, or adoption and who is or are in need of parenting care.

"Foster parent" means any adult person who gives parenting care and maintenance to a foster child pursuant to placement by an authorized agency.

"Gender identity" means actual or perceived gender-related characteristics.

"Hanai child" or "hanai children" means a child who is taken permanently to reside, be educated, and reared by someone other than the natural parents, traditionally a grandparent or other relative, with the written or unwritten permission of the natural parents.

"Head of household" means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse. The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

"Homeless" or "homelessness" means the lack of a fixed, regular, and adequate nighttime residence. A person experiencing homelessness has a primary nighttime residence that is:

(1) A supervised public or private shelter providing temporary accommodations such as welfare hotels, congregate shelters, or transitional housing;

(2) An institution providing temporary residence for individuals intended to be institutionalized; or

(3) A public or private place not ordinarily used as a sleeping accommodation for human beings.

"Household" means the family and [~~the authority-approved live-in aide~~] any additional person who, with the authority's permission, lives in a dwelling unit, such as a live-in aide, foster child, or foster adult.

"HRS" means the Hawaii Revised Statutes.

"HUD" means the United States Department of Housing and Urban Development.

"Imputed welfare income" means the amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

"Individual relief" means relief from surcharges for excess consumption of agency purchased utilities due to special factors affecting utility usage not within the control of the resident, as the agency shall deem appropriate.

[~~"Involuntarily displaced" means an applicant who has vacated or will have to vacate the dwelling unit where the applicant lives because of one or more of the following:~~

~~(1) Displacement by disaster;~~

~~(2) Displacement by governmental action; or~~

~~(3) Displacement by action of housing owner for reasons beyond the applicant's control and despite the applicant meeting all previously imposed conditions of occupancy. The action taken by the owner shall be for reasons other than an increase in rent.~~]

"Live-in aide" means a person who resides with one or more elderly persons, or near elderly persons, or persons with a disability[~~disabilities~~], and who:

(1) Is eighteen years of age or older;

(2) Is determined by the authority to be essential to the care and well-being of the

elder or elderly family member or the family member with a disability[~~disabilities~~];

(3) Is not obligated for the support of the elder or the elderly family member or family member with a disability[~~disabilities~~];

(4) Would not be living in the dwelling unit except to provide the necessary support services;

(5) Is not a tenant; and

(6) Notwithstanding any other rule, has no rights of tenancy, continued occupancy of dwelling unit, and is not a remaining member of the household and shall cease to be an occupant therein upon the recovery of the dwelling unit by the authority, or removal from the project of the elder or elderly family member or a family member with a disability[~~disabilities~~] who required the live-in aide.

"Location" means any site comprising a common geographic area undivided by natural or man-made barriers (such as rivers, highways, railroads, or other major obstructions) that block or impede normal pedestrian traffic and which may contain more than one project.

"Low-income family" means a family whose annual income does not exceed eighty per cent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than eighty per cent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

"Multifamily dwelling" means a building containing more than two dwelling units.

"Near elderly family" means a family whose head, spouse, or sole member is at least fifty years of age but below the age of sixty-two, or two or more persons, who are at least fifty years of age but below the age of sixty-two, living with one or more live-in aides.

"PHA plan" means the authority’s public housing agency plan that is prepared pursuant to 24 C.F.R. Part 903.

"Projects" means those rental properties owned or operated by the authority.

"Public housing" or "federally assisted public housing" means housing assisted under the United States Housing Act of 1937, other than under Section 8 of that Act, and includes dwelling units in a mixed finance project that are assisted by the authority with capital or operating assistance.

"Police officer" means a person determined by the authority to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a federal, State, or local government or by any agency of these governments.

"Refusal of an offer" means an applicant declines an offer made by the authority for a specific dwelling unit from any waiting list or an applicant's failure to respond to a written offer from the authority for a specific dwelling unit within the time specified in the offer.

"Rental agreement" means the agreement or contract containing the terms and conditions of occupancy of a dwelling unit entered into by the tenant and authority.

"Resident" means a United States citizen or national, or an eligible immigrant under one of the categories set forth in 42 U.S.C. §1436a(a) (also known as "noncitizen") who is able to demonstrate his or her intent to reside in Hawaii. Under one of these categories, an eligible immigrant is an alien who is lawfully residing in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the government of the Republic of the Marshall Islands, the Federal States of Micronesia (48 U.S.C. 18901 note), and the Republic of Palau (48 U.S.C. 1931 note) while the applicable section is in effect, also known as "COFA" resident. Intent to reside in Hawaii may be demonstrated by the following: length of time spent in

Hawaii; leasing or renting of a home in Hawaii; filing of personal Hawaii income tax returns; registering to vote in Hawaii; Hawaii driver's license; record of Hawaii motor vehicle registration; notification of hire to work in Hawaii; records of employment in Hawaii; military records substantiating Hawaii residency; enrollment of minor children in Hawaii schools; establishment of bank accounts and other accounts in Hawaii; written reference from Hawaii residents, relatives, or social agencies; and any other indicia which could substantiate a claim of an intent to reside in Hawaii.

"Security deposit" means a monetary deposit required prior to admission to federally assisted public housing or use of community facilities that is applied against the cost of loss or damage to the authority's property (reasonable wear and tear excepted) and non-payment of rent.

"Service-exempt individual" means an individual who is exempt from complying with community service or self-sufficiency activities and which is further defined in 24 C.F.R. §960.601(b) as it existed on July 16, 2026.

[~~"Serviceman" means a person active in the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, and since July 29, 1945, the Commissioned Corps of the U.S. Public Health Service who has served therein at any time:~~

~~(1) On or after April 6, 1917, and prior to November 11, 1918;~~

~~(2) On or after September 16, 1940, and prior to July 26, 1947;~~

~~(3) On or after June 27, 1950, and prior to February 1, 1955; or~~

~~(4) On or after August 6, 1964 and prior to May 7, 1975.~~]

"Sexual orientation" means having a preference for homosexuality, heterosexuality, or bisexuality, having a history of any one or more of these preferences, having a history of any one or more of these preferences, or being identified with any one or more of these preferences. Sexual orientation shall not be construed to protect conduct otherwise proscribed by law.

"Smoke" or "smoking" means inhaling, exhaling, burning, or carrying any lighted smoking or heated tobacco product or plant product intended for inhalation in any manner or in any form, including electronic smoking devices.

"Spouse" means the marriage partner of the head of household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program.

"Staff" means the employees or authorized contractors of the authority.

"Tenant" means the person or persons who enter into a rental agreement with the authority to reside in a dwelling unit.

"U.S.C." means the United States Code.

"Utility allowance" means the value of utilities such as electricity, gas, and water costs that are included in the gross rent of the tenant. This does not include telephone or cable television services.

[~~"Utility reimbursement" means the amount, if any, by which the utility allowance for the dwelling unit exceeds the total tenant payment of the family occupying the dwelling unit.~~]

"Very low-income family" means a family whose annual income does not exceed fifty per cent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than fifty per cent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

"Veteran" means any person who served in the military or naval forces of the United States who has been discharged or released from active service under conditions other than dishonorable.

"Violent criminal activity" means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

"Work-exempt individual" means an adult who has been verified by the authority as being:

(1) A service-exempt individual;

(2) Sixty-two years of age or older;

(3) Unable to work due to a disability, illness, injury, or other physical or mental impairment of a nature which is expected to last twelve months or more;

(4) Required at home due to a verified medical condition of another household member that does not permit self-care, and care is not available from another person in the household;

(5) Pregnant; or

(6) The primary caretaker for a child under the age of six or a dependent adult in the home. No more than one adult in a household may qualify as a work-exempt individual under this definition. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; am and comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Parts 5, 903, 960, 965, 966; HRS §§356D-4, 356D-13)

§17-2028-3 Income limits. (a) Income limits for an applicant's admission to a public housing project shall be as prescribed by HUD annual income limit guidelines.

(b) The authority shall adjust the income limits as established and required by HUD.

(c) Because the HUD income limits are mandatory and the authority has no discretion to amend or change the income limits, the income limits shall be established without a public hearing as provided in Chapter 91-3, HRS, as it existed on [~~October 20, 2022~~] July 16, 2026. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp

] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §5.601; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-4 Asset transfers. (a) All assets transferred or assigned from an applicant or tenant to another person, within a two-year period prior to submitting an application for the program or reexamination shall be included in determining an applicant's assets.

(b) In determining assets, the authority shall include the value of any business or assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or a bankruptcy sale) during the two years preceding the date of the application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp   ] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §5.603; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-5 Occupancy [~~guidelines~~] standards. (a) The authority shall establish occupancy [~~guidelines~~] standards to maintain the maximum usefulness of the dwelling units, while preventing excessive wear and tear or underutilization. The occupancy [~~guidelines~~] standards are incorporated by reference and attached as exhibit A.

(b) The occupancy [~~guidelines~~] standards shall provide for minimum and maximum dwelling unit sizes depending on the number of persons in a household for purposes of determining the appropriate dwelling unit size for [~~the wait list~~] a tenant transfer or an applicant on a waiting list. [~~The occupancy guidelines are not to be confused with the authority's occupancy standards, which are based on prevailing county building codes.~~]

(c) The authority and tenants shall abide by the occupancy limits prescribed by the local housing codes of the county in which dwelling units are located. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 63 Fed. Reg. 70982–70987; 63 Fed. Reg. 70256-70257; HRS §§356D-4, 356D-13, 356D-31).

[~~**§17-2028-6 Occupancy standards.** The authority and families shall abide by the occupancy standards for the admission and continued occupancy in housing projects as prescribed by the housing codes of the county in which the dwelling units are located.~~] [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; R] (Auth: HRS §§356D-4, 356D-13) (Imp: 63 Fed. Reg. 70982 – 70987; 63 Fed. Reg. 70256-70257; HRS §§356D-4, 356D-13, 356D-31).

§17-2028-7 Utility allowances. (a) The monthly rent for a family residing in a federally assisted public housing project shall include utility allowances established in accordance with HUD's standards for utility allowances as described in 24 C.F.R. §965.505 as it existed on [~~October 20, 2022~~] July 16, 2026.

(b) Utility allowances shall be calculated by determining the utility rate then multiplying it by the applicable quantity allowance. A schedule of applicable quantity allowances for lighting, electric domestic hot water heaters, miscellaneous electrical, gas domestic hot water heaters shall be developed annually and shall take into account relevant factors affecting consumption requirements, including:

(1) The equipment and functions intended to be covered by the allowance for which the utility will be used;

(2) The size of the dwelling units and the number of occupants per dwelling unit;

(3) Type of construction and design of the housing project;

(4) The energy efficiency of authority-supplied appliances and equipment;

(5) The utility consumption requirements of appliances and equipment whose reasonable consumption is intended to be covered by the total tenant payment; and

(6) Temperature of domestic hot water.

(c) The authority shall conduct a review of utility rates in January of each year as required by 24 C.F.R. §965.507 as it existed on [~~October 20, 2022~~] July 16, 2026. Electric and gas rate schedules for all providers shall be collected and reviewed for each month from the preceding January through December of the calendar year prior to the fiscal year beginning July 1. These monthly rates shall be averaged over the year period.

(d) The new utility allowances shall be posted and noticed to tenants at least sixty days prior to the implementation date, during which time tenants shall have the opportunity to present written or oral comments. The applicable schedules shall be publicly posted in a conspicuous manner at the authority's project offices and shall be furnished upon request. The implementation date for new allowances shall be July 1.

(e) Implementation of all new allowances or components of allowances, by utility, shall be required when there is more than a ten per cent change in the resulting allowance due to a rate change since the last change was effective. In cases when a utility is granted a substantial rate increase in between the annual review, a mid-year allowance adjustment may be required.

(f) The authority may update the quantity allowances. To update the quantity allowance, dwelling units of various sizes in a sampling of different types of developments shall be surveyed to determine the types of existing equipment as well as to identify any factors affecting energy efficiency. If there is a variance in energy consumption factors within housing projects, the worst-case scenario shall be identified and utilized for calculating the quantity allowances. The authority may, at its option, develop property specific allowances for its properties.

(1) Allowances for lighting shall be developed by conducting a field survey of a representative sample of dwelling units to determine the number and type of fixtures. The following factors shall be used to determine the kilowatt hour per month allowance for each dwelling unit size:
    (A) The number of fixtures;
    (B) Watts per fixture; and
    (C) Estimated hours of use per day.

(2) Allowances for miscellaneous electric equipment shall be based upon usage of a television, radio, miscellaneous small appliances, and a fan.

(3) The allowance for refrigerators is based on the equipment in place at the time of survey.

(4) Allowances for cooking shall be based on the equipment in place at the time of survey.

(5) Allowances for electric domestic hot water heating shall be based on engineering calculations for each bedroom size assuming a certain number of occupants. The data used in the calculations include estimated consumption per occupant per day, temperature of incoming water, temperature of hot water supply, efficiency of heater, and energy required to heat water to supply temperature.

(6) Allowance for solar domestic hot water shall be based on a cost analysis of a domestic hot water heating system.

(7) Gas consumption allowances shall be developed using the same methodology as the electric consumption allowance.

(g) The authority shall provide medical disability allowances for tenants who have provided proof of medical necessity to the authority. The initial quantity allowances for medical equipment shall be determined by taking the equipment's average energy consumption multiplied by the normal frequency of usage. A family may request a utility allowance in excess of the medical disability allowance which, based on need may be approved on a case-by-case basis. Requests for additional allowances based on medical disability may be made to management verbally or in writing, but shall also be subject to verification from a qualified individual. The authority will evaluate the request and respond to the family within 30 days of the completed request.

(h) A Family may also request individual relief from surcharges for excess consumption of agency-purchased utilities. Requests may be granted on reasonable grounds for utility usage incurred by factors beyond the family's control. Factors to be considered and procedures to be used when evaluating such requests include:

(1) Evidence that the family's consumption is mistakenly portrayed as excessive due to defects in the meter or errors in the meter reading;

(2) Evidence that the family's consumption is caused by a characteristic of the dwelling unit or equipment supplied by the authority that is beyond the control of the tenant;

(3) Evidence that the family's consumption is caused by equipment supplied by the authority that is faulty or otherwise not working properly and causing excessive usage that is beyond the control of the tenant; and

(4) Any other evidence the authority deems relevant in evaluating requests to increase the utility expense based on any factor that is beyond the control of the tenant.

(5) Request for any other type of individual relief, including a justification for the request and evidence to support the request, must be made to management in writing. The authority will evaluate the request and provide the family with a response within 30 days of the completed request.

(i) A family shall pay for utility usage in excess of the applicable utility allowance.

(j) A family shall not receive a utility reimbursement [~~when~~] if the utility allowance exceeds the total [~~family~~] tenant payment [~~except where:~~

~~(1) The family is paying a flat rent;~~

~~(2) The utility reimbursement would result in a rent due to the authority below the minimum rent as established in section 17-2028-61; or~~

~~(3) The family has received a financial hardship exemption pursuant to section 17-2028-61(b) from the minimum rent payment and reimbursement would result in a balance due from the authority to the household~~].

(k) If a family resides in a dwelling unit served by authority-furnished utilities and must pay for utility usage in excess of the applicable utility allowance pursuant to subsection (h), where:

(1) A checkmeter has been installed, the family must pay the excess dwelling unit cost of the relevant utility amount based on the authority's average utility rate as described in subsection (b).

(2) A checkmeter has not been installed, the family must pay for excess usage resulting from estimated utility consumption attributable to tenant-owned major appliances or to optional functions of authority-furnished equipment according to the schedule described in subsection (b).

[Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; am and comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp   ] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.603, 5.632, 960.253, Part 965 Subpart E, §966.4; HRS §§356D-4, 356D-13, 356D-31; 85 Fed. Reg. 53444)

§17-2028-8 Verification of information. An applicant or tenant shall provide documentation to verify information upon request of the staff. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp   ] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 5, Subpart B; 24 C.F.R. §§960.203, 960.259; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-9 Misrepresentation. An applicant may be denied admission to a housing project if the applicant has submitted false information, withheld information, or made willful misstatements. A tenant who does the same may be denied continued eligibility and have the rental agreement terminated. A live-in aide may be denied approval by the authority or a live-in aide agreement may be terminated if the live-in aide has submitted false information, withheld information, or made willful misstatements. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; comp   ] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§§17-2028-10 to 17-2028-20 (Reserved).

SUBCHAPTER 2

ELIGIBILITY

§17-2028-21 Applicants. (a) A person seeking admission to a public housing project shall electronically submit a [~~pre-application~~] preliminary application form to the authority's prescribed online application portal.

(b) Selection for placement on [~~the~~] a waiting list shall not be deemed a determination [~~on~~] of eligibility or admission.

(c) An applicant who has misrepresented material information [~~in an~~] at any time during the application process for any of the authority's programs shall not be eligible to file an application with the authority for twelve months from the date of written notification from the authority. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.202, 960.203; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-22 Eligibility for admission and participation. (a) To be eligible for participation in the program, applicant and family members shall meet all of the requirements of the [~~pre-application~~] preliminary application and final application phases as set forth below:

(1) During the [~~pre-application~~] preliminary application phase, when the authority has placed an applicant on a waiting list and not yet determined applicant's eligibility for admission, the applicant and adult family members shall:

(A) Qualify as a family;

(B) Be income eligible as determined under section 17-2028-3;

(C) Not have an outstanding debt owed to the authority as a participant in any of its programs;

(D) Not have an outstanding liability for unpaid rent or damages incurred while previously participating in any section 8 rental subsidy program or any HUD rental assistance program;

(E) Provide a social security number for all family members [~~or certify that the person does not have a social security number~~] who are at least six years of age or under the age of six with assigned social security numbers. If the applicant wishes to add a household member who is under the age of six and has no assigned social security number, the applicant shall provide to the authority within ninety calendar days following the addition of the child:

(i) A valid social security number card issued by the social security administration;

(ii) An original document issued by the social security administration which contains the child's name and social security number; or

(iii) An original document issued by a federal, state, or local government agency which contains the child's name and social security number;

(F) Not have been evicted since March 1, 1985, from a public housing program administered by the authority or any of its predecessors, the housing and community development corporation of Hawaii or Hawaii housing authority, with the exception of evictions solely due to failure to pay rent, in which case, the applicant can be admitted upon payment in full of the unpaid amounts due to the agency;

(G) Not have been evicted from assisted housing by reason of drug-related criminal activity for a three-year period beginning on the date of the eviction unless the evicted tenant successfully completes a supervised drug rehabilitation program approved by the authority;

(H) Not have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal or state housing program;

(I) Not [~~be currently engaging~~] engage in illegal drug use [~~of a drug~~] or give the authority reasonable cause to believe that a household member's illegal drug use (or pattern of illegal drug use) [~~of a drug~~] or alcohol abuse (or pattern of alcohol abuse) [~~of alcohol~~] may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants. For the purposes of this subsection:

(i) "Currently engaged in" means the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current; and

(ii) In determining whether to deny eligibility based on a pattern of illegal use of a drug or a pattern of abuse of alcohol by a household member, the authority may consider rehabilitation as provided for under 42 U.S.C. §13661(b)(2)(A)-(C) as it existed on [~~October 20, 2022~~] July 16, 2026.

(J) Not [~~currently~~] give the authority reasonable cause to believe applicant engages in or during a three-year period preceding the date [~~when the applicant household would otherwise be selected for admission~~] a preliminary application was submitted had [~~be~~] engaged in any drug-related criminal activity or violent criminal activity or other criminal activity involving [~~assault, terroristic threatening, firearms, dangerous weapons, harassment, kidnapping, sexual assault, extortion, forgery, burglary, unauthorized entry into a dwelling, unauthorized entry into motor vehicle, criminal property damage, criminal trespass on public housing property, disorderly conduct, child pornography, and consuming liquor on public housing property,~~] violence, threats of violence, weapons, sexual offenses, crimes against persons, crimes against property, offenses involving the authority's property or funds, or any other criminal activity which is considered as reasonably likely to adversely affect the health, safety, or right to peaceful enjoyment of [~~the premises~~] a property by other tenants, the authority, or staff;

(K) Not have been convicted of drug-related criminal activity for the manufacture, production, or distribution of methamphetamines;

(L) Not subject to lifetime registration requirements under any state sex offender's registration program;

(M) Disclose tobacco use of all family members within the household[~~.~~];

(N) Disclose any pre-existing relationship(s) with a director, officer, employee, or representative of the authority, including but not limited to familial relationships, business relationships, or any other personal relationships where an individual may reasonably be perceived as having an influence over applicant's eligibility determination, waiting list position, or unit assignment; and

(O) Not use a federally assisted or state-aided public housing dwelling unit or any dwelling unit receiving rental assistance from the authority as a primary residence or mailing address as an unauthorized tenant.

(2) During the final application phase, after an applicant is determined to be eligible for admission and prior to being admitted to the program, the applicant and all adult household members shall meet the requirements [~~as~~] set forth in paragraph (1)[~~, above,~~] as well as the following requirements:

(A) Not engage in or threaten abusive or violent behavior toward the authority's staff. For purposes of this subsection, "threaten" means an oral or written threat or physical gestures that communicate intent to abuse or commit violence. Abusive or violent behavior may be verbal or physical and include use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate; and

(B) Furnish evidence of citizenship or eligible immigrant status as provided for in 24 C.F.R. §5.508 as it existed on [~~October 20, 2022~~] July 16, 2026.

(b) An applicant’s past performance in meeting financial obligations, especially rent, may be considered by the authority in its selection of families for admission into its federally assisted public housing program.

(c) An applicant who is continuously assisted under the United States Housing Act of 1937, as amended, shall be admitted to the program as though the applicant was already a program participant. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; am 3/15/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 42 U.S.C. §13661; 24 C.F.R. §§5.216, 960.201, 960.202, 960.203, 960.204, 960.205; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-23 Eligibility for a live-in aide. [~~(a)~~] For a person to be eligible to live in a public housing project as a live-in aide solely to assist a family member with disabilities in daily living activities, such as bathing, meal preparation and delivery, medicinal care, transportation, and physical activities, an applicant or [~~family member~~] tenant must have a request for a live-in aide approved by the authority in writing. The proposed live-in aide shall [~~meet the requirements set forth below~~]:

[~~(1) The proposed live-in aide shall:~~

~~(A)~~](1) Not have an outstanding debt owed to the authority;

[~~(B)~~](2) Not have been evicted from a public housing program administered by the authority. If the proposed live-in aide was evicted solely due to failure to pay rent, the proposed live-in aide can only be added to the household upon payment in full of the unpaid amount owed to the authority;

[~~(C)~~](3) Not have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal or state housing program;

[~~(D)~~](4) Not have been convicted of drug-related criminal activity for the manufacture, production, or distribution of methamphetamines;

[~~(E)~~](5) Not currently or during a three-year period preceding the date when the household requested approval for the proposed live-in aide, be engaged in criminal actively involving crimes against persons or property that [~~is a threat to~~] threatens or could threaten the health, safety, or property of others. For purposes of this [~~subsection~~] section, in determining eligibility, the authority shall consider whether a person convicted for such a crime has successfully completed a rehabilitation program approved by the authority, or whether the circumstances leading to the criminal conviction no longer exist;

[~~(F)~~](6) Not have been evicted from assisted housing by reason of drug-related criminal activity for a three-year period beginning on the date of the eviction unless the evicted proposed live-in aide successfully completes a supervised drug rehabilitation program approved by the authority.

[~~(G)~~](7) Not currently or during a three-year period preceding the date of the request for a live-in aide engage in any drug-related criminal activity or violent criminal activity or other criminal activity involving [~~assault, terroristic threatening, firearms, dangerous weapons, harassment, kidnapping, sexual assault, extortion, forgery, burglary, unauthorized entry into a dwelling, unauthorized entry into a motor vehicle, criminal property damage, criminal trespass on public housing property, disorderly conduct, child pornography, and consuming liquor on public housing property,~~] violence, threats of violence, weapons, sexual offenses, crimes against persons, crimes against property, offenses involving the authority's property or funds, or any other criminal activity which is considered as reasonably likely to adversely affect the health, safety, right to peaceful enjoyment of the premises by other tenants, the authority, or staff;

[~~(H)~~](8) Not be currently engaging in the illegal use of a drug or give the authority reasonable cause to believe that the proposed live-in aide's illegal use or pattern of illegal use of a drug or abuse of alcohol may interfere with the health, safety or right to peaceful enjoyment of the premises by other tenants. For purposes of this subsection:

[~~(i)~~](A) "Currently engaging in" means the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is present and ongoing; and

[~~(ii)~~](B) In determining whether to deny eligibility based on a pattern of illegal use of a drug or a pattern of abuse of alcohol, the authority may consider rehabilitation as provided for under 42 U.S.C. §13661(b)(2)(A)-(C);

[~~(I)~~](9) Not be subject to any lifetime requirement in any state for any state sex offender's program[~~.~~];

[~~(J)~~](10) Provide a social security number or certify that the proposed live-in aide does not have a social security number;

[~~(K)~~](11) Disclose the proposed live-in aide's tobacco use;

[~~(L)~~](12) Not engage in or threaten abusive or violent behavior toward the authority's staff. For purpose of this [~~subsection~~] section, "threaten" means an oral or written threat or physical gestures that communicate intent to abuse or commit violence. Abusive or violent behavior may be verbal or physical and include use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult, intimidate, or threaten;

[~~(M)~~](13) Furnish evidence that the proposed live-in aide is a resident as defined in section [~~17-2035-2~~] 17-2028-2; [~~and~~]

[~~(N)~~](14) Not have or bring any pet or animal[~~,~~] into the dwelling unit on a temporary or permanent basis[~~.~~];

(15) Not provide supportive services on only a part-time, rotating, or intermittent basis;

(16) Be certified by a doctor or other professional as capable of providing supportive services for twenty-four hours a day;

(17) Reside with the tenant and use the tenant's dwelling unit as the sole residence. [Eff and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.403, 966.4; HRS §§356D-4, 356D-13)

§17-2028-24 Notification of placement on a waiting list and eligibility. (a) [~~Applicants who are selected~~] The authority may limit the number of applicants it places on a waiting list during an opening period when preliminary applications are being accepted. If the number of placements on a waiting list was limited, the authority may notify each applicant of their selection or non-selection for placement on the waiting list [~~shall be notified~~] by e-mail at the e-mail address provided in the applicant's preliminary application [~~that the applicant has been selected and placed on the waiting list within ten business days of the date the lottery occurs~~]. [~~Applicants who are not selected by the lottery shall be informed by e-mail at the e-mail address provided in the application that the applicant has not been selected for placement on the waiting list within fifteen business days of the date the~~

~~lottery occurs.~~] The authority shall notify each applicant of their selection or non-selection within a reasonable time after a waiting list closes.

(b) [~~Applicants~~] An applicant who [~~were either not selected to participate in the lottery,~~] was not selected for placement on a waiting list if placements were limited during the opening period or whose application has expired[~~, do~~] does not qualify for an informal hearing.

(c) All other determinations of eligibility shall be made in writing by the authority and shall state the reason for the determination.

(d) An applicant determined to be ineligible for admission or participation in the program shall be provided an opportunity for an informal hearing pursuant to section [~~17-2028-24~~] 17-2028-25. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.208; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-25 Informal hearing for applicants determined to be ineligible for admission. (a) An applicant determined to be ineligible for admission or participation in the program may request an informal hearing by submitting a written request within fourteen calendar days from the date of notification of ineligibility.

(b) The informal hearing shall be scheduled within twenty-one calendar days from the date the written request is received and shall be conducted by any person or persons designated by the authority, but shall not be a person who made or approved the determination of ineligibility or a subordinate of such person.

(c) The applicant shall be given the opportunity to present evidence, which shall be considered by the hearing officer, along with the data compiled by the authority.

