HAWAII PUBLIC HOUSING AUTHORITY
NOTICE OF
BOARD OF DIRECTORS MEETING
1002 North School Street, Building A
Honolulu, Hawaii 96817
Thursday, November 5, 2026
9:00 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 1-701-802-5435, 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 that 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 Monday, November 2, 2026, or by using the "Raise Hand" feature in Zoom, or by physically raising their hand on camera or in the public conference room and waiting to be called upon by the Chairperson. Individuals providing 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 should also wait to be called upon by the Chairperson.

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, September 24, 2026

III. DISCUSSION AND/OR DECISION MAKING

A. To Approve the Conciliation Agreement in Ayers vs. Hawai'i Public Housing Authority, HUD Case Nos. 09-25-5664-8, 09-25-5664-4, and 09-25-5664-D, and to Authorize the Executive Director to Take All Actions Necessary to Carry Out the Agreement

B. To: **(1)** Adopt Payment Standards for the Hawaii Public Housing Authority's Housing Choice Voucher Program for Calendar Year 2027 Which are Based on the U.S. Department of Housing and Urban Development's Small Area Fair Market Rents for the Island of Oahu; and **(2)** Authorize the Executive Director to Implement the New Payment Standards, Including Adjusting the Payment Standards Between 90% and 120% Based on Projected Funding and Allowable HUD and MTW Waivers

C. To: **(1)** Approve Additional Changes, Made Subsequent to the Public Hearing, to the Proposed Amendments to Chapter 17-2028, Hawaii Administrative Rules (HAR), Entitled "Federally Assisted Public Housing Projects", Which the Board Initially Reviewed and Approved on July 16, 2026, As Follows:

(A) Amend the Definition of "Work-Exempt Individual" in Section 17-2028-2 as Follows:
  (i) Define a Disabled Work-Exempt Individual by Reference to 24 C.F.R. Section 5.403; and
  (ii) Clarify that No More Than One Adult in a Household May Serve as a Primary Caretaker and Qualify as a Work-Exempt Individual;

(B) Amend Section 17-2028-23 to Remove the Proposed Requirement that a Live-In Aide be Certified by a Doctor or Other Professional as Capable of Providing Supportive Services;

(C) Amend Section 17-2028-51.01 to Clarify the Work Requirement Policy Only Applies to Non-Work Exempt Family Members Aged Eighteen or Older;

(D) Amend Section 17-2028-51.02 to:
  (i) Add as an Example of a Qualifying Hardship When a Family Member is Deemed by the Authority to be Engaged in a Good-Faith Search for Employment by Completing at Least Twelve Work-Search Activities Per Month;
  (ii) Allow the Authority Discretion to Grant a Hardship for Fewer Activities Based on Factors Outside the Family Member's Control; and
  (iii) Allow the HPHA to Accept Receipt of Unemployment Insurance as Verification; and

(E) Withdraw the Proposed Amendment to Section 17-2028-61 to Establish a Minimum Rent of $100 for Non-Elderly, Non-Disabled Families; and

(2) Authorize the Executive Director to Submit the Amendment and Compilation of Chapter 17-2028, HAR, to the Governor for Approval and Undertake All Other Actions Necessary Under Chapter 91, Hawaii Revised Statutes, to Implement the Revision of Chapter 17-2028, HAR

D. To: **(1)** Adopt Proposed Changes to Chapter 17-2035, Hawaii Administrative Rules (HAR), Entitled "State-Aided Elderly Public Housing Projects", As Follows:

(A) Amend Section 17-2035-20 to Restore Language Which Provides That an Applicant Is Ineligible for Admission If the Applicant Previously Lived in a Housing Project and Was Evicted from the Project Since March 1, 1985;

(B) Adopt Section 17-2035-30.01 to Allow a Family Participating in Another Housing Program Administered by the Hawaii Public Housing Authority That Claims and Verifies a Special Preference to Apply to the State-Aided Elderly Public Housing Program and Be Placed on a Waiting List Regardless of Whether the Waiting List Is Closed; to Require Such a Family to Meet the Eligibility Requirements for Admission; to Provide That an Applicant with a Verified Special Preference Shall Be Offered a Dwelling Unit Before an Applicant Without a Verified Special Preference; and to Establish That a Special Preference May Be Granted to Such a Family That:

(i) Is Involuntarily Displaced Due to Modernization or Redevelopment Activity, or Due to an Emergency That Poses an Immediate Threat to the Life, Health, or Safety of the Family;

(ii) Is Approved for a Reasonable Accommodation Transfer to a Dwelling Unit with Certain Accessibility Features, and an Appropriate Dwelling Unit Is Not Available Within the Other Program's Inventory or the Family Has Waited Over One Year for Such a Unit;

(iii) Includes a Member Who Is a Victim of Domestic Violence or Assault, and Cannot Be Safely Transferred Within the Other Program; or

(iv) Is Under-Housed, and an Appropriately Sized Dwelling Unit Is Not Available Within the Other Program's Inventory;

(C) Delete Section 17-2035-43(c), Which Refers State-Aided Elderly Public Housing Tenants to the Grievance Procedure in Chapter 17-2021, HAR, Which Does Not Apply to State-Aided Public Housing Projects; and

(D) Make Technical, Non-Substantive Changes to Section 17-2035-2 for the Purposes of Clarity, Consistency, and Style; 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. 25-04 to Implement the Revision of Chapter 17-2035, Hawaii Administrative Rules, Including Making Non-Substantive Revisions to Formatting as May Be Required

E. To: **(1)** Adopt Proposed Changes to Chapter 17-2034, Hawaii Administrative Rules (HAR), Entitled "State-Aided Family Public Housing Projects", As Follows:

(A) Amend Section 17-2034-31 to Establish That Applicants with a Special Preference Shall Receive First Preference for Placement;

(B) Adopt Section 17-2034-31.01 to Allow a Family Participating in Another Housing Program Administered by the Hawaii Public Housing Authority That Claims and Verifies a Special Preference to Apply to the State-Aided Family Public Housing Program and Be Placed on a Waiting List Regardless of Whether the Waiting List Is Closed, and to Establish That a Special Preference May Be Granted to Such a Family That:

(i) Is Involuntarily Displaced Due to Modernization or Redevelopment Activity, or Due to an Emergency That Poses an Immediate Threat to the Life, Health, or Safety of the Family;

(ii) Is Approved for a Reasonable Accommodation Transfer to a Dwelling Unit with Certain Accessibility Features, and an Appropriate Dwelling Unit Is Not Available Within the Other Program's Inventory or the Family Has Waited Over One Year for Such a Unit;

(iii) Includes a Member Who Is a Victim of Domestic Violence or Assault, and Cannot Be Safely Transferred Within the Other Program; or

(iv) Is Under-Housed, and an Appropriately Sized Dwelling Unit Is Not Available Within the Other Program's Inventory;

(C) Amend Section 17-2034-32 to Exempt Applicants with a Special Preference from the Loss of Preference;

(D) Amend Section 17-2034-36 to Exempt Applicants with a Special Preference from the Standard Unit Offer Procedures;

(E) Delete Section 17-2034-43(c), Which Refers State-Aided Family Public Housing Tenants to the Grievance Procedure in Chapter 17-2021, HAR, Which Does Not Apply to State-Aided Public Housing Projects; and

(F) Make Technical, Non-Substantive Changes to Sections 17-2034-2, 17-2034-5, 17-2034-31, 17-2034-32, 17-2034-41, 17-2034-43, 17-2034-45, and 17-2034-48 for the Purposes of Clarity, Consistency, and Style; 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. 25-04 to Implement the Revision of Chapter 17-2034, Hawaii Administrative Rules, Including Making Non-Substantive Revisions to Formatting as May Be Required

F. To Appoint No Less Than One (1) and No More Than Four (4) Directors to the HHA Wilikina Apartments Project, Inc. Board of Directors

IV. REPORTS

A. Executive Director's Report:

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

- Ho'ohiki Senior Living, formerly known as School Street Elderly Housing; status of opening and application
- Ka Lei Momi Redevelopment, including status of activities at targeted sites: Kuhio Park Terrace/Kuhio Homes, Mayor Wright Homes, Kapaa, Lanakila Homes, Kahekili Terrace, Kaahumanu Homes
- Launch of Kupuna Rent Supplement Program Interest Form

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 Monday, November 2, 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, SEPTEMBER 24, 2026
IN THE CITY AND COUNTY OF HONOLULU, STATE OF HAWAII
Audiovisual link: September 24, 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, September 24, 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 9:07 a.m., Chairperson Hall called the meeting to order, held a roll call, and declared a quorum present. Those present were as follows: (00:00:10)

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

Bennett Liu, Chief Financial Officer
Ryan Akamine, Chief Compliance Officer
Benjamin Park, Planning/Evaluation Officer
Becky Choi, State Housing Development Administrator
Amanda Suyat, Hearings Officer
Shirley Befitel, Human Resources & Safety Officer
Dallis Ontiveros, Housing Information Officer
Nelson Lee, Systems Analyst Supervisor
Nicolas Ayabe, Housing Planner
Angela Nabua, Administrative Assistant

OTHERS PRESENT (via Zoom/teleconference):
Ryan Kagimoto, House Finance staff member
Moe Mohanna, Highridge Costa
Caitlin Barrow, Highridge Costa
Scott Jepsen, EJP Consulting Group
Arnay P. Chinchankar, Morgan Stanley
Wade Norris, Borrower's Special Counsel
Megan Glasheen, HPHA Legal Counsel at R&C
Lenda Tominiko, Kuhio Park Terrace Low-Rise Resident
June Talia, Kuhio Park Terrace Low-Rise Resident
Donald Sakamoto
Leelynn Brady
Doug
JKI

Approval of Annual and Regular Minutes

Director Campos moved, (00:01:44)

To Approve the Annual Meeting Minutes of July 16, 2026

The Chair opened the floor to public testimony. No public testimony was given.

The minutes were unanimously approved as presented. (00:03:45)

Director Campos moved, (00:03:57)

To Approve the Regular Meeting Minutes of July 16, 2026

The Chair opened the floor to public testimony and accepted oral testimony.

A question was raised regarding whether the testimony received at the prior meeting was reflected in the minutes.

The Executive Director and Attorney General Urbanc confirmed that the minutes met the applicable legal and meeting requirements.

The minutes were unanimously approved as presented. (00:07:26)

Discussion and Decision Making

To Appoint No Less Than One (1) and No More Than Four (4) Directors to the HHA Wilikina Apartments Project, Inc. Board of Directors

The Board deferred the item to the next Board meeting.

Director Glenn moved, (00:08:30)

To Approve Resolution No. 26-07 Authorizing the Executive Director or His Designee to Prepare, Execute, and Submit Demolition and Disposition Applications (HUD Forms 52860 and 52860-A) to the U.S. Department of Housing and Urban Development's Special Applications Center for the Mayor Wright Homes Redevelopment, Phase 1B and 1C located in Honolulu, Hawaii, (TMK No. 1-7-029:003)

The Chair opened the floor to public testimony. No public testimony was given.

Executive Director Ouansafi presented the proposed resolution authorizing the Executive Director to prepare, execute, and submit demolition and disposition applications to the U.S. Department of Housing and Urban Development's Special Applications Center for the Mayor Wright Homes Redevelopment, Phase 1B and 1C. The Board considered the motion.

The motion was unanimously approved. (00:12:45)

Director Glenn moved, (00:13:22)

To: (1) Approve the Hawaii Public Housing Authority's ("HPHA") Proposed Financing Structure of the Mayor Wright Homes Phase 1A Redevelopment located at Tax Map Key ("TMK") No. 1-7-029:003; and (2) Authorize the Executive Director to Undertake All Actions Necessary to Finalize Closing Documents for Board Approval Prior to Financial Closing

The Chair opened the floor to public testimony. No public testimony was given.

Executive Director Ouansafi presented the proposed Financing Structure for the Mayor Wright Homes Phase 1A Redevelopment. The Board considered the motion.

The motion was unanimously approved. (00:26:12)

Director Campos moved, (00:27:11)

To: (1) Adopt Chapter 17-2041, Hawaii Administrative Rules, Entitled "Rent Supplement Program for Kupuna," Which Shall Govern the Requirements for Participation by Eligible Families and Housing Owners in the Rent Supplement Program for Kupuna as Administered by the Authority; and (2) Authorize the Executive Director to Take All Actions Necessary Under Chapter 91, Hawaii Revised Statutes, and the Governor's Administrative Directive No. 25-04 to Implement Chapter 17-2041, Hawaii Administrative Rules, Entitled "Rent Supplement Program for Kupuna," Including Making technical and other non-substantive revisions to Formatting as May Be Required

The Chair opened the floor to public testimony and received questions related to whether the program applies to other low-income housing properties and eligibility requirements for other programs. Chair Hall requested that the appropriate HPHA program staff follow up on the questions raised.