(d) A written notice of the hearing officer's decision shall be mailed to the applicant within twenty-one calendar days after the hearing. The notice shall include an explanation of the reasons for decision. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.208; HRS §§356D-4, 356D-13, 356D-31)

§§17-2028-26 to 17-2028-30 (Reserved).

SUBCHAPTER 3

TENANT SELECTION

§17-2028-31 Nondiscrimination. Tenant selection and assignment shall be made without regard to race, color, sex, religion, marital status, creed, national or ethnic origin, age, familial status, gender identity, sexual orientation, handicap or disability or HIV infection. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.103; HRS §§356D-4, 356D-13, 356D-31, 515-3)

§17-2028-32 Income targeting. (a) Not less than forty per cent of families admitted to the program during the fiscal year from the waiting list shall be extremely low-income families.

(b) To the extent allowed by 24 C.F.R. §960.202(b)(2) as it existed on [~~October 20, 2022~~] July 16, 2026, admission of extremely low-income families to the authority's Section 8 voucher program during the authority's fiscal year shall be credited against the targeting requirement in subsection (a). [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.202; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-33 Deconcentration. (a) For federally assisted public housing projects, the authority shall give priority to applicants to ensure that, to the maximum extent feasible, the housing projects will include families with a broad range of income generally representative of low-income families in the authority's area of operation. The authority shall not allow dwelling units to remain vacant awaiting an applicant who meets the appropriate income range.

(b) The authority may not concentrate very low-income families in dwelling units in certain public housing projects or certain buildings within projects. Additionally, the authority may not concentrate higher income families in dwelling units in certain housing projects or certain buildings within projects.

(c) In order to effectuate the policies stated in this section, the authority may reserve a certain percentage of dwelling units for applicant placement for applicants who do not qualify for a preference as described in section 17-2028-34. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; comp   ] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.607, 903.1, 903.2, 960.204, 960.205, 960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-34 Local preferences. (a) Subject to section 17-2028-33(c), an eligible [~~applicants~~] applicant shall be given preference for admission [~~in~~] to the program [~~in the applicable order assigned during random selection of the lottery at the time they are seeking housing assistance, they fall within the following preference priority groups~~] if the applicant:

[~~(1) Involuntarily displaced;~~

~~(2) Victims of domestic violence who are participating in a program with case management through a domestic violence shelter, program, or clearinghouse; or~~

~~(3) Homeless persons who are participating in a federally or state funded homeless transitional shelter or program, and who are in compliance with a social service plan.~~]

(1) Experienced homelessness at any time during the twelve months preceding the application date, and applicant has completed or is compliant with a housing or service plan as certified by:

(A) A case manager or other employee of a social service provider or nonprofit organization that receives federal, state, or county funding; or

(B) A state or county agency which administers social services programs.

(b) Subject to section 17-2028-33(c), [~~each preference in each priority group is of equal weight and an applicant who qualifies for any of the preferences~~] an applicant who claimed a preference shall [~~receive assistance~~] be drawn from a waiting list and contacted for an application interview before any other applicant who [~~is not so qualified regardless of:~~

~~(1) Place on the waiting list;~~

~~(2) Date or time of submission of an application; or~~

~~(3) Order placement in the lottery~~] did not claim a preference.

[~~(c) A single applicant who is elderly, disabled or displaced shall be given preference over all other single applicants, regardless of the other single applicant's local preference.~~]

[~~(d)~~](c) An applicant shall not receive a preference if any adult member of the applicant family is a person who was evicted or terminated from any federally assisted housing or state-aided public housing program operated by the authority for a three-year period beginning on the date of eviction because of drug-related criminal activities unless the adult member has successfully completed a rehabilitation program approved by the authority. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp 11/11/23; am and comp] (Auth: HRS §§356D-4; 356D-13) (Imp: 24 C.F.R. §960.204, 960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-35 Loss of preference. An applicant who declines one offer of a dwelling unit, without good cause, or who voluntarily requests cancellation of the application, shall lose all preferences for a period of twelve months from the date the offer was declined or from the date of the request for cancellation. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; comp] (Auth: 24 C.F.R. §960.206; HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-36 Waiting list. (a) The authority shall maintain fifteen geographical waiting lists, which are community wide in scope and consist of all eligible applicants as follows:

(1) City and County of Honolulu

(A) Honolulu waiting list, which is comprised of Ka'ahumanu Homes, Kalakaua Homes, Kalihi Valley Homes, Kamehameha Homes, Kuhio Homes, Mayor Wright Homes, Palolo Valley Homes, Punchbowl Homes, Pu'uwai Momi, Salt Lake Apartments, Spencer House, Kalanihuia, Makamae, Makua Ali'i, Paoakalani, and Pumehana;

(B) Central Oahu waitlist, which is comprised of Kauhale Nani, Wahiawa Terrace, and Kupuna Home O`Waialua;

(C) Windward Oahu waitlist which is comprised of Ho'okipa Kahalu`u, Kaneohe Apartments, Kauhale O`hana, Ko`olau Village, and Waimanalo Homes; and

(D) Leeward Oahu waitlist, which is comprised of Hale Laulima, Kau'iokalani, Maili I & II, Nanakuli

Homes, Waimaha - Sunflower, and Waipahu I & II.

(2) County of Hawaii

(A) Hilo waitlist, which is comprised of Lanakila Homes, Punahele Homes, Pomaikai Homes, Hale Aloha O Puna, Hale Olaloa, Kauhale O`Hanakahi;

(B) Honoka`a waitlist which is comprised of Hale Hauoli;

(C) Ka'u waitlist which is comprised of Pahala;

(D) Kona waitlist which is comprised of Ka Hale Kahalu`u, Hale Ho'okipa, Kaimalino, Kealakehe, and Nani Olu;

(E) Waikoloa waitlist which is comprised of Ke Kumu 'Ekolu; (F) Waimea waitlist which is comprised of Noelani I & II.

(3) County of Maui

(A) East Maui waitlist which is comprised of Kahekili Terrace and Makani Kai Hale;

(B) West Maui waitlist which is comprised of Pi`ilani Homes and David Malo Circle; and

(C) Molokai waitlist which is comprised of Kahale Mua.

(4) County of Kauai

(A) East Kauai waitlist which is comprised of Hui O Hanama`ulu, Kapa'a, Hale Nana Kai O Kea, and Hale Ho'olulu; and

(B) West Kauai waitlist, which is comprised of Ele'ele Homes, Hale Ho'onanea, Kalaheo Homes, Kekaha Ha`aheo, Kawailehua, and Home Nani.

(b) [~~Applicants~~] The public shall be notified of the opportunity to apply [~~online to~~] for and be placed on one [~~of the~~] waiting [~~lists~~] list through notices posted in a conspicuous place at the authority's offices that accept applications[~~,~~] and the authority’s website[~~, and printed statements in the authority's informational material on its application~~]

~~process~~]. An applicant with an active application shall remain on only one waiting list.

(c) [~~Placement on the~~] The authority may place and order applicants on a waiting list [~~may be based upon the following~~] as follows:

[~~(1) Size of dwelling unit required based on occupancy standards;~~

~~(2) Type of dwelling unit required (e.g., accessible for persons with disabilities);~~

~~(3) Local preference subject to income targeting and deconcentration policies and goals; and~~

~~(4) Date and time of receipt of application; or~~

~~(5) Lottery selection, so long as all adopted preferences are considered.~~]

(1) Based on the date and time applications are received; or

(2) In a randomized sequence using a lottery method.

The authority may further sort a waiting list by local preferences and appropriate bedroom sizes based on household compositions.

(d) An applicant cannot be placed on or remain on a waiting list if [~~they are~~] applicant currently [~~a tenant~~] resides in any [~~federal~~] federally assisted public housing [~~program~~] project as an authorized or unauthorized tenant.

(e) [~~The~~] A notice [~~to open the~~] of the opening of a waiting list shall include the following information [~~on what procedures shall be used to place applicants on the waiting list, how to apply, the date and time of the application and selection process. If lottery selection is used, the notice will also include the number of applicants who will be selected by the lottery.~~]:

(1) How to submit an application;

(2) How the authority will place and order applicants on a waiting list (e.g., by the date and time applications are received, using a lottery method);

(3) The total number of applicants who will be placed on the waiting list, if applicable;

(4) Whether the authority is accepting applications from applicants with a preference, without a preference, or a combination of both;

(5) The date and time the authority will begin accepting applications; and

(6) The date and time the authority will stop accepting applications if the total number of applications received does not exceed the total number of spots available on the waiting list.

[~~(f) The authority may accept applications from applicants with a preference, without a preference, or a combination of both, which will be specified in the notice of opening of the wait list.~~

~~(g) Selection of applicants from the waiting list shall be based upon:~~

~~(1) Date and time; or~~

~~(2) A randomly assigned number based on the number of applicants who were selected by the lottery; and~~

~~(3) Applicable local preference.~~]

[~~(h)~~](f) An applicant shall update on the authority's portal electronically, at least once a year, any change that may affect the applicant's place on the waiting list and the authority's ability to contact the applicant. Changes include, but are not limited to, family status, financial status, preference status, mailing address, email address, phone number, and current residence.

[~~(i)~~](g) Applications will be active for eighteen months from the date of placement on [~~the~~] a waiting list [~~and will then expire~~] before expiring. Applicants still on the waitlist at eighteen months will receive a letter informing them that their application has expired. An applicant whose application expires shall not qualify for an informal hearing. [Eff 7/21/05; am and comp 9/4/07; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: 24 C.F.R. §§960.206; HRS §§356D-4; 356D-13) (Imp: 24 C.F.R. §960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-37 Removal from a waiting list. (a) [~~An~~] The authority may remove an applicant [~~shall not be removed~~] from [~~the~~] a waiting list [~~unless~~] if:

[~~(a)~~](1) The applicant requests that applicant's name be removed;

[~~(b)~~](2) The applicant fails to notify the authority of applicant's continued interest for housing at least once every twelve months;

[~~(c)~~](3) The applicant no longer meets the eligibility criteria set forth in section 17-2028-22;

[~~(d)~~](4) The applicant fails to respond to the authority's reasonable contact efforts. Correspondence to either the last known address or last known email address will constitute reasonable effort to contact;

[~~(e)~~](5) The applicant fails without good cause to keep a scheduled interview or appointment or to provide requested information necessary to determine eligibility. Good cause may include, but is not limited to, the following:

[~~(1)~~](A) The applicant is unable to obtain transportation or childcare and notified the authority prior to the start of the scheduled interview;

[~~(2)~~](B) The applicant is sick and requests to reschedule the interview prior to the start of the scheduled interview; or

[~~(3)~~](C) A court verifies that the applicant is serving on a jury which has been sequestered;

[~~(f)~~](6) The applicant misrepresents any material information to the authority in the application or otherwise; or

[~~(g)~~](7) [~~An~~] The applicant, who claimed a local preference, is unable to verify their qualification for meeting a preference [~~within ten business days may be removed from the waiting list~~] by the deadline specified in the authority's written request for verification.

(b) An applicant shall not be entitled to an informal hearing pursuant to section 17-2028-25 if applicant is removed from a waiting for the reasons described in subsections (a)(1), (a)(2), (a)(4), or (a)(5), or for any other reason which prevents the authority from determining eligibility or is unrelated to a determination of eligibility. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.206, 960.208; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-38 Closing [~~the~~] a waiting list. (a) The authority, at its discretion, may restrict acceptance of applications, and close [~~the~~] a waiting list, in whole or in part, when it determines that it will be unable to assist all the applicants on the waiting list within a reasonable period of time.

(b) The authority shall announce any closure and reopening of the application process through notices posted in a conspicuous place at the authority's offices that accept applications and on the authority’s website.

(c) During periods when application acceptance is closed and until it is reopened, the authority shall not maintain a list of persons to be notified when application acceptance is reopened. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/40/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.202, 960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-39 Offers. (a) An applicant shall be afforded one offer to rent a suitable dwelling unit.

[~~(b) The offer to eligible applicants shall be made in sequence based upon the following:~~

~~(1) Size of dwelling unit required;~~

~~(2) Type of dwelling unit required (e.g., accessible dwelling units for the mobility, hearing or visually impaired);~~

~~(3) Local preferences, subject to income targeting and deconcentration policies and goals; and~~

~~(4) Date and time the application was received; or~~

~~(5) Lottery selection, so long as all adopted preferences are considered.~~]

<u>(b) The authority shall offer a vacant dwelling unit to eligible applicants based on:</u>

<u>(1) The order in which applicants who were drawn from the waiting list were determined to be eligible;</u>

<u>(2) Whether the vacant unit is appropriately sized for an eligible applicant; and</u>

<u>(3) Whether an eligible applicant has been approved for certain accessibility features in the vacant unit as a reasonable accommodation, if applicable.</u>

(c) Upon refusal of one offer, without good cause, [~~the applicant's name will~~] <u>an applicant shall</u> be removed from the waiting list on which [~~the~~] applicant's name [~~has been~~] <u>was</u> placed.

(d) An applicant shall not be considered to have been offered a dwelling unit if an offer has been declined for good cause. Good cause may include, but is not limited to the following:

(1) The dwelling unit is not of the proper size or type<u>,</u> and the applicant would be able to reside there only temporarily (e.g., a specially designed dwelling unit that is awaiting a person with a disability needing such a dwelling unit);

(2) The dwelling unit offered is unsuitable for health or safety reasons for the applicant;

(3) The applicant is unable to move at the time of the offer, and applicant presents clear evidence which substantiates this to the authority's satisfaction, including, but not limited to:

(A) A doctor verifies that the applicant is currently hospitalized or has [~~just~~] recently undergone a major surgery or medical procedure and needs a period of time to recuperate;

(B) A court verifies that the applicant is serving on a jury which has been sequestered; or

(C) A landlord verifies that the applicant has an existing rental agreement that cannot be breached without causing undue financial hardship.

(4) The applicant's acceptance of the offer would result in undue hardship not related to consideration of race, color, national origin, or language and the applicant presents evidence which substantiates this to the authority's satisfaction (e.g., inaccessibility to source of current employment or day care facilities).

[~~(c) Not less than fifty per cent of all available dwelling units shall be for applicants without preference and up to fifty per cent of available dwelling units shall be for applicants with preference.~~] [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.202, 960.203, 960.206, 960.208; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-40 Occupancy of accessible dwelling units. (a) The authority shall take the following nondiscriminatory steps to maximize the utilization of accessible dwelling units by eligible individuals whose disability requires the accessibility features of the particular dwelling unit. When an accessible dwelling unit becomes vacant the authority shall, before offering such dwelling units to an applicant without a disability, offer such dwelling unit:

(1) First, to a current occupant of another dwelling unit of the same project or other projects within the same housing program, having disabilities requiring the accessibility features of the vacant dwelling unit and occupying a dwelling unit not having such features, or, if no such occupant exists, then

(2) To an eligible qualified applicant on the waiting list having a disability requiring the accessibility features of the vacant dwelling unit.

(b) When an applicant accepts an accessible dwelling unit, and the applicant does not have a disability that requires the accessibility features of the dwelling unit, the applicant shall be required to agree to move to a non-accessible dwelling unit when one becomes available. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; comp] (Auth: §§356D-4, 356D-13) (Imp: 24 C.F.R. §8.27, ; HRS §§356D-4, 356D-13, 356D-31)

§§17-2028-41 to 17-2028-50 (Reserved).

SUBCHAPTER 4

OCCUPANCY AND RENTAL AGREEMENT

§17-2028-51 Rental agreement. (a) A tenant shall enter into a rental agreement with the authority that sets forth the conditions of occupancy for the tenant including, but not limited to, the rental terms, security deposit, smoking prohibitions, eligibility reexaminations and rental adjustments, and for welfare recipients, authorization for the authority to draw rental payments directly from their EBT or bank accounts.

(b) No tenant shall be permitted to remain in a housing project without a valid rental agreement. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-51.01 Work requirement policy. (a) Upon written notification to tenants by the authority of the implementation of the work requirement policy, all non-work-exempt family members must participate in work-related activities for a minimum of fifteen hours per week. Work-related activities may include but are not limited to:

(1) Employment on at least a part-time basis;
(2) Enrollment in an accredited educational institution or a vocational, technical, or other degree-seeking certification program;
(3) Apprenticeships or internships;
(4) Employment counseling;
(5) U.S. job corps; and
(6) Community service or volunteer activities. Community service or volunteer activities

may count toward the fifteen-hour weekly requirement provided that such activities do not constitute more than eight hours of the required weekly minimum.

(b) The authority may verify compliance with the work requirement policy through:

(1) Use of an upfront income verification system such as HUD's enterprise income verification system or the state department of human services' Hawaii automated welfare information system;

(2) Written, third-party verification from an employer or staffing agency;

(3) Written, third-party verification from the organization receiving community service or volunteer assistance; or

(4) Written, third-party verification of enrollment from a school or program for education or job training.

(c) At admission, a family shall be given a written description of the work requirement policy. A non-work-exempt family member shall have the work requirement waived for an introductory period of six months following admission or until the family member begins engaging in fifteen hours of work-related activities per week, whichever is sooner.

(d) If at any time following the introductory period a non-work-exempt family member becomes non-compliant, the family member must notify the authority within ten calendar days of the start of non-compliance. The family member shall be given a warning period of ninety calendar days to submit verification of compliance. The warning period shall begin on:

(1) The tenth calendar day following the start of non-compliance if the change was reported timely; or

(2) The start of non-compliance if the change was not reported timely.

If the family member remains non-compliant after the warning period expires, the authority may terminate the family's rental agreement.

(e) The authority may suspend this policy during periods of economic downturn, natural disasters, public health emergencies, or for other reasons as determined to be necessary.

(f) Nothing in this section shall be construed as exempting a tenant or any family member from complying with the community service requirements pursuant to 24 C.F.R. part 5, subpart F as it existed on July 16, 2026. [Eff and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: HRS §§356D-4, 356D-13; 85 Fed. Reg. 53444)

§17-2028-51.02 Work requirement policy; hardship exemptions. (a) A non-work-exempt family member may request a temporary hardship exemption from the work requirement policy. Examples of qualifying hardships may include but are not limited to:

(1) A doctor or medical professional verifies the family member received or is receiving inpatient care at a hospital, nursing facility, or intermediate care facility for an illness or injury that is not of a permanent nature;

(2) The family member must travel out of state for an extended period of time for medical care for themself or a dependent; or

(3) The family member certifies they are a victim of domestic violence, dating violence, sexual assault, or stalking.

(b) A hardship exemption request shall be submitted to the management office in writing and describe:

(1) The nature and circumstances of why an exemption is needed;

(2) The expected duration of the cause for the exemption; and

(3) How the hardship has affected or will affect the family's ability to pay rent.

(c) Upon receipt of a written request for a hardship exemption, the authority shall suspend the work requirement policy for the family member until the authority determines whether to grant the exemption. The authority shall make a determination within thirty calendar days following receipt of the request.

(d) If the authority requests additional information to verify the necessity of the hardship exemption and such information not received within ten calendar days, the authority may deny the family member's exemption request.

(e) When evaluating a hardship request, the authority shall determine if the claimed hardship exists and whether nexus can be established between the claimed hardship and the work requirement policy.

(1) If the authority determines that no hardship exists, the authority shall reinstate the work requirement following notification to the family in writing.

(2) If the authority determines that a hardship exists, the family member shall be exempted from the work requirement policy until the hardship has been resolved or after a period of ninety calendar days, whichever is sooner. The authority may extend the exemption beyond ninety calendar days if it determines that a hardship will persist. Until the work requirement is reimposed, the family member must continue to qualify for the hardship exemption and remain compliant with all other program requirements.

(f) A family member granted an exemption for any reason that is not of a permanent nature must provide updated verification of their continued qualification at each reexamination and upon request by the authority within a deadline specified in a written notice.

(g) A family member who is denied a hardship exemption may grieve the authority's determination pursuant to chapter 17-2021. [Eff and comp   ] (Auth: HRS §§356D-4, 356D-13) (Imp: HRS §§356D-4, 356D-13; 85 Fed. Reg. 53444)

§17-2028-52 Eligibility for continued occupancy. (a) To be eligible for continued occupancy in a housing project, the tenant shall:

(1) Qualify as a family;

(2) Conform to the occupancy standards;

(3) Abide by smoking prohibitions pursuant to section 17-2028-60;

(4) Not have a record of conduct or behavior which may be detrimental to the project, its tenants, or employees of the authority; and

(5) Except for [~~an exempt~~] a service-exempt individual, conform to the following community service and economic self-sufficiency requirements:

(A) Contribute eight hours per month of community service (not including political activities);

(B) Participate in an economic self-sufficiency program for eight hours per month; [~~or~~]

(C) Perform eight hours per month of combined activities as described in paragraphs (A) and (B), above; and

(6) Except for a work-exempt individual, comply with the work requirement policy set forth in section 17-2028-51.01.

(b) Except for a newborn child of a tenant or family member, adopted minor child, a minor child who is domiciled with the tenant or family member because tenant or family member was awarded custody by the court or is the legal guardian of the child, foster children, hanai children, or a child who is domiciled with, and for whom an adult member of the current household is caring for with written or unwritten permission from the legal parent or other person having legal custody, or child domiciled with, and for whom an adult member of the current family is in the process of securing custody, no person, including live-in aides, shall be permitted to join or rejoin the household until:

(1) The authority verifies that the person joining or rejoining the household meets the eligibility requirements set forth in section 17-2028-21 or 17-2028-22, and that household meets the eligibility requirements set forth in section 17-2028-52(a); and

(2) The authority approves of the tenant's request to add a household member as an occupant of the dwelling unit.

(c) The authority will not approve the addition of household members where the occupancy standards would require a larger size dwelling unit with the exception of adding a new spouse or partner or live-in aide.

(d) All changes to a household composition must be reported to the authority within ten business days. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: C.F.R. §§960.603, 966.4; HRS §§356D-4, 356D-6.5, 356D-13, 356D-31)

§17-2028-53 Reexamination. (a) For families who pay an income-based rent, the authority shall reexamine a tenant's annual income, assets, family composition, and any other matter necessary to determine a tenant's rent and eligibility for continued occupancy at least once every [~~twelve~~] twenty-four months.

(b) For families who pay a flat rent pursuant to section 17-2028-62, the authority shall conduct reexaminations as follows:

(1) At least once every [~~twelve~~] twenty-four months, the authority shall reexamine the family's composition and any other matter necessary to determine the family's eligibility for continued occupancy; and

(2) At least once every three years, the authority shall reexamine the family's annual income, assets, and any other matter

necessary to determine the family's eligibility for continued occupancy.

(c) For all families who include [~~non-exempt~~] non-service-exempt individuals, the authority shall also [~~annually~~] reexamine compliance with community service and economic self-sufficiency requirements and the work requirement policy at least once every twenty-four months. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.257, 966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-54 Reexamination results. (a) A family shall be given written notification within a reasonable time, after determination by the staff, of both the family's eligibility for continued occupancy and rent schedule.

(b) A family found ineligible for continued occupancy by the staff shall be required to vacate the dwelling unit unless the ineligibility is due to noncompliance with community service requirements pursuant to 24 C.F.R. Part 960, Subpart F as it existed on [~~October 20, 2022~~] July 16, 2026. In such cases of noncompliance with community service requirements, the rental agreement shall not be renewed at the end of the twelve-month term unless:

(1) The tenant, and any other noncompliant family member, enter into a written agreement with the authority, in the form and manner required by the authority, to cure such noncompliance in accordance with such agreement; or

(2) The family provides written assurance satisfactory to the authority that the tenant or other noncompliant family member no longer resides in the dwelling unit.

(c) A family aggrieved by the reexamination results may request a hearing pursuant to the authority's grievance procedure as provided in chapter

17-2021. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.257, 960.607, 966.4, 966.51; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-55 Special reexamination. If at the time of admission or reexamination, a family's income cannot be reasonably anticipated for the next [~~twelve~~] twenty-four-month period, the authority may schedule a special reexamination at any time prior to the next [~~annual~~] regular reexamination when deemed necessary. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §5.609; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-56 Interim rent adjustment. (a) The authority may adjust a family's rent between reexamination if a tenant reports a change in family income. However, adjustments to rent shall not be made for covered families with reduced welfare benefit payments resulting from welfare sanctions for noncompliance with welfare self-sufficiency and work activity requirements. Adjustments, reflecting a lower rent, shall be made effective on the first of the month following the month the report was made. The authority will not process the rent adjustment if it confirms that the decrease in income will last less than thirty calendar days.

(b) A tenant who has obtained a decrease in rent under this section shall report all income increases to the authority which occur prior to the next reexamination within ten business days of when tenant knows the increase will occur, and rent shall be readjusted accordingly. Any increase in rent shall be effective on the first day of the second month following the month in which the change occurred.

(c) A tenant who fails to report any increase in income after obtaining a decrease in rent under this section shall be subject to a back rent charge retroactive to the month in which the rent increase should have been made pursuant to section 17-2028-58.

(d) A tenant shall report to the authority any changes in family composition. Rent adjustment shall be made between reexaminations when a person with income is added to the family and the rent adjustment shall be effective on the first of the second month following the approved inclusion. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.615, 960.257, 966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-57 Tenant transfers. (a) Tenant transfers shall be made without regard to race, sex, color, creed, age, religion, gender identity, sexual orientation, handicap, national origin, or familial status.

(b) The authority may transfer a family to another dwelling unit:

(1) To prevent overcrowding or underutilization of a dwelling unit as determined by the authority at the time of the [~~annual~~] regular or interim reexamination;
(2) To preserve the purpose for which a project or dwelling unit was specifically developed or designed such as to meet the needs of the elderly or persons with disabilities;
(3) Based on an emergency where conditions of the dwelling unit, building or project pose an immediate, verifiable threat to life, health, or safety of the family;
(4) For economic reasons affecting the tenant or the authority;

(5) For administrative reasons determined by the authority including, but not limited to, permitting modernization, renovation, or rehabilitation work[~~, and transferring eligible tenants with disabilities from State-aided public housing projects to federally assisted public housing projects~~]; or

(6) As a reasonable accommodation.

(c) Tenant transfers may take priority over new admissions.

(d) A family shall be afforded one offer to transfer to a dwelling unit that meets the criteria set forth in subsection (b) above within the same housing project in which the family resides. If such dwelling unit is not available, the family may then be offered a dwelling unit in another housing project under the control of the management unit. If such dwelling unit is not available, the family may then be offered a dwelling unit in another housing project served by the same geographic waiting list. If such a dwelling unit is not available, the family may then be offered a suitable dwelling unit on the island on which the family resides. Declining an offer to transfer for good cause as determined by the authority shall not be considered a refusal.

(e) A family requesting a transfer shall not be transferred during periods when eviction proceedings have been initiated or are in process against such family, which includes the issuance of a notice of violation of the rental agreement by the authority for which the authority is seeking eviction, [~~or scheduling a grievance hearing related to same~~] or during any periods of conditional deferment of eviction action against such family.

(f) A family requesting a transfer, who is not current with rent or other charges, and who does not have an approved payment arrangement shall not be transferred until the situation is resolved to the satisfaction of the authority.

[~~(g) A family shall not be transferred between any federally assisted housing programs.~~]

[~~(h)~~](g) The authority may terminate the rental agreement of a family who refuses to transfer as required by the authority. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-58 Back charges. (a) A family shall pay in full any back charges within ninety days from the date of notification of the back charge; provided that where the family timely reports a change in income to the authority and a back charge results from an increase in income, payment for any back charges shall not be due until ninety days from the date of a completed reexamination or interim rent adjustment. Failure to do so shall result in the termination of the rental agreement.

(b) The authority may, in its discretion, elect to negotiate a reasonable payment arrangement with a family to ensure payment in full of any back charges. When the authority determines not to exercise this discretion, the family shall be responsible for the full balance of back charges as stated in subsection (a) above. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-59 Rental agreement termination. (a) A family shall give the authority at least twenty-eight days written notice that the family will vacate the family's dwelling unit prior to the vacate date.

(b) The authority may terminate a rental agreement when the tenant, any member of the tenant's household, or any guest or other person under the tenant's control:

(1) Fails to observe or perform any covenant or obligation of the rental agreement, or rule of the authority or housing project, or law or ordinance of a governmental agency that pertains to or establishes standards of occupancy. This includes but is not limited to the following:

(A) Serious or repeated violation of the material terms of the rental agreement, including failure to make payments due or fulfill household obligations set forth in the rental agreement;

(B) Failure to provide family income, assets, employment and composition information and documentation to enable the authority to determine the family's rental rate and eligibility for continued occupancy;

(C) Family no longer conforms to the occupancy limits as established by the authority for the dwelling unit occupied by the family and the family refuses to move to the first appropriate size dwelling unit offered;

(D) When requested by the authority due to health and safety, repair, abatement, construction or renovation of the dwelling unit, the family refuses to move;

(E) Family is ineligible for continued occupancy;

(F) Failure of a family member to comply with community service requirement provisions of 24 C.F.R. part 960, subpart F as it existed October 20, 2022, provided that such failure shall result in non-renewal of rental agreement and termination of tenancy at the end of the twelve-month rental agreement term;

(G) At the time of admission, reexamination, interim or at any other time, the family has submitted false information or has withheld valuable information or has made willful misstatements; [~~and~~]

(H) Family fails to accept the authority’s offer of a revision to the existing rental agreement[~~.~~]; or

(I) Failure of a family member to comply with the authority's work requirement policy;

(2) Engages in [~~the~~] illegal drug use [~~of a drug~~] or gives the authority reasonable cause to believe that [~~the~~] illegal drug use (or pattern of illegal drug use) [~~of a drug~~] or alcohol abuse (or pattern of alcohol abuse) [~~of alcohol~~] may interfere with the health, safety, or right to peaceful enjoyment of [~~the premises~~] authority property by other tenants;

(3) [~~Who the authority determines engages in~~] Gives the authority reasonable cause to believe that tenant engages in any criminal activity or conduct, on or off the authority's property, that threatens or could threaten the health, safety, or right to peaceful enjoyment of [~~the premises by~~] other [~~tenants~~] residents, the authority’s employees or representatives, or other individuals on any authority property or that damages the authority’s property itself;

(4) [~~Who the authority determines engages~~] Gives the authority reasonable cause to believe that tenant engages in any drug-related criminal activity on or [~~near the authority's premises~~] off any authority property;

(5) [~~Threatens~~] Gives the authority reasonable cause to believe that tenant commits any violation or engages in conduct, on or off

the authority's property, that threatens or could threaten the health or safety of [~~an employee, contractor or agent of the authority or State~~] other residents, the authority's employees or representatives, or other individuals on any authority property or that damages the authority's property itself;

(6) Violates the smoking prohibitions pursuant to section 17-2028-60 on more than three occasions and receives written notice of said violations; provided that if tenant, any member of the tenant's household, or any guest or other person under the tenant's control receives only one violation of section 17-2028-60 in one year, and participates in and completes a smoking cessation service program within the same year, the authority will clear the one violation and shall not deem the incident as a violation for the following year;

(7) Fails to maintain utility services;

(8) Has been convicted of a felony during the term of the tenancy, [~~and the felony is related to the authority's property or funds, the resident association or tenant association's property or funds, homicide, assault, terroristic threatening, firearms, dangerous weapons, kidnapping, sexual assault, extortion, burglary, unauthorized control of propelled vehicle, and criminal property damage~~] including but not limited to any felony involving violence, threats of violence, weapons, sexual offenses, crimes against persons, crimes against property, offenses involving the authority's or a resident or tenant association's property or funds, or any other felony that threatens or could threaten the health, safety, or right to peaceful enjoyment of the premises by others. This [~~subsection~~] paragraph does

not apply to tenant’s guest or other person under tenant’s control;

(9) Allows an individual who the family knows to be trespassed from the property, to visit or stay on the property or in the family’s dwelling unit during the trespass period;

(10) Furnishes false or misleading information during any authority related grievance or eviction hearing that affects or could reasonably affect the hearing decision;

[~~(9)~~](11) Flees to avoid arrest or prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;

[~~(10)~~](12) Violates a condition of probation or parole imposed under federal or state law; [~~or~~]

[~~(11)~~](13) Engages in willful damage to the authority’s property; or

(14) At the time of admission, reexamination, interim, or at any other time, the family has submitted false information to the authority or has withheld valuable information from the authority or has made willful misstatements to the authority.

(c) The authority shall give a tenant written notice of the proposed termination of the rental agreement that conforms to 24 C.F.R. §966.4 as it existed on [~~October 20, 2022~~] July 16, 2026, such as:

(1) [~~Fourteen~~] Thirty days in the case of failure to pay rent except for nonpayment of minimum rent during the ninety-day period beginning the month following the family's request for a financial hardship exemption pursuant to section 17-2028-61(b);

(2) A reasonable time commensurate with the exigencies of the situation in the case of creation or maintenance of a threat to the health or safety of other tenants or project employees; or

(3) Thirty days in all other cases. The authority shall terminate a rental agreement in accordance with chapter 356D, HRS.

(d) The authority may terminate a rental agreement if any member of the family engages in the use of marijuana, even if pursuant to a lawful prescription under part IX of the Hawaii uniform controlled substances act as it existed on [~~October 20, 2022~~] July 16, 2026. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: 24 C.F.R. §966.4; §§356D-4, 356D-13; 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31, 356D-92)

§17-2028-60 Smoking prohibited. (a) Smoking is prohibited in all public housing projects, or portions of public housing projects, including inside dwelling units, unless specifically exempted by the authority in the ACOP, including:

(1) In all common areas, community facilities, administrative offices, or maintenance areas in and around the authority's public housing projects, including vehicles owned or leased by the authority. The authority may designate additional common areas; and

(2) Within a presumptively reasonable minimum distance of twenty-five feet from entrances, exits, and windows that open to common areas, community facilities, and dwelling units, and ventilation intakes that serve common areas, community facilities, and dwelling units, including enclosed or partially enclosed areas where smoking is prohibited.

(b) This prohibition applies to the use of marijuana, even if its use is pursuant to a lawful prescription under part IX of the Hawaii uniform controlled substances act as it existed on [~~October 20, 2022~~] July 16, 2026 that was given subsequent to tenant placement in the dwelling unit. [Eff and comp 5/24/14, am and comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp 11/11/23; am and comp] (Auth: §§356D-4, 356D-6.5, 356D-13, 328J-2) (Imp: 24 C.F.R. §§903.7, 966.3; HRS §§356D-4, 356D-6.5,SLH 2018, Act 127, §1, 356D-13, 356D-31)

SUBCHAPTER 4.1

OVER-INCOME FAMILIES

§17-2028-60.01 Over-income limit. (a) The authority shall enforce an over-income limit for all program participants of [~~120~~] one hundred twenty per cent of the area median income for the applicable family size.

(b) A public housing family with an annual gross income that exceeds the over-income limit shall be considered an "over-income family."

(c) The authority shall grant an over-income family a [~~24~~] twenty-four consecutive month grace period, starting from the day of the initial discovery of the family's over-income status, before it enforces the over-income policy set forth in section 17-2028-60.02.

(d) During the grace period:

(1) An over-income family shall remain as public housing participant; and

(2) An over income family may request the authority perform a special reexamination of its annual income pursuant to section 17-2028-55.

(e) An over-income family with an annual gross income that falls below the over-income limit during the grace period shall no longer be subject to the over-income policy and is entitled to a new grace period should its annual gross income again exceed the over-income limit. [Eff and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.507, 960.509; HRS §§356D-4, 356D-13)

§17-2028-60.02 Over-income policy. (a) The authority shall terminate an over-income family's tenancy if its annual gross income exceeds the over-income limit for the entire [~~24~~] twenty-four consecutive month grace period.

(b) The termination of an over-income family's tenancy shall occur within the six months following the expiration of the grace period.

(c) After the expiration of the grace period and prior to termination, the over-income family shall:

(1) Remain as public housing program participant;

(2) Convert its lease to a month-to-month term;

(3) Continue to pay the monthly rent for the dwelling unit; and

(4) Abide by all program requirements, including the community service and economic self-sufficiency requirements pursuant to 24 C.F.R. part 960, subpart F.

(d) The authority shall allow an over-income family facing termination after the expiration of their grace period to request an interim income reexamination. Any decrease in income shall not permit a new grace period or allow the over-income family to avoid or delay the termination of tenancy. [Eff and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.507, 960.509; HRS §§356D-4, 356D-13)

§17-2028-60.03 Notification of over-income status. (a) The authority shall provide a family a notice in writing within [~~30~~] thirty calendar days of the first discovery of their over-income status. The first written notice shall:

(1) Notify the family of their over-income status;

(2) State that by continuing to exceed the over-income limit for a total of [~~24~~] twenty-four consecutive months, the family shall be subject to the over-income policy;

(3) State that during the grace period, the family shall remain as public housing participants;

(4) Provide an explanation of the authority's over-income policy set forth under section 17-2028-112; and

(5) State that the family may request a grievance hearing to dispute the over-income finding.

(b) The authority shall conduct an income reexamination one year following the initial over-income finding. If at such time the family remains over-income, the authority shall provide the family a second notice in writing within the following [~~30~~] thirty calendar days. The second written notice shall:

(1) Notify the family that its annual income has exceeded the over-income limit for [~~12~~] twelve consecutive months;

(2) State that continuing to exceed the over-income limit for the next [~~12~~] twelve consecutive months will result in the family being subject to the over-income policy;

(3) Provide an explanation of the authority's over-income policy set forth under section 17-2028-112; and

(4) State that the family may request a grievance hearing to dispute the over-income finding.

(c) The authority shall conduct an income reexamination of an over-income family at the expiration of the [~~24-month~~] twenty-four-month grace period. If at that time the family remains over-income, the authority shall provide a third notice in writing within the next [~~30~~] thirty calendar days. The third written notice shall:

(1) Notify the family that its grace period has expired;

(2) Explain that the family's tenancy shall be terminated within the following six month pursuant to the authority's over-income policy set forth in section 17-2028-112;

(3) Provide an explanation of the authority’s over-income policy set forth under section 17-2028-112; and

(4) State that the family may request a grievance hearing to dispute the over-income finding. [Eff and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.507, 960.509; HRS §§356D-4, 356D-13)

SUBCHAPTER 5

RENTS, SECURITY DEPOSITS, and OTHER CHARGES

§17-2028-61 Minimum rents. (a) There is established a minimum rent of [~~$50.00~~] $100 per month.

(b) The authority shall grant an exemption from payment of minimum rent if the family is unable to pay the minimum rent because of financial hardship attributable only to the following situations:

(1) The family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program;

(2) The family would be evicted because it is unable to pay the minimum rent;

(3) The income of the family has decreased because of changed circumstances, including loss of employment;

(4) A death has occurred in the family; [~~and~~] or

(5) Other circumstances determined by the authority or HUD.

(c) If a family requests a financial hardship exemption, the authority shall suspend the minimum rent requirement beginning the month following the family's request for a hardship exemption, and continuing until the authority determines whether there is a qualifying financial hardship and whether it is temporary or long term.

(d) When the authority determines that a qualifying financial hardship is temporary, the authority shall reinstate the minimum rent from the beginning of the suspension of the minimum rent ninety days after receiving the exemption request. The authority shall offer a reasonable payment arrangement to the family to ensure payment in full of any back charges.

(e) When the authority determines a qualifying financial hardship is long term, the authority shall exempt the family from the minimum rent requirements so long as such hardship continues. Such exemption shall apply from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying financial hardship.

(f) When the authority determines that there is no qualifying financial hardship exemption, the authority shall reinstate the minimum rent, including back rent owed from the beginning of the suspension. The family shall be responsible for back charges as established in section 17-2028-58 and shall not be eligible for payment arrangements as provided under section 17-2028-58(b). [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. 5.630; HRS §§356D-4, 356D-13, 356D-31; 85 Fed. Reg. 53444)

§17-2028-62 Choice of rent. (a) Once a year, the authority shall give each family the opportunity to choose between two methods of determining the monthly tenant rent. The family may choose to pay either a flat rent or income-based rent.

[~~(a)~~](b) The flat [~~rent~~] rents shall be the fair market rents ("FMRs") that are determined by HUD, at least annually, pursuant to 24 C.F.R. §888.113 as it existed on [~~October 20, 2022~~] July 16, 2026. These FMRs, which include utilities (exclusive of telephone and cable television), are established for dwelling units of various bedroom sizes. Because the FMRs are determined by HUD and the authority has no discretion to amend or change the FMRs, the [~~FMRs~~] flat rents shall be established without a public hearing as provided in Section 91-3(d), HRS.

[~~(b)~~](c) The income-based rent is based on thirty per cent of the family's monthly adjusted income, or ten per cent of the family’s monthly income, or the minimum rent set forth in section 17-2028-61, whichever is [~~greater~~] greatest.

(1) The income-based rent does not include charges for excess utility consumption or other charges.

(2) The income-based rent shall not exceed the total tenant payment pursuant to 24 C.F.R. §5.628 as it existed on [~~October 20, 2022~~] July 16, 2026, for the family minus any applicable utility allowance for tenant-paid utilities. [~~If the utility allowance exceeds the total tenant payment, the authority shall pay such excess amount (the utility reimbursement) either to the family or directly to the utility supplier to pay the utility bill on behalf of the family. If the authority pays the utility supplier, the authority shall notify the family of the amount of the utility reimbursement paid to the supplier.~~]

(3) For purposes of establishing the income-based rent, the authority shall exclude from annual income the earned income of previously unemployed family members and increases in earnings of a family member during participation in any economic self-sufficiency or other job training program as provided for in 24 C.F.R. §960.255 as it existed on [~~October 20, 2022~~] July 16, 2026, and the PHA plan.

[~~(c)~~](d) If a family is unable to pay the flat rent because of financial hardship, the family may at any time request a switch to payment of income-based rent prior to the next annual option to select the type of rent. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §356D-15) (Imp: HRS §§356D-4, 356D-13; 24 C.F.R. §§5.628, 960.253, 960.255; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-63 Security deposits. [~~(a)~~] Prior to admission to a housing project, a family shall pay a security deposit in an amount not to exceed one month's rent. The security deposit may be applied to rent or used to repay charges owed to the authority upon the termination of the rental agreement.

[~~(b) The authority may charge a non-refundable community facilities maintenance fee of not less than one per cent of the community facilities expenses for rental and use for private functions. Resident associations that are duly recognized by the authority shall be exempt or nonprofit organizations requesting use of a community facility to provide supportive services to tenants or to conduct a community event or program may be exempted from the payment of this deposit.~~] [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31).

§17-2028-64 Other Charges. (a) The authority may charge a family, in addition to monthly rent and applicable utility charges, the following:

[~~(a)~~](1) A late fee of [~~$25.00~~] $25 if the monthly rent is paid after the seventh business day of that month;

[~~(b)~~](2) A dishonored check fee of [~~$25.00~~] $25 for every check made payable to the authority that is returned for insufficient funds; and

[~~(c)~~](3) Maintenance costs which includes repair costs related to damages to the dwelling unit or appliances or equipment furnished by the authority, in excess of ordinary wear and tear, and for any repairs to project buildings, facilities, or common areas required because of the wrongful act or negligence of the family or the family's guest or visitor.

(b) The authority may charge a non-refundable community facilities maintenance fee of not less than one per cent of the community facilities expenses for rental and use for private functions. Resident associations that are duly recognized by the authority or nonprofit organizations may be exempted from the facility maintenance fee for community service events or programs meant to provide supportive services to tenants. [Eff 5/24/14; comp 1/20/19; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31).

§§17-2028-65 to 17-2028-70 (Reserved).

SUBCHAPTER 6

FAMILY SELF-SUFFICIENCY PROGRAM

§17-2028-71 Family self-sufficiency program. The objective of the authority's family self-sufficiency (FSS) program is to reduce the dependency of low-income families on welfare assistance, section 8, public housing, or any federal, state, or local rent or homeownership subsidies. Under the family self-sufficiency program, low-income families are provided opportunities for education, job training, counseling, and other forms of social service assistance, while living in assisted housing, so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-72 Eligibility. (a) Tenants in the authority's federal public housing program are eligible to participate in the family self-sufficiency program.

(b) Preference shall be given to applicants who already receive family self-sufficiency-related support services for fifty per cent or less of the allocations. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-73 Recruitment and outreach. (a) The authority shall conduct outreach programs to recruit participants for the family self-sufficiency program.

(b) Outreach efforts may include the following:

(1) Sending informational brochures to each family participating in the authority federal public housing program;

(2) Conducting orientation sessions for families who express an interest in participating in the family self-sufficiency program; and

(3) Identifying and targeting potential families in the authority's caseloads. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-74 Selection. (a) Families will be selected without regard to race, color, religion, sex, disability, gender identity, sexual orientation, familial status, or national origin.

(b) Families will be selected by date of receipt of the family self-sufficiency application.

(c) In the event there are more applicants than family self-sufficiency allocations available, the authority shall conduct a lottery to determine placement on the waiting list.

(d) Initially, up to twenty-five tenants may be selected to participate in the family self-sufficiency program. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-75 Termination or withholding of service. (a) The authority shall monitor and assess the family self-sufficiency participant's progress and compliance with the goals set forth in the contract of participation. When the authority determines that the family self-sufficiency participant is not making progress or complying with the goals of the contract of participation, the authority shall notify the family self-sufficiency participant of such determination and provide the family self-sufficiency participant six months to demonstrate compliance with the plan of the contract of participation.

(b) If no progress has been made or the family self-sufficiency participant is still not complying with the contract of participation after the six-month period, the authority shall provide the family self-sufficiency participant with a written notice of intent to terminate or withhold services and of the opportunity to request an informal hearing. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp   ] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§§17-2028-76 to 17-2028-80 (Reserved).

SUBCHAPTER 7

SPECIAL PROGRAMS

§17-2028-81 Special programs. The authority may administer programs that are created for special or specific purposes to benefit specific categories of persons pursuant to HUD regulations governing those programs. This may include selection from wait lists and lists of participants using criteria that are different from those provided in this chapter. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. 960.505; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-82 Occupancy by police officers.

(a) For the purpose of increasing security for tenants of a public housing project, the authority may allow police officers that would not otherwise be eligible for occupancy in public housing, to reside in a public housing dwelling unit.

(b) The authority shall include in the PHA annual plan or supporting documents the number and location of the dwelling units to be occupied by police officers, and the terms and conditions of their tenancies; and a statement that such occupancy is needed to increase security for public housing tenants.

(c) Occupancy by police officers shall be carried out pursuant to 24 C.F.R. §960.505, as it existed on [~~October 20, 2022~~] July 16, 2026. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp 11/11/23; am and comp] (Auth:

HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.505; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-83 Designated housing. (a) The authority may designate public housing projects, or portions of public housing projects, for occupancy by disabled families, elderly families, or mixed populations of disabled and elderly families.

(b) The authority shall designate public housing projects, or portions of public housing projects in accordance with 24 C.F.R. Part 945 as it existed on [~~October 20, 2022~~] July 16, 2026. The authority shall also include a description of the designation activity in the PHA plan. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 945; HRS §§356D-4, 356D-13, 356D-31)

§§17-2028-84 to 17-2028-90 (Reserved).

SUBCHAPTER 8

HOUSEHOLD PETS

§17-2028-91 Pet ownership. (a) The authority may permit pet ownership by tenants of public housing, subject to compliance with the authority's pet policy established in the PHA plan.

(b) This subchapter does not apply to animals that assist, support, or provide service to persons with disabilities. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; am and comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.705, 960.707; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-92 Conditions for pet ownership.

(a) A tenant shall comply with the authority's reasonable conditions for pet ownership that include, but are not limited to, the following:

(1) Obtaining a permit from the authority to own a pet pursuant to the requirements set forth in the authority's pet policy established in the PHA plan; and
(2) Complying with the authority's rules for pet ownership.

(b) The authority may revoke a pet permit for the following reasons:

(1) The authority determines that the pet is not properly cared for;
(2) The pet presents a threat to the safety and security of other tenants, employees of the authority, contractors, and others on the premises;
(3) The pet is destructive or causes an infestation;

(4) The pet disturbs other tenants for reasons including, but not limited to, noise, odor, cleanliness, sanitation, and allergic reactions;
(5) The pet owner fails to provide an annual update on the pet as required in the pet rules;
(6) The resident association or project pet committee, which consists of tenants with and without a pet, recommends to the authority that the pet permit be revoked due to a demonstrated lack of cooperation and responsibility in maintaining the pet; or
(7) Tenant fails to pay on a timely basis the following applicable pet fees:
    (A) An initial pet deposit of [~~$75.00~~] $75 or an amount equal to the total tenant payment, whichever is lower; and
    (B) For owners of a dog or cat, a non-refundable monthly fee of [~~$5.00~~] $5. This fee shall not apply to residents of projects for the elderly and persons with disabilities. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; am and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.318, 960.705, 960.707; HRS §§356D-4,356D-13,356D-31)

§§17-2028-93 to 17-2028-100 (Reserved).

SUBCHAPTER 9

MISCELLANEOUS PROVISIONS

§17-2028-101 Severability. If any part, section, sentence, clause, or phrase of this chapter, or its application to any person or transaction or other circumstances, is for any reason held to be unconstitutional or invalid, the remaining parts, sections, sentences, clauses, and phrases of this chapter, or the application of this chapter to other persons or transactions or circumstances, shall not be affected. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: HRS §1-23)

§17-2028-102 Number and gender. Words in the singular or plural number and masculine gender shall have the same meaning as defined in section 1-17, HRS." [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §356D-4, 356D-13) (Imp: HRS §1-17)

2. Material, except source notes and other notes, to be repealed is bracketed and stricken. New material is underscored.

3. Additions to update source notes and other notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of Chapter 17-2028, Hawaii Administrative Rules, shall

take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, were adopted on July 16, 2026, and filed with the Office of the Lieutenant Governor.

____
Robert J. Hall, Chairperson
Board of Directors
Hawaii Public Housing
Authority

APPROVED AS TO FORM:

____
Deputy Attorney General

EXHIBIT A

OCCUPANCY STANDARDS

The authority does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom. The Occupancy Standards for determining dwelling unit size shall be applied at each project in a manner consistent with Fair Housing guidelines.

The Occupancy Standards are as follows:

One bedroom will be generally assigned for every two family members. A living room shall not be considered a bedroom or sleeping room for this purpose.

The authority shall consider factors such as family characteristics including sex, age, or relationship, the number of bedrooms and the size of sleeping areas or bedrooms and the overall size of the dwelling unit. Consideration shall also be given for medical reasons and the presence of a live-in aide.

Single-person families shall be allocated a studio or a one-bedroom dwelling unit.

GUIDELINES FOR DETERMINING BEDROOM SIZE FOR WAIT LIST

Bedroom Size	Persons in Household: (Minimum #)	Persons in Household: (Maximum #)
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	6	10

FOR ACTION, ATTACHMENT B
PROPOSED AMENDMENTS TO CHAPTER 17-2028, HAR,
STANDARD FORMAT

DEPARTMENT OF HUMAN SERVICES

Amendment and Compilation of Chapter 17-2028
Hawaii Administrative Rules

July 16, 2026

SUMMARY

1. §§17-2028-2 to 17-2028-3 are amended.
2. §17-2028-5 is amended.
3. §17-2028-6 is repealed.
4. §17-2028-7 is amended.
5. §§17-2028-21 to 17-2028-24 are amended.
6. §17-2028-32 is amended.
7. §17-2028-34 is amended.
8. §§17-2028-36 to 17-2028-39 are amended.
9. A new §17-2028-51.01 is added.
10. A new §17-2028-51.02 is added.
11. §§17-2028-52 to 17-2028-55 are amended.
12. §17-2028-57 is amended.
13. §§17-2028-59 to 17-2028-60 are amended.
14. §§17-2028-60.01 to 17-2028-60.03 are amended.

15. §§17-2028-61 to 17-2028-64 are amended.

16. §§17-2028-82 to 17-2028-83 are amended.

17. Chapter 17-2028 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER 2028

FEDERALLY ASSISTED PUBLIC HOUSING PROJECTS

Subchapter 1 General Provisions

Subchapter 2 Eligibility

Subchapter 3 Tenant Selection

Subchapter 4 Occupancy and Rental Agreement

Subchapter 4.1 Over-Income Families

Subchapter 5 Rents, Security Deposits, and Other Charges

Subchapter 6 Family Self-Sufficiency Program

Subchapter 7 Special Programs

Subchapter 8 Household Pets

Subchapter 9 Miscellaneous Provisions

Historical Note: Chapter 2028 of Title 17, Hawaii Administrative Rules, is substantially based upon Chapter 17-535, Hawaii Administrative Rules, [Eff 1/1/81; am and comp 2/11/85; am and comp 5/26/98; R 12/03/01], and Chapter 15-190, Hawaii Administrative Rules [Eff 12/03/01; R 9/04/07]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-2028-1 Purpose. These rules are adopted under chapter 91, HRS, and shall govern the administration of federal public housing programs designated to be carried out by a public housing agency, including admission to and the continued occupancy of federally assisted public housing projects owned or operated by the authority. These rules set forth some of the authority's admission and continued occupancy policies that a public housing authority is required to adopt pursuant to the U.S. Department of Housing and Urban Development federal public housing regulations in 24 C.F.R. Chapter IX ("ACOP"). These rules shall be used in conjunction with other public housing policies, but shall supersede any other policy that may conflict with these rules. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Parts 5, 903, 960, 965, 966; HRS §§356D-4, 356D-13)

§17-2028-2 Definitions. Whenever used in this chapter, unless specifically defined:

"Accessible dwelling unit" means a dwelling unit that is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical disabilities or a dwelling unit being made accessible as a result of alterations and is intended for use by a specific qualified individual with disabilities which meets the requirements of applicable standards that address the particular disability or impairment of an individual.

"Adjusted income" means "annual income" of the members of the family residing or intending to reside in the dwelling unit minus any HUD allowable expenses and deductions as defined in 24 C.F.R. §5.611 as it existed on July 16, 2026.

"Admissions and Continued Occupancy Policy" or "ACOP" means these administrative rules and other administrative rules containing the policies by which the authority determines eligibility for admission, prospective tenant selection, dwelling unit assignment, fair and nondiscriminatory transfers, rental agreement terminations, pet policies, and other property-specific guidelines that a public housing authority is required to adopt pursuant to the U.S. Department of Housing and Urban Development federal public housing regulations in 24 C.F.R. Chapter IX.

"Annual income" means the gross amount of income anticipated to be received by the family during the twelve months after admission or reexamination. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income which has been excluded by HUD, as defined in 24 C.F.R. §5.609 as it existed on July 16, 2026.

"Applicant" means an individual or family that submits an application for admission to the program but is not yet a participant in the program.

"Assets" or "net family assets" means net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment as defined in 24 C.F.R. §5.603 as it existed on July 16, 2026, and excludes the value of necessary items of personal property such as furniture and automobiles.

"Assisted housing" means the same as "federally assisted housing".

"Authority" means the Hawaii public housing authority.

"Back charge" means the amount of arrears in rent or other charges owed to the authority.

"C.F.R." means the United States Code of Federal Regulations.

"Child" means a person who is born alive and is less than eighteen years of age.

"Co-head" means a person in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. Minors who are emancipated under state law may be designated as a co-head.