Executive Director Ouansafi presented the Hawaii Administrative Rules for the Rent Supplement for Kupuna. The Board considered the motion

The motion was unanimously approved. (00:43:23)

For Information / Executive Director's Report (00:43:26)

Presentation by Highridge Costa and Form Partners Regarding a Quarterly Status Update on Predevelopment and Development Achievements Related to the Ka Lei Momi Redevelopment Project

Chair Hall requested that the presentation by Highridge Costa and Form Partners and the Executive Director's Report be deferred to the next Board meeting due to the storm emergency.

No objection was made by the Board.

Director Campos moved, (00:44:19)

To Adjourn the Meeting

The motion was unanimously approved. (00:44:39)

The meeting adjourned at 9:51 a.m.

MINUTES CERTIFICATION FOR SEPTEMBER 24, 2026

Prepared by:

_____

Angela Nabua Date
Secretary

Approved by the Hawaii Public Housing Authority Board of Directors at their Regular Meeting on November 5, 2026 [ ] As Presented [ ] As Amended

_____

Director Lisa Anne Darcy 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 parentheses.

Approved by the Executive Director
November 5, 2026

FOR ACTION

SUBJECT: To Approve the Conciliation Agreement in Ayers vs. Hawai'i Public Housing Authority, HUD Case Nos. 09-25-5664-8, 09-25-5664-4, and 09-25-5664-D, and to Authorize the Executive Director to Take All Actions Necessary to Carry Out the Agreement

I. FACTS

A. On October 30, 2024, Complainants (husband and wife), federal public housing tenants, filed a Housing Discrimination Complaint with the U.S. Department of Housing and Urban Development (HUD).

B. The matter resulted in a draft conciliation agreement with HUD, which required numerous meetings and discussions, culminating in the agreement between the parties.

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 Department of the Attorney General reviewed the Conciliation Agreement that resulted from the conciliation process.

III. RECOMMENDATION

That the Board of Directors Approve the Conciliation Agreement in Ayers vs. Hawai'i Public Housing Authority, HUD Case Nos. 09-25-5664-8, 09-25-5664-4, and 09-25-5664-D, and to Authorize the Executive Director to Take All Actions Necessary to Carry Out the Agreement

Attachment A: October 30, 2024 Complaint – Ayers, Mariea v. HPHA - HUD Case Nos. 09-25-5664-8, 09-25-5664-4, and 09-25-5664-D (CONFIDENTIAL)

Attachment B: Conciliation Agreement in Ayers vs. Hawai'i Public Housing Authority, HUD Case Nos. 09-25-5664-8, 09-25-5664-4, and 09-25-5664-D, Approved by the FHEO Regional Director on behalf of the United States Department of Housing and Urban Development; HUD CASE NUMBERS: 09-25-5664-8, 09-25-5664-4, and 09-25-5664-D

Prepared by: Ryan M. Akamine, Chief Compliance Officer RMA

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

_____
Robert J. Hall
Chairperson

Approved by the Executive Director _____
November 5, 2026

FOR ACTION

SUBJECT: To: **(1)** Adopt Payment Standards for the Hawaii Public Housing Authority's Housing Choice Voucher Program for Calendar Year 2027 Which are Based on the U.S. Department of Housing and Urban Development's Small Area Fair Market Rents for the Island of Oahu; and **(2)** Authorize the Executive Director to Implement the New Payment Standards, Including Adjusting the Payment Standards Between 90% and 120% Based on Projected Funding and Allowable HUD and MTW Waivers

I. FACTS

A. The U.S. Department of Housing and Urban Development (HUD) establishes Fair Market Rents (FMR) for metropolitan areas, some subdivisions of metropolitan areas, and non-metropolitan counties on an annual basis. The FMR is meant to represent the cost to rent a typical non-luxury, non-substandard rental unit.

B. In the administration of the Housing Choice Voucher (HCV) Program, a public housing agency (PHA) uses the FMR as the basis for determining the payment standard amount (i.e., the maximum monthly subsidy that can be provided for a voucher holder). All PHAs are required to establish payment standards between 90% and 110% of applicable FMRs within their voucher jurisdiction. A Housing Assistance Payment (HAP) is paid directly from a PHA to a participating landlord. The HAP is equal to the lower of the gross rent of the unit or the payment standard minus a participating family's rent portion. A participating family generally pays 30% of their adjusted monthly income towards rent.

C. The use of Small Area Fair Market Rents (SAFMR), which are FMRs calculated and established by zip code, is required in certain metropolitan areas with high concentrations of voucher families. SAFMRs allow PHAs to establish multiple payment standards that more accurately reflect the conditions of a local rental market.

D. Currently, there are 65 metropolitan areas where the use of SAFMRs is required. The Hawaii Public Housing Authority's (HPHA) HCV program operates in the Urban Honolulu area (i.e., the island of Oahu) which HUD designated as an SAFMR metropolitan area.

E. On July 8, 2024, HUD approved the HPHA's Moving to Work (MTW) Supplement for Fiscal Year 2025, which included a request to implement MTW activity waiver 2.a. Under this activity, the HPHA may set payment standards for tenant-based vouchers above the normal upper bound limit to 120% of SAFMR without additional HUD approval.

F. 42 U.S.C. § 1437f requires HUD to publish updated FMRs/SAFMRs at least 30 days before the start of each federal fiscal year (i.e., October 1). All PHAs are required to review and adjust their payment standards within three months after the new FMRs/SAFMRs become effective. On September 1, 2026, HUD published the SAFMRs for Federal Fiscal Year (FFY) 2027 in the Federal Register (FR-6553-N-03).

G. Notice PIH 2018-01 permits PHAs that are required to use SAFMRs to group zip codes into tiers to minimize the administrative burden of managing multiple payment standard areas.

II. DISCUSSION

A. The HPHA's analysis of the FFY 2027 SAFMRs found that average market rents have remained relatively stable, decreasing slightly for all unit sizes except studios when compared with the FFY 2025 SAFMRs. Across all zip codes, SAFMRs increased by an average of $19 or 1.06% for studio units. SAFMRs decreased by an average of ($2) or (0.01%) for one-bedroom units; an average of ($19) or (0.58%) for two-bedroom units; an average of ($41) or (0.97%) for three-bedroom units; and an average of ($48) or (0.94%) for four-bedroom units.

B. The HPHA once again partnered with the City Department of Community Services (DCS) – which administers the HCV program for the City and County of Honolulu – to create matching payment standard schedules for Calendar Year (CY) 2027. The goals of this initiative are to (1) eliminate confusion among landlords and tenants by providing the same payment standard amounts for vouchers serving the same zip codes, and (2) prevent landlords from shifting participation to whichever agency has the higher payment standard amounts.

C. In developing the proposed payment standard schedule, the HPHA and DCS considered factors such as the overall availability of dwelling units by zip code, potential impacts on families' rent burdens, increasing access to low-poverty neighborhoods, and anticipated impacts on each agency's budget.

D. Attached for the Board's consideration is the proposed payment standard schedule for CY 2027. The proposed schedule organizes each zip code

into eight tiers, with each tier having an identical payment standard amount. All payment standard tiers fit within the HPHA's allowable 90 to 120% SAFMR range.

E. The zip codes with the highest number of participant families are 96819 – Moanalua with 378 families, 96792 – the Waianae Coast with 265 families, and 96706 – Ewa with 241 families. The Waianae Coast and Ewa zip codes remain in the same tiers and the payment standard amounts for all bedroom sizes have not changed. Under the proposed payment standards, the Moanalua zip code moves from the seventh to sixth tier. The average payment standard amounts for studio to four-bedroom units will increase by $170 or 7.41% from last year's.

F. An analysis of potential budget impacts using the HUD Payment Standard Tool indicates that 18.2% of assisted families will be rent burdened (i.e., paying more than 30% of their adjusted annual income towards housing costs – both rent and utilities) at CYE 2026. Under the proposed payment standard schedule, the Tool estimates 13.5% of families will be rent burdened by CYE 2027. The proposed payment standard schedule is expected to increase the HPHA's estimated monthly HAP expenses from $4,769,532 at CYE 2026 to $4,795,482 at CYE 2027, an increase of $25,950 or 0.54%.

G. If approved, the proposed payment standard schedule will go into effect January 1, 2027.

(End of Section)

III. RECOMMENDATION

That the Board of Directors: **(1)** Adopt Payment Standards for the Hawaii Public Housing Authority's Housing Choice Voucher Program for Calendar Year 2027 Which are Based on the U.S. Department of Housing and Urban Development's Small Area Fair Market Rents for the Island of Oahu; and **(2)** Authorize the Executive Director to Implement the New Payment Standards, Including Adjusting the Payment Standards Between 90% and 120% Based on Projected Funding and Allowable HUD and MTW Waivers

Attachment A: Urban Honolulu, HI MSA Small Area Fair Market Rents for FFY 2027
Attachment B: Payment Standard Schedule for CY 2027
Attachment C: HUD Payment Standard Tool Analysis Results

Prepared by: Nicolas Ayabe, Housing Planner

Reviewed and approved by: Jennifer Weber, Section 8 Branch Chief

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

_____
Robert J. Hall
Chairperson

2027 Fair Market Rents Dataset | Advisory Small Area FMR Lookup System

Honolulu County, HI Small Area FY 2027 Fair Market Rents

As of FY2027, HUD defines Small Areas using ZIP Codes within a metropolitan area or non-metropolitan county. Using ZIP Codes as the basis for Small Area FMRs provides tenants with greater ability to move into "Opportunity Neighborhoods" with jobs, public transportation, and good schools. They also provide for multiple payment standards within a metropolitan area or non-metropolitan county, and they are likely to reduce the need for extensive market area rent reasonableness studies. Lastly, HUD hopes that setting FMRs for each ZIP Code will reduce overpayment in lower-rent areas.

Honolulu County, HI is part of the Urban Honolulu, HI MSA, which consists of the following county: Honolulu County, HI. All information here applies to the entirety of the Urban Honolulu, HI MSA.

Urban Honolulu, HI MSA Small Area FMRs By Unit Bedrooms

ZIP Code	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
96701	$1,700	$1,810	$2,360	$3,270	$3,940
96706	$2,320	$2,460	$3,210	$4,440	$5,370
96707	$2,260	$2,400	$3,130	$4,330	$5,230
96709	$1,830	$1,950	$2,540	$3,520	$4,250
96712	$1,800	$1,910	$2,490	$3,450	$4,160
96717	$1,960	$2,090	$2,720	$3,770	$4,550
96730	$1,710	$1,820	$2,370	$3,280	$3,960
96731	$1,500	$1,600	$2,080	$2,880	$3,480
96734	$2,640	$2,810	$3,660	$5,070	$6,120
96744	$2,020	$2,150	$2,800	$3,880	$4,680
96759	$1,830	$1,950	$2,540	$3,530	$4,260
96762	$2,190	$2,330	$3,030	$4,200	$5,060
96782	$1,940	$2,060	$2,680	$3,710	$4,480
96786	$2,180	$2,320	$3,020	$4,180	$5,050
96789	$2,030	$2,160	$2,810	$3,890	$4,700
96791	$1,980	$2,100	$2,740	$3,790	$4,580