"Common areas" means areas which are available for use by more than one household, including lobbies, corridors, hallways, stairways, parking lots, spots, ramps, washing machine or laundry room, rooftops, elevators, washrooms and lobby areas, driveways, storerooms, fire escapes, entrances and exits of the building or buildings, basements, yards, gardens, recreational facilities, other parts of the project in common use or other areas designated by the authority, and shared ventilation ducts that service more than one dwelling unit.

"Community facilities" means real and personal property; buildings, equipment, lands, and grounds for recreational or social assemblies, and for educational, health, or welfare purposes; and necessary or convenient utilities, when designed primarily for the benefit and use of the authority or the occupants of the dwelling units.

"Community service" means the performance of voluntary work or duties that are a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

"Community wide" means inclusive of any location that is under the jurisdiction of the authority.

"Continuously assisted" means that the applicant is currently receiving assistance under any program of the United States Housing Act of 1937, as amended, and there is no break in assistance to the family.

"Covered families" means families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

"Criminal activity" means the tenant, any member of the tenant's household, a guest or another person under the tenant's control has engaged in any conduct constituting a criminal violation of federal law, HRS, or local ordinances regardless of whether there has been an arrest or conviction for such activity and without satisfying the standard of proof used for a criminal conviction.

"Designated housing" or "designated project" means a property (or properties), or a portion thereof that has been designated for occupancy by disabled families, elderly families, or mixed populations of disabled families and elderly families.

"Disabled family" means a family whose head, co-head, spouse, or sole member is a person with a disability; or two or more persons with a disability living together; or one or more persons with a disability living with one or more live-in aides.

"Domestic violence" means the actual or threatened physical violence directed against a family member by a spouse, former spouse, or other member of the family who is living or has lived with the family.

"Drug" means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. §802) as it existed on July 16, 2026.

"Drug related criminal activity" means the illegal manufacture, sale, distribution, or use of a drug, or possession of a drug with intent to manufacture, sell, distribute, or use the drug.

"Dwelling unit" means a residential unit in a public housing project.

"Economic self-sufficiency program" means any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families.

"Elderly" or "elderly family" means a family whose head, co-head, spouse, or sole member is a person who is at least sixty-two years of age; or two or more persons who are at least sixty-two years of age living together; or one or more persons who are at least sixty-two years of age living with one or more live-in aides.

"Eligible family" means a family that meets the qualifications and requirements of the program for admission into federally assisted public housing.

"Enclosed or partially enclosed" means closed in by a roof or overhang and at least one wall. Enclosed or partially enclosed areas include but are not limited to areas commonly described as public lobbies, lanais, interior courtyards, patios, and covered walkways.

"Extremely low-income family" means a family whose annual income does not exceed thirty per cent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than thirty per cent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

"Family" means regardless of actual or perceived sexual orientation, gender identity, or marital status:

(1) A single person, who may be:

(A) An elderly person, near-elderly person, displaced person, disabled person, or any other single person; or

(B) An otherwise eligible youth who has attained at least eighteen years of age and not more than twenty-four years of age and who has left foster care, or will leave foster care within ninety days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(6)(H)), and is homeless or is at risk of becoming homeless at age sixteen or older; or

(2) Two or more persons who live or intend to live together as a unit and whose income and resources are available to meet the family's needs and whose head of family has reached the age of majority. Such families may include, but are not limited to:

(A) A family with or without children. A child who is temporarily away from the home because of placement in foster care is considered a member of the family. Family may include hanai children, or a child who is domiciled with, and for whom an adult member of the current household is caring for with written or unwritten permission from the legal parent or other person having legal custody, or a child domiciled with, and for whom an adult member of the current household is in the process of securing custody;

(B) An elderly family;

(C) A near-elderly family;

(D) A disabled family;

(E) A displaced family; and

(F) The remaining member of a tenant family who is recorded as an authorized occupant on the current list of household members and who has reached the age of majority.

"Family self-sufficiency program" or "FSS program" means the program established by the authority in accordance with 24 C.F.R. Part 984, as it existed on July 16, 2026, to promote self-sufficiency of assisted families, including the coordination of supportive services.

"Federally assisted housing" means housing assisted under any of the following HUD programs:

(1) Public housing;

(2) Housing receiving project-based or tenant-based assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C. §1437f) as it existed on July 16, 2026;

(3) Housing that is assisted under section 202 of the Housing Act of 1959, as amended by section 801 of the National Affordable Housing Act (12 U.S.C. §1701q) as it existed on July 16, 2026;

(4) Housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act as it existed on July 16, 2026;

(5) Housing that is assisted under section 811 of the National Affordable Housing Act (42 U.S.C. §8013) as it existed on July 16, 2026;

(6) Housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act (12 U.S.C. §1715l (d)(3)) that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act (12 U.S.C. §1715l (d)(5)) as it existed on July 16, 2026;

(7) Housing insured, assisted, or held by HUD or by a State or local agency under section 236 of the National Housing Act (12 U.S.C. §1715z-1) as it existed on July 16, 2026; or

(8) Housing assisted by the Rural Development Administration under section 514 or section 515 of the Housing Act of 1949 (42 U.S.C. §§1483, 1484) as it existed on July 16, 2026.

"Foster children" means a person or persons, under eighteen years of age who is or are not related to the foster parent by blood, marriage, or adoption and who is or are in need of parenting care.

“Foster parent” means any adult person who gives parenting care and maintenance to a foster child pursuant to placement by an authorized agency.

"Gender identity" means actual or perceived gender-related characteristics.

"Hanai child" or "hanai children" means a child who is taken permanently to reside, be educated, and reared by someone other than the natural parents, traditionally a grandparent or other relative, with the written or unwritten permission of the natural parents.

"Head of household" means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse. The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

"Homeless" or "homelessness" means the lack of a fixed, regular, and adequate nighttime residence. A person experiencing homelessness has a primary nighttime residence that is:

(1) A supervised public or private shelter providing temporary accommodations such as welfare hotels, congregate shelters, or transitional housing;

(2) An institution providing temporary residence for individuals intended to be institutionalized; or

(3) A public or private place not ordinarily used as a sleeping accommodation for human beings.

"Household" means the family and any additional person who, with the authority's permission, lives in a dwelling unit, such as a live-in aide, foster child, or foster adult.

"HRS" means the Hawaii Revised Statutes.

"HUD" means the United States Department of Housing and Urban Development.

"Imputed welfare income" means the amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

"Individual relief" means relief from surcharges for excess consumption of agency purchased utilities due to special factors affecting utility usage not within the control of the resident, as the agency shall deem appropriate.

"Live-in aide" means a person who resides with one or more elderly persons, or near elderly persons, or persons with a disability, and who:

(1) Is eighteen years of age or older;

(2) Is determined by the authority to be essential to the care and well-being of the elder or elderly family member or the family member with a disability;

(3) Is not obligated for the support of the elder or the elderly family member or family member with a disability;

(4) Would not be living in the dwelling unit except to provide the necessary support services;

(5) Is not a tenant; and

(6) Notwithstanding any other rule, has no rights of tenancy, continued occupancy of dwelling unit, and is not a remaining member of the household and shall cease to be an occupant therein upon the recovery of the dwelling unit by the authority, or removal from the project of the elder or elderly family member or a family member with a disability who required the live-in aide.

"Location" means any site comprising a common geographic area undivided by natural or man-made barriers (such as rivers, highways, railroads, or other major obstructions) that block or impede normal pedestrian traffic and which may contain more than one project.

"Low-income family" means a family whose annual income does not exceed eighty per cent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than eighty per cent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

"Multifamily dwelling" means a building containing more than two dwelling units.

"Near elderly family" means a family whose head, spouse, or sole member is at least fifty years of age but below the age of sixty-two, or two or more persons, who are at least fifty years of age but below the age of sixty-two, living with one or more live-in aides.

"PHA plan" means the authority's public housing agency plan that is prepared pursuant to 24 C.F.R. Part 903.

"Projects" means those rental properties owned or operated by the authority.

"Public housing" or "federally assisted public housing" means housing assisted under the United States Housing Act of 1937, other than under Section 8 of that Act, and includes dwelling units in a mixed finance project that are assisted by the authority with capital or operating assistance.

"Police officer" means a person determined by the authority to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a federal, State, or local government or by any agency of these governments.

"Refusal of an offer" means an applicant declines an offer made by the authority for a specific dwelling unit from any waiting list or an applicant's failure to respond to a written offer from the authority for a specific dwelling unit within the time specified in the offer.

"Rental agreement" means the agreement or contract containing the terms and conditions of occupancy of a dwelling unit entered into by the tenant and authority.

"Resident" means a United States citizen or national, or an eligible immigrant under one of the categories set forth in 42 U.S.C. §1436a(a) (also known as "noncitizen") who is able to demonstrate his or her intent to reside in Hawaii. Under one of these categories, an eligible immigrant is an alien who is lawfully residing in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the government of the Republic of the Marshall Islands, the Federal States of Micronesia (48 U.S.C. 18901 note), and the Republic of Palau (48 U.S.C. 1931 note) while the applicable section is in effect, also known as "COFA" resident. Intent to reside in Hawaii may be demonstrated by the following: length of time spent in Hawaii; leasing or renting of a home in Hawaii; filing of personal Hawaii income tax returns; registering to vote in Hawaii; Hawaii driver's license; record of Hawaii motor vehicle registration; notification of hire to work in Hawaii; records of employment in Hawaii; military records substantiating Hawaii residency; enrollment of minor children in Hawaii schools; establishment of bank accounts and other accounts in Hawaii; written reference from Hawaii residents, relatives, or social agencies; and any other indicia which could substantiate a claim of an intent to reside in Hawaii.

"Security deposit" means a monetary deposit required prior to admission to federally assisted public housing or use of community facilities that is applied against the cost of loss or damage to the authority’s property (reasonable wear and tear excepted) and non-payment of rent.

"Service-exempt individual" means an individual who is exempt from complying with community service or self-sufficiency activities and which is further defined in 24 C.F.R. §960.601(b) as it existed on July 16, 2026.

"Sexual orientation" means having a preference for homosexuality, heterosexuality, or bisexuality, having a history of any one or more of these preferences, having a history of any one or more of these preferences, or being identified with any one or more of these preferences. Sexual orientation shall not be construed to protect conduct otherwise proscribed by law.

"Smoke" or "smoking" means inhaling, exhaling, burning, or carrying any lighted smoking or heated tobacco product or plant product intended for inhalation in any manner or in any form, including electronic smoking devices.

"Spouse" means the marriage partner of the head of household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program.

"Staff" means the employees or authorized contractors of the authority.

"Tenant" means the person or persons who enter into a rental agreement with the authority to reside in a dwelling unit.

"U.S.C." means the United States Code.

"Utility allowance" means the value of utilities such as electricity, gas, and water costs that are included in the gross rent of the tenant. This does not include telephone or cable television services.

"Very low-income family" means a family whose annual income does not exceed fifty per cent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than fifty per cent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

"Veteran" means any person who served in the military or naval forces of the United States who has been discharged or released from active service under conditions other than dishonorable.

"Violent criminal activity" means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

"Work-exempt individual" means an adult who has been verified by the authority as being:

(1) A service-exempt individual;
(2) Sixty-two years of age or older;
(3) Unable to work due to a disability, illness, injury, or other physical or mental impairment of a nature which is expected to last twelve months or more;
(4) Required at home due to a verified medical condition of another household member that

does not permit self-care, and care is not available from another person in the household;

(5) Pregnant; or

(6) The primary caretaker for a child under the age of six or a dependent adult in the home. No more than one adult in a household may qualify as a work-exempt individual under this definition. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; am and comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Parts 5, 903, 960, 965, 966; HRS §§356D-4, 356D-13)

§17-2028-3 Income limits. (a) Income limits for an applicant's admission to a public housing project shall be as prescribed by HUD annual income limit guidelines.

(b) The authority shall adjust the income limits as established and required by HUD.

(c) Because the HUD income limits are mandatory and the authority has no discretion to amend or change the income limits, the income limits shall be established without a public hearing as provided in Chapter 91-3, HRS, as it existed on July 16, 2026. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §5.601; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-4 Asset transfers. (a) All assets transferred or assigned from an applicant or tenant to another person, within a two-year period prior to submitting an application for the program or reexamination shall be included in determining an applicant's assets.

(b) In determining assets, the authority shall include the value of any business or assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or a bankruptcy sale) during the two years preceding the date of the application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §5.603; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-5 Occupancy standards. (a) The authority shall establish occupancy standards to maintain the maximum usefulness of the dwelling units, while preventing excessive wear and tear or underutilization. The occupancy standards are incorporated by reference and attached as exhibit A.

(b) The occupancy standards shall provide for minimum and maximum dwelling unit sizes depending on the number of persons in a household for purposes of determining the appropriate dwelling unit size for a tenant transfer or an applicant on a waiting list.

(c) The authority and tenants shall abide by the occupancy limits prescribed by the local housing codes of the county in which dwelling units are located. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 63 Fed. Reg. 70982-70987; 63 Fed. Reg. 70256-70257; HRS §§356D-4, 356D-13, 356D-31).

§17-2028-6 Repealed. [R]

§17-2028-7 Utility allowances. (a) The monthly rent for a family residing in a federally assisted public housing project shall include utility allowances established in accordance with HUD's standards for utility allowances as described in 24 C.F.R. §965.505 as it existed on July 16, 2026.

(b) Utility allowances shall be calculated by determining the utility rate then multiplying it by the applicable quantity allowance. A schedule of applicable quantity allowances for lighting, electric domestic hot water heaters, miscellaneous electrical, gas domestic hot water heaters shall be developed annually and shall take into account relevant factors affecting consumption requirements, including:

(1) The equipment and functions intended to be covered by the allowance for which the utility will be used;

(2) The size of the dwelling units and the number of occupants per dwelling unit;

(3) Type of construction and design of the housing project;

(4) The energy efficiency of authority-supplied appliances and equipment;

(5) The utility consumption requirements of appliances and equipment whose reasonable consumption is intended to be covered by the total tenant payment; and

(6) Temperature of domestic hot water.

(c) The authority shall conduct a review of utility rates in January of each year as required by 24 C.F.R. §965.507 as it existed on July 16, 2026. Electric and gas rate schedules for all providers shall be collected and reviewed for each month from the preceding January through December of the calendar year prior to the fiscal year beginning July 1. These monthly rates shall be averaged over the year period.

(d) The new utility allowances shall be posted and noticed to tenants at least sixty days prior to the implementation date, during which time tenants shall have the opportunity to present written or oral comments. The applicable schedules shall be publicly posted in a conspicuous manner at the authority's project offices and shall be furnished upon request. The implementation date for new allowances shall be July 1.

(e) Implementation of all new allowances or components of allowances, by utility, shall be required when there is more than a ten per cent change in the resulting allowance due to a rate change since the last change was effective. In cases when a utility is granted a substantial rate increase in between the annual review, a mid-year allowance adjustment may be required.

(f) The authority may update the quantity allowances. To update the quantity allowance, dwelling units of various sizes in a sampling of different types of developments shall be surveyed to determine the types of existing equipment as well as to identify any factors affecting energy efficiency. If there is a variance in energy consumption factors within housing projects, the worst-case scenario shall be identified and utilized for calculating the quantity allowances. The authority may, at its option, develop property specific allowances for its properties.

(1) Allowances for lighting shall be developed by conducting a field survey of a representative sample of dwelling units to determine the number and type of fixtures. The following factors shall be used to determine the kilowatt hour per month allowance for each dwelling unit size:
   (A) The number of fixtures;
   (B) Watts per fixture; and
   (C) Estimated hours of use per day.

(2) Allowances for miscellaneous electric equipment shall be based upon usage of a

television, radio, miscellaneous small appliances, and a fan.

(3) The allowance for refrigerators is based on the equipment in place at the time of survey.

(4) Allowances for cooking shall be based on the equipment in place at the time of survey.

(5) Allowances for electric domestic hot water heating shall be based on engineering calculations for each bedroom size assuming a certain number of occupants. The data used in the calculations include estimated consumption per occupant per day, temperature of incoming water, temperature of hot water supply, efficiency of heater, and energy required to heat water to supply temperature.

(6) Allowance for solar domestic hot water shall be based on a cost analysis of a domestic hot water heating system.

(7) Gas consumption allowances shall be developed using the same methodology as the electric consumption allowance.

(g) The authority shall provide medical disability allowances for tenants who have provided proof of medical necessity to the authority. The initial quantity allowances for medical equipment shall be determined by taking the equipment's average energy consumption multiplied by the normal frequency of usage. A family may request a utility allowance in excess of the medical disability allowance which, based on need may be approved on a case-by-case basis. Requests for additional allowances based on medical disability may be made to management verbally or in writing, but shall also be subject to verification from a qualified individual. The authority will evaluate the request and respond to the family within 30 days of the completed request.

(h) A Family may also request individual relief from surcharges for excess consumption of agency-purchased utilities. Requests may be granted on reasonable grounds for utility usage incurred by factors beyond the family's control. Factors to be considered and procedures to be used when evaluating such requests include:

(1) Evidence that the family's consumption is mistakenly portrayed as excessive due to defects in the meter or errors in the meter reading;

(2) Evidence that the family's consumption is caused by a characteristic of the dwelling unit or equipment supplied by the authority that is beyond the control of the tenant;

(3) Evidence that the family's consumption is caused by equipment supplied by the authority that is faulty or otherwise not working properly and causing excessive usage that is beyond the control of the tenant; and

(4) Any other evidence the authority deems relevant in evaluating requests to increase the utility expense based on any factor that is beyond the control of the tenant.

(5) Request for any other type of individual relief, including a justification for the request and evidence to support the request, must be made to management in writing. The authority will evaluate the request and provide the family with a response within 30 days of the completed request.

(i) A family shall pay for utility usage in excess of the applicable utility allowance.

(j) A family shall not receive a utility reimbursement if the utility allowance exceeds the total tenant payment.

(k) If a family resides in a dwelling unit served by authority-furnished utilities and must pay for utility usage in excess of the applicable utility allowance pursuant to subsection (h), where:

(1) A checkmeter has been installed, the family must pay the excess dwelling unit cost of the relevant utility amount based on the authority's average utility rate as described in subsection (b).

(2) A checkmeter has not been installed, the family must pay for excess usage resulting from estimated utility consumption attributable to tenant-owned major appliances or to optional functions of authority-furnished equipment according to the schedule described in subsection (b). [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; am and comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.603, 5.632, 960.253, Part 965 Subpart E, §966.4; HRS §§356D-4, 356D-13, 356D-31; 85 Fed. Reg. 53444)

§17-2028-8 Verification of information. An applicant or tenant shall provide documentation to verify information upon request of the staff. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 5, Subpart B; 24 C.F.R. §§960.203, 960.259; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-9 Misrepresentation. An applicant may be denied admission to a housing project if the applicant has submitted false information, withheld information, or made willful misstatements. A tenant who does the same may be denied continued eligibility and have the rental agreement terminated. A live-in aide may be denied approval by the authority or a live-in aide agreement may be terminated if the live-in aide has submitted false information, withheld information, or made willful misstatements. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§§17-2028-10 to 17-2028-20 (Reserved).

SUBCHAPTER 2

ELIGIBILITY

§17-2028-21 Applicants. (a) A person seeking admission to a public housing project shall electronically submit a preliminary application form to the authority's prescribed online application portal.

(b) Selection for placement on a waiting list shall not be deemed a determination of eligibility or admission.

(c) An applicant who has misrepresented material information at any time during the application process for any of the authority's programs shall not be eligible to file an application with the authority for twelve months from the date of written notification from the authority. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.202, 960.203; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-22 Eligibility for admission and participation. (a) To be eligible for participation in the program, applicant and family members shall meet all of the requirements of the preliminary application and final application phases as set forth below:

(1) During the preliminary application phase, when the authority has placed an applicant on a waiting list and not yet determined applicant's eligibility for admission, the applicant and adult family members shall:
   (A) Qualify as a family;

(B) Be income eligible as determined under section 17-2028-3;

(C) Not have an outstanding debt owed to the authority as a participant in any of its programs;

(D) Not have an outstanding liability for unpaid rent or damages incurred while previously participating in any section 8 rental subsidy program or any HUD rental assistance program;

(E) Provide a social security number for all family members who are at least six years of age or under the age of six with assigned social security numbers. If the applicant wishes to add a household member who is under the age of six and has no assigned social security number, the applicant shall provide to the authority within ninety calendar days following the addition of the child:

  (i) A valid social security number card issued by the social security administration;

  (ii) An original document issued by the social security administration which contains the child's name and social security number; or

  (iii) An original document issued by a federal, state, or local government agency which contains the child's name and social security number;

(F) Not have been evicted since March 1, 1985, from a public housing program administered by the authority or any of its predecessors, the housing and community development corporation of Hawaii or Hawaii housing authority, with the exception of evictions solely due to failure to pay rent, in which case, the applicant can be admitted upon payment in full of the unpaid amounts due to the agency;

(G) Not have been evicted from assisted housing by reason of drug-related criminal activity for a three-year period beginning on the date of the eviction unless the evicted tenant successfully completes a supervised drug rehabilitation program approved by the authority;

(H) Not have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal or state housing program;

(I) Not engage in illegal drug use or give the authority reasonable cause to believe that a household member's illegal drug use (or pattern of illegal drug use) or alcohol abuse (or pattern of alcohol abuse) may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants. For the purposes of this subsection:

(i) "Currently engaged in" means the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current; and

(ii) In determining whether to deny eligibility based on a pattern of illegal use of a drug or a pattern of abuse of alcohol by a household member, the authority may consider rehabilitation as provided for under 42 U.S.C. §13661(b)(2)(A)-(C) as it existed on July 16, 2026.

(J) Not give the authority reasonable cause to believe applicant engages in or during a three-year period preceding the date a preliminary application was submitted had engaged in any drug-related criminal activity or violent criminal activity or other criminal activity involving violence, threats of violence, weapons, sexual offenses, crimes against persons, crimes against property, offenses involving the authority's property or funds, or any other criminal activity which is considered as reasonably likely to adversely affect the health, safety, or right to peaceful enjoyment of a property by other tenants, the authority, or staff;

(K) Not have been convicted of drug-related criminal activity for the manufacture, production, or distribution of methamphetamines;

(L) Not subject to lifetime registration requirements under any state sex offender's registration program;

(M) Disclose tobacco use of all family members within the household;

(N) Disclose any pre-existing relationship(s) with a director, officer, employee, or representative of the authority, including but not limited to familial relationships, business relationships, or any other personal relationships where an individual may reasonably be perceived as having an influence over applicant's eligibility determination, waiting list position, or unit assignment; and

(O) Not use a federally assisted or state-aided public housing dwelling unit or any dwelling unit receiving rental assistance from the authority as a primary residence or mailing address as an unauthorized tenant.

(2) During the final application phase, after an applicant is determined to be eligible for admission and prior to being admitted to the program, the applicant and all adult household members shall meet the requirements set forth in paragraph (1)as well as the following requirements:

(A) Not engage in or threaten abusive or violent behavior toward the authority's staff. For purposes of this subsection, "threaten" means an oral or written threat or physical gestures that communicate intent to abuse or commit violence. Abusive or violent behavior may be verbal or physical and include use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate; and

(B) Furnish evidence of citizenship or eligible immigrant status as provided for in 24 C.F.R. §5.508 as it existed on July 16, 2026.

(b) An applicant's past performance in meeting financial obligations, especially rent, may be considered by the authority in its selection of families for admission into its federally assisted public housing program.

(c) An applicant who is continuously assisted under the United States Housing Act of 1937, as amended, shall be admitted to the program as though the applicant was already a program participant. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; am 3/15/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 42 U.S.C. §13661; 24 C.F.R. §§5.216, 960.201, 960.202, 960.203, 960.204, 960.205; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-23 Eligibility for a live-in aide. For a person to be eligible to live in a public housing project as a live-in aide solely to assist a family member with disabilities in daily living activities, such as bathing, meal preparation and delivery, medicinal care, transportation, and physical activities, an applicant or tenant must have a request for a live-in aide approved by the authority in writing. The proposed live-in aide shall:

(1) Not have an outstanding debt owed to the authority;

(2) Not have been evicted from a public housing program administered by the authority. If the proposed live-in aide was evicted solely due to failure to pay rent, the proposed live-in aide can only be added to the household upon payment in full of the unpaid amount owed to the authority;

(3) Not have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal or state housing program;

(4) Not have been convicted of drug-related criminal activity for the manufacture, production, or distribution of methamphetamines;

(5) Not currently or during a three-year period preceding the date when the household requested approval for the proposed live-in aide, be engaged in criminal actively involving crimes against persons or property that threatens or could threaten the health, safety, or property of others. For purposes of this section, in determining eligibility, the authority shall consider whether a person convicted for such a crime has successfully completed a rehabilitation program approved by the authority, or whether the circumstances leading to the criminal conviction no longer exist;

(6) Not have been evicted from assisted housing by reason of drug-related criminal activity for a three-year period beginning on the

date of the eviction unless the evicted proposed live-in aide successfully completes a supervised drug rehabilitation program approved by the authority.

(7) Not currently or during a three-year period preceding the date of the request for a live-in aide engage in any drug-related criminal activity or violent criminal activity or other criminal activity involving violence, threats of violence, weapons, sexual offenses, crimes against persons, crimes against property, offenses involving the authority's property or funds, or any other criminal activity which is considered as reasonably likely to adversely affect the health, safety, right to peaceful enjoyment of the premises by other tenants, the authority, or staff;

(8) Not be currently engaging in the illegal use of a drug or give the authority reasonable cause to believe that the proposed live-in aide’s illegal use or pattern of illegal use of a drug or abuse of alcohol may interfere with the health, safety or right to peaceful enjoyment of the premises by other tenants. For purposes of this subsection:

(A) "Currently engaging in" means the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is present and ongoing; and

(B) In determining whether to deny eligibility based on a pattern of illegal use of a drug or a pattern of abuse of alcohol, the authority may consider rehabilitation as provided for under 42 U.S.C. §13661(b)(2)(A)-(C);

(9) Not be subject to any lifetime requirement in any state for any state sex offender’s program;

(10) Provide a social security number or certify that the proposed live-in aide does not have a social security number;
(11) Disclose the proposed live-in aide’s tobacco use;
(12) Not engage in or threaten abusive or violent behavior toward the authority’s staff. For purpose of this section, "threaten" means an oral or written threat or physical gestures that communicate intent to abuse or commit violence. Abusive or violent behavior may be verbal or physical and include use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult, intimidate, or threaten;
(13) Furnish evidence that the proposed live-in aide is a resident as defined in section 17-2028-2;
(14) Not have or bring any pet or animal into the dwelling unit on a temporary or permanent basis;
(15) Not provide supportive services on only a part-time, rotating, or intermittent basis;
(16) Be certified by a doctor or other professional as capable of providing supportive services for twenty-four hours a day;
(17) Reside with the tenant and use the tenant's dwelling unit as the sole residence. [Eff and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.403, 966.4; HRS §§356D-4, 356D-13)

§17-2028-24 Notification of placement on a waiting list and eligibility. (a) The authority may limit the number of applicants it places on a waiting list during an opening period when preliminary applications are being accepted. If the number of placements on a waiting list was limited, the authority may notify each applicant of their selection or non-selection for placement on the waiting list by e-mail at the e-mail address provided in the applicant's preliminary application . The authority shall notify each applicant of their selection or non-selection within a reasonable time after a waiting list closes.

(b) An applicant who was not selected for placement on a waiting list if placements were limited during the opening period or whose application has expired does not qualify for an informal hearing.

(c) All other determinations of eligibility shall be made in writing by the authority and shall state the reason for the determination.

(d) An applicant determined to be ineligible for admission or participation in the program shall be provided an opportunity for an informal hearing pursuant to section 17-2028-25. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.208; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-25 Informal hearing for applicants determined to be ineligible for admission. (a) An applicant determined to be ineligible for admission or participation in the program may request an informal hearing by submitting a written request within fourteen calendar days from the date of notification of ineligibility.

(b) The informal hearing shall be scheduled within twenty-one calendar days from the date the written request is received and shall be conducted by any person or persons designated by the authority, but shall not be a person who made or approved the determination of ineligibility or a subordinate of such person.

(c) The applicant shall be given the opportunity to present evidence, which shall be considered by the hearing officer, along with the data compiled by the authority.

(d) A written notice of the hearing officer's decision shall be mailed to the applicant within twenty-one calendar days after the hearing. The notice shall include an explanation of the reasons for decision. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.208; HRS §§356D-4, 356D-13, 356D-31)

§§17-2028-26 to 17-2028-30 (Reserved).

SUBCHAPTER 3

TENANT SELECTION

§17-2028-31 Nondiscrimination. Tenant selection and assignment shall be made without regard to race, color, sex, religion, marital status, creed, national or ethnic origin, age, familial status, gender identity, sexual orientation, handicap or disability or HIV infection. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.103; HRS §§356D-4, 356D-13, 356D-31, 515-3)

§17-2028-32 Income targeting. (a) Not less than forty per cent of families admitted to the program during the fiscal year from the waiting list shall be extremely low-income families.

(b) To the extent allowed by 24 C.F.R. §960.202(b)(2) as it existed on July 16, 2026, admission of extremely low-income families to the authority's Section 8 voucher program during the authority's fiscal year shall be credited against the targeting requirement in subsection (a). [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.202; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-33 Deconcentration. (a) For federally assisted public housing projects, the authority shall give priority to applicants to ensure that, to the maximum extent feasible, the housing projects will include families with a broad range of income generally representative of low-income families in the authority's area of operation. The authority shall not allow dwelling units to remain vacant awaiting an applicant who meets the appropriate income range.

(b) The authority may not concentrate very low-income families in dwelling units in certain public housing projects or certain buildings within projects. Additionally, the authority may not concentrate higher income families in dwelling units in certain housing projects or certain buildings within projects.

(c) In order to effectuate the policies stated in this section, the authority may reserve a certain percentage of dwelling units for applicant placement for applicants who do not qualify for a preference as described in section 17-2028-34. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.607, 903.1, 903.2, 960.204, 960.205, 960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-34 Local preferences. (a) Subject to section 17-2028-33(c), an eligible applicant shall be given preference for admission to the program if the applicant:

(1) Experienced homelessness at any time during the twelve months preceding the application date, and applicant has completed or is compliant with a housing or service plan as certified by:
   (A) A case manager or other employee of a social service provider or nonprofit organization that receives federal, state, or county funding; or
   (B) A state or county agency which administers social services programs.

(b) Subject to section 17-2028-33(c), an applicant who claimed a preference shall be drawn from a waiting list and contacted for an application interview before any other applicant who did not claim a preference.

(c) An applicant shall not receive a preference if any adult member of the applicant family is a person who was evicted or terminated from any federally assisted housing or state-aided public housing program operated by the authority for a three-year period beginning on the date of eviction because of drug-related criminal activities unless the adult member has successfully completed a rehabilitation program approved by the authority. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp 11/11/23; am and comp] (Auth: HRS §§356D-4; 356D-13) (Imp: 24 C.F.R. §960.204, 960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-35 Loss of preference. An applicant who declines one offer of a dwelling unit, without good cause, or who voluntarily requests cancellation of the application, shall lose all preferences for a period of twelve months from the date the offer was declined or from the date of the request for cancellation. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; comp] (Auth: 24 C.F.R. §960.206; HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-36 Waiting list. (a) The authority shall maintain fifteen geographical waiting lists, which are community wide in scope and consist of all eligible applicants as follows:

(1) City and County of Honolulu

(A) Honolulu waiting list, which is comprised of Ka'ahumanu Homes, Kalakaua Homes, Kalihi Valley Homes, Kamehameha

Homes, Kuhio Homes, Mayor Wright Homes, Palolo Valley Homes, Punchbowl Homes, Pu'uwai Momi, Salt Lake Apartments, Spencer House, Kalanihuia, Makamae, Makua Ali'i, Paoakalani, and Pumehana;

(B) Central Oahu waitlist, which is comprised of Kauhale Nani, Wahiawa Terrace, and Kupuna Home O`Waialua;

(C) Windward Oahu waitlist which is comprised of Ho'okipa Kahalu`u, Kaneohe Apartments, Kauhale O`hana, Ko`olau Village, and Waimanalo Homes; and

(D) Leeward Oahu waitlist, which is comprised of Hale Laulima, Kau'iokalani, Maili I & II, Nanakuli Homes, Waimaha - Sunflower, and Waipahu I & II.

(2) County of Hawaii

(A) Hilo waitlist, which is comprised of Lanakila Homes, Punahele Homes, Pomaikai Homes, Hale Aloha O Puna, Hale Olaloa, Kauhale O`Hanakahi;

(B) Honoka`a waitlist which is comprised of Hale Hauoli;

(C) Ka'u waitlist which is comprised of Pahala;

(D) Kona waitlist which is comprised of Ka Hale Kahalu`u, Hale Ho'okipa, Kaimalino, Kealakehe, and Nani Olu;

(E) Waikoloa waitlist which is comprised of Ke Kumu 'Ekolu; (F) Waimea waitlist which is comprised of Noelani I & II.

(3) County of Maui

(A) East Maui waitlist which is comprised of Kahekili Terrace and Makani Kai Hale;

(B) West Maui waitlist which is comprised of Pi`ilani Homes and David Malo Circle; and

(C) Molokai waitlist which is comprised of Kahale Mua.

(4) County of Kauai

(A) East Kauai waitlist which is comprised of Hui O Hanama`ulu, Kapa'a, Hale Nana Kai O Kea, and Hale Ho'olulu; and

(B) West Kauai waitlist, which is comprised of Ele'ele Homes, Hale Ho'onanea, Kalaheo Homes, Kekaha Ha`aheo, Kawailehua, and Home Nani.

(b) The public shall be notified of the opportunity to apply for and be placed on one waiting list through notices posted in a conspicuous place at the authority's offices that accept applications and the authority’s website. An applicant with an active application shall remain on only one waiting list.

(c) The authority may place and order applicants on a waiting list as follows:

(1) Based on the date and time applications are received; or

(2) In a randomized sequence using a lottery method.

The authority may further sort a waiting list by local preferences and appropriate bedroom sizes based on household compositions.

(d) An applicant cannot be placed on or remain on a waiting list if applicant currently resides in any federally assisted public housing project as an authorized or unauthorized tenant.

(e) A notice of the opening of a waiting list shall include the following information:

(1) How to submit an application;

(2) How the authority will place and order applicants on a waiting list (e.g., by the date and time applications are received, using a lottery method);

(3) The total number of applicants who will be placed on the waiting list, if applicable;

(4) Whether the authority is accepting applications from applicants with a preference, without a preference, or a combination of both;

(5) The date and time the authority will begin accepting applications; and

(6) The date and time the authority will stop accepting applications if the total number of applications received does not exceed the total number of spots available on the waiting list.

(f) An applicant shall update on the authority's portal electronically, at least once a year, any change that may affect the applicant's place on the waiting list and the authority's ability to contact the applicant. Changes include, but are not limited to, family status, financial status, preference status, mailing address, email address, phone number, and current residence.

(g) Applications will be active for eighteen months from the date of placement on a waiting list before expiring. Applicants still on the waitlist at eighteen months will receive a letter informing them that their application has expired. An applicant whose application expires shall not qualify for an informal hearing. [Eff 7/21/05; am and comp 9/4/07; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: 24 C.F.R. §§960.206; HRS §§356D-4; 356D-13) (Imp: 24 C.F.R. §960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-37 Removal from a waiting list. (a) The authority may remove an applicant from a waiting list if:

(1) The applicant requests that applicant's name be removed;
(2) The applicant fails to notify the authority of applicant's continued interest for housing at least once every twelve months;
(3) The applicant no longer meets the eligibility criteria set forth in section 17-2028-22;
(4) The applicant fails to respond to the authority's reasonable contact efforts. Correspondence to either the last known

address or last known email address will constitute reasonable effort to contact;

(5) The applicant fails without good cause to keep a scheduled interview or appointment or to provide requested information necessary to determine eligibility. Good cause may include, but is not limited to, the following:

(A) The applicant is unable to obtain transportation or childcare and notified the authority prior to the start of the scheduled interview;

(B) The applicant is sick and requests to reschedule the interview prior to the start of the scheduled interview; or

(C) A court verifies that the applicant is serving on a jury which has been sequestered;

(6) The applicant misrepresents any material information to the authority in the application or otherwise; or

(7) The applicant, who claimed a local preference, is unable to verify their qualification for meeting a preference by the deadline specified in the authority's written request for verification.

(b) An applicant shall not be entitled to an informal hearing pursuant to section 17-2028-25 if applicant is removed from a waiting for the reasons described in subsections (a)(1), (a)(2), (a)(4), or (a)(5), or for any other reason which prevents the authority from determining eligibility or is unrelated to a determination of eligibility. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.206, 960.208; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-38 Closing a waiting list. (a) The authority, at its discretion, may restrict acceptance of applications, and close a waiting list, in whole or in part, when it determines that it will be unable to assist all the applicants on the waiting list within a reasonable period of time.

(b) The authority shall announce any closure and reopening of the application process through notices posted in a conspicuous place at the authority's offices that accept applications and on the authority’s website.

(c) During periods when application acceptance is closed and until it is reopened, the authority shall not maintain a list of persons to be notified when application acceptance is reopened. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/40/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.202, 960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-39 Offers. (a) An applicant shall be afforded one offer to rent a suitable dwelling unit.

(b) The authority shall offer a vacant dwelling unit to eligible applicants based on:

(1) The order in which applicants who were drawn from the waiting list were determined to be eligible;

(2) Whether the vacant unit is appropriately sized for an eligible applicant; and

(3) Whether an eligible applicant has been approved for certain accessibility features in the vacant unit as a reasonable accommodation, if applicable.

(c) Upon refusal of one offer, without good cause, an applicant shall be removed from the waiting list on which applicant's name was placed.

(d) An applicant shall not be considered to have been offered a dwelling unit if an offer has been declined for good cause. Good cause may include, but is not limited to the following:

(1) The dwelling unit is not of the proper size or type, and the applicant would be able to reside there only temporarily (e.g., a specially designed dwelling unit that is awaiting a person with a disability needing such a dwelling unit);

(2) The dwelling unit offered is unsuitable for health or safety reasons for the applicant;

(3) The applicant is unable to move at the time of the offer, and applicant presents clear evidence which substantiates this to the authority's satisfaction, including, but not limited to:

(A) A doctor verifies that the applicant is currently hospitalized or has recently undergone a major surgery or medical procedure and needs a period of time to recuperate;

(B) A court verifies that the applicant is serving on a jury which has been sequestered; or

(C) A landlord verifies that the applicant has an existing rental agreement that cannot be breached without causing undue financial hardship.

(4) The applicant's acceptance of the offer would result in undue hardship not related to consideration of race, color, national origin, or language and the applicant presents evidence which substantiates this to the authority’s satisfaction (e.g., inaccessibility to source of current employment or day care facilities).

[Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.202, 960.203, 960.206, 960.208; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-40 Occupancy of accessible dwelling units. (a) The authority shall take the following nondiscriminatory steps to maximize the utilization of accessible dwelling units by eligible individuals whose disability requires the accessibility features of the particular dwelling unit. When an accessible dwelling unit becomes vacant the authority shall, before offering such dwelling units to an applicant without a disability, offer such dwelling unit:

(1) First, to a current occupant of another dwelling unit of the same project or other projects within the same housing program, having disabilities requiring the accessibility features of the vacant dwelling unit and occupying a dwelling unit not having such features, or, if no such occupant exists, then

(2) To an eligible qualified applicant on the waiting list having a disability requiring the accessibility features of the vacant dwelling unit.

(b) When an applicant accepts an accessible dwelling unit, and the applicant does not have a disability that requires the accessibility features of the dwelling unit, the applicant shall be required to agree to move to a non-accessible dwelling unit when one becomes available. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; comp] (Auth: §§356D-4, 356D-13) (Imp: 24 C.F.R. §8.27, ; HRS §§356D-4, 356D-13, 356D-31)

§§17-2028-41 to 17-2028-50 (Reserved).

SUBCHAPTER 4

OCCUPANCY AND RENTAL AGREEMENT

§17-2028-51 Rental agreement. (a) A tenant shall enter into a rental agreement with the authority that sets forth the conditions of occupancy for the tenant including, but not limited to, the rental terms, security deposit, smoking prohibitions, eligibility reexaminations and rental adjustments, and for welfare recipients, authorization for the authority to draw rental payments directly from their EBT or bank accounts.

(b) No tenant shall be permitted to remain in a housing project without a valid rental agreement. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-51.01 Work requirement policy. (a) Upon written notification to tenants by the authority of the implementation of the work requirement policy, all non-work-exempt family members must participate in work-related activities for a minimum of fifteen hours per week. Work-related activities may include but are not limited to:

(1) Employment on at least a part-time basis;
(2) Enrollment in an accredited educational institution or a vocational, technical, or other degree-seeking certification program;
(3) Apprenticeships or internships;
(4) Employment counseling;
(5) U.S. job corps; and
(6) Community service or volunteer activities. Community service or volunteer activities

may count toward the fifteen-hour weekly requirement provided that such activities do not constitute more than eight hours of the required weekly minimum.

(b) The authority may verify compliance with the work requirement policy through:

(1) Use of an upfront income verification system such as HUD's enterprise income verification system or the state department of human services' Hawaii automated welfare information system;

(2) Written, third-party verification from an employer or staffing agency;

(3) Written, third-party verification from the organization receiving community service or volunteer assistance; or

(4) Written, third-party verification of enrollment from a school or program for education or job training.

(c) At admission, a family shall be given a written description of the work requirement policy. A non-work-exempt family member shall have the work requirement waived for an introductory period of six months following admission or until the family member begins engaging in fifteen hours of work-related activities per week, whichever is sooner.

(d) If at any time following the introductory period a non-work-exempt family member becomes non-compliant, the family member must notify the authority within ten calendar days of the start of non-compliance. The family member shall be given a warning period of ninety calendar days to submit verification of compliance. The warning period shall begin on:

(1) The tenth calendar day following the start of non-compliance if the change was reported timely; or

(2) The start of non-compliance if the change was not reported timely.

If the family member remains non-compliant after the warning period expires, the authority may terminate the family's rental agreement.

(e) The authority may suspend this policy during periods of economic downturn, natural disasters, public health emergencies, or for other reasons as determined to be necessary.

(f) Nothing in this section shall be construed as exempting a tenant or any family member from complying with the community service requirements pursuant to 24 C.F.R. part 5, subpart F as it existed on July 16, 2026. [Eff and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: HRS §§356D-4, 356D-13; 85 Fed. Reg. 53444)

§17-2028-51.02 Work requirement policy; hardship exemptions. (a) A non-work-exempt family member may request a temporary hardship exemption from the work requirement policy. Examples of qualifying hardships may include but are not limited to:

(1) A doctor or medical professional verifies the family member received or is receiving inpatient care at a hospital, nursing facility, or intermediate care facility for an illness or injury that is not of a permanent nature;

(2) The family member must travel out of state for an extended period of time for medical care for themself or a dependent; or

(3) The family member certifies they are a victim of domestic violence, dating violence, sexual assault, or stalking.

(b) A hardship exemption request shall be submitted to the management office in writing and describe:

(1) The nature and circumstances of why an exemption is needed;

(2) The expected duration of the cause for the exemption; and

(3) How the hardship has affected or will affect the family's ability to pay rent.

(c) Upon receipt of a written request for a hardship exemption, the authority shall suspend the work requirement policy for the family member until the authority determines whether to grant the exemption. The authority shall make a determination within thirty calendar days following receipt of the request.

(d) If the authority requests additional information to verify the necessity of the hardship exemption and such information not received within ten calendar days, the authority may deny the family member's exemption request.

(e) When evaluating a hardship request, the authority shall determine if the claimed hardship exists and whether nexus can be established between the claimed hardship and the work requirement policy.

(1) If the authority determines that no hardship exists, the authority shall reinstate the work requirement following notification to the family in writing.

(2) If the authority determines that a hardship exists, the family member shall be exempted from the work requirement policy until the hardship has been resolved or after a period of ninety calendar days, whichever is sooner. The authority may extend the exemption beyond ninety calendar days if it determines that a hardship will persist. Until the work requirement is reimposed, the family member must continue to qualify for the hardship exemption and remain compliant with all other program requirements.

(f) A family member granted an exemption for any reason that is not of a permanent nature must provide updated verification of their continued qualification at each reexamination and upon request by the authority within a deadline specified in a written notice.

(g) A family member who is denied a hardship exemption may grieve the authority's determination pursuant to chapter 17-2021. [Eff and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: HRS §§356D-4, 356D-13; 85 Fed. Reg. 53444)

§17-2028-52 Eligibility for continued occupancy. (a) To be eligible for continued occupancy in a housing project, the tenant shall:

(1) Qualify as a family;

(2) Conform to the occupancy standards;

(3) Abide by smoking prohibitions pursuant to section 17-2028-60;

(4) Not have a record of conduct or behavior which may be detrimental to the project, its tenants, or employees of the authority; and

(5) Except for a service-exempt individual, conform to the following community service and economic self-sufficiency requirements:

(A) Contribute eight hours per month of community service (not including political activities);

(B) Participate in an economic self-sufficiency program for eight hours per month;

(C) Perform eight hours per month of combined activities as described in paragraphs (A) and (B), above; and

(6) Except for a work-exempt individual, comply with the work requirement policy set forth in section 17-2028-51.01.

(b) Except for a newborn child of a tenant or family member, adopted minor child, a minor child who is domiciled with the tenant or family member because tenant or family member was awarded custody by the court or is the legal guardian of the child, foster children, hanai children, or a child who is domiciled with, and for whom an adult member of the current household is caring for with written or unwritten permission from the legal parent or other person having legal custody, or child domiciled with, and for whom an adult member of the current family is in the process of securing custody, no person, including live-in aides, shall be permitted to join or rejoin the household until:

(1) The authority verifies that the person joining or rejoining the household meets the eligibility requirements set forth in section 17-2028-21 or 17-2028-22, and that household meets the eligibility requirements set forth in section 17-2028-52(a); and
(2) The authority approves of the tenant's request to add a household member as an occupant of the dwelling unit.

(c) The authority will not approve the addition of household members where the occupancy standards would require a larger size dwelling unit with the exception of adding a new spouse or partner or live-in aide.

(d) All changes to a household composition must be reported to the authority within ten business days. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: C.F.R. §§960.603, 966.4; HRS §§356D-4, 356D-6.5, 356D-13, 356D-31)

§17-2028-53 Reexamination. (a) For families who pay an income-based rent, the authority shall reexamine a tenant's annual income, assets, family composition, and any other matter necessary to determine a tenant's rent and eligibility for continued occupancy at least once every twenty-four months.

(b) For families who pay a flat rent pursuant to section 17-2028-62, the authority shall conduct reexaminations as follows:
(1) At least once every twenty-four months, the authority shall reexamine the family's composition and any other matter necessary to determine the family's eligibility for continued occupancy; and
(2) At least once every three years, the authority shall reexamine the family's annual income, assets, and any other matter

necessary to determine the family's eligibility for continued occupancy.

(c) For all families who include non-service-exempt individuals, the authority shall also reexamine compliance with community service and economic self-sufficiency requirements and the work requirement policy at least once every twenty-four months. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.257, 966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-54 Reexamination results. (a) A family shall be given written notification within a reasonable time, after determination by the staff, of both the family's eligibility for continued occupancy and rent schedule.

(b) A family found ineligible for continued occupancy by the staff shall be required to vacate the dwelling unit unless the ineligibility is due to noncompliance with community service requirements pursuant to 24 C.F.R. Part 960, Subpart F as it existed on July 16, 2026. In such cases of noncompliance with community service requirements, the rental agreement shall not be renewed at the end of the twelve-month term unless:

(1) The tenant, and any other noncompliant family member, enter into a written agreement with the authority, in the form and manner required by the authority, to cure such noncompliance in accordance with such agreement; or

(2) The family provides written assurance satisfactory to the authority that the tenant or other noncompliant family member no longer resides in the dwelling unit.

(c) A family aggrieved by the reexamination results may request a hearing pursuant to the authority's grievance procedure as provided in chapter

17-2021. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.257, 960.607, 966.4, 966.51; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-55 Special reexamination. If at the time of admission or reexamination, a family's income cannot be reasonably anticipated for the next twenty-four-month period, the authority may schedule a special reexamination at any time prior to the next regular reexamination when deemed necessary. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §5.609; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-56 Interim rent adjustment. (a) The authority may adjust a family's rent between reexamination if a tenant reports a change in family income. However, adjustments to rent shall not be made for covered families with reduced welfare benefit payments resulting from welfare sanctions for noncompliance with welfare self-sufficiency and work activity requirements. Adjustments, reflecting a lower rent, shall be made effective on the first of the month following the month the report was made. The authority will not process the rent adjustment if it confirms that the decrease in income will last less than thirty calendar days.

(b) A tenant who has obtained a decrease in rent under this section shall report all income increases to the authority which occur prior to the next reexamination within ten business days of when tenant knows the increase will occur, and rent shall be readjusted accordingly. Any increase in rent shall be effective on the first day of the second month following the month in which the change occurred.

(c) A tenant who fails to report any increase in income after obtaining a decrease in rent under this section shall be subject to a back rent charge retroactive to the month in which the rent increase should have been made pursuant to section 17-2028-58.

(d) A tenant shall report to the authority any changes in family composition. Rent adjustment shall be made between reexaminations when a person with income is added to the family and the rent adjustment shall be effective on the first of the second month following the approved inclusion. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.615, 960.257, 966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-57 Tenant transfers. (a) Tenant transfers shall be made without regard to race, sex, color, creed, age, religion, gender identity, sexual orientation, handicap, national origin, or familial status.

(b) The authority may transfer a family to another dwelling unit:

(1) To prevent overcrowding or underutilization of a dwelling unit as determined by the authority at the time of the regular or interim reexamination;

(2) To preserve the purpose for which a project or dwelling unit was specifically developed or designed such as to meet the needs of the elderly or persons with disabilities;

(3) Based on an emergency where conditions of the dwelling unit, building or project pose an immediate, verifiable threat to life, health, or safety of the family;

(4) For economic reasons affecting the tenant or the authority;

(5) For administrative reasons determined by the authority including, but not limited to, permitting modernization, renovation, or rehabilitation work; or

(6) As a reasonable accommodation.

(c) Tenant transfers may take priority over new admissions.

(d) A family shall be afforded one offer to transfer to a dwelling unit that meets the criteria set forth in subsection (b) above within the same housing project in which the family resides. If such dwelling unit is not available, the family may then be offered a dwelling unit in another housing project under the control of the management unit. If such dwelling unit is not available, the family may then be offered a dwelling unit in another housing project served by the same geographic waiting list. If such a dwelling unit is not available, the family may then be offered a suitable dwelling unit on the island on which the family resides. Declining an offer to transfer for good cause as determined by the authority shall not be considered a refusal.

(e) A family requesting a transfer shall not be transferred during periods when eviction proceedings have been initiated or are in process against such family, which includes the issuance of a notice of violation of the rental agreement by the authority for which the authority is seeking eviction, or during any periods of conditional deferment of eviction action against such family.

(f) A family requesting a transfer, who is not current with rent or other charges, and who does not have an approved payment arrangement shall not be transferred until the situation is resolved to the satisfaction of the authority.

(g) The authority may terminate the rental agreement of a family who refuses to transfer as required by the authority. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13)

(Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-58 Back charges. (a) A family shall pay in full any back charges within ninety days from the date of notification of the back charge; provided that where the family timely reports a change in income to the authority and a back charge results from an increase in income, payment for any back charges shall not be due until ninety days from the date of a completed reexamination or interim rent adjustment. Failure to do so shall result in the termination of the rental agreement.

(b) The authority may, in its discretion, elect to negotiate a reasonable payment arrangement with a family to ensure payment in full of any back charges. When the authority determines not to exercise this discretion, the family shall be responsible for the full balance of back charges as stated in subsection (a) above. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-59 Rental agreement termination. (a) A family shall give the authority at least twenty-eight days written notice that the family will vacate the family's dwelling unit prior to the vacate date.

(b) The authority may terminate a rental agreement when the tenant, any member of the tenant's household, or any guest or other person under the tenant's control:

(1) Fails to observe or perform any covenant or obligation of the rental agreement, or rule of the authority or housing project, or law or ordinance of a governmental agency that pertains to or establishes standards of

occupancy. This includes but is not limited to the following:

(A) Serious or repeated violation of the material terms of the rental agreement, including failure to make payments due or fulfill household obligations set forth in the rental agreement;

(B) Failure to provide family income, assets, employment and composition information and documentation to enable the authority to determine the family's rental rate and eligibility for continued occupancy;

(C) Family no longer conforms to the occupancy limits as established by the authority for the dwelling unit occupied by the family and the family refuses to move to the first appropriate size dwelling unit offered;

(D) When requested by the authority due to health and safety, repair, abatement, construction or renovation of the dwelling unit, the family refuses to move;

(E) Family is ineligible for continued occupancy;

(F) Failure of a family member to comply with community service requirement provisions of 24 C.F.R. part 960, subpart F as it existed October 20, 2022, provided that such failure shall result in non-renewal of rental agreement and termination of tenancy at the end of the twelve-month rental agreement term;

(G) At the time of admission, reexamination, interim or at any other time, the family has submitted false information or has withheld valuable information or has made willful misstatements;

(H) Family fails to accept the authority’s offer of a revision to the existing rental agreement; or

(I) Failure of a family member to comply with the authority's work requirement policy;

(2) Engages in illegal drug use or gives the authority reasonable cause to believe that illegal drug use (or pattern of illegal drug use) or alcohol abuse (or pattern of alcohol abuse) may interfere with the health, safety, or right to peaceful enjoyment of authority property by other tenants;

(3) Gives the authority reasonable cause to believe that tenant engages in any criminal activity or conduct, on or off the authority's property, that threatens or could threaten the health, safety, or right to peaceful enjoyment of other residents, the authority’s employees or representatives, or other individuals on any authority property or that damages the authority’s property itself;

(4) Gives the authority reasonable cause to believe that tenant engages in any drug-related criminal activity on or off any authority property;

(5) Gives the authority reasonable cause to believe that tenant commits any violation or engages in conduct, on or off the authority's property, that threatens or could threaten the health or safety of other residents, the authority’s employees or representatives, or other individuals on any authority property or that damages the authority’s property itself;

(6) Violates the smoking prohibitions pursuant to section 17-2028-60 on more than three occasions and receives written notice of said violations; provided that if tenant, any member of the tenant's household, or any guest or other person under the tenant's

control receives only one violation of section 17-2028-60 in one year, and participates in and completes a smoking cessation service program within the same year, the authority will clear the one violation and shall not deem the incident as a violation for the following year;

(7) Fails to maintain utility services;

(8) Has been convicted of a felony during the term of the tenancy, including but not limited to any felony involving violence, threats of violence, weapons, sexual offenses, crimes against persons, crimes against property, offenses involving the authority's or a resident or tenant association's property or funds, or any other felony that threatens or could threaten the health, safety, or right to peaceful enjoyment of the premises by others. This paragraph does not apply to tenant's guest or other person under tenant's control;

(9) Allows an individual who the family knows to be trespassed from the property, to visit or stay on the property or in the family's dwelling unit during the trespass period;

(10) Furnishes false or misleading information during any authority related grievance or eviction hearing that affects or could reasonably affect the hearing decision;

(11) Flees to avoid arrest or prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;

(12) Violates a condition of probation or parole imposed under federal or state law;

(13) Engages in willful damage to the authority's property; or

(14) At the time of admission, reexamination, interim, or at any other time, the family has submitted false information to the

authority or has withheld valuable information from the authority or has made willful misstatements to the authority.