Urban Honolulu, HI MSA Small Area FMRs By Unit Bedrooms

ZIP Code	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
96792	$1,630	$1,730	$2,260	$3,130	$3,780
96795	$1,520	$1,620	$2,110	$2,920	$3,530
96797	$1,830	$1,940	$2,530	$3,500	$4,230
96801	$1,830	$1,950	$2,540	$3,520	$4,250
96802	$1,830	$1,950	$2,540	$3,520	$4,250
96803	$1,830	$1,950	$2,540	$3,520	$4,250
96804	$1,830	$1,950	$2,540	$3,520	$4,250
96805	$1,830	$1,950	$2,540	$3,520	$4,250
96806	$1,830	$1,950	$2,540	$3,520	$4,250
96807	$1,830	$1,950	$2,540	$3,520	$4,250
96808	$1,830	$1,950	$2,540	$3,520	$4,250
96809	$1,830	$1,950	$2,540	$3,520	$4,250
96810	$1,830	$1,950	$2,540	$3,520	$4,250
96811	$1,830	$1,950	$2,540	$3,520	$4,250
96812	$1,830	$1,950	$2,540	$3,520	$4,250
96813	$1,590	$1,690	$2,200	$3,050	$3,680
96814	$2,090	$2,230	$2,900	$4,020	$4,850
96815	$2,300	$2,450	$3,190	$4,420	$5,330
96816	$1,830	$1,940	$2,530	$3,500	$4,230
96817	$1,590	$1,690	$2,200	$3,050	$3,680
96818	$2,490	$2,650	$3,450	$4,780	$5,770
96819	$1,780	$1,890	$2,460	$3,410	$4,110
96820	$1,830	$1,950	$2,540	$3,520	$4,250
96821	$2,490	$2,650	$3,450	$4,780	$5,770
96822	$1,820	$1,930	$2,520	$3,490	$4,210
96823	$1,830	$1,950	$2,540	$3,520	$4,250
96824	$1,830	$1,950	$2,540	$3,520	$4,250
96825	$2,750	$2,920	$3,810	$5,280	$6,370
96826	$1,750	$1,860	$2,420	$3,350	$4,040
96828	$1,830	$1,950	$2,540	$3,520	$4,250

Urban Honolulu, HI MSA Small Area FMRs By Unit Bedrooms

ZIP Code	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
96830	$1,830	$1,950	$2,540	$3,520	$4,250
96836	$1,830	$1,950	$2,540	$3,520	$4,250
96837	$1,830	$1,950	$2,540	$3,520	$4,250
96839	$1,830	$1,950	$2,540	$3,520	$4,250
96848	$1,820	$1,930	$2,520	$3,490	$4,210
96850	$1,830	$1,950	$2,540	$3,520	$4,250
96853	$2,490	$2,650	$3,450	$4,780	$5,770
96854	$1,830	$1,950	$2,540	$3,520	$4,250
96857	$2,180	$2,320	$3,020	$4,180	$5,050
96858	$1,780	$1,890	$2,460	$3,410	$4,110
96859	$1,830	$1,950	$2,540	$3,520	$4,250
96860	$2,310	$2,450	$3,190	$4,430	$5,340
96861	$1,830	$1,950	$2,540	$3,520	$4,250
96863	$2,640	$2,810	$3,660	$5,070	$6,120

Hawaii Public Housing Authority
CY 2027 Payment Standards

Tier	ZIP Code	Area	0BD	1BD	2BD	3BD	4BD	5BD	6BD	7BD	8BD
1	96825	Hawaii Kai	$2,830	$3,080	$4,030	$5,650	$6,770	$7,786	$8,801	$9,817	$10,832
2	96734	Kailua	$2,540	$2,750	$3,603	$5,050	$6,050	$6,958	$7,865	$8,772	$9,680
	96821	Kuliouou, Kalani Iki									
	96818	Salt Lake, Foster Village									
3	96706	Ewa	$2,280	$2,450	$3,213	$4,470	$5,393	$6,202	$7,011	$7,820	$8,629
	96707	Kapolei, Makakilo									
	96815	Waikiki									
4	96762	Laie	$2,210	$2,403	$3,145	$4,405	$5,282	$6,075	$6,867	$7,660	$8,452
	96786	Wahiawa									
5	96814	Ala Moana	$2,000	$2,163	$2,812	$3,942	$4,720	$5,428	$6,136	$6,844	$7,552
	96789	Mililani									
	96744	Kaneohe									
	96791	Waialua									
	96717	Hauula, Punaluu									
	96782	Pearl City									
6	96759	Kunia	$1,796	$1,950	$2,556	$3,582	$4,292	$4,936	$5,580	$6,223	$6,867
	96816	Kaimuki, Palolo									
	96797	Waipahu									
	96822	Manoa									
	96712	Haleiwa									
	96819	Moanalua									
	96826	Moilili									
	96701	Aiea, Halawa									
7	96730	Kaaawa	$1,670	$1,817	$2,380	$3,337	$3,997	$4,596	$5,196	$5,795	$6,395
	96792	Waianae, Makaha, Nanakuli									
	96813	Downtown Honolulu									
8	96817	Kapalama	$1,607	$1,647	$2,157	$3,000	$3,620	$4,163	$4,706	$5,249	$5,792
	96795	Waimanalo									
	96731	Kahuku									

FMR/PS/RB Analysis - Hawaii Public Housing Authority : HI901 HPHA

Change FMRs/PSs

Move to Two-Year Tool

PIC Analysis | Subsidy Standard Analysis

Rent Burden: Area-Bdrm Size | PST Guide

	Date of PS Change:	1/1/2027
Start of Year 2	Rent	
Start of Year 2	Utility Allowance	
Start of Year 2	Tenant Income	

If red, HUD has the regulatory ability to require an increase in payment standards.	Percent >31% rent burden:	20.1%	Percent >31% rent burden:	18.2%	Percent >31% rent burden:	13.5%	Percent >30% rent burden:	14.8%
Voucher Bedroom Size	Regular Total (541 PBVs)	~Current Rent Burden		CYE 2026 - Year 1		CYE 2027 - Year 2		CYE 2028 - Year 3	
		% >= 41%	% >= 31%	% >= 41%	% >= 31%	% >= 41	% >= 31	% >= 41	% >= 31
Efficiency	982	6.5%	18.1%	5.7%	15.8%	3.5%	11.7%	3.9%	12.6%
1 Bedroom	212	9.4%	26.4%	7.1%	23.1%	6.6%	17.9%	6.6%	20.3%
2 Bedroom	519	11.9%	23.7%	11.0%	22.5%	9.4%	17.7%	9.6%	18.7%
3 Bedroom	415	5.5%	15.7%	4.6%	14.5%	3.1%	10.1%	3.6%	11.1%
4 Bedroom	169	6.5%	20.7%	3.6%	18.3%	2.4%	10.1%	3.6%	13.6%
5 Bedroom	31	16.1%	35.5%	16.1%	35.5%	12.9%	29.0%	12.9%	35.5%
6 Bedroom	7	14.3%	14.3%	14.3%	14.3%	14.3%	14.3%	14.3%	14.3%
7 Bedroom	1	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
8 Bedroom	0								
9 Bedroom	0								
10 Bedroom	0								

Roll-Up Summary

Category	Current	CYE - Year 1	CYE - Year 2	CYE - Year 3
Monthly HAP	$4,756,161	$4,769,532	$4,795,482	$4,788,490
End of Year Change from Prior		$13,371	$25,950	($6,992)
End of Year Change (%)		0.3%	0.5%	-0.1%

Overall, by the end of 2027, your PUC will increase by $7.85, or about 0.5%.

Program-Wide PUC Change from Current

	2025	2026	2027
January	$0.00	$1.87	($1.29)
February	$0.00	$1.05	($0.42)
March	$0.00	$0.32	($0.29)
April	$0.00	$0.39	($0.25)
May	$0.00	$0.42	($1.57)
June	$0.00	$1.11	($0.28)
July	$0.00	$0.40	($0.05)
August	$0.00	$0.82	($0.20)
September	$0.00	$1.03	($0.24)
October	$0.00	$1.21	($0.21)
November	$2.05	$0.19	($0.22)
December	$2.60	$0.09	($0.68)

PUC Change Type	Program-Wide

Approved by the Executive Director _____
November 5, 2026

FOR ACTION

SUBJECT: To: **(1)** Approve Additional Changes, Made Subsequent to the Public Hearing, to the Proposed Amendments to Chapter 17-2028, Hawaii Administrative Rules (HAR), Entitled "Federally Assisted Public Housing Projects", Which the Board Initially Reviewed and Approved on July 16, 2026, As Follows:

(A) Amend the Definition of "Work-Exempt Individual" in Section 17-2028-2 as Follows:
  (i) Define a Disabled Work-Exempt Individual by Reference to 24 C.F.R. Section 5.403; and
  (ii) Clarify that No More Than One Adult in a Household May Serve as a Primary Caretaker and Qualify as a Work-Exempt Individual;

(B) Amend Section 17-2028-23 to Remove the Proposed Requirement that a Live-In Aide be Certified by a Doctor or Other Professional as Capable of Providing Supportive Services;

(C) Amend Section 17-2028-51.01 to Clarify the Work Requirement Policy Only Applies to Non-Work Exempt Family Members Aged Eighteen or Older;

(D) Amend Section 17-2028-51.02 to:
  (i) Add as an Example of a Qualifying Hardship When a Family Member is Deemed by the Authority to be Engaged in a Good-Faith Search for Employment by Completing at Least Twelve Work-Search Activities Per Month;
  (ii) Allow the Authority Discretion to Grant a Hardship for Fewer Activities Based on Factors Outside the Family Member's Control; and
  (iii) Allow the HPHA to Accept Receipt of Unemployment Insurance as Verification; and

(E) Withdraw the Proposed Amendment to Section 17-2028-61 to Establish a Minimum Rent of $100 for Non-Elderly, Non-Disabled Families; and

(2) Authorize the Executive Director to Submit the Amendment and Compilation of Chapter 17-2028, HAR, to the Governor for Approval and Undertake All Other Actions Necessary Under Chapter 91, Hawaii Revised Statutes, to Implement the Revision of Chapter 17-2028, HAR

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. On July 16, 2026, the HPHA Board of Directors approved proposed amendments to Chapter 17-2028, HAR, entitled "Federally Assisted Public Housing Projects", and authorized the Executive Director to conduct a public hearing on the proposed amendments.

D. The Office of the Governor approved the HPHA's request to hold a public hearing on August 13, 2026. The HPHA published notice of the public hearing in newspapers of general circulation statewide on August 27, 2026. The public hearing was held on September 28, 2026 at 5:00 p.m. at the HPHA's administrative offices and remotely via Zoom.

II. DISCUSSION

A. At the public hearing, two testifiers provided oral testimony in support of the proposed amendments related to rental agreement terminations and emphasized the need for strong enforcement action by the HPHA against criminal activity occurring on federal public housing properties. Neither testifier provided further comment.

B. Aloha Independent Living Hawaii (AILH) submitted written testimony to the Board at its July 16, 2026 meeting requesting amendments to the proposed draft. On September 11, 2026, HPHA staff met with AILH to discuss their written testimony and concerns regarding the first proposed draft. The meeting was productive and helped staff better understand how the proposed policy changes may affect tenants with disabilities and their households.

C. Based on the testimony received, the HPHA's meeting with AILH, and further staff review, the HPHA proposes the following additional changes to the proposed amendments approved by the Board on July 16, 2026. The additional changes are shown in Attachment A.

1. At the suggestion of AILH, amend the definition of "work-exempt individual" in section 17-2028-2 as follows:

    a. Revise paragraph (3) to provide that an adult who is disabled as defined in 24 CFR section 5.403 is a work-exempt individual. The proposed draft previously exempted an adult unable to work due to a disability, illness, injury, or other physical or mental impairment expected to last twelve months or more. This change aligns the exemption with the federal definition of disability used in HUD programs; and

    b. Clarify in paragraph (6) that no more than one adult in a household may serve as the primary caretaker for a child under the age of six or a dependent adult and qualify as a work-exempt individual on that basis.

2. Amend section 17-2028-23 to remove proposed paragraph (16), which would have required that a live-in aide be certified by a doctor or other professional as capable of providing supportive services, and renumber proposed paragraph (17) as paragraph (16). Upon further review, the HPHA has determined that HUD does not permit public housing agencies to implement this policy as a requirement.

3. At the suggestion of AILH, amend section 17-2028-51.01(a) to clarify that the work requirement policy applies only to non-work-exempt family members aged eighteen or older.

4. Amend section 17-2028-51.02(a) to add a new example of a qualifying hardship.

    a. A family member who is deemed to be engaged in a good-faith search for employment may qualify for an exemption from the work-requirement policy. A good-faith search for employment means the completion of at least twelve work-search activities for a given month;

    b. The HPHA may, at its discretion, determine that a family member who completes fewer than twelve activities qualifies for a hardship based on factors outside the family member's control, including local labor market conditions; and

    c. The HPHA may accept receipt of unemployment insurance as verification that work-search activities were completed.

5. Withdraw the proposed amendment to section 17-2028-61(a) that would have increased the minimum rent from $50 to $100 for non-elderly, non-disabled households. The HPHA will retain the existing $50 minimum rent while it further evaluates the implementation and effects of an increase to the minimum rent. Any future proposal to change the minimum rent will be brought before the Board first through a Moving to Work Supplement activity waiver amendment.