(c) The authority shall give a tenant written notice of the proposed termination of the rental agreement that conforms to 24 C.F.R. §966.4 as it existed on July 16, 2026, such as:

(1) Thirty days in the case of failure to pay rent except for nonpayment of minimum rent during the ninety-day period beginning the month following the family's request for a financial hardship exemption pursuant to section 17-2028-61(b);
(2) A reasonable time commensurate with the exigencies of the situation in the case of creation or maintenance of a threat to the health or safety of other tenants or project employees; or
(3) Thirty days in all other cases. The authority shall terminate a rental agreement in accordance with chapter 356D, HRS.

(d) The authority may terminate a rental agreement if any member of the family engages in the use of marijuana, even if pursuant to a lawful prescription under part IX of the Hawaii uniform controlled substances act as it existed on July 16, 2026. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: 24 C.F.R. §966.4; §§356D-4, 356D-13; 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31, 356D-92)

§17-2028-60 Smoking prohibited. (a) Smoking is prohibited in all public housing projects, or portions of public housing projects, including inside dwelling units, unless specifically exempted by the authority in the ACOP, including:

(1) In all common areas, community facilities, administrative offices, or maintenance areas

in and around the authority's public housing projects, including vehicles owned or leased by the authority. The authority may designate additional common areas; and

(2) Within a presumptively reasonable minimum distance of twenty-five feet from entrances, exits, and windows that open to common areas, community facilities, and dwelling units, and ventilation intakes that serve common areas, community facilities, and dwelling units, including enclosed or partially enclosed areas where smoking is prohibited.

(b) This prohibition applies to the use of marijuana, even if its use is pursuant to a lawful prescription under part IX of the Hawaii uniform controlled substances act as it existed on July 16, 2026 that was given subsequent to tenant placement in the dwelling unit. [Eff and comp 5/24/14, am and comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp 11/11/23; am and comp] (Auth: §§356D-4, 356D-6.5, 356D-13, 328J-2) (Imp: 24 C.F.R. §§903.7, 966.3; HRS §§356D-4, 356D-6.5,SLH 2018, Act 127, §1, 356D-13, 356D-31)

SUBCHAPTER 4.1

OVER-INCOME FAMILIES

§17-2028-60.01 Over-income limit. (a) The authority shall enforce an over-income limit for all program participants of one hundred twenty per cent of the area median income for the applicable family size.

(b) A public housing family with an annual gross income that exceeds the over-income limit shall be considered an "over-income family."

(c) The authority shall grant an over-income family a twenty-four consecutive month grace period, starting from the day of the initial discovery of the family's over-income status, before it enforces the over-income policy set forth in section 17-2028-60.02.

(d) During the grace period:

(1) An over-income family shall remain as public housing participant; and

(2) An over income family may request the authority perform a special reexamination of its annual income pursuant to section 17-2028-55.

(e) An over-income family with an annual gross income that falls below the over-income limit during the grace period shall no longer be subject to the over-income policy and is entitled to a new grace period should its annual gross income again exceed the over-income limit. [Eff and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.507, 960.509; HRS §§356D-4, 356D-13)

§17-2028-60.02 Over-income policy. (a) The authority shall terminate an over-income family's tenancy if its annual gross income exceeds the over-income limit for the entire twenty-four consecutive month grace period.

(b) The termination of an over-income family's tenancy shall occur within the six months following the expiration of the grace period.

(c) After the expiration of the grace period and prior to termination, the over-income family shall:

(1) Remain as public housing program participant;
(2) Convert its lease to a month-to-month term;
(3) Continue to pay the monthly rent for the dwelling unit; and
(4) Abide by all program requirements, including the community service and economic self-sufficiency requirements pursuant to 24 C.F.R. part 960, subpart F.

(d) The authority shall allow an over-income family facing termination after the expiration of their grace period to request an interim income reexamination. Any decrease in income shall not permit a new grace period or allow the over-income family to avoid or delay the termination of tenancy. [Eff and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.507, 960.509; HRS §§356D-4, 356D-13)

§17-2028-60.03 Notification of over-income status. (a) The authority shall provide a family a notice in writing within thirty calendar days of the first discovery of their over-income status. The first written notice shall:

(1) Notify the family of their over-income status;
(2) State that by continuing to exceed the over-income limit for a total of twenty-four consecutive months, the family shall be subject to the over-income policy;
(3) State that during the grace period, the family shall remain as public housing participants;

(4) Provide an explanation of the authority's over-income policy set forth under section 17-2028-112; and

(5) State that the family may request a grievance hearing to dispute the over-income finding.

(b) The authority shall conduct an income reexamination one year following the initial over-income finding. If at such time the family remains over-income, the authority shall provide the family a second notice in writing within the following thirty calendar days. The second written notice shall:

(1) Notify the family that its annual income has exceeded the over-income limit for twelve consecutive months;

(2) State that continuing to exceed the over-income limit for the next twelve consecutive months will result in the family being subject to the over-income policy;

(3) Provide an explanation of the authority's over-income policy set forth under section 17-2028-112; and

(4) State that the family may request a grievance hearing to dispute the over-income finding.

(c) The authority shall conduct an income reexamination of an over-income family at the expiration of the twenty-four-month grace period. If at that time the family remains over-income, the authority shall provide a third notice in writing within the next thirty calendar days. The third written notice shall:

(1) Notify the family that its grace period has expired;

(2) Explain that the family's tenancy shall be terminated within the following six month pursuant to the authority's over-income policy set forth in section 17-2028-112;

(3) Provide an explanation of the authority's over-income policy set forth under section 17-2028-112; and

(4) State that the family may request a grievance hearing to dispute the over-income finding. [Eff and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.507, 960.509; HRS §§356D-4, 356D-13)

SUBCHAPTER 5

RENTS, SECURITY DEPOSITS, and OTHER CHARGES

§17-2028-61 Minimum rents. (a) There is established a minimum rent of $100 per month.

(b) The authority shall grant an exemption from payment of minimum rent if the family is unable to pay the minimum rent because of financial hardship attributable only to the following situations:

(1) The family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program;

(2) The family would be evicted because it is unable to pay the minimum rent;

(3) The income of the family has decreased because of changed circumstances, including loss of employment;

(4) A death has occurred in the family; or

(5) Other circumstances determined by the authority or HUD.

(c) If a family requests a financial hardship exemption, the authority shall suspend the minimum rent requirement beginning the month following the family's request for a hardship exemption, and continuing until the authority determines whether there is a qualifying financial hardship and whether it is temporary or long term.

(d) When the authority determines that a qualifying financial hardship is temporary, the authority shall reinstate the minimum rent from the beginning of the suspension of the minimum rent ninety days after receiving the exemption request. The authority shall offer a reasonable payment arrangement to the family to ensure payment in full of any back charges.

(e) When the authority determines a qualifying financial hardship is long term, the authority shall exempt the family from the minimum rent requirements so long as such hardship continues. Such exemption shall apply from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying financial hardship.

(f) When the authority determines that there is no qualifying financial hardship exemption, the authority shall reinstate the minimum rent, including back rent owed from the beginning of the suspension. The family shall be responsible for back charges as established in section 17-2028-58 and shall not be eligible for payment arrangements as provided under section 17-2028-58(b). [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. 5.630; HRS §§356D-4, 356D-13, 356D-31; 85 Fed. Reg. 53444)

§17-2028-62 Choice of rent. (a) Once a year, the authority shall give each family the opportunity to choose between two methods of determining the monthly tenant rent. The family may choose to pay either a flat rent or income-based rent.

(b) The flat rents shall be the fair market rents ("FMRs") that are determined by HUD, at least annually, pursuant to 24 C.F.R. §888.113 as it existed on July 16, 2026. These FMRs, which include utilities (exclusive of telephone and cable television), are established for dwelling units of various bedroom sizes. Because the FMRs are determined by HUD and the authority has no discretion to amend or change the FMRs, the flat rents shall be established without a public hearing as provided in Section 91-3(d), HRS.

(c) The income-based rent is based on thirty per cent of the family's monthly adjusted income, or ten per cent of the family’s monthly income, or the minimum rent set forth in section 17-2028-61, whichever is greatest.

(1) The income-based rent does not include charges for excess utility consumption or other charges.

(2) The income-based rent shall not exceed the total tenant payment pursuant to 24 C.F.R. §5.628 as it existed on July 16, 2026, for the family minus any applicable utility allowance for tenant-paid utilities.

(3) For purposes of establishing the income-based rent, the authority shall exclude from annual income the earned income of previously unemployed family members and increases in earnings of a family member during participation in any economic self-sufficiency or other job training program as provided for in 24 C.F.R. §960.255 as it existed on July 16, 2026, and the PHA plan.

(d) If a family is unable to pay the flat rent because of financial hardship, the family may at any time request a switch to payment of income-based rent prior to the next annual option to select the type of rent. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §356D-15) (Imp: HRS §§356D-4, 356D-13; 24 C.F.R. §§5.628, 960.253, 960.255; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-63 Security deposits. Prior to admission to a housing project, a family shall pay a security deposit in an amount not to exceed one month's rent. The security deposit may be applied to rent or used to repay charges owed to the authority upon the termination of the rental agreement. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31).

§17-2028-64 Other Charges. (a) The authority may charge a family, in addition to monthly rent and applicable utility charges, the following:

(1) A late fee of $25 if the monthly rent is paid after the seventh business day of that month;

(2) A dishonored check fee of $25 for every check made payable to the authority that is returned for insufficient funds; and

(3) Maintenance costs which includes repair costs related to damages to the dwelling unit or appliances or equipment furnished by the authority, in excess of ordinary wear and tear, and for any repairs to project buildings, facilities, or common areas required because of the wrongful act or negligence of the family or the family's guest or visitor.

(b) The authority may charge a non-refundable community facilities maintenance fee of not less than one per cent of the community facilities expenses for rental and use for private functions. Resident associations that are duly recognized by the authority or nonprofit organizations may be exempted from the facility maintenance fee for community service events or programs meant to provide supportive services to tenants. [Eff 5/24/14; comp 1/20/19; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31).

§§17-2028-65 to 17-2028-70 (Reserved).

SUBCHAPTER 6

FAMILY SELF-SUFFICIENCY PROGRAM

§17-2028-71 Family self-sufficiency program. The objective of the authority's family self-sufficiency (FSS) program is to reduce the dependency of low-income families on welfare assistance, section 8, public housing, or any federal, state, or local rent or homeownership subsidies. Under the family self-sufficiency program, low-income families are provided opportunities for education, job training, counseling, and other forms of social service assistance, while living in assisted housing, so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-72 Eligibility. (a) Tenants in the authority's federal public housing program are eligible to participate in the family self-sufficiency program.

(b) Preference shall be given to applicants who already receive family self-sufficiency-related support services for fifty per cent or less of the allocations. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-73 Recruitment and outreach. (a) The authority shall conduct outreach programs to recruit participants for the family self-sufficiency program.

(b) Outreach efforts may include the following:

(1) Sending informational brochures to each family participating in the authority federal public housing program;

(2) Conducting orientation sessions for families who express an interest in participating in the family self-sufficiency program; and

(3) Identifying and targeting potential families in the authority's caseloads. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-74 Selection. (a) Families will be selected without regard to race, color, religion, sex, disability, gender identity, sexual orientation, familial status, or national origin.

(b) Families will be selected by date of receipt of the family self-sufficiency application.

(c) In the event there are more applicants than family self-sufficiency allocations available, the authority shall conduct a lottery to determine placement on the waiting list.

(d) Initially, up to twenty-five tenants may be selected to participate in the family self-sufficiency program. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-75 Termination or withholding of service. (a) The authority shall monitor and assess the family self-sufficiency participant's progress and compliance with the goals set forth in the contract of participation. When the authority determines that the family self-sufficiency participant is not making progress or complying with the goals of the contract of participation, the authority shall notify the family self-sufficiency participant of such determination and provide the family self-sufficiency participant six months to demonstrate compliance with the plan of the contract of participation.

(b) If no progress has been made or the family self-sufficiency participant is still not complying with the contract of participation after the six-month period, the authority shall provide the family self-sufficiency participant with a written notice of intent to terminate or withhold services and of the opportunity to request an informal hearing. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§§17-2028-76 to 17-2028-80 (Reserved).

SUBCHAPTER 7

SPECIAL PROGRAMS

§17-2028-81 Special programs. The authority may administer programs that are created for special or specific purposes to benefit specific categories of persons pursuant to HUD regulations governing those programs. This may include selection from wait lists and lists of participants using criteria that are different from those provided in this chapter. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. 960.505; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-82 Occupancy by police officers.

(a) For the purpose of increasing security for tenants of a public housing project, the authority may allow police officers that would not otherwise be eligible for occupancy in public housing, to reside in a public housing dwelling unit.

(b) The authority shall include in the PHA annual plan or supporting documents the number and location of the dwelling units to be occupied by police officers, and the terms and conditions of their tenancies; and a statement that such occupancy is needed to increase security for public housing tenants.

(c) Occupancy by police officers shall be carried out pursuant to 24 C.F.R. §960.505, as it existed on July 16, 2026. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.505; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-83 Designated housing. (a) The authority may designate public housing projects, or portions of public housing projects, for occupancy by disabled families, elderly families, or mixed populations of disabled and elderly families.

(b) The authority shall designate public housing projects, or portions of public housing projects in accordance with 24 C.F.R. Part 945 as it existed on July 16, 2026. The authority shall also include a description of the designation activity in the PHA plan. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 945; HRS §§356D-4, 356D-13, 356D-31)

§§17-2028-84 to 17-2028-90 (Reserved).

SUBCHAPTER 8

HOUSEHOLD PETS

§17-2028-91 Pet ownership. (a) The authority may permit pet ownership by tenants of public housing, subject to compliance with the authority's pet policy established in the PHA plan.

(b) This subchapter does not apply to animals that assist, support, or provide service to persons with disabilities. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; am and comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.705, 960.707; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-92 Conditions for pet ownership.

(a) A tenant shall comply with the authority's reasonable conditions for pet ownership that include, but are not limited to, the following:

(1) Obtaining a permit from the authority to own a pet pursuant to the requirements set forth in the authority's pet policy established in the PHA plan; and

(2) Complying with the authority's rules for pet ownership.

(b) The authority may revoke a pet permit for the following reasons:

(1) The authority determines that the pet is not properly cared for;

(2) The pet presents a threat to the safety and security of other tenants, employees of the authority, contractors, and others on the premises;

(3) The pet is destructive or causes an infestation;

(4) The pet disturbs other tenants for reasons including, but not limited to, noise, odor, cleanliness, sanitation, and allergic reactions;
(5) The pet owner fails to provide an annual update on the pet as required in the pet rules;
(6) The resident association or project pet committee, which consists of tenants with and without a pet, recommends to the authority that the pet permit be revoked due to a demonstrated lack of cooperation and responsibility in maintaining the pet; or
(7) Tenant fails to pay on a timely basis the following applicable pet fees:
    (A) An initial pet deposit of $75 or an amount equal to the total tenant payment, whichever is lower; and
    (B) For owners of a dog or cat, a non-refundable monthly fee of $5. This fee shall not apply to residents of projects for the elderly and persons with disabilities. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; am and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.318, 960.705, 960.707; HRS §§356D-4,356D-13,356D-31)

§§17-2028-93 to 17-2028-100 (Reserved).

SUBCHAPTER 9

MISCELLANEOUS PROVISIONS

§17-2028-101 Severability. If any part, section, sentence, clause, or phrase of this chapter, or its application to any person or transaction or other circumstances, is for any reason held to be unconstitutional or invalid, the remaining parts, sections, sentences, clauses, and phrases of this chapter, or the application of this chapter to other persons or transactions or circumstances, shall not be affected. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: HRS §1-23)

§17-2028-102 Number and gender. Words in the singular or plural number and masculine gender shall have the same meaning as defined in section 1-17, HRS. [Eff 7/21/05; am and comp 9/4/07; comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §356D-4, 356D-13) (Imp: HRS §1-17)

DEPARTMENT OF HUMAN SERVICES

Amendments to and compilation of chapter 17-2028, Hawaii Administrative Rules, on the Summary page dated July 16, 2026, were adopted on [DATE], following a public hearing held on [DATE], after public notice was given in the Honolulu Star-Advertiser, the Maui News, the Garden Island, West Hawaii Today, and the Hawaii Tribune-Herald on [DATE].

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

____
Robert J. Hall, Chairperson
Board of Directors
Hawaii Public Housing
Authority

____
Josh Green, MD
Governor
State of Hawaii

Dated: ____________________

APPROVED AS TO FORM:

____
Deputy Attorney General

Filed: ____________________

EXHIBIT A

OCCUPANCY STANDARDS
(Effective August 20, 2026)

The authority does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom. The Occupancy Standards for determining dwelling unit size shall be applied at each project in a manner consistent with Fair Housing guidelines.

The Occupancy Standards are as follows:

One bedroom will be generally assigned for every two family members. A living room shall not be considered a bedroom or sleeping room for this purpose.

The authority shall consider factors such as family characteristics including sex, age, or relationship, the number of bedrooms and the size of sleeping areas or bedrooms and the overall size of the dwelling unit. Consideration shall also be given for medical reasons and the presence of a live-in aide.

Single-person families shall be allocated a studio or one-bedroom unit.

GUIDELINES FOR DETERMINING BEDROOM SIZE

Bedroom Size	Persons in Household: (Minimum #)	Persons in Household: (Maximum #)
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	6	10

Approved by the Executive Director VHC
July 16, 2026

FOR ACTION

SUBJECT: To: **(1)** Appoint Ms. Teresa Kobayashi to the Hawaii Public Housing Authority's (HPHA) State Eviction Board as a Tenant Board Member, for a Four-Year Term Beginning August 1, 2026, and Ending July 31, 2030; and **(2)** Appoint Ms. Andrea Liana to the HPHA State Eviction Board as a Tenant Board Member, for a Four-Year Term Beginning August 1, 2026, and Ending July 31, 2030

I. FACTS

A. The HPHA Federal Eviction Board and State Eviction Board are composed of members of the community and are responsible for affording public housing tenants a full and fair due process hearing during lease termination proceedings.

B. Pursuant to the Section 356D-63, HRS, the HPHA is authorized to appoint a state eviction board, which shall consist of no fewer than two persons, and no more than three persons, of which one shall be a state public housing tenant.

C. Attached is a list of current HPHA Federal and State Eviction Board members.

II. DISCUSSION

A. The HPHA Federal Eviction Board and State Eviction Board are made up of volunteers from the community, in both the public and private sector, with work experience in law, real estate, accounting, and education. Eviction hearings are conducted on a weekly basis and require board members to commit up to four hours per hearing scheduled date.

B. Prior to hearing an eviction case, board members receive training on their roles and responsibilities to provide a fair and impartial hearing for the tenants. They are also trained on the roles and responsibilities of the tenant, the HPHA, and its managing agents.

C. Due to natural attrition, the HPHA continuously solicits new board members through various marketing and networking efforts, referrals from board members, or the HPHA staff, to maintain board quorum.

D. Having more than the minimum number of members and resident members appointed to the HPHA Federal Eviction Board and State Eviction Board will allow the Hearings Office to process the requests for hearings in an efficient and timely manner and avoid cancellation of hearings for lack of quorum.

E. Teresa Kobayashi (Ms. Kobayashi) is a retired administrator and manager with more than 35 years of experience in healthcare, insurance, and employee benefits administration. Throughout her career, she supervised large teams, resolved complex issues, and worked closely with individuals from diverse backgrounds while ensuring policies and procedures were applied fairly and consistently. Known for her integrity, attention to detail, strong listening skills, and compassionate approach to problem-solving, she remains active in her community and is committed to treating all individuals with dignity, respect, and impartiality. Ms. Kobayashi has expressed her willingness to serve her first term as a tenant board member.

F. Andrea Liana (Ms. Liana) is a retired healthcare professional with more than 30 years of experience in hospital and medical office settings. Throughout her career, she worked closely with physicians, patients, and healthcare staff while providing surgical support, managing front office operations, and handling medical billing. Known for her professionalism, attention to detail, strong organizational skills, and compassionate approach to serving others, she is committed to treating all individuals with dignity, respect, and fairness. Ms. Liana has expressed her willingness to serve her first term as a tenant board member.

G. As with all the HPHA Federal Eviction Board and State Eviction Board members, the HPHA will ensure that there are no conflicts of interest with cases being heard or considered by Ms. Kobayashi and Ms. Liana.

(End of Section)

III. RECOMMENDATION

That the Board of Directors: **(1)** Appoint Ms. Teresa Kobayashi to the Hawaii Public Housing Authority's (HPHA) State Eviction Board as a Tenant Board Member, for a Four-Year Term Beginning August 1, 2026, and Ending July 31, 2030; and **(2)** Appoint Ms. Andrea Liana to the HPHA State Eviction Board as a Tenant Board Member, for a Four-Year Term Beginning August 1, 2026, and Ending July 31, 2030

Attachment A: List of Eviction Board Members and Term Appointments
Attachment B: Resume of Ms. Teresa Kobayashi
Attachment C: Resume of Ms. Andrea Liana

Prepared by: Amanda P. Suyat, Hearings Officer APS

Approved by the Board of Directors
on the date set forth above
[ ] As Presented [ ] As Amended

____
Robert J. Hall
Chairperson

FEDERAL AND STATE EVICTION BOARD MEMBER ROSTER
HAWAII PUBLIC HOUSING AUTHORITY

Board Member	Initial Appointment Date	Current Expiration Date	Years Served
Federal Eviction Board:			
Joyce Nakamura	02/20/98	07/31/29	28
Arde Long-Yamashita	02/01/08	08/31/28	18
Arleila Andrade	09/15/10	08/31/28	16
Clyde Namu'o	08/18/16	08/31/28	10
Jerry Ballard*	09/30/16	08/31/28	10
Joanna Chu	05/01/19	05/01/27	7
David Donald	09/01/25	08/31/29	1
Kasandra Shriver	09/01/25	08/31/29	1
Suzanne Burnett	09/01/25	08/31/29	1
Lisa Nakamura	09/01/25	08/31/29	1
Charmaine Doran	09/01/25	08/31/29	1
Ebonee Barbadillo	09/01/25	08/31/29	1
Sandra Young	09/01/25	08/31/29	1
George DeMello*	06/01/26	05/31/30	1
State Eviction Board:			
Douglas Kaya	09/01/18	08/30/26	8
George W. Smith, Jr.*	09/01/18	08/30/26	8
William Wynhoff	09/01/25	08/31/29	1
George Stibbard	09/01/25	08/31/29	1
Sylvia Foster	09/01/25	08/31/29	1
Erin Jong	09/01/25	08/31/29	1

*Tenant Board Member

(Revised 07/01/26)

TERESA A. KOBAYASHI

[redacted]

PROFESSIONAL SUMMARY

Experienced manager and administrator with more than 35 years of leadership, customer relations, insurance, healthcare, and employee benefits administration experience. Proven ability to evaluate complex situations, apply policies and procedures consistently, supervise large teams, resolve disputes, and make fair and objective decisions. Recognized for strong attention to detail, integrity, professionalism, and commitment to treating all individuals with respect and impartiality.

CORE QUALIFICATIONS

- Leadership and Personnel Management
- Policy and Procedure Compliance
- Conflict Resolution and Mediation
- Fact-Finding and Decision-Making
- Public and Customer Relations
- Employee Training and Development
- Performance Management
- Financial Oversight and Reporting
- Communication and Listening Skills
- Attention to Detail
- Team Building and Supervision
- Administrative Operations

PROFESSIONAL EXPERIENCE

Retired (2014–Present)
Following a successful career in healthcare administration, insurance, and employee benefits management, remains active in her community and enjoys spending time with her children and grandchildren. Known for her strong work ethic, attention to detail, and ability to work with people from diverse backgrounds, she continues to value fairness, respect, and thoughtful decision-making.

Hawaii Pacific Health – Pali Momi Medical Center | Supervisor, Registration Department (2009–2014)
Managed and supervised more than 40 registration employees across multiple

hospital departments. Oversaw hiring, training, performance evaluations, disciplinary actions, and personnel matters.

Southwest Service Administrators, Inc. | Branch Manager (2006–2009)
Directed daily operations and supervised approximately 40 employees. Managed employee benefits administration for multiple union health and welfare trust funds and oversaw financial reporting.

HMA, Inc. | Account Manager (2003–2006)
Managed health and welfare trust fund accounts, resolved member complaints, and conducted enrollment meetings.

Additional Experience: Royal State Group (Account Manager); HMSA (Sales Agent); First Insurance Company of Hawaii, Inc. (Account Manager, 1986–1992); Van Schaack Insurance Agency (1976–1986).

RELEVANT STRENGTHS

• Strong commitment to fairness, objectivity, and ethical decision-making.
• Extensive experience reviewing information, evaluating facts, and applying established policies.
• Excellent listening skills and ability to consider differing viewpoints before reaching conclusions.
• Proven ability to remain professional and impartial during difficult or emotionally charged situations.
• Dedicated to treating all individuals with dignity, respect, and consistency.

COMMUNITY SERVICE

Interested in serving as a tenant member of the Hawaii Public Housing Authority State Eviction Board and contributing professional experience, sound judgment, and a commitment to fair and impartial decision-making.

ANDREA LIANA

[redacted]

Professional Summary

Retired healthcare professional with more than 30 years of experience in operating room support, medical office administration, patient services, and medical billing. Recognized for exceptional organization, attention to detail, and compassionate service throughout her distinguished career.

Professional Experience

Front Desk & Billing Specialist | Dr. Harold Nilsson (1996–2009)

- Managed front office operations, scheduling, and customer service.
- Processed patient billing and maintained accurate medical and financial records.

Front Desk & Billing Specialist | Dr. Calvin Sia (1985–1996)

- Performed patient registration, scheduling, billing, and insurance-related administrative duties.

Front Office Assistant | Dr. George Plechaty (1983–1985)

- Managed front office operations, assisted patients, and ground ophthalmic lenses to physician specifications.

Operating Room Attendant | Queens Medical Center (1976–1983)

- Prepared operating rooms with required surgical instruments, equipment, and supplies according to physicians' orders.
- Maintained a clean, organized, and fully stocked surgical environment.

Core Qualifications

Medical Billing • Front Office Administration • Patient Scheduling • Operating Room Preparation • Medical Records • Customer Service • Attention to Detail • Team Collaboration

Approved by the Executive Director
July 16, 2026

FOR INFORMATION

SUBJECT: Report on Impact of Hawaii Public Housing Authority Hawaii's Administrative Rules (HAR) and Policy Amendments

I. DISCUSSION

The following report details the critical amendments adopted by the Hawaii Public Housing Authority (HPHA) Board of Directors over the past five years for Hawaii Administrative Rules (HAR), Emergency Rules, and Development. They streamline due process, fair and equal placement on waitlists via lottery systems, align with federal U.S. Department of Housing and Urban Development (HUD) mandates, expand enforcement capabilities via temporary emergency rules to give the HPHA sharper tools for both rapid enforcement and decisive property management, and include the development of an additional 10,000 housing units:

1. Public Housing & Eviction Procedures

   a. HAR §17-2021: Grievance Procedures – Effective Date: February 12, 2026

      Core Amendment: Clarifies that the grievance process for proposed terminations and evictions will be governed strictly by HAR §17-2020 (Eviction – Practice and Procedure).

      Operational Impact: Eliminates a redundant "dual due process" hearing procedure. The agency will no longer hold separate grievance and eviction hearings for the same case, significantly streamlining the legal timeline.

      There was one grievance hearing related to a tenant health-and-safety violation and four grievance hearings concerning applicant matters. Typically, five PMMSB staff members participate in each grievance hearing.

   b. HAR §17-2028: Federally-Assisted Public Housing Projects – Effective Date: December 31, 2022

      Core Amendment: Establishes a lottery system to issue federally-assisted public housing units to applicants.

Operational Impact: The lottery system allows HPHA to place families onto a waiting list in a randomized order instead of sequentially by the date-and-time applications are received. Under this system, all families are provided a fair and equal chance of placement, regardless of when they applied during the application period.

This change is designed to reduce disparate impacts on individuals with disabilities and those who may otherwise struggle to apply immediately after a waiting list opens (e.g., persons with limited access to internet or transportation services).

c. HUD Final Rule Integration (Over-Income Provisions) – Effective Date: November 21, 2023

Core Amendment: Pursuant to the February 14, 2023, HUD Final Rule, amendments explicitly establish provisions for "over-income families."

Operational Impact: This is a HUD requirement which mandates a strict 24-month consecutive grace period for families exceeding income thresholds, after which tenancy must be terminated within six months following the expiration of the grace period.

The HPHA has not terminated any over-income families and there are currently seven (7) over-income families residing in federal public housing.

d. HAR §17-2034: State Aided Family Public Housing Projects – Effective Date: February 22, 2025

Core Amendment: Formally absorbs the Low-Income Housing Tax Credit (LIHTC) property, Ke Kumu Ekahi, into the State Aided Family Public Housing Program following the expiration of its LIHTC period.

Operational Impact: By absorbing Ke Kumu Ekahi into the State Public Housing Program, the HPHA is able to ensure that current families are exempt from income/asset limits and if a unit becomes vacant, future low-income families at Ke Kumu Ekahi are able to pay affordable rent based on their income.

Previously, the property was under a LIHTC contract which expired.

2. Voucher Programs & Rental Assistance

a. HAR §17-2031: Housing Choice Voucher & Project-Based Voucher Program

This section has undergone two major rounds of updates to improve placement speed and target vulnerable populations:

Lottery System Implementation *(Effective Dec 31, 2022)*: Transitions Section 8 Housing Choice Voucher issuance to a lottery system for faster distribution.

Preference & Policy Alignment *(Effective June 20, 2024)*: Caps the homeless preference to the 12 months immediately preceding the application and adds a special preference for federal public housing families involuntarily displaced by modernization or emergencies, approves reasonable accommodation requests for specialized accessibility features not available in standard federal public housing, codifies preferences for VAWA (Violence Against Women Act) and special purpose vouchers, and establishes standard biennial (every two years) reexaminations.

b. HAR §17-2033: State Rent Supplement Program – Effective Date: November 21, 2023

Core Amendment: Permits the establishment of multiple waiting lists and additional preferences as necessary to comply with special criteria established by statute or appropriation set aside requirements from the Legislature.

Operational Impact: Allows the program to remain agile and strictly comply with specific criteria set by shifting legislative statutes or targeted appropriation set-aside requirements.

c. HAR §17-2040: Emergency Housing Voucher Program Rules – Effective Date: July 28, 2022

Core Amendment: Governs the implementation of 182 vouchers authorized under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2).

Operational Impact: Specifically targets and assists individuals experiencing or at risk of homelessness, domestic violence, dating violence, sexual assault, stalking, human trafficking, or severe housing instability. Allowed the HPHA to work with the Continuum of Care to place homeless individuals with special purpose vouchers. After the HUD EHV authorization period ended, all 182 voucher holders were successfully transferred to the HPHA's Housing Choice Voucher program to ensure continued program assistance.

3. Landlord Incentives & Emergency Enforcement

a. HAR §S8: Section 8 Landlord Incentive Program Rules – Effective Date: March 16, 2023

Core Amendment: Establishes formal financial/administrative incentives for private landlords participating in the Section 8 Housing Choice Voucher Program as part of the HPHA's Moving To Work designation.

Operational Impact: Aimed at expanding the available housing stock by encouraging broader landlord participation through a Signing Bonus, Vacancy Loss, and Tenant Damages. Twenty-three (23) landlords have been assisted for a total of $62,341.00 and counting.

Incentive	Amount
Signing Bonus	$51,316.00
Vacancy Loss	$8,025.00
Tenant Damages	$3,000.00

b. Emergency Rules: Relating to Eviction – Effective Date: February 19, 2026

Core Action: Temporarily suspends sections 17-2020-33 and 17-2028-59.

Operational Impact: Amends the standards for proposed lease terminations by expanding what is defined as "prohibited conduct." It also broadens the scope of rental agreement violations that the Eviction Board must consider non-curable, allowing for swift administrative action in severe cases. Approximately 18 non-payment cases and one health-and-safety case have been referred for eviction under the new rules, resulting in more expedient and efficient processing and case management. HPD has indicated that they are now able to move forward with more cases and address additional criminal activity, including issuing more trespass notices to unlawful visitors.

Prepared by: Benjamin Park, Chief Planner BP

Executive Director's Report
Hawaii Public Housing Authority
June 2026

I. Planning and Evaluation

Chamber of Commerce Hawaii – Opportunity Zones 2.0 Market Activation Summit

On June 1, 2026, the HPHA participated in the Chamber of Commerce Hawaii – Opportunity Zones 2.0 Market Activation Summit. Specifically, the HPHA participated in this day-long collaborative event with developers, investors, and State and County leaders to learn and discuss on how Opportunity Zones 2.0 can help catalyze critical projects that benefit Hawaii's residents and communities.

Practical guidance was presented on deal structures and project viability through case studies and insights from national policy, legal, accounting, and investment experts. Ultimately, the goal of the summit aimed to activate Hawaii's marketplace by connecting capital providers with project sponsors, fostering dialogue on pipeline projects, and cultivating relationships to maximize the impact of Opportunity Zones across the State.

TOD Council Meeting

On June 19, 2026, the HPHA participated in the TOD Council Meeting which included several key presentations and updates regarding Transit-Oriented Development (TOD) projects, planning, and legislative measures.

HPHA provided a presentation on updates for the Ka Lei Momi Initiative, including Kaahumanu Homes and other HPHA projects that received TOD CIP Planning grants. Hawaii Community Development Authority and their consultant provided an informational update and presentation on the East Kapolei Infrastructure Implementation Master Plan.

Additionally, the meeting included a legislative round-up tracking TOD-related bills and resolutions from the 2026 legislative session that impact the TOD Council and its duties, and a brief overview was given regarding the status of Fiscal Year 2026-2027 TOD-related budget requests currently under consideration by the Governor, which had been recommended for funding by the TOD Council to the 2026 State Legislature.

II. Fiscal Management

A. Monthly Financial Performance – May 2026

HPHA reported a net loss for May 2026 that exceeded the budgeted loss by $923,122, primarily due to higher Housing Assistance Payments (HAP), maintenance expenses, and bad debt expense, partially offset by higher HUD operating grant revenue.

Total revenues were $2,383,655 above budget. HUD operating grants were $2,095,778 above budget, mainly due to timing differences between grant drawdowns and revenue recognition. State CIP revenue and other income were also above budget by $330,944 and $100,311, respectively. These favorable variances were partially offset by grant income and COCC fee income, which were below budget by $119,830 and $61,623, respectively.

Total expenses were $3,306,776 above budget. HAP exceeded budget by $2,413,453, reflecting increased housing assistance payments made to low-income families. Maintenance expenses were $576,151 above budget, primarily due to vacant unit repairs, materials and supplies, furniture, appliances, equipment, and contract service costs. Bad debt expense was $578,608 above budget, reflecting tenant account reconciliations and allowance updates. Administrative expenses were $361,965 below budget, primarily due to payroll savings and lower legal, other professional service, and travel costs.

B. Year-to-Date Financial Performance

HPHA reported a year-to-date net loss through May 2026 that exceeded the budgeted loss by $1,931,901, primarily due to higher general expenses, HAP, bad debt expense, management fees, and insurance costs, partially offset by higher grant revenues and savings in administrative, maintenance, and utilities expenses.

Year-to-date revenues exceeded budget by $4,587,310. CFP grant revenue, grant income, and State CIP revenue were above budget by $4,012,382, $2,864,666, and $1,510,552, respectively, primarily due to timing differences in drawdowns and recognition of noncapitalized expenditures as operating income. These favorable variances were partially offset by other income, HUD operating grants, and COCC fee income, which were below budget by $1,907,239, $1,500,310, and $496,762, respectively.

Year-to-date expenses were $6,519,211 above budget. General expenses were $4,953,628 above budget, primarily due to predevelopment costs, including fixed asset write-offs related to redevelopment demolition, Section 8 HAP back payments, and undistributed P-card balances. HAP exceeded budget by $3,981,378, reflecting higher housing assistance payments made to low-income families. Bad debt expense was $1,103,254 above budget, reflecting ongoing tenant account reconciliations and allowance adjustments. Management fees and insurance expenses were also above budget by $1,063,575 and $515,070, respectively.

These unfavorable variances were partially offset by administrative expenses, which were $2,410,065 below budget, primarily due to payroll savings and lower front-line service, audit, legal, and travel costs. Maintenance expenses were $2,118,562 below budget, mainly due to lower payroll, front-line service, materials and supplies, and contract service costs.

Overall, HPHA's year-to-date financial results through May 2026 reflect continued timing differences in grant revenue recognition and drawdowns, higher HAP activity, increased general expense activity, and ongoing adjustments related to tenant accounts and allowance estimates. Although revenues exceeded budget on a year-to-date basis, the favorable revenue variance was more than offset by higher expenses, resulting in a year-to-date net loss that exceeded the budgeted loss.

HAWAII PUBLIC HOUSING AUTHORITY

Consolidated Balance Sheet

Agency Total

As of May 31, 2026 and May 31, 2025

	As of May 31, 2026	As of May 31, 2025	Increase (Decrease)
ASSETS:			
Cash	222,687,031	213,964,642	8,722,389
Accounts receivable (net of allowance)	3,654,775	2,179,833	1,474,942
Accrued Interest	692,144	291,569	400,575
Prepaid Expenses	119,571	100,097	19,474
Inventories	832,854	754,725	78,129
Total Current Assets	**227,986,374**	**217,290,866**	**10,695,508**
Property, Plant & Equipment:			
Land	25,518,054	25,518,054	-
Buildings	833,726,707	830,004,089	3,722,618
Furniture & Equipment	8,884,775	8,865,885	18,890
Motor vehicles	5,429,726	5,429,726	-
Construction in Progress	59,153,883	47,510,289	11,643,594
Less: Accumulated Depreciation	(601,395,639)	(580,498,941)	(20,896,698)
Notes, Loans & Mortgage Receivable-Non Current	26,219,188	9,919,446	16,299,743
Other Long Term Assets	-	-	-
Deferred Outflows of Resources	10,393,217	8,889,882	1,503,335
Total Assets & Deferred Outflow of Resources	**$ 595,916,285**	**$ 572,929,295**	**$ 22,986,990**
LIABILITIES AND NET POSITION			
Accounts Payable	10,043,563	5,061,282	4,982,281
Accrued Expenses	-	-	-
Accrued Salaries & Wages	2,383,894	2,286,285	97,610
Tenant Security Deposits	1,575,251	1,611,868	(36,617)
Other Liabilities & Deferred Income	7,657,626	9,412,749	(1,755,123)
Total Current Liabilities	**21,660,334**	**18,372,183**	**3,288,151**
Net Pension Liability	42,532,481	40,659,919	1,872,561
Net OPEB Liability	28,490,372	33,182,220	(4,691,848)
Other Long Term Liabilities	5,189,911	2,149,230	3,040,681
Deferred Inflows of Resources	9,085,132	6,698,590	2,386,542
Net Assets			
Investment in capital assets	331,317,506	336,829,102	(5,511,596)
Restricted Net Assets	395,129	247,664	147,465
Unrestricted Net Assets	184,746,289	149,096,579	35,649,710
Net Income Year to Date	(27,500,868)	(14,306,192)	(13,194,676)
Total Net Assets	**488,958,055**	**471,867,152**	**17,090,903**
Total Liabilities, Deferred Inflow of Resources & Net Position	**$ 595,916,285**	**572,929,295**	**22,986,990**

HAWAII PUBLIC HOUSING AUTHORITY

Agency-Wide

Actual vs Budget

For the Month of May 2026, and the 11 Months ended May 31, 2026

(Amounts in Full Dollars)

	Month of May 2026				Year To Date ended May 31 ,2026			
			Variance				Variance	
	Actual	Budget	Amount	%	Actual	Budget	Amount	%
REVENUES								
Dwelling Rental Income	2,445,349	2,427,509	17,840	1%	26,791,413	26,687,392	104,022	0%
HUD Operating Grants	14,738,583	12,642,804	2,095,778	17%	137,570,539	139,070,848	(1,500,310)	-1%
CFP Grant Income	20,234	-	20,234	100%	7,858,528	3,846,146	4,012,382	>100%
COCC Fee Income	458,258	519,881	(61,623)	-12%	6,714,300	7,211,062	(496,762)	-7%
State CIP Fund	330,944	-	330,944	100%	1,510,552	-	1,510,552	100%
Grant Income	0	119,830	(119,830)	-100%	8,482,229	5,617,563	2,864,666	51%
Other Income	812,456	712,145	100,311	14%	7,091,157	8,998,396	(1,907,239)	-21%
Total Revenues	**$ 18,805,824**	**16,422,169**	**2,383,655**	**15%**	**$ 196,018,717**	**191,431,407**	**4,587,310**	**2%**
EXPENSES								
Administrative	2,201,557	2,563,522	(361,965)	-14%	26,645,115	29,055,179	(2,410,065)	-8%
Management Fees	396,422	449,708	(53,286)	-12%	6,026,295	4,962,720	1,063,575	21%
Bookkeeping Fees	61,836	67,195	(5,359)	-8%	688,005	739,838	(51,834)	-7%
Housing Assistance Payments	12,171,218	9,757,764	2,413,453	25%	111,316,785	107,335,407	3,981,378	4%
Tenant Services	4,222	17,865	(13,643)	-76%	129,051	196,494	(67,443)	-34%
Utilities	1,322,384	1,300,905	21,480	2%	13,719,000	14,309,954	(590,954)	-4%
Maintenance	3,304,130	2,727,980	576,151	21%	28,724,541	30,843,103	(2,118,562)	-7%
Protective Services	474,720	361,884	112,836	31%	4,121,889	3,980,724	141,164	4%
Insurance	162,466	98,730	63,735	65%	1,740,742	1,225,672	515,070	42%
Depreciation Expense	2,035,515	2,035,515	-	0%	22,408,046	22,408,046	-	0%
Bad Debt Expense	674,218	95,610	578,608	>100%	2,380,875	1,277,621	1,103,254	86%
General Expenses	35,277	60,510	(25,233)	-42%	5,619,241	665,613	4,953,628	>100%
Total Expenses	**22,843,965**	**19,537,188**	**3,306,776**	**17%**	**223,519,585**	**217,000,374**	**6,519,211**	**3%**
Net Income(Loss)	**$ (4,038,141)**	**(3,115,019)**	**(923,122)**	**-30%**	**$ (27,500,868)**	**(25,568,967)**	**(1,931,901)**	**-8%**

HAWAII PUBLIC HOUSING AUTHORITY
Federal Low Rent Housing Projects

Actual vs Budget

For the Month of May 2026, and the 11 Months ended May 31, 2026

(Amounts in Full Dollars)

	Month of May 2026				Year To Date ended May 31 ,2026			
	Actual	Budget	Variance Amount	Variance %	Actual	Budget	Variance Amount	Variance %
REVENUES								
Dwelling Rental Income	2,040,480	2,008,158	32,322	2%	22,166,566	22,081,182	85,384	0%
HUD Operating Grants	2,215,119	2,360,084	(144,965)	-6%	24,153,989	25,960,924	(1,806,935)	-7%
CFP Grant Income	20,234	-	20,234	100%	7,321,890	3,846,146	3,475,744	90%
COCC Fee Income	-	-	-	0%	-	-	-	0%
State CIP Fund	-	-	-	0%	1,114,919	-	1,114,919	100%
Grant Income	278,812	-	278,812	100%	3,291,851	141,995	3,149,856	>100%
Other Income	119,600	54,415	65,185	>100%	1,605,050	598,662	1,006,388	>100%
Total Revenues	**$ 4,674,245**	**4,422,657**	**251,588**	**6%**	**59,654,265**	**52,628,909**	**7,025,356**	**13%**
EXPENSES								
Administrative	826,097	957,143	(131,046)	-14%	10,594,417	10,694,382	(99,965)	-1%
Asset Management Fees	-	-	-	0%	-	-	-	0%
Management Fees	285,928	322,715	(36,787)	-11%	4,754,683	3,558,329	1,196,354	34%
Bookkeeping Fees	30,870	34,363	(3,493)	-10%	345,090	378,788	(33,698)	-9%
Housing Assistance Payments	931	-	931	100%	10,402	-	10,402	100%
Tenant Services	4,222	16,091	(11,869)	-74%	57,633	176,984	(119,351)	-67%
Utilities	1,072,458	1,042,033	30,425	3%	11,337,032	11,462,363	(125,331)	-1%
Maintenance	2,439,673	2,161,021	278,652	13%	23,014,710	24,488,850	(1,474,140)	-6%
Protective Services	388,270	345,990	42,279	12%	3,863,875	3,805,890	57,985	2%
Insurance	124,542	78,941	45,601	58%	1,339,054	960,673	378,381	39%
Depreciation Expense	1,688,257	1,688,257	-	0%	18,604,662	18,604,662	-	0%
Bad Debt Expense	620,744	89,168	531,576	>100%	2,080,670	1,210,476	870,194	72%
General Expenses	(108,091)	-	(108,091)	-100%	1,580,733	-	1,580,733	100%
Total Expenses	**7,373,900**	**6,735,722**	**638,178**	**9%**	**77,582,962**	**75,341,397**	**2,241,565**	**3%**
Net Income(Loss)	**$ (2,699,655)**	**(2,313,065)**	**(386,590)**	**-17%**	**(17,928,698)**	**(22,712,488)**	**4,783,791**	**21%**

HAWAII PUBLIC HOUSING AUTHORITY
State Low Rent and Elderly Housing Projects

Actual vs Budget

For the Month of May 2026, and the 11 Months ended May 31, 2026

(Amounts in Full Dollars)

	Month of May 2026				Year To Date ended May 31 ,2026			
	Actual	Budget	Variance Amount	Variance %	Actual	Budget	Variance Amount	Variance %
REVENUES								
Dwelling Rental Income	348,499	345,298	3,201	1%	3,945,271	3,791,628	153,643	4%
HUD Operating Grants	-	-	-	0%	-	-	-	0%
CFP Grant Income	-	-	-	0%	-	-	-	0%
COCC Fee Income	-	-	-	0%	-	-	-	0%
State CIP Fund	330,944	-	330,944	100%	395,632	-	395,632	100%
Grant Income	370,460	119,830	250,630	>100%	3,537,067	3,837,242	(300,175)	-8%
Other Income	12,614	27,158	(14,544)	-54%	199,417	470,019	(270,602)	-58%
Total Revenues	**$ 1,062,516**	**492,286**	**570,230**	**>100%**	**8,077,388**	**8,098,889**	**(21,501)**	**0%**
EXPENSES								
Administrative	123,637	121,213	2,424	2%	1,472,043	1,996,508	(524,466)	-26%
Asset Management Fees	-	-	-	0%	-	-	-	0%
Management Fees	32,125	36,753	(4,628)	-13%	375,758	411,754	(35,996)	-9%
Bookkeeping Fees	6,135	6,478	(343)	-5%	68,578	71,157	(2,579)	-4%
Housing Assistance Payments	-	-	-	0%	-	-	-	0%
Tenant Services	-	442	(442)	-100%	276	4,862	(4,586)	-94%
Utilities	221,036	229,030	(7,994)	-3%	2,112,657	2,519,330	(406,673)	-16%
Maintenance	630,854	264,052	366,802	>100%	3,196,568	3,018,990	177,578	6%
Protective Services	12,075	8,162	3,913	48%	143,216	89,782	53,434	60%
Insurance	31,820	12,716	19,104	>100%	334,541	187,192	147,349	79%
Depreciation Expense	270,926	270,926	-	0%	2,963,991	2,963,991	-	0%
Bad Debt Expense	53,474	6,442	47,032	>100%	300,205	67,145	233,060	>100%
General Expenses	-	-	-	0%	344	-	344	100%
Total Expenses	**1,382,082**	**956,214**	**425,868**	**45%**	**10,968,177**	**11,330,711**	**(362,534)**	**-3%**
Net Income(Loss)	**$ (319,565)**	**(463,928)**	**144,363**	**31%**	**(2,890,789)**	**(3,231,822)**	**341,033**	**11%**

HAWAII PUBLIC HOUSING AUTHORITY

Housing Rental Assistance Programs

Actual vs Budget

For the Month of May 2026, and the 11 Months ended May 31, 2026

(Amounts in Full Dollars)

	Month of May 2026				Year To Date ended May 31 ,2026			
	Actual	Budget	Variance Amount	Variance %	Actual	Budget	Variance Amount	Variance %
REVENUES								
Dwelling Rental Income	-	-	-	0%	-	-	-	0%
HUD Operating Grants	12,523,464	10,282,720	2,240,743	22%	113,416,550	113,109,924	306,625	0%
CFP Grant Income	0	-	0	100%	536,638	-	536,638	100%
COCC Fee Income	-	-	-	0%	-	-	-	0%
State CIP Fund	-	-	-	0%	-	-	-	0%
Grant Income	-	-	-	0%	1,404,767	1,176,134	228,634	19%
Other Income	247,728	22,321	225,407	>100%	544,152	245,532	298,620	>100%
Total Revenues	**$ 12,771,191**	**10,305,042**	**2,466,150**	**24%**	**115,902,107**	**114,531,590**	**1,370,517**	**1%**
EXPENSES								
Administrative	379,339	383,520	(4,180)	-1%	4,328,061	4,313,136	14,926	0%
Asset Management Fees	-	-	-	0%	-	-	-	0%
Management Fees	78,369	90,240	(11,871)	-13%	895,854	992,637	(96,784)	-10%
Bookkeeping Fees	24,831	26,354	(1,523)	-6%	274,336	289,893	(15,557)	-5%
Housing Assistance Payments	11,843,038	9,757,764	2,085,273	21%	110,984,345	107,335,407	3,648,938	3%
Tenant Services	(0)	111	(111)	-100%	68,660	1,216	67,444	>100%
Utilities	4,816	3,962	854	22%	44,906	43,587	1,319	3%
Maintenance	1,242	1,479	(237)	-16%	14,237	16,270	(2,033)	-12%
Protective Services	654	680	(25)	-4%	9,768	7,479	2,289	31%
Insurance	1,592	2,426	(834)	-34%	17,508	26,687	(9,179)	-34%
Depreciation Expense	4,309	4,309	-	0%	47,399	47,399	-	0%
Bad Debt Expense	-	-	-	0%	-	-	-	0%
General Expenses	109,158	60,357	48,801	81%	1,456,948	663,927	793,021	>100%
Total Expenses	**12,447,348**	**10,331,202**	**2,116,146**	**20%**	**118,142,024**	**113,737,638**	**4,404,385**	**4%**
Net Income(Loss)	**$ 323,843**	**(26,161)**	**350,004**	**>100%**	**(2,239,917)**	**793,952**	**(3,033,869)**	**<-100%**

HAWAII PUBLIC HOUSING AUTHORITY
Central Office Cost Center
Actual vs Budget
For the Month of May 2026, and the 11 Months ended May 31, 2026
(Amounts in Full Dollars)

	Month of May 2026				Year To Date ended May 31 ,2026			
	Actual	Budget	Variance Amount	%	Actual	Budget	Variance Amount	%
REVENUES								
Dwelling Rental Income	-	-	-	0%	-	-	-	0%
HUD Operating Grants	-	-	-	0%	-	-	-	0%
CFP Grant Income	-	-	-	0%	-	-	-	0%
COCC Fee Income	458,258	519,881	(61,623)	-12%	6,714,300	7,211,062	(496,762)	-7%
State CIP Fund	-	-	-	0%	-	-	-	0%
Grant Income	33,360	-	33,360	100%	1,958,928	462,192	1,496,736	>100%
Other Income	412,688	608,242	(195,555)	-32%	3,260,483	7,684,088	(4,423,605)	-58%
Total Revenues	**$ 904,305**	**1,128,123**	**(223,817)**	**-20%**	**11,933,712**	**15,357,342**	**(3,423,630)**	**-22%**
EXPENSES								
Administrative	858,243	1,081,919	(223,676)	-21%	10,013,071	11,826,961	(1,813,890)	-15%
Asset Management Fees	-	-	-	0%	-	-	-	0%
Management Fees	-	-	-	0%	-	-	-	0%
Bookkeeping Fees	-	-	-	0%	-	-	-	0%
Housing Assistance Payments	-	-	-	0%	-	-	-	0%
Tenant Services	-	1,221	(1,221)	-100%	2,481	13,432	(10,951)	-82%
Utilities	10,346	11,841	(1,495)	-13%	94,895	130,252	(35,357)	-27%
Maintenance	209,972	285,017	(75,045)	-26%	2,414,062	3,138,478	(724,416)	-23%
Protective Services	2,412	3,052	(640)	-21%	33,720	33,573	147	0%
Insurance	2,873	3,149	(276)	-9%	31,601	34,635	(3,035)	-9%
Depreciation Expense	12,599	12,599	-	0%	138,331	138,331	-	0%
Bad Debt Expense	-	-	-	0%	-	-	-	0%
General Expenses	34,210	153	34,057	>100%	76,774	1,686	75,088	>100%
Total Expenses	**1,130,655**	**1,398,951**	**(268,296)**	**-19%**	**12,804,935**	**15,317,350**	**(2,512,415)**	**-16%**
Net Income(Loss)	**$ (226,349)**	**(270,828)**	**44,479**	**16%**	**(871,224)**	**39,992**	**(911,216)**	**<-100%**

Hawaii Public Housing Authority
Summary of Capital Funds
As of 5/31/2026

FEDERAL: Capital Fund Program (CFP)

Grant Number	Grant Award	Budgeted Expenditures	Obligated Amount	Actual Expenditures	Actual / Budgeted Exp
HI08P001501-22	15,037,163	15,037,163	15,037,163	5,824,111	39%
HI08P001501-23	14,891,053	14,891,053	14,891,053	6,800,652	46%
HI08P001501-24	15,384,579	15,384,579	15,384,579	5,520,841	36%
HI08P001501-25	15,526,078	15,526,078	0	0	0%
HI08P001501-26	15,407,155	15,407,155	0	0	0%
CFP Totals	**60,838,873**	**76,246,028**	**45,312,795**	**18,145,604**	**30%**

STATE: Capital Improvement Program (CIP)

Fiscal Year	MOF	Appropriation	Budgeted Expenditures	Encumbered Amount	Total Expenditures (incl lapsed amounts)	Actual / Budgeted Exp
FY 13-14	B	45,000,000	45,000,000	45,000,000	44,725,157	99%
FY 16-17 Lump Sum CIP	B	29,150,000	29,150,000	29,150,000	28,110,843	96%
FY 17-18 Security CIP	B	2,500,000	2,500,000	2,500,000	2,481,982	99%
FY 17-18 La`a Kea CIP GRANT	B	300,000	300,000	300,000	150,000	50%
FY 18-19 Lump Sum CIP	B	21,500,000	21,500,000	21,500,000	20,918,444	97%
FY 19-20 Lump Sum CIP	B	20,000,000	20,000,000	20,000,000	17,263,957	86%
FY 20-21 TOD Planning Lanakila	B	550,000	550,000	550,000	504,414	92%
FY 20-21 Lump Sum CIP	B	5,135,000	5,135,000	5,135,000	3,375,632	66%
FY 21-22 Lump Sum Planning Office	B	10,000,000	10,000,000	870,121	258,527	3%
FY 21-22 TOD Planning Puuwai Momi, Kahakili Terrace	B	625,000	625,000	625,000	0	0%
FY 22-23 Hale Poai Modernization	B	500,000	500,000	279,845	251,384	50%
FY 22-23 Lump Sum	B	10,000,000	10,000,000	10,000,000	2,353,645	24%
FY 22-23 Palolo Valley Homes	B	3,970,000	3,970,000	0	0	0%
FY 22-23 Puahala Homes	B	600,000	600,000	600,000	152,856	25%
FY 22-23 Kahekili Terrace	B	4,280,000	4,280,000	4,280,000	353,006	8%
FY 23-24 Lump Sum CIP	B	5,000,000	5,000,000	4,387,516	196,122	4%
FY 23-24 Lump Sum CIP	A	5,000,000	5,000,000	4,955,026	2,568,160	51%
FY 23-24 Kalihi Valley Homes	A	400,000	400,000	155,366	0	0%
FY 23-24 Kalihi Valley Homes	B	4,400,000	4,400,000	2,359,600	2,359,600	54%
FY 23-24 Kapaa	B	2,000,000	2,000,000	2,000,000	221,003	11%
FY 23-24 TOD	B	600,000	600,000	600,000	0	0%
FY 24-25 Lump Sum CIP	B	5,000,000	5,000,000	911,081	0	0%
FY 24-25 Lump Sum CIP	A	5,000,000	5,000,000	3,655,010	688,614	14%
FY 24-25 Kalihi Valley Homes	A	800,000	800,000	0	0	0%
FY 24-25 Affordable Housing, Downtown Honolulu, Oahu	B	5,000,000	5,000,000	0	0	0%
FY 24-25 HPHA Lump Sum, Site and Building Improvements	B	10,000,000	10,000,000	5,024,494	1,466,895	15%
FY 24-25 Repair of Housing Units	A	10,500,000	10,500,000	10,500,000	7,864,162	75%
FY 25-26 Repair of Housing Units	A	10,000,000	10,000,000	10,000,000	0	0%
CIP Totals		**217,810,000**	**217,810,000**	**185,338,060**	**136,264,405**	**63%**

III. Procurement

A. Solicitation(s) Issued in June 2026

- none

B. Contract(s) Executed in June 2026

- Society Contracting, LLC (Contract # CMS 26-11) for $800,000.00 to provide labor, material, and equipment for unit deck replacement services at Kauhale O Hanakahi (AMP 37) on Hawaii Island; 150 calendar days from Notice to Proceed.