D. Consistent with the For Action approved on July 16, 2026, the revised rules are being presented to the Board for additional review and approval because changes were made following the public hearing. The additional changes respond to testimony received and do not introduce subjects beyond those described in the public hearing notice.

E. Upon approval by the Board of Directors, the Executive Director will transmit the amended rules to the Governor for final approval. Once approved by the Governor, the rules will be filed with the Office of the Lieutenant Governor and take effect ten calendar days after filing.

III. RECOMMENDATION

That the Board of Directors: **(1)** Approve Additional Changes, Made Subsequent to the Public Hearing, to the Proposed Amendments to Chapter 17-2028, Hawaii Administrative Rules (HAR), Entitled "Federally Assisted Public Housing Projects", Which the Board Initially Reviewed and Approved on July 16, 2026, As Follows:

(A) Amend the Definition of "Work-Exempt Individual" in Section 17-2028-2 as Follows:
  (i) Define a Disabled Work-Exempt Individual by Reference to 24 C.F.R. Section 5.403; and
  (ii) Clarify that No More Than One Adult in a Household May Serve as a Primary Caretaker and Qualify as a Work-Exempt Individual;

(B) Amend Section 17-2028-23 to Remove the Proposed Requirement that a Live-In Aide be Certified by a Doctor or Other Professional as Capable of Providing Supportive Services;

(C) Amend Section 17-2028-51.01 to Clarify the Work Requirement Policy Only Applies to Non-Work Exempt Family Members Aged Eighteen or Older;

(D) Amend Section 17-2028-51.02 to:
  (i) Add as an Example of a Qualifying Hardship When a Family Member is Deemed by the Authority to be Engaged in a Good-Faith Search for Employment by Completing at Least Twelve Work-Search Activities Per Month;

(ii) Allow the Authority Discretion to Grant a Hardship for Fewer Activities Based on Factors Outside the Family Member's Control; and

(iii) Allow the HPHA to Accept Receipt of Unemployment Insurance as Verification; and

(E) Withdraw the Proposed Amendment to Section 17-2028-61 to Establish a Minimum Rent of $100 for Non-Elderly, Non-Disabled Families; and

(2) Authorize the Executive Director to Submit the Amendment and Compilation of Chapter 17-2028, HAR, to the Governor for Approval and Undertake All Other Actions Necessary Under Chapter 91, Hawaii Revised Statutes, to Implement the Revision of Chapter 17-2028, HAR

Attachment A: Proposed Draft of Chapter 17-2028, HAR, in Ramseyer Format, with Post-Hearing Changes Identified

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

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

§17-2028-1 Purpose
§17-2028-2 Definitions
§17-2028-3 Income limits

§17-2028-4 Asset transfers
§17-2028-5 Occupancy guidelines
§17-2028-6 Occupancy standards
§17-2028-7 Utility allowances
§17-2028-8 Verification of information
§17-2028-9 Misrepresentation
§§17-2028-10 to 17-2028-20 (Reserved)

Subchapter 2 Eligibility

§17-2028-21 Applicants
§17-2028-22 Eligibility for admission and participation
§17-2028-23 Eligibility for live-in aides
§17-2028-24 Notification of eligibility
§17-2028-25 Informal hearing for applicants determined to be ineligible for admission
§§17-2028-26 to 17-2028-30 (Reserved)

Subchapter 3 Tenant Selection

§17-2028-31 Nondiscrimination
§17-2028-32 Income targeting
§17-2028-33 Deconcentration
§17-2028-34 Local preferences
§17-2028-35 Loss of preference
§17-2028-36 Waiting list
§17-2028-37 Removal from waiting list
§17-2028-38 Closing the waiting list
§17-2028-39 Offers
§17-2028-40 Occupancy of accessible dwelling units
§§17-2028-41 to 17-2028-50 (Reserved)

Subchapter 4 Occupancy and Rental Agreement

§17-2028-51 Rental agreement
§17-2028-52 Eligibility for continued occupancy
§17-2028-53 Reexamination

§17-2028-54 Reexamination results
§17-2028-55 Special reexamination
§17-2028-56 Interim rent adjustment
§17-2028-57 Tenant transfers
§17-2028-58 Back charges
§17-2028-59 Rental agreement termination
§17-2028-60 Smoking prohibited

Subchapter 4.1 Over-Income Families

§17-2028-60.01 Over-Income Limit
§17-2028-60.02 Over-Income Policy
§17-2028-60.03 Notification of Over-Income Status

Subchapter 5 Rents, Security Deposits, and Other Charges

§17-2028-61 Minimum rents
§17-2028-62 Choice of rent
§17-2028-63 Security deposits
§17-2028-64 Other Charges
§§17-2028-65 to 17-2028-70 (Reserved)

Subchapter 6 Family Self-Sufficiency Program

§17-2028-71 Family self-sufficiency program
§17-2028-72 Eligibility
§17-2028-73 Recruitment and outreach
§17-2028-74 Selection
§17-2028-75 Termination or withholding of service
§§17-2028-76 to 17-2028-80 (Reserved)

Subchapter 7 Special Programs

§17-2028-81 Special programs
§17-2028-82 Occupancy by police officers
§17-2028-83 Designated housing
§§17-2028-84 to 17-2028-90 (Reserved)

Subchapter 8 Household Pets

§17-2028-91 Pet ownership
§17-2028-92 Conditions for pet ownership
§§17-2028-93 to 17-2028-100 (Reserved)

Subchapter 9 Miscellaneous Provisions

§17-2028-101 Severability
§17-2028-102 Number and gender
§§17-2028-103 to 17-2028-110 (Reserved)

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) Disabled as defined in 24 C.F.R. section 5.403 as it existed on July 16, 2026;

(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 serve as a primary caretaker and qualify as a work-exempt individual. [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; and

(16) 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.~~]

(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, [~~the applicant's name will~~] an applicant shall be removed from the waiting list on which [~~the~~] applicant's name [~~has been~~] 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 [~~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 aged eighteen or older 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;

(3) The family member certifies they are a victim of domestic violence, dating violence, sexual assault, or stalking; or

(4) The family member is deemed by the authority to be engaged in a good-faith search for employment for any month in which the member completed at least twelve work-search activities. At its discretion, the authority may determine that a family member who completes fewer than twelve activities qualifies for a hardship based on factors outside of the family member's control, including local labor market conditions. The authority may accept receipt of

unemployment insurance as verification that work-search activities were completed.

(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~~] $50 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

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

§17-2028-1 Purpose
§17-2028-2 Definitions
§17-2028-3 Income limits
§17-2028-4 Asset transfers
§17-2028-5 Occupancy guidelines
§17-2028-6 Occupancy standards
§17-2028-7 Utility allowances
§17-2028-8 Verification of information
§17-2028-9 Misrepresentation
§§17-2028-10 to 17-2028-20 (Reserved)

Subchapter 2 Eligibility

§17-2028-21 Applicants
§17-2028-22 Eligibility for admission and participation
§17-2028-23 Eligibility for live-in aides

§17-2028-24 Notification of eligibility
§17-2028-25 Informal hearing for applicants determined to be ineligible for admission
§§17-2028-26 to 17-2028-30 (Reserved)

Subchapter 3 Tenant Selection

§17-2028-31 Nondiscrimination
§17-2028-32 Income targeting
§17-2028-33 Deconcentration
§17-2028-34 Local preferences
§17-2028-35 Loss of preference
§17-2028-36 Waiting list
§17-2028-37 Removal from waiting list
§17-2028-38 Closing the waiting list
§17-2028-39 Offers
§17-2028-40 Occupancy of accessible dwelling units
§§17-2028-41 to 17-2028-50 (Reserved)

Subchapter 4 Occupancy and Rental Agreement

§17-2028-51 Rental agreement
§17-2028-52 Eligibility for continued occupancy
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§17-2028-54 Reexamination results
§17-2028-55 Special reexamination
§17-2028-56 Interim rent adjustment
§17-2028-57 Tenant transfers
§17-2028-58 Back charges
§17-2028-59 Rental agreement termination
§17-2028-60 Smoking prohibited

Subchapter 4.1 Over-Income Families

§17-2028-60.01 Over-Income Limit
§17-2028-60.02 Over-Income Policy
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Subchapter 5 Rents, Security Deposits, and Other Charges

§17-2028-61 Minimum rents
§17-2028-62 Choice of rent
§17-2028-63 Security deposits
§17-2028-64 Other Charges
§§17-2028-65 to 17-2028-70 (Reserved)

Subchapter 6 Family Self-Sufficiency Program

§17-2028-71 Family self-sufficiency program
§17-2028-72 Eligibility
§17-2028-73 Recruitment and outreach
§17-2028-74 Selection
§17-2028-75 Termination or withholding of service
§§17-2028-76 to 17-2028-80 (Reserved)

Subchapter 7 Special Programs

§17-2028-81 Special programs
§17-2028-82 Occupancy by police officers
§17-2028-83 Designated housing
§§17-2028-84 to 17-2028-90 (Reserved)

Subchapter 8 Household Pets

§17-2028-91 Pet ownership
§17-2028-92 Conditions for pet ownership
§§17-2028-93 to 17-2028-100 (Reserved)

Subchapter 9 Miscellaneous Provisions

§17-2028-101 Severability
§17-2028-102 Number and gender
§§17-2028-103 to 17-2028-110 (Reserved)

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) Disabled as defined in 24 C.F.R. section 5.403 as it existed on July 16, 2026;

(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 serve as a primary caretaker and qualify as a work-exempt individual. [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; and
(16) 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 aged eighteen or older 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;

(3) The family member certifies they are a victim of domestic violence, dating violence, sexual assault, or stalking; or

(4) The family member is deemed by the authority to be engaged in a good-faith search for employment for any month in which the member completed at least twelve work-search activities. At its discretion, the authority may determine that a family member who completes fewer than twelve activities qualifies for a hardship based on factors

outside of the family member's control, including local labor market conditions. The authority may accept receipt of unemployment insurance as verification that work-search activities were completed.

(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 $50 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 November 5, 2026, following a public hearing held on September 28, 2026, 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 August 27, 2026.

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
November 5, 2026

FOR ACTION

SUBJECT: To: **(1)** Adopt Proposed Changes to Chapter 17-2035, Hawaii Administrative Rules (HAR), Entitled "State-Aided Elderly Public Housing Projects", As Follows:

(A) Amend Section 17-2035-20 to Restore Language Which Provides That an Applicant Is Ineligible for Admission If the Applicant Previously Lived in a Housing Project and Was Evicted from the Project Since March 1, 1985;

(B) Adopt Section 17-2035-30.01 to Allow a Family Participating in Another Housing Program Administered by the Hawaii Public Housing Authority That Claims and Verifies a Special Preference to Apply to the State-Aided Elderly Public Housing Program and Be Placed on a Waiting List Regardless of Whether the Waiting List Is Closed; to Require Such a Family to Meet the Eligibility Requirements for Admission; to Provide That an Applicant with a Verified Special Preference Shall Be Offered a Dwelling Unit Before an Applicant Without a Verified Special Preference; and to Establish That a Special Preference May Be Granted to Such a Family That:

(i) Is Involuntarily Displaced Due to Modernization or Redevelopment Activity, or Due to an Emergency That Poses an Immediate Threat to the Life, Health, or Safety of the Family;

(ii) Is Approved for a Reasonable Accommodation Transfer to a Dwelling Unit with Certain Accessibility Features, and an Appropriate Dwelling Unit Is Not Available Within the Other Program's Inventory or the Family Has Waited Over One Year for Such a Unit;

(iii) Includes a Member Who Is a Victim of Domestic Violence or Assault, and Cannot Be Safely Transferred Within the Other Program; or

(iv) Is Under-Housed, and an Appropriately Sized Dwelling Unit Is Not Available Within the Other Program's Inventory;

(C) Delete Section 17-2035-43(c), Which Refers State-Aided Elderly Public Housing Tenants to the Grievance Procedure in Chapter 17-2021, HAR, Which Does Not Apply to State-Aided Public Housing Projects; and

(D) Make Technical, Non-Substantive Changes to Section 17-2035-2 for the Purposes of Clarity, Consistency, and Style; 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. 25-04 to Implement the Revision of Chapter 17-2035, Hawaii Administrative Rules, Including Making Non-Substantive Revisions to Formatting as May Be Required

* * *

The proposed amendments to Chapter 17-2035, Hawaii Administrative Rules, entitled "State-Aided Elderly Public Housing Projects", may be viewed on online on or about November 5, 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) State-Aided Elderly Public Housing Program is governed by Chapter 356D, Hawaii Revised Statutes (HRS), and Chapter 17-2035, Hawaii Administrative Rules (HAR).

B. Section 356D-4, HRS, authorizes the HPHA to adopt administrative rules with the force and effect of law to govern the State-Aided Elderly Public Housing Program. The Program consists of the following properties: Hale Po'ai, Laiola, Kamalu, Hoolulu, and Halia Hale.

C. The HPHA administers other housing programs, including the Federally Assisted Public Housing Program governed by Chapter 17-2028, HAR, and the State-Aided Family Public Housing Program governed by Chapter 17-2034, HAR.

D. Pursuant to section 17-2035-31(e), HAR, an applicant may be on a State-Aided Elderly Public Housing waiting list even though they are a tenant or participant in another HPHA housing program. However, the family may apply only while the waiting list is open. Placement on a waiting list is based on geographic location, the size and type of dwelling unit required, and the date and time applications are received. The current rules do not prioritize families in other HPHA programs whose housing needs cannot be met within their own program's inventory.

E. Chapter 17-2035, HAR, is substantially based upon Chapter 15-186, HAR, which was repealed when the HPHA's administrative rules for the State-Aided Elderly Public Housing Program were moved from Title 15 to Title 17, HAR.

II. DISCUSSION

A. Across all HPHA-administered public housing programs, a family's request to transfer to a dwelling unit with certain accessibility features is reviewed and approved/disapproved under the Board-adopted Reasonable Accommodation and Modification Policy and applicable laws and regulations. If an appropriate dwelling unit is not available within a tenant's current program, the family must wait until one becomes available, which in some cases can take more than a year.

B. The proposed amendments would allow such a family to apply to the State-Aided Elderly Public Housing Program and be placed on a waiting list for admission to the program even if the waiting list is closed. Proposed amendments would also allow the family to be offered the next available and appropriate dwelling unit before other applicants without a special preference. The proposed change would allow the HPHA to use its State-Aided Elderly Public Housing inventory to meet the needs of other HPHA-assisted families that cannot be accommodated within their current programs.

C. The proposed amendments would also make a special preference available to a family in another HPHA program that: (a) is involuntarily displaced due to modernization or redevelopment activity, or due to an emergency that poses an immediate threat to the family's life, health, or safety; (b) includes a member who is a victim of domestic violence or assault, and the family cannot be safely transferred within its current program; or (c) is under-housed, and an appropriately sized dwelling unit is not available within its current program.

D. A family with a special preference would still need to meet the eligibility requirements for admission set forth in section 17-2035-21, including qualifying as an elderly family. A special preference would not allow an otherwise ineligible family to be admitted to the State-Aided Elderly Public Housing Program.

E. The specific proposed amendments to Chapter 17-2035, HAR, are as follows:

1. Amend section 17-2035-20(a)(2) to restore the phrase "and been evicted from the project since March 1, 1985," which was

inadvertently deleted when the rules were moved from Title 15 to Title 17.

2. Adopt section 17-2035-30.01, which allows a family that claims and verifies a special preference to apply to the State-Aided Elderly Public Housing Program and be placed on a waiting list regardless of whether the waiting list is closed.

   a. Subsection (a) establishes that a special preference may be granted to a family participating in another housing program administered by the HPHA that:

      i. Is involuntarily displaced for reasons including but not limited to relocation due to modernization or redevelopment activity, or an emergency where the conditions of the family's dwelling unit, building, or project pose an immediate threat to the life, health, or safety of the family, and the family cannot be relocated to another dwelling unit within the same program that meets its needs;

      ii. Is approved for a transfer as a reasonable accommodation to a dwelling unit with certain accessibility features, and the HPHA does not have an appropriate dwelling unit within the other program's inventory that meets the family's needs, or the family has waited for over one year and an appropriate dwelling unit within the other program's inventory has not become available;

      iii. Includes a member who is a victim of domestic violence or assault, and the family cannot be transferred safely to another dwelling unit within the other program; or

      iv. Is under-housed, and the HPHA does not have an appropriately sized dwelling unit within the other program's inventory.

   b. Subsection (b) requires that a family with a special preference meet the eligibility requirements set forth in section 17-2035-21 prior to admission.

   c. Subsection (c) provides that an applicant with a verified special preference shall be offered a dwelling unit before an applicant without a verified special preference.

3. Delete section 17-2035-43(c), which provides that a tenant aggrieved by reexamination results may request a hearing pursuant to the grievance procedures set forth in Chapter 17-2021, HAR. The federal grievance procedures do not apply to the State-Aided Elderly Public Housing Program.

4. Make technical, non-substantive changes to section 17-2035-2 for the purposes of clarity, consistency, and style. The definition of "veteran" is also being deleted because it is not used anywhere in the chapter.

F. 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.

G. 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	November 5, 2026
Request Governor approval of public hearing	November 13, 2026
Receive Governor's approval	On or after December 4, 2026
Publish hearing notice in newspapers (30-day notice)	On or after December 17, 2026
Public Hearing	On or after January 19, 2027
Final Board approval / transmit to Governor	On or after January 21, 2027
Rules effective	On or after March 21, 2027

H. 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.

(End of Section)

III. RECOMMENDATION

That the Board of Directors: **(1)** Adopt Proposed Changes to Chapter 17-2035, Hawaii Administrative Rules (HAR), Entitled "State-Aided Elderly Public Housing Projects", As Follows:

(A) Amend Section 17-2035-20 to Restore Language Which Provides That an Applicant Is Ineligible for Admission If the Applicant Previously Lived in a Housing Project and Was Evicted from the Project Since March 1, 1985;

(B) Adopt Section 17-2035-30.01 to Allow a Family Participating in Another Housing Program Administered by the Hawaii Public Housing Authority That Claims and Verifies a Special Preference to Apply to the State-Aided Elderly Public Housing Program and Be Placed on a Waiting List Regardless of Whether the Waiting List Is Closed; to Require Such a Family to Meet the Eligibility Requirements for Admission; to Provide That an Applicant with a Verified Special Preference Shall Be Offered a Dwelling Unit Before an Applicant Without a Verified Special Preference; and to Establish That a Special Preference May Be Granted to Such a Family That:

  (i) Is Involuntarily Displaced Due to Modernization or Redevelopment Activity, or Due to an Emergency That Poses an Immediate Threat to the Life, Health, or Safety of the Family;

  (ii) Is Approved for a Reasonable Accommodation Transfer to a Dwelling Unit with Certain Accessibility Features, and an Appropriate Dwelling Unit Is Not Available Within the Other Program's Inventory or the Family Has Waited Over One Year for Such a Unit;

  (iii) Includes a Member Who Is a Victim of Domestic Violence or Assault, and Cannot Be Safely Transferred Within the Other Program; or

  (iv) Is Under-Housed, and an Appropriately Sized Dwelling Unit Is Not Available Within the Other Program's Inventory;

(C) Delete Section 17-2035-43(c), Which Refers State-Aided Elderly Public Housing Tenants to the Grievance Procedure in Chapter 17-2021, HAR, Which Does Not Apply to State-Aided Public Housing Projects; and

(D) Make Technical, Non-Substantive Changes to Section 17-2035-2 for the Purposes of Clarity, Consistency, and Style; 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. 25-04 to Implement the Revision of Chapter 17-2035, Hawaii Administrative Rules, Including Making Non-Substantive Revisions to Formatting as May Be Required

Attachment A: Proposed Draft of Chapter 17-2035, HAR, in Ramseyer Format
Attachment B: Proposed Draft of Chapter 17-2035, 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

DEPARTMENT OF HUMAN SERVICES

Amendment and Compilation of Chapter 17-2035
Hawaii Administrative Rules

November 5, 2026

1. Chapter 17-2035, Hawaii Administrative Rules, entitled "State-Aided Elderly 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 2035

STATE-AIDED ELDERLY PUBLIC HOUSING PROJECTS

Subchapter 1 General Provisions

§17-2035-1 Purpose
§17-2035-2 Definitions
§17-2035-3 Income limits

§17-2035-4 Asset transfers
§17-2035-5 Occupancy standards
§17-2035-6 Verification of information
§17-2035-7 Misrepresentation
§§17-2035-8 to 17-2035-19 (Reserved)

Subchapter 2 Eligibility

§17-2035-20 Applicants
§17-2035-21 Eligibility for admission
§17-2035-22 Notification of eligibility
§§17-2035-23 to 17-2035-29 (Reserved)

Subchapter 3 Tenant Selection

§17-2035-30 Nondiscrimination
§17-2035-30.01 Special admission and exception for families with a special preference
§17-2035-31 Waiting list
§17-2035-32 Removal from waiting list
§17-2035-33 Closing the waiting list
§17-2035-34 Offers
§17-2035-35 Occupancy of accessible dwelling units
§§17-2035-36 to 17-2035-39 (Reserved)

Subchapter 4 Occupancy and Rental Agreement

§17-2035-40 Rental agreement
§17-2035-41 Eligibility for continued occupancy
§17-2035-42 Reexamination
§17-2035-43 Reexamination results
§17-2035-44 Special reexamination
§17-2035-45 Interim rent adjustment
§17-2035-46 Tenant transfers
§17-2035-47 Backcharges
§17-2035-48 Rental agreement termination
§§17-2035-49 to 17-2035-59 (Reserved)

Subchapter 5 Rent and Security Deposits

§17-2035-60 Security deposit
§17-2035-61 Minimum rents
§17-2035-62 Rent
§§17-2035-63 to 17-2035-69 (Reserved)

Subchapter 6 Miscellaneous Provisions

§17-2035-70 Severability

Historical Note: This chapter is substantially based upon chapter 17-535 [Eff 01/01/81; am and comp 02/11/85; am and comp 05/26/98; R 12/01/03], and chapter 15-186 [Eff 12/01/03; R 02/25/24]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-2035-1 Purpose. These rules are adopted under chapter 91, HRS, and shall govern the admission to and the continued occupancy of state-aided elderly public housing projects owned or operated by the Hawaii public housing authority. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-2 Definitions. As used in these rules, except otherwise required by context:

"Accessible dwelling unit" means an apartment which 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 an apartment which meets the requirements of applicable standards that address the particular disability or impairment of an individual.

"Adjusted income" means annual income less [~~than~~] the following deductions:

(1) For any elderly family that has no disability assistance expenses, an allowance for medical expenses exceed three percent of annual income;

(2) For an elderly family that has no disability assistance expenses greater than or equal to three percent of annual income, an allowance for disability assistance expenses computed in accordance with paragraph (3) of this section, plus an allowance for medical expenses that is equal to the family's medical expenses; or

(3) For an elderly family that has disability assistance expenses that are less than three

percent of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the amount by which the sum of these expenses exceeds three percent of annual income.

"Annual income" means all income from any source before deductions or exemptions, anticipated to be received during the twelve-month period following admission or redetermination of annual income, as the case may be, by all persons occupying, or who are temporarily separated from the household. Annual income does not include amounts specifically paid to the household for or in reimbursement of the cost of medical expenses for any household member.

"Applicant" means a person or a family that has applied for housing assistance.

"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. The value of necessary items of personal property such as furniture and automobiles shall be excluded. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.

"Authority" means the Hawaii public housing authority.

"Disability" means having a physical or mental impairment which substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment. The term does not include current illegal use or addiction to a controlled substance or alcohol or drug abuse that threatens the property or safety of others.

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

"Elder" or "elderly" means a person who is a resident of the State and has attained the age of sixty-two years.

"Elder or elderly household" means a household in which at least one member is sixty-two years of age, the spouse or partner has attained the age of majority, and the remaining members have attained the age of fifty-five years at the time of application to the project. A live-in aide shall cease to be a resident therein upon the recovery of, or removal from the project of, the elder.

"Elder or elderly housing" means:

(1) A housing project intended for and occupied by elder or elderly households; or

(2) Housing provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elder or elderly persons, or if the Secretary makes a determination, the project may also be occupied by persons with disabilities who have reached the age of majority.

"Housing projects" means those rental projects owned, [~~and~~] operated, or both, by the authority.

"HRS" means the Hawaii Revised Statutes.

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

"Live-in aide" means a person who:

(1) Is eighteen years of age or older;

(2) Is living in the unit solely to assist the elder or elderly person in daily living activities including bathing, meal preparation and delivery, medicinal care, transportation, and physical activities;

(3) Is not legally obligated to support the elder or elderly person; and

(4) Is verified by the authority as meeting these requirements.

"Refusal of an offer" means an applicant declines an offer made by the authority for a specific unit from any waiting list or an applicant's failure to

respond to a written offer from the authority for a specific unit within the time specified in the offer.

"Rent" means the monthly charge to a tenant for the use of a dwelling unit.

"Rental agreement" means the agreement containing the conditions of occupancy entered into by the tenant and authority.

"Resident" means a United States citizen or a permanent United States resident who is able to demonstrate his or her intent to reside in Hawaii. 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 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; 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.

"Security deposit" means a deposit required of each tenant prior to admission for the cost of loss or damage of the authority's property (responsible wear and tear excepted) and non-payment of rent.

"Staff" means the employees or agents of the authority.

"State-aided elderly public housing projects" means the elderly housing projects which are owned by the authority including Hale Po‘ai, Laiola, Kamalu, Hoolulu, and Halia Hale.

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

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

[~~"Veteran" means any person who has served in any of the armed services of the United States, or any person who is now a citizen of the United States who has served in any of the armed services of any country which was an ally of the United States in any war or campaign in which the United States was also engaged~~

~~in. "Veteran" includes any person who served in the military or naval forces of the United States during World War II and who has been discharged or released therefrom under conditions other than dishonorable. The term "veteran" includes Filipino World War II veterans who served honorably in an active-duty status under the command of the United States Armed Forces in the Far East (USAFFE), or within the Philippine Army, the Philippine Scouts, or recognized guerilla units. The Filipino World War II veterans must have served at any time between September 1, 1869, and December 31, 1946; been born in the Philippines and resided in the Philippines prior to the military service.~~]
[Eff 02/25/24; am and comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-1, 356D-4, 356D-71, 515-2)

§17-2035-3 Income limits. Admission to a housing project is based on the applicant's or tenant's adjusted household income which shall not exceed sixty percent of the median income limits as most recently determined by the calculation using the method set forth in exhibit A located at the end of this chapter. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-4 Asset transfers. (a) All assets transferred or assigned to another person, within a twenty-four-month period prior to submitting an application, shall be included in determining an applicant's assets.

(b) The value of the assets shall be based on the fair market value. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-5 Occupancy standards. Applicant and tenant shall abide by the occupancy standards for the admission and continued occupancy in housing projects as prescribed by exhibit B, entitled OCCUPANCY GUIDELINES, a copy of which is attached and located at the end of this chapter. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-6 Verification of information. An applicant or tenant shall provide documentation to verify information upon request of the staff. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-7 Misrepresentation. An applicant may be denied admission to a housing project or a tenant's rental agreement may be terminated if the applicant or tenant has submitted false information, withheld information, or made willful misstatements. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§§17-2035-8 to 17-2035-19 (Reserved)

SUBCHAPTER 2

ELIGIBILITY

§17-2035-20 Applicants. (a) A person seeking admission to a housing project shall:

(1) Be a resident of the State of Hawaii;

(2) Not have previously lived in a housing project and been evicted from the project since March 1, 1985;

(3) Not have an outstanding debt owed to the authority as a participant in any of its programs; and

(4) Meet the occupancy standards as set forth in exhibit B, entitled OCCUPANCY STANDARDS, a copy of which is attached and located at the end of this chapter.

(b) A person seeking admission to a housing project must submit a completed application form as used by the authority. The applicant is permitted to file at any of the authority's intake offices an application for all waiting lists prescribed in section 17-2035-31.

(c) An applicant who has misrepresented material information shall not be eligible to file an application with the authority for twelve months from the date of written notification from the authority. [Eff 02/25/24; am and comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-21 Eligibility for admission. To be eligible for admission to a housing project, an applicant and household members shall meet the requirements set forth in section 17-2035-20, and shall:

(1) Qualify as an elderly family;

(2) Have an income which does not exceed the applicable income limit;
(3) Have assets which do not exceed the applicable limit;
(4) Not own a majority interest in fee simple or leasehold lands suitable for dwelling purposes, or a majority interest in lands under any trust agreement or other fiduciary arrangement in which another person holds the legal title to such land;
(5) Not have a record of conduct or behavior within three years of the projected date of admission which may be detrimental to the project, its tenants, or employees;
(6) Not have a recent history of criminal activity involving crimes to persons or property or other criminal acts that may adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents. For purposes of this subsection, 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;
(7) Not have been evicted from any of the authority's housing programs for drug-related criminal activity for three years. For the purposes of this subsection, in determining eligibility, the authority shall consider whether the evicted applicant or household member has successfully completed a rehabilitation program approved by the authority, or whether the circumstances leading to eviction no longer exist. This subsection does not apply to an applicant or household member ineligible under section 17-2035-20(a)(2);
(8) Not engage in any drug-related criminal activity or violent criminal activity. For

the purposes of this subsection, "violent criminal activity" means any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another;

(9) Not engage in the illegal use of a controlled substance or give the authority reasonable cause to believe that the illegal use of a controlled substance, pattern of illegal use, abuse of alcohol, or pattern of abuse may interfere with the health, safety of the residents, or right to peaceful enjoyment of the premises by other residents;

(A) For the purposes of this subsection, "reasonable cause to believe" means by a preponderance of the evidence;

(B) For the purposes of this subsection, in determining whether to deny eligibility based on a pattern of illegal use of a controlled substance 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), effective October 1, 1999, a copy of which is attached as exhibit C and located at the end of this chapter;

(10) Not be subject to any lifetime requirement in any state for any state sex offenders program;

(11) Provide a social security number for all household members or certify that the person does not have a social security number; and

(12) Furnish evidence that the applicant is a citizen of the United States or a resident alien. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-22 Notification of eligibility. (a) An applicant shall be notified in writing by the staff as to the applicant's eligibility after a determination is made and the notification shall specifically state the reasons for determination.

(b) An eligible applicant shall be placed on a waiting list.

(c) An ineligible applicant may request an informal hearing within fourteen days after date of the written notification. The informal hearing shall be conducted by someone other than the person or the person's subordinates who made or approved the decision. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§§17-2035-23 to 17-2035-29 (Reserved)

SUBCHAPTER 3

TENANT SELECTION

§17-2035-30 Nondiscrimination. Tenant selection and assignment shall be made without regard to race, sex, color, religion, marital status, familial status, ancestry, disability, or HIV (human immunodeficiency virus) infection. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71, 515-3)

§17-2035-30.01 Special admission and exception for families with a special preference. (a) A family that claims and verifies a special preference may apply to the state-aided elderly public housing program and be placed on a waiting list regardless of whether the waiting list is closed. A special preference may be granted to:

(1) A family participating in another housing program administered by the authority that is involuntarily displaced for reasons including but not limited to:
   (A) Relocation due to modernization or redevelopment activity; or
   (B) An emergency where the conditions of the family's dwelling unit, building, or project pose an immediate threat to the life, health, or safety of the family, and the family cannot be relocated to another dwelling unit within the same program that meets its needs;
(2) A family participating in another housing program administered by the authority that is approved for a transfer as a reasonable

accommodation to a dwelling unit with certain accessibility features, and:

(A) The authority does not have an appropriate dwelling unit within the other program's inventory that meets the family's needs; or

(B) The family has waited for over one year, and an appropriate dwelling unit within the other program's inventory has not become available;

(3) A family participating in another housing program administered by the authority that includes a member who is a victim of domestic violence or assault, and the family cannot be transferred safely to another dwelling unit within the other program; or

(4) A family participating in another housing program administered by the authority that is under-housed, and the authority does not have an appropriately sized dwelling unit within the other program's inventory.

(b) A family with a special preference for the state-aided elderly public housing program shall meet the eligibility requirements set forth in section 17-2035-21 prior to admission.

(c) An applicant with a verified special preference shall be offered a dwelling unit before an applicant without a verified special preference. [Eff and comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-31 Waiting list. (a) The authority shall maintain a waiting list of all apparently eligible applicants for each of the following geographic locations:

(1) Urban Honolulu;

(2) Central Oahu/Wahiawa; and

(3) Central Oahu/Waipahu.

(b) Applicants shall be notified of the opportunity to apply for and be placed on any and all

waiting lists through notices posted in a conspicuous place at the authority's offices which accept applications and a printed statement in the authority's informational material on its application process.

(c) Placement of applicants on the waiting list shall be based upon the following:

(1) Geographic location;

(2) Size of dwelling unit required based on occupancy standards;

(3) Type of dwelling unit required (e.g., accessible for persons with disabilities);

(4) Date and time of application's receipt.

(d) An applicant must notify the authority of any change, which will affect applicant's place on the waiting list and the authority's ability to contact applicant. Changes include, but are not limited to, family status, financial status, mailing address, and current residence.

(e) An applicant may continue to be on the waiting list even though applicant is a tenant in or receiving housing assistance from another housing program. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-32 Removal from waiting list. An applicant shall not be removed from the waiting list unless:

(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 17-2035-21;

(4) The applicant fails to respond to the authority's reasonable contact efforts. Correspondence to the last known address

will constitute reasonable effort to contact;

(5) The applicant fails without good cause to keep a scheduled interview or to provide requested information necessary to determine eligibility; or

(6) The applicant misrepresents any material information to the authority in the application or otherwise. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-33 Closing the waiting list. (a) the authority, at its discretion, may restrict acceptance of applications, and close the 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 publicly announce any closure and reopening of the application process.

(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 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-34 Offers. (a) An applicant shall be afforded only one offer to rent a suitable unit. The offer shall be based on what is available in a requested housing project on the day of the offer. If there is more than one suitable unit available on the day of the offer, the unit offered shall be the one with the earliest vacancy date.

(b) Offers to eligible applicants shall be made in sequence based upon the following:

(1) Geographic location;

(2) Size of the dwelling unit required;

(3) Type of dwelling unit required (e.g., accessible units for the mobility, hearing or visually impaired);
(4) Factors affecting priorities and preferences as established by the authority; and
(5) Date and time the application was received.

(c) Upon refusal of an offer, without good cause, the applicant's name will be moved to the bottom of all waiting lists on which the applicant's name has been placed.

(d) An applicant shall not be considered to have been offered a unit if an offer has been declined for good cause. Good cause may include, but is not limited to the following:

(1) The 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 unit that is awaiting a person with disabilities applicant needing such a unit);
(2) The unit offered is unsuitable for health and safety reasons for the applicant;
(3) The applicant is unable to move at the time of the offer and presents clear evidence which substantiates this to the authority's satisfaction, such as:
    (A) A doctor verifies that the applicant has just undergone major surgery and needs a period to recuperate;
    (B) A court verifies that the applicant is serving on a jury which has been sequestered;
    (C) A landlord verifies that the applicant has an existing lease 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., where current employment or day care facilities

are inaccessible). [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-35 Occupancy of accessible dwelling units. The authority shall take the following nondiscriminatory steps to maximize the utilization of accessible units by eligible individuals whose disability requires the accessibility features of the particular unit.

(a) When an accessible unit becomes vacant, the authority shall, before offering such units to an applicant without disabilities, offer the unit:

(1) First, to a current occupant of another unit of the same project or other projects within the same housing program, having disabilities requiring the accessibility features of the vacant unit and occupying a unit not having such features, or, if no such occupant exists, then

(2) Second, to an eligible qualified applicant on the waiting list having a disability requiring the accessibility features of the vacant unit.

(b) When an applicant who is not disabled accepts a unit with accessibility features, the applicant shall transfer to a non-accessible unit when one becomes available. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§§17-2035-36 to 17-2035-39 (Reserved)

SUBCHAPTER 4

OCCUPANCY AND RENTAL AGREEMENT

§17-2035-40 Rental agreement. (a) A tenant shall enter into a rental agreement with the authority which sets forth the conditions of occupancy for the tenant.

(b) No tenant shall be permitted to remain in a housing project without a valid rental agreement. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-41 Eligibility for continued occupancy. (a) To be eligible for continued occupancy in an elderly housing project, the tenant shall:

(1) Qualify as an elderly household;

(2) Conform to the occupancy standards;

(3) Not have a record of conduct or behavior which may be detrimental to the project, its tenants or employees; and

(4) Not have an adjusted income which exceeds the applicable income limits for continued occupancy which are set forth in section 17-2035-3. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-42 Reexamination. At least once every twelve months, 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. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-43 Reexamination results. (a) A tenant shall be given written notification within a reasonable time, after determination by the staff, of both the tenant's eligibility for continued occupancy and rent schedule.

(b) A tenant found ineligible for continued occupancy by the staff shall be required to vacate the dwelling unit.

[~~(c) A tenant aggrieved by the reexamination results may request a hearing pursuant to the authority's grievance procedure as provided in chapter 17-2021, Hawaii Administrative Rules.~~] [Eff 02/25/24; am and comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-44 Special reexamination. If at the time of admission or reexamination, a family's income cannot be reasonably determined for the next twelve months, a special reexamination shall be scheduled within three months. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-45 Interim rent adjustment. (a) If applicable, the authority may adjust a tenant's rent between reexaminations if a tenant reports a change in family income.

(b) Adjustments, reflecting a lower rent, shall be made effective on the first of the month following the month the report was made.

(c) A tenant who has obtained a decrease in rent under this section, shall report all income increases which occur prior to the next reexamination 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.

(d) 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.

(e) 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 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-46 Tenant transfers. (a) Tenant transfers will be made without regard to race, sex, color, religion, marital status, familial status, ancestry, disability, or HIV (human immunodeficiency virus) infection.

(b) The authority may transfer a tenant 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 or interim reexamination;

(2) To preserve the purpose for which a project or unit was specifically developed or designed such as to meet the needs of the elderly, or a person with disabilities;

(3) To meet a verifiable health or safety need; or

(4) For economic reasons affecting the tenant or the authority.

(c) Tenant transfers shall take priority over new admissions.

(d) Tenant shall be afforded one offer to transfer to a unit that meets the criteria set forth in subsection (b) within the same housing project in which the tenant resides. If such unit is not

available, tenant may then be offered a unit in another housing project under the control of the management unit. If such unit is not available, tenant may then be offered a suitable unit on the island on which tenant resides. Declining an offer to transfer for good cause as determined by the authority shall not be considered a refusal.

(e) Tenant shall not be transferred during periods when eviction proceedings have been initiated or are in process against such tenant or during any period of conditional deferment of eviction action against such tenant.

(f) Tenant who is not current with rent or other charges and who does not have an approved payment arrangement will not be transferred until the situation is resolved to the satisfaction of the authority.

(g) The authority may terminate the rental agreement of a tenant who refuses to transfer as required by the authority. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-47 Backcharges. A tenant shall pay in full any backcharges within one hundred eighty days after being notified by the staff of the backcharge. Failure to do so shall result in the termination of the rental agreement for non-payment of rent. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-48 Rental agreement termination. (a) A tenant shall give the authority at least twenty-eight days written notice that the tenant will vacate the tenant's unit prior to the vacate date.

(b) The authority may terminate a rental agreement when a 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;

(2) Engages in the illegal use of a controlled substance;

(3) Whose illegal use of a controlled substance, or abuse of alcohol, is determined by the authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents;

(4) Who the authority determines engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents; or

(5) Who the authority determines engages in any drug-related criminal activity on or off the authority's property.

(c) The authority shall give a tenant written notice of the proposed termination of the rental agreement of not less than:

(1) Fourteen days in the case of failure to pay rent;

(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.

(d) The authority shall terminate a rental agreement in accordance with chapter 356D, HRS. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§§17-2035-49 to 17-2035-59 (Reserved)

SUBCHAPTER 5

RENT AND SECURITY DEPOSITS

§17-2035-60 Security deposit. A tenant shall pay a security deposit, prior to admission to a housing project, 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 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71, 521-44)

§17-2035-61 Minimum rents. (a) In state-aided elderly public housing projects, the minimum rent shall be based upon the number of bedrooms in the dwelling unit.

(b) Exhibit D entitled MINIMUM RENTS FOR STATE-AIDED ELDERLY PROJECTS, a copy of which is attached and located at the end of this chapter sets forth the minimum rents. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-62 Rent. A tenant shall pay 30 percent of adjusted annual income for rent or a minimum rent, as set forth in 17-2035-61, whichever is greater. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§§17-2035-63 to 17-2035-69 (Reserved)

SUBCHAPTER 6

MISCELLANEOUS PROVISIONS

§17-2035-70 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 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §1-23)

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 17-2035, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on August 2, 1982, 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

INCOME LIMITS
Effective October 19, 2023

Income limits are calculated using a set of formula relationships. The first step in calculating the income limits is to calculate a four-person income limit equal to 50 percent of the estimated area median income (or very low-income limit) which is determined by the U.S. Department of Housing and Urban Development. The HUD estimates of median family income are based on the most recent census data estimates updated with a combination of local Bureau of Labor Statistics data and census divisional data. Separate median family income estimates are calculated for all Metropolitan Statistical Areas, Primary Metropolitan Statistical Areas and Metropolitan Counties.

More specifically, the very low-income limit for a four-person family is calculated as follows:

1. 50 percent of the area median family income is calculated and set as the preliminary four-person family income limit;

2. If it is lower, the four-person income limit is increased to the amount at which 35 percent of it equals 85 percent of the annualized two-bedroom Section 8 FMR (this adjusts income limits upward for areas where rental housing costs are unusually high in relation to the median income).

3. If it is higher, the four-person income limit is reduced to the amount at which 30 percent of it equals 120 percent of the two-bedroom FMR (this adjusts income limits downward for areas where rental housing costs are unusually low in relation to the median income);

4. To minimize program management problems, income limits are being held at the most recent fiscal year levels in areas where the FMR reductions would have resulted in lower income limits; and

5. In no instance are income limits less than if based on the State non-metropolitan median family income level.

60 Percent of Median Income Limits
The 60 percent income limits are calculated as 120 percent of the very low-income limits.

Family Size Adjustments:
Family size adjustments are made to provide higher income limits for larger families and lower income limits for smaller families. The factors used are as follows:

Number of Persons in Family and Percentage Adjustments

1	2	3	4	5	6	7	8
70%	80%	90%	Base	108%	116%	124%	132%

Income limits for families with more than eight persons are not included in the printed lists because of space limitations. For each person in excess of eight, 8 percent of the four-person base should be added to the eight-person income limit. (For example, the nine-person limit equals 140 percent [132 + 8] of the relevant four-person income limit.) All income limits are rounded to the nearest $50 to reduce administrative burden.

Income Limits for Admissions and Continued Occupancy
Based upon the foregoing methodology, the following table sets forth the calculated income limits for admissions and continued occupancy in State-aided elderly public housing. These income limits are adjusted periodically whenever the HUD estimates of

area median income are revised and are, therefore, subject to change.

Income and Asset Limits for Admission
Effective October 19, 2023

	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
City & County of Honolulu	$27,360	$31,320	$35,220	$39,120	$42,240	$45,360	$48,480	$51,660
County of Hawaii	23,160	26,460	29,760	33,060	35,700	38,340	40,980	43,620
County of Kauai	27,120	31,020	34,860	38,760	41,880	44,940	48,060	51,180
County of Maui	28,500	32,580	36,660	40,740	43,980	47,280	50,520	53,760

EXHIBIT B

Occupancy Standards and Guidelines
Effective October 19, 2023

In determining the appropriate dwelling unit size for assistance, the following criteria shall be applied:

1. The smallest unit suitable for the household shall be considered and each bedroom shall be occupied by at least one person.

2. The dwelling unit shall permit up to the maximum number of persons to occupy the unit in accordance with prevailing zoning, and county building, health, and fire codes.

3. Residential Occupancy Standards shall be:

   I. City and County of Honolulu

      A. One (1) or more rooms

         1. A room for living purposes (minimum 120 square feet (sq. ft.))

         2. Other habitable room (minimum 70 sq. ft.) excludes kitchen

         3. Add 50 square feet for each occupant in excess of two. For example:

Floor Area (sq. ft.)	# of Occupants
70	2
120	3
170	4
220	5
270	6
320	7

B. Efficiency Units (Studios)

1. A living room (minimum 220 sq. ft.) –must have a separate closet, kitchen sink, cooking appliance, separate bathroom and refrigeration facilities; each having a clear working space of not less than 30 inches in front, and

2. Add 100 sq. ft., for each occupant in excess of two.
For example:

Floor Area (sq. ft.)	# of Occupants
220	2
320	3
420	4
520	5

II. County of Maui

A. One (1) or more rooms

1. A room for living purposes (minimum 120 sq. ft.)

2. Every room used for both cooking/living or living/sleeping purposes shall have a room used for sleeping purposes (minimum size is 120 sq. ft.).

3. Every <u>other</u> room used for sleeping purposes (minimum 70 sq. ft. for 1st occupant).

4. And add 50 sq. ft. for each additional occupant.

For example:

Floor Area (sq. ft.)	# of Occupants
70	1
120	2
170	3
220	4

B. Efficiency Units (Studios)

1. A living room (minimum 220 sq. ft.) –must have a separate dressing closet, kitchen sink, bathroom, kitchenette (no less than 3x5 feet in size and equipped with a tenant-operated electric exhaust fan connected to the outside air, sink, cooking appliance and refrigeration facilities).

2. Add 100 sq. ft., for each occupant in excess of two.
For example:

Floor Area (sq. ft.)	# of Occupants
220	2
320	3
420	4
520	5

III. County of Kauai

Dwelling units and congregate residences
1. One room (minimum 120 sq. ft.)
2. Other habitable rooms (excludes kitchen) (minimum 70 sq. ft.).

Note: 1997 UBC does not address # of occupants allowable per square footage.

B. Efficiency Units (Studios)

1. A living room (minimum 220 sq. ft.) –must have a separate closet, kitchen sink, cooking appliance, separate bathroom, and refrigeration facilities; each having a clear working space of not less than 30 inches in front; and

2. Add 100 sq. ft., for each occupant in excess of two.
For example:

Floor Area (sq. ft.)	# of Occupants
220	2
320	3
420	4
520	5

IV. County of Hawaii

A. Occupancy Load factor – 300 sq. ft. per person based on gross square footage of unit.

EXHIBIT C

42 U.S.C. §13661(b)(2)(A)-(C)

EXHIBIT D

Minimum Rents for
State-Aided Elderly Public Housing Projects
Effective October 19, 2023

The minimum monthly rents for all tenants of State-aided elderly projects are as follows:

Bedroom Size	Minimum Rent
0 BR	$170
1 BR	$195

DEPARTMENT OF HUMAN SERVICES

Amendment and Compilation of Chapter 17-2035
Hawaii Administrative Rules

November 5, 2026

SUMMARY

1. §17-2035-2 is amended.

2. §17-2035-20 is amended.

3. A new §17-2035-30.01 is added.

4. §17-2035-43 is amended.

5. Chapter 17-2035 is compiled

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER 2035

STATE-AIDED ELDERLY PUBLIC HOUSING PROJECTS

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Subchapter 6 Miscellaneous Provisions

§17-2035-70 Severability

Historical Note: This chapter is substantially based upon chapter 17-535 [Eff 01/01/81; am and comp 02/11/85; am and comp 05/26/98; R 12/01/03], and chapter 15-186 [Eff 12/01/03; R 02/25/24]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-2035-1 Purpose. These rules are adopted under chapter 91, HRS, and shall govern the admission to and the continued occupancy of state-aided elderly public housing projects owned or operated by the Hawaii public housing authority. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-2 Definitions. As used in these rules, except otherwise required by context:

"Accessible dwelling unit" means an apartment which 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 an apartment which meets the requirements of applicable standards that address the particular disability or impairment of an individual.

"Adjusted income" means annual income less the following deductions:

(1) For any elderly family that has no disability assistance expenses, an allowance for medical expenses exceed three percent of annual income;

(2) For an elderly family that has no disability assistance expenses greater than or equal to three percent of annual income, an allowance for disability assistance expenses computed in accordance with paragraph (3) of this section, plus an allowance for medical expenses that is equal to the family's medical expenses; or

(3) For an elderly family that has disability assistance expenses that are less than three

percent of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the amount by which the sum of these expenses exceeds three percent of annual income.

"Annual income" means all income from any source before deductions or exemptions, anticipated to be received during the twelve-month period following admission or redetermination of annual income, as the case may be, by all persons occupying, or who are temporarily separated from the household. Annual income does not include amounts specifically paid to the household for or in reimbursement of the cost of medical expenses for any household member.

"Applicant" means a person or a family that has applied for housing assistance.

"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. The value of necessary items of personal property such as furniture and automobiles shall be excluded. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.

"Authority" means the Hawaii public housing authority.

"Disability" means having a physical or mental impairment which substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment. The term does not include current illegal use or addiction to a controlled substance or alcohol or drug abuse that threatens the property or safety of others.

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

"Elder" or "elderly" means a person who is a resident of the State and has attained the age of sixty-two years.

"Elder or elderly household" means a household in which at least one member is sixty-two years of age, the spouse or partner has attained the age of majority, and the remaining members have attained the age of fifty-five years at the time of application to the project. A live-in aide shall cease to be a resident therein upon the recovery of, or removal from the project of, the elder.

"Elder or elderly housing" means:

(1) A housing project intended for and occupied by elder or elderly households; or

(2) Housing provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elder or elderly persons, or if the Secretary makes a determination, the project may also be occupied by persons with disabilities who have reached the age of majority.

"Housing projects" means those rental projects owned, operated, or both, by the authority.

"HRS" means the Hawaii Revised Statutes.

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

"Live-in aide" means a person who:

(1) Is eighteen years of age or older;

(2) Is living in the unit solely to assist the elder or elderly person in daily living activities including bathing, meal preparation and delivery, medicinal care, transportation, and physical activities;

(3) Is not legally obligated to support the elder or elderly person; and

(4) Is verified by the authority as meeting these requirements.

"Refusal of an offer" means an applicant declines an offer made by the authority for a specific unit from any waiting list or an applicant's failure to

respond to a written offer from the authority for a specific unit within the time specified in the offer.

"Rent" means the monthly charge to a tenant for the use of a dwelling unit.

"Rental agreement" means the agreement containing the conditions of occupancy entered into by the tenant and authority.

"Resident" means a United States citizen or a permanent United States resident who is able to demonstrate his or her intent to reside in Hawaii. 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 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; 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.

"Security deposit" means a deposit required of each tenant prior to admission for the cost of loss or damage of the authority's property (responsible wear and tear excepted) and non-payment of rent.

"Staff" means the employees or agents of the authority.

"State-aided elderly public housing projects" means the elderly housing projects which are owned by the authority including Hale Poʻai, Laiola, Kamalu, Hoolulu, and Halia Hale.

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

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

[Eff 02/25/24; am and comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-1, 356D-4, 356D-71, 515-2)

§17-2035-3 Income limits. Admission to a housing project is based on the applicant's or tenant's adjusted household income which shall not exceed sixty percent of the median income limits as most recently determined by the calculation using the method set forth in exhibit A located at the end of this chapter. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-4 Asset transfers. (a) All assets transferred or assigned to another person, within a twenty-four-month period prior to submitting an application, shall be included in determining an applicant's assets.

(b) The value of the assets shall be based on the fair market value. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-5 Occupancy standards. Applicant and tenant shall abide by the occupancy standards for the admission and continued occupancy in housing projects as prescribed by exhibit B, entitled OCCUPANCY GUIDELINES, a copy of which is attached and located at the end of this chapter. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-6 Verification of information. An applicant or tenant shall provide documentation to verify information upon request of the staff. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-7 Misrepresentation. An applicant may be denied admission to a housing project or a tenant's rental agreement may be terminated if the applicant or tenant has submitted false information, withheld information, or made willful misstatements. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§§17-2035-8 to 17-2035-19 (Reserved)

SUBCHAPTER 2

ELIGIBILITY

§17-2035-20 Applicants. (a) A person seeking admission to a housing project shall:

(1) Be a resident of the State of Hawaii;

(2) Not have previously lived in a housing project and been evicted from the project since March 1, 1985;

(3) Not have an outstanding debt owed to the authority as a participant in any of its programs; and

(4) Meet the occupancy standards as set forth in exhibit B, entitled OCCUPANCY STANDARDS, a copy of which is attached and located at the end of this chapter.

(b) A person seeking admission to a housing project must submit a completed application form as used by the authority. The applicant is permitted to file at any of the authority's intake offices an application for all waiting lists prescribed in section 17-2035-31.

(c) An applicant who has misrepresented material information shall not be eligible to file an application with the authority for twelve months from the date of written notification from the authority. [Eff 02/25/24; am and comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-21 Eligibility for admission. To be eligible for admission to a housing project, an applicant and household members shall meet the requirements set forth in section 17-2035-20, and shall:

(1) Qualify as an elderly family;

(2) Have an income which does not exceed the applicable income limit;
(3) Have assets which do not exceed the applicable limit;
(4) Not own a majority interest in fee simple or leasehold lands suitable for dwelling purposes, or a majority interest in lands under any trust agreement or other fiduciary arrangement in which another person holds the legal title to such land;
(5) Not have a record of conduct or behavior within three years of the projected date of admission which may be detrimental to the project, its tenants, or employees;
(6) Not have a recent history of criminal activity involving crimes to persons or property or other criminal acts that may adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents. For purposes of this subsection, 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;
(7) Not have been evicted from any of the authority's housing programs for drug-related criminal activity for three years. For the purposes of this subsection, in determining eligibility, the authority shall consider whether the evicted applicant or household member has successfully completed a rehabilitation program approved by the authority, or whether the circumstances leading to eviction no longer exist. This subsection does not apply to an applicant or household member ineligible under section 17-2035-20(a)(2);
(8) Not engage in any drug-related criminal activity or violent criminal activity. For

the purposes of this subsection, "violent criminal activity" means any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another;

(9) Not engage in the illegal use of a controlled substance or give the authority reasonable cause to believe that the illegal use of a controlled substance, pattern of illegal use, abuse of alcohol, or pattern of abuse may interfere with the health, safety of the residents, or right to peaceful enjoyment of the premises by other residents;

(A) For the purposes of this subsection, "reasonable cause to believe" means by a preponderance of the evidence;

(B) For the purposes of this subsection, in determining whether to deny eligibility based on a pattern of illegal use of a controlled substance 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), effective October 1, 1999, a copy of which is attached as exhibit C and located at the end of this chapter;

(10) Not be subject to any lifetime requirement in any state for any state sex offenders program;

(11) Provide a social security number for all household members or certify that the person does not have a social security number; and

(12) Furnish evidence that the applicant is a citizen of the United States or a resident alien. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-22 Notification of eligibility. (a) An applicant shall be notified in writing by the staff as to the applicant's eligibility after a determination is made and the notification shall specifically state the reasons for determination.

(b) An eligible applicant shall be placed on a waiting list.

(c) An ineligible applicant may request an informal hearing within fourteen days after date of the written notification. The informal hearing shall be conducted by someone other than the person or the person's subordinates who made or approved the decision. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§§17-2035-23 to 17-2035-29 (Reserved)

SUBCHAPTER 3

TENANT SELECTION

§17-2035-30 Nondiscrimination. Tenant selection and assignment shall be made without regard to race, sex, color, religion, marital status, familial status, ancestry, disability, or HIV (human immunodeficiency virus) infection. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71, 515-3)

§17-2035-30.01 Special admission and exception for families with a special preference. (a) A family that claims and verifies a special preference may apply to the state-aided elderly public housing program and be placed on a waiting list regardless of whether the waiting list is closed. A special preference may be granted to:

(1) A family participating in another housing program administered by the authority that is involuntarily displaced for reasons including but not limited to:
    (A) Relocation due to modernization or redevelopment activity; or
    (B) An emergency where the conditions of the family's dwelling unit, building, or project pose an immediate threat to the life, health, or safety of the family, and the family cannot be relocated to another dwelling unit within the same program that meets its needs;
(2) A family participating in another housing program administered by the authority that is approved for a transfer as a reasonable

accommodation to a dwelling unit with certain accessibility features, and:

(A) The authority does not have an appropriate dwelling unit within the other program's inventory that meets the family's needs; or

(B) The family has waited for over one year, and an appropriate dwelling unit within the other program's inventory has not become available;

(3) A family participating in another housing program administered by the authority that includes a member who is a victim of domestic violence or assault, and the family cannot be transferred safely to another dwelling unit within the other program; or

(4) A family participating in another housing program administered by the authority that is under-housed, and the authority does not have an appropriately sized dwelling unit within the other program's inventory.

(b) A family with a special preference for the state-aided elderly public housing program shall meet the eligibility requirements set forth in section 17-2035-21 prior to admission.

(c) An applicant with a verified special preference shall be offered a dwelling unit before an applicant without a verified special preference. [Eff and comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-31 Waiting list. (a) The authority shall maintain a waiting list of all apparently eligible applicants for each of the following geographic locations:

(1) Urban Honolulu;

(2) Central Oahu/Wahiawa; and

(3) Central Oahu/Waipahu.

(b) Applicants shall be notified of the opportunity to apply for and be placed on any and all

waiting lists through notices posted in a conspicuous place at the authority's offices which accept applications and a printed statement in the authority's informational material on its application process.

(c) Placement of applicants on the waiting list shall be based upon the following:

(1) Geographic location;

(2) Size of dwelling unit required based on occupancy standards;

(3) Type of dwelling unit required (e.g., accessible for persons with disabilities);

(4) Date and time of application's receipt.

(d) An applicant must notify the authority of any change, which will affect applicant's place on the waiting list and the authority's ability to contact applicant. Changes include, but are not limited to, family status, financial status, mailing address, and current residence.

(e) An applicant may continue to be on the waiting list even though applicant is a tenant in or receiving housing assistance from another housing program. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-32 Removal from waiting list. An applicant shall not be removed from the waiting list unless:

(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 17-2035-21;

(4) The applicant fails to respond to the authority's reasonable contact efforts. Correspondence to the last known address

will constitute reasonable effort to contact;

(5) The applicant fails without good cause to keep a scheduled interview or to provide requested information necessary to determine eligibility; or

(6) The applicant misrepresents any material information to the authority in the application or otherwise. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-33 Closing the waiting list. (a) the authority, at its discretion, may restrict acceptance of applications, and close the 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 publicly announce any closure and reopening of the application process.

(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 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-34 Offers. (a) An applicant shall be afforded only one offer to rent a suitable unit. The offer shall be based on what is available in a requested housing project on the day of the offer. If there is more than one suitable unit available on the day of the offer, the unit offered shall be the one with the earliest vacancy date.

(b) Offers to eligible applicants shall be made in sequence based upon the following:

(1) Geographic location;

(2) Size of the dwelling unit required;

(3) Type of dwelling unit required (e.g., accessible units for the mobility, hearing or visually impaired);
(4) Factors affecting priorities and preferences as established by the authority; and
(5) Date and time the application was received.

(c) Upon refusal of an offer, without good cause, the applicant's name will be moved to the bottom of all waiting lists on which the applicant's name has been placed.

(d) An applicant shall not be considered to have been offered a unit if an offer has been declined for good cause. Good cause may include, but is not limited to the following:

(1) The 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 unit that is awaiting a person with disabilities applicant needing such a unit);
(2) The unit offered is unsuitable for health and safety reasons for the applicant;
(3) The applicant is unable to move at the time of the offer and presents clear evidence which substantiates this to the authority's satisfaction, such as:
    (A) A doctor verifies that the applicant has just undergone major surgery and needs a period to recuperate;
    (B) A court verifies that the applicant is serving on a jury which has been sequestered;
    (C) A landlord verifies that the applicant has an existing lease 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., where current employment or day care facilities

are inaccessible). [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-35 Occupancy of accessible dwelling units. The authority shall take the following nondiscriminatory steps to maximize the utilization of accessible units by eligible individuals whose disability requires the accessibility features of the particular unit.

(a) When an accessible unit becomes vacant, the authority shall, before offering such units to an applicant without disabilities, offer the unit:

(1) First, to a current occupant of another unit of the same project or other projects within the same housing program, having disabilities requiring the accessibility features of the vacant unit and occupying a unit not having such features, or, if no such occupant exists, then

(2) Second, to an eligible qualified applicant on the waiting list having a disability requiring the accessibility features of the vacant unit.

(b) When an applicant who is not disabled accepts a unit with accessibility features, the applicant shall transfer to a non-accessible unit when one becomes available. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§§17-2035-36 to 17-2035-39 (Reserved)

SUBCHAPTER 4

OCCUPANCY AND RENTAL AGREEMENT

§17-2035-40 Rental agreement. (a) A tenant shall enter into a rental agreement with the authority which sets forth the conditions of occupancy for the tenant.

(b) No tenant shall be permitted to remain in a housing project without a valid rental agreement. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-41 Eligibility for continued occupancy. (a) To be eligible for continued occupancy in an elderly housing project, the tenant shall:

(1) Qualify as an elderly household;

(2) Conform to the occupancy standards;

(3) Not have a record of conduct or behavior which may be detrimental to the project, its tenants or employees; and

(4) Not have an adjusted income which exceeds the applicable income limits for continued occupancy which are set forth in section 17-2035-3. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-42 Reexamination. At least once every twelve months, 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. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-43 Reexamination results. (a) A tenant shall be given written notification within a reasonable time, after determination by the staff, of both the tenant's eligibility for continued occupancy and rent schedule.

(b) A tenant found ineligible for continued occupancy by the staff shall be required to vacate the dwelling