- Society Contracting, LLC (Contract # CMS 26-10) for $3,340,200.00 to provide labor, material, and equipment for re-roof and utility improvements at Ka Hale Kahaluu (AMP 43) on Hawaii Island; 365 calendar days from Notice to Proceed.

- Isemoto Contracting Co., Ltd. (Contract # CMS 26-09) for $3,063,596.00 to provide labor, material, and equipment for repairs to building 11 termite infestation and wood stairs, handrails, front porch deck repairs for buildings 4 through 10 at Kaimalino (AMP 43) on Hawaii Island; 270 calendar days from Notice to Proceed.

- Alakai Services and Roofing Inc. (Contract # CMS 26-08) for $7,907,760.00 to provide labor, material, and equipment for re-roof of 12 buildings at Kalihi Valley Homes (AMP 31) on Oahu; 365 calendar days from Notice to Proceed.

- Ushijima Architects, Inc. (Contract # CMS 26-07) for $37,445.00 to provide design and consultant services for burned unit #1802 at Makua Alii and AMP 34 security improvements on Oahu; 550 calendar days from Notice to Proceed.

- T & C Plumbing LLC (Contract # CMS 25-20-SC01) for $660.74 to remove 2 units at Salt Lake Apartments and add 2 units at Waipahu I and 2 units at Waipahu II for repair of 5 vacant units at AMP 30 on Oahu, through May 15, 2026.

- Bowers + Kubota Consulting, Inc. (Contract # CMS 25-16-SC03) for $15,229.00 to conduct mapping services for 2025 environmental reviews, through May 1, 2027.

- RMA Architects Inc. (Contract # CMS 25-08-SC01) for a no-cost time extension of 360 calendar days to continue to provide design and consultant services for demolition of community center at Kalihi Valley

Homes (AMP 31) on Oahu, through June 12, 2027.

- T. Iida Contracting, Ltd. (Contract # CMS 24-02-SC01) for $5,336.00 to provide additional labor, material, and equipment for roof repair and site and dwelling improvements at Kalihi Valley Homes (AMP 31) on Oahu, through May 5, 2026.

- Paul's Electrical Contracting, LLC (Contract # CMS 22-08-SC02) for $22,636.00 to provide additional design and consultant services and time extension of 7 calendar days for upgrade to emergency generators at Kalakaua Homes, Makua Alii, Paoakalani (AMP 34), Kalanihuia, Punchbowl Homes, Pumehana (AMP 35), Hale Poai, Laiola, Kamalu and Hoolulu (MU 42) on Oahu, through March 23, 2027.

- Fleming and Associates, LLC (Contract # CMS 21-10-SC04) for a no-cost time extension of 336 calendar days to continue to provide design and consultant services for site and building improvements at Kaimalino (AMP 43) on Hawaii Island, through June 2, 2027.

- Heide & Cook, LLC (Contract # CMS 21-01-SC04) for $26,736.00 to continue to provide preventive maintenance and repair services to elevators at Kamalu and Hoolulu (MU 42) on Oahu, through March 31, 2027.

- Ushijima Architects, Inc. (Contract # CMS 20-22-SC04) for a no-cost time extension of 180 calendar days to continue to provide design and consultant services for roof replacement and exterior concrete spall repairs at Laiola (MU 42) on Oahu, through June 13, 2026.

- Hawaii Affordable Properties, Inc. (Contract # PMB 25-08-SC01) for $538,563.17 to continue to provide property management, maintenance and resident services for Halia Hale, Hale Poai, Kamalu, Hoolulu, and Laiola (MU 42) on Oahu, through June 30, 2026.

- Hawaii Affordable Properties, Inc. (Contract # PMB 25-03-SC03) for $6,602,919.55 to continue to provide property management, maintenance and resident services for Kuhio Homes (AMP 40), Waimaha-Sunflower, Kauiokalani, Nanakuli Homes, Maili I, Maili II (AMP 44), Koolau Village, Kaneohe Apartments, Hookipa Kahaluu, Waimanalo Homes, Kauhale Ohana (AMP 45), Wahiawa Terrace, Kauhale Nani (AMP 49), Palolo Valley Homes (AMP 50) on Oahu and Ka Hale Kahaluu, Hale Hookipa, Nani Olu, Kaimalino, Kealakehe (AMP 43), Noelani I, Noelani II, Hale Hauoli, Ke Kumu Ekolu, Ke Kumu Elua, and Ke Kumu Ekahi on Hawaii Island, through February 28, 2027.

- Centric Elevator Corp. (Contract # PMB 24-07-SC01) for $17,550.00 to continue to provide preventive maintenance and repair services to elevators at Salt Lake Apartments (AMP 30), Kalakaua Homes, Makua Alii, Paoakalani (AMP 34), Kalanihuia, Punchbowl Homes, Pumehana (AMP 35) and the Ka Hale O Kamehaikana Community Resource Center on Oahu, through March 16, 2026.

- Pacific Appliance Group, Inc. (Contract # PMB 23-02-SC03) for $1,158,508.98 to continue the provision of gas and electric ranges to state and federal low-income public housing properties on Oahu, Maui, Molokai, Kauai, and Hawaii Island, through June 30, 2027.

C. **Planned Solicitation and Contract Activities for July/August 2026**

Upcoming Solicitations
- RFQ for tree assessment at AMP 34 on Oahu.
- RFQ for installation of no-parking signs at AMP 38 on Kauai.
- IFB for roof coating and gutter installation at AMP 34 on Oahu.
- IFB for grounds maintenance services at AMP 38 on Kauai.
- IFB for preventive maintenance and repair services to fire prevention systems at AMPs 30, 34, 35, and MU 42 on Oahu.
- IFB for laundry services at AMPs 34, 35, 44, and 49 on Oahu, AMP 38 on Kauai and AMP 46 on Hawaii Island.

Planned Contracts

Execute new and supplemental contracts on an as-needed basis, including extensions for property management, preventive maintenance, security, refuse collection, appliances, and custodial services, as determined to be in the best interest of the State.

IV. Development

- School Street Elderly Housing Redevelopment construction is currently 85% complete. Construction is scheduled to be substantially completed in 2026 with a grand opening and a lottery for leasing to be held before the end of this year.

- Kūhiō Park Terrace Low-Rises and Kūhiō Homes Redevelopment construction is now 5.7% complete. The slab removal has been completed, soil remediation is nearly complete, the onsite construction office is being secured, and utility coordination continues.

- Ka Lei Momi – Mayor Wright Homes continues to advance the Building Permit, Superstructure Permit, Foundation Permit, Demolition Permit and

Mass Grading Plan for Phases 1A and 1B. Phase 1A is on track to receive approval for the Superstructure Permit, Foundation Permit, Demolition Permit, and Mass Grading Plan at the end of June or the beginning of July. Relocation is complete for MWH Phase 1A. LOIs for the lender and investor for Phase 1A will be signed by the beginning of July. A Mixed Finance Development Proposal was submitted to HUD at the end of June.

- Ka Lei Momi – Kapaʻa continues to progress building and demolition permits for the project. The HUD AUGF was issued at the end of May. The HUD Section 18 application was resubmitted in early June.

- Ka Lei Momi – Kaʻahumanu Homes continues to progress the Section 106 MOA and is awaiting final comments and processing from SHPD. The NEPA FONSI documentation will be submitted upon execution of the MOA. Phase 1A architectural schematic designs are in the process of being revised to incorporate final design refinement.

- Ka Lei Momi – Lānakila Homes is progressing with the 50% Design Development (DD) architectural set and is incorporating comments received from HPHA, HCDC, and HUD. Completion of the 100% Design Development plans is anticipated in Q3 2026.

- Ka Lei Momi – Kahekili Terrace initial fit tests are being revised by the architect to reflect HPHA comments. The high-level site obsolescence review and environmental studies are kicking off.

- Ka Lei Momi – Alternate Sites continue to progress with initial fit tests completed for Hale Nana Kai Okea, Kekaha Haaheo, Lokahi, and Hale Olaloa. High-level master planning studies continue to progress with site obsolescence and environmental studies kicked off.

V. Property Management and Maintenance Services Branch

- In June 2026, HPHA processed 30 move-ins, 33 move-outs, completed 390 annual reexaminations and 124 interim reexaminations, and facilitated 19 new admissions, ensuring compliance with occupancy standards.

- Contract Monitoring: HPHA conducted 35 site visits, including 10 refuse collection, 6 laundry, 1 fire, 6 security, and 12 elevator inspections. HPHA continues to strengthen on-site monitoring to supplement AMP oversight of contracted services.

- Vacant Unit Contracts: HPHA completed 108 vacant units as of June 2026.

- Tenant Accounts Receivable: Approximately $4.5 million is owed by former tenants, primarily for unpaid rent and tenant-related charges. Delinquent accounts are actively referred to the Department of the Attorney General for collection actions, including tax intercepts and wage garnishments.

- REAC NSPIRE Notices: The following AMPs have upcoming scheduled Real Estate Assessment Center (REAC) inspections on the dates listed below:

▪ AMP 34 Kalakaua Homes	July 7, 2026
▪ AMP 37 Lanakila Homes I	July 13, 2026
▪ AMP 32 Mayor Wright Homes	July 14, 2026
▪ AMP 31 Kalihi Valley Homes	July 17, 2026
▪ AMP 33 Kamehameha Homes	July 21, 2026
▪ AMP 50 Palolo Valley Homes	July 22, 2026
▪ AMP 35 Punchbowl Homes	July 27, 2026
▪ AMP 39 Kahekili Terrace	August 3, 2026
▪ AMP 40 Kuhio Park Terrace	August 5, 2026
▪ AMP 43 Ka Hale Kahaluu	August 7, 2026
▪ AMP 38 Kekaha Haaheo	August 8, 2026
▪ AMP 30 Puuwai Momi	August 11, 2026
▪ AMP 44 Waimaha Sunflower	August 18, 2026
▪ AMP 45 Koolau Village	August 21, 2026

- Hearings: HPHA conducted a total of eleven federal eviction hearings. All eleven hearings addressed rent delinquency violations, resulting in eight evictions with a ten-business-day cure period, one case resolved through full payment, one case resolved through vacating, and one continuance. HPHA conducted no state eviction hearings and held one Section 8 informal hearing. Additionally, HPHA executed two writs of possession.

VI. Construction Management

Vacant Units Undergoing Modernization

As of June 25, 2026, HPHA has been managing 159 vacant units under the Construction Management Branch (42 state units and 117 federal units), including 86 units under modernization and 73 units under the Emergency Proclamation (EP), with units distributed across Oahu (98 units, 26 EP), Kaua‘i (31 units, all EP), Maui (10 units, including all EP), and Hawai‘i Island (14 units, including 6 EP).

- Vacant units actively under construction across Oahu, Kauai, Molokai, Maui, and Hawaii Island
- Contracts with a 90-day time of performance, with extensions up to 120 days when required due to exceptional conditions

- Vacant units in AMPs 31, 32, and 33 are prioritized for relocation under Phase 1 of Mayor Wright Homes (MWH) development, expected completion June 2026

Multi-Site Projects

- Emergency Generators
  - Kalakaua Homes – Start-up for the generator is occurring this week.
  - Makua Alli'i – Pre-planning is occurring.

State Elderly Projects (MU 42)

- Hale Poai — Site and Building Improvements
  - Phase 10, final phase of modernization for 206 total units, 95% complete. Final inspections scheduled before July.
  - Parking lot completion and other change orders are pending negotiations with the Contractor.

- Laiola — Reroofing, Spall Repairs, and Site Improvements
  - Concrete spall repairs approximately 85% complete
  - Fencing and painting work on hold – pending resolution of Change Order Proposals.
  - New Contractor Site Superintendent was assigned on June 1, 2026. Work resumed June 8, 2026.
  - Light fixture installation started on June 15, 2026, and is ongoing, approximately 80% complete. The trash chute, storage, mechanical, and elevator rooms and staircases are completed.
  - Building A window caulking started and is ongoing, approximately 10% complete.
  - Parking lot light fixture installation is complete.

- Hoolulu and Kamalu
  - Project is approximately 95% complete.
  - Final testing by the Honolulu Fire Department, HFD, is pending the manufacture, delivery, and replacement of two (2) fire pumps.
  - HPHA's Procurement Office is determining the path forward as the State licensing data base shows the Contractor's license has been forfeited.

Oahu Projects

AMP 30

- Waipahu I & II and Puuwai Momi — Building Improvements and Security Upgrades
  - Contractor has started work. The spall damage at Puuwai Momi is substantial enough to consider reconstruction of a concrete stair landing.
  - Material orders for the Waipahu work are ongoing.

- Salt Lake Apartments — ADA Title II and Building and Site Improvements
  - Design Contract routing for execution.

- Puuwai Momi — Fire Alarm Upgrade
  - Contractor has been mobilized.
  - Fire Alarm devices are onsite.
  - Estimated completion by the first week of August.

AMP 31

- Kalihi Valley Homes
  - Roof Replacement
    - Design-build contract approved for replacement of deteriorated metal roofs at Buildings 1A, 2B, 3A, 4A, 5A, 6A, 12A, 26A, 31A, 35A, 40A, and 45A.
    - Contract execution expected by mid-June 2026.
  - Demolition of the Community Center
    - Bid opening held on April 16, 2026, with five bids received. The bid is under evaluation as the 1st bidder withdrew and there are issues with the 2nd bidder.
  - Bus Stop and Kalena Road Reconstruction
    - Contract for work on the road and bus stop after the main entrance is executed; anticipated start in July.
    - Hauiki Homes — Site and Building Modernization
  - Consultant is confirming the scope before executing the contract.

    - Puahala Homes — Major Modernization
  - Preliminary design and cost analysis reviewed by HPHA.
  - Design is proceeding without the survey team gaining access to the area above the retaining wall of the School Street Development until the project is complete and safe access can be granted.

AMP 34

- Makua Alii – Security Improvements and Burned Unit
  - Contractor is behind schedule due to the long lead item of the prefabricated Guard Shack with anticipated delivery at the end of September.
  - Ongoing work inside the burned unit is 60% complete.

AMP 35

- Punchbowl Homes – Electrical Upgrade and Fire Alarm Replacement
  - The project is held up in permitting. An application for courtesy inspection has been submitted so work can begin while the permit is in review.
- Pumehana – ADA, Life Safety, and Site Improvements
  - Project is in permitting review.

        - Plans were approved by the Disabilities, Communication and Access Board (DCAB) and are now being reviewed by the State Historic Preservation Division (SHPD).

AMP 40

- Kuhio Homes — Lead-Based Paint Removal
    - Bids were opened on June 19, 2026.
    - The sole bidder is being vetted.

AMP 50

- Palolo Valley Homes
    - Phase 4 Major Modernization (Buildings 1, 2, 7, 8, 9; 29 units)
        - The electrical contractor was replaced due to non-performance. The new electrical contractor is working to catch up and is waiting for HECO approval to start the energization process.
    - Exterior Lighting Installation
        - Work is complete.

Hawai`i County

AMP 37

- Hale Aloha O Puna and Pomaikai — Site and Building Improvements
    - Project advancing; Phase 3 inspection completed for Buildings 1,8, and 9

- Kauhale O Hanakahi — Deteriorated Deck Replacement
    - Contract has been executed and the pre-construction meeting is scheduled for early July.

AMP 43

- Kaimalino
    - ADA Title II & Building and Site Improvements
        - Utility trenching, sidewalk demolition, and backflow replacement completed and operational.
        - All inspections for plumbing and electrical passed. Will proceed with painting and installing cabinets.
        - Buildings 1 and 2: Interiors are painted. Will hang doors and cabinetry next.

- Ka Hale Kahaluu — Building Systems Upgrades (Reroof all Buildings; replace Large Capacity Hot Water Heaters and two Backflow Preventors)
    - The Contract is executed. Start date is tentative for end of October, pending availability of the plumbing equipment.

Maui County — AMP 39

- David Malo Circle and Piilani Homes

- Demolition of the remaining standing buildings at Piilani is 100% complete
- Project is being closed out.

- Kahekili Terrace – Utility Improvements Design/Build Project
  - Maui County Building Department requires a separate Building Permit for each building
  - Additional submittals required to the Building Department, Disabilities and Communications Access Board (DCAB), and State Historic Preservation Division (SHPD), resulting in increased scope and cost
  - Additional fees for added permitting costs are approved.

Kauai County — AMP 38

- Kawailehua (State) — Roof Replacement, Gutters and Downspouts, Fall Protection Roof Anchors Installation
  - Project is 70% complete.
  - Supplemental Contract for water closet shed roofs, door replacements and D-ring fall protection anchors installation is being executed.

- Hui O Hanamaulu — Electrical Service Panel and Site Lighting
  - Design/build contract executed to address REAC findings.
  - Contractor's design consultant is developing the documents for Kauai County review.

State Capital Improvement Projects & Federal Capital Fund Program

- Capital Improvement Program (CIP)
  - HPHA is on track to meet the CIP encumbrance deadline of June 30, 2026

- Federal Capital Fund Program (CFP)
  - CFP 2022 and CFP 2023 grant funds utilized to meet CFP 2020 (March 2026) and CFP 2021 (February 2026) expenditure deadlines.
  - Ongoing monitoring to ensure compliance with CFP 2023 (February 2027) and CFP 2022 (May 2027) expenditure deadlines.

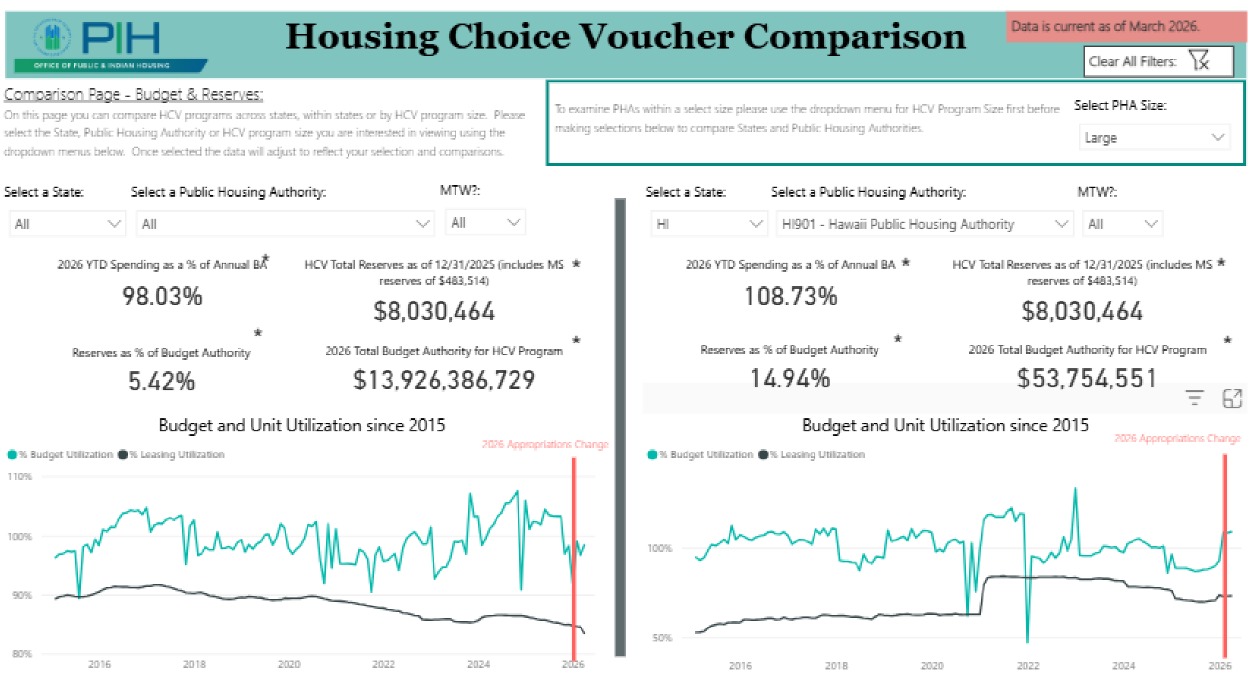
VII. Section 8 Subsidy Program

- HPHA administers the Housing Choice Voucher (HCV), Project-Based Voucher (PBV), Veterans Affairs Supportive Housing (VASH), Non-Elderly Disabled (NED), Mainstream (MS), Performance-Based Contract Administration (PBCA), State Rent Supplement Program (RSP), and Family Self-Sufficiency (FSS) programs, expending $5,519,123.12 in Housing Assistance Payments (HAP) on behalf of 3,212 households, including 485 VASH families receiving $554,425 in HAP, and leasing 52 MS, and port-in vouchers with $76,639 in HAP disbursements.

- In June 2026, HPHA completed 163 NSPIRE inspections, with 51 failures, 0 quality control inspections, processed 112 rent comparable requests (111 approved, 1 denied), and continues to allow 30 days for correction, with failures historically not affecting landlord participation.

- Under the State Rent Supplement Program (RSP), HPHA paid $74,530 to 160 families, including $7,891 for new lease-ups, with $66,639 paid to 150 families for June 2026, while Catholic Charities-administered Kupuna and Family RSP paid $254,990 to 612 families, including 307 Kupuna households.

- The Family Self-Sufficiency (FSS) program served 26 active participants with 162 Section 8 graduates and 32 LIPH graduates since inception, with 12 of 25 Section 8 participants currently eligible for escrow credits, and $7,918 in total escrow deposits made in June 2026.



HUD Dashboard (above): Housing Choice Voucher Comparison as of March 2026.

On this page, HCV programs can be compared across states, within states, or by program size. As reflected in the chart, the Hawaii Public Housing Authority's (HPHA) HCV program closely mirrors the rest of the nation, with budget authority and spending levels outpacing the total number of available vouchers. This trend reflects that the HCV program covers a significant share of rent costs for participating households.

As demonstrated by HUD, vouchers do not come with funds attached to each voucher. Instead, funding is tied to a PHA's budget authority, which is determined through a formula driven by several factors, including prior leasing levels, inflation adjustments, local housing costs, and the total annual appropriation provided by Congress to HUD.

As a result, although vouchers may exist within a program, housing authorities may not have sufficient budget authority to support all vouchers at the same time.

The HUD dashboard shows that nationwide HCV programs have approximately $13.9 billion in total budget authority, with about $8.0 million in reserves (approximately 0.6%), and year-to-date spending at about 98.03% of annual budget authority. Similarly, the HPHA's HCV program has a 2025 budget authority of approximately $53.8 million, with 108.73% year-to-date spending and about $8.0 million in reserves.

VIII. Compliance Office

- In June 2026, HPHA continued active program reviews to ensure compliance with Federal and State requirements and agency and Board policies, processed 74 reasonable accommodation/modification requests (73 new and 1 reactivated), issued 23 decisions, and carried 221 outstanding requests as of June 30, 2026.

- HPHA responded to Fair Housing inquiries and complaints from tenants and non-tenants, directing tenant matters internally for resolution and referring non-tenant inquiries to appropriate external agencies.

- Construction report reviews continued to identify and address ADA and compliance-related issues.

- HPHA completed its Declaration of Trust and Declaration of Restrictive Covenants (DOT/DORC) update initiative, and all filings with the Bureau of Conveyances are now current.

IX. Human Resources

- HPHA maintained 315 filled positions and 14 Tenant Aide Program positions, with 55 positions in continuous recruitment and 11 pending recruitments.

- HPHA conducted interviews and made hiring decisions across multiple positions, including Engineer V/IVs, Project Engineers, Compliance and Evaluation Specialist, Human Resources Specialist IV/IIIs, Public Housing Specialist II/Is, Administrative Assistant II, Account Clerk III/IIs, Office Assistant IIIs, Carpenters, Building Maintenance Worker Is and Helpers and General Laborer IIs.

- Human Resources attended Department of Labor and Industrial Relations Job Fair at Keehi Lagoon on June 23, 2026. Staff were able to meet applicants and conduct interviews for Project Engineers and various Administrative Assistant positions.

- Continue to work with AMP managers to recruit and fill Tenant Aide positions to assist at the properties.

- Training and conferences attended by staff in June included U.S. Opportunity Zones 2.0 Market Activation Summit, Safety Management, U.S. Housing Community Development Conference Expo, State of Hawaii Travel Guidelines and Procedures, Disability Access Conference, and Bargaining Unit 1 Drug and Alcohol Testing Program for Supervisors.

- Assisted AMP 35 on HIOSH site inspection relating to an alleged complaint regarding Asbestos. Staff were able to remedy all issues to the fullest.

- Three employees on workers' compensation attended a job search meeting with DHRD/WC and DHS personnel.

- Workers' Compensation activities included two (2) injuries from Section 8 and the Central Maintenance Section with a total lost time of 30 days. One employee returned to work. Three (3) employees returned to restricted/light duty. Five (5) employees were on Temporary Total Disability (TTD), for the entire month. Each employee was out 21 working days (except one holiday), and four (4) employees were on Temporary Partial Disability. HPHA continues to work with adjusters to ensure employees are ready to return to full time duty or restricted duty, prior to job search options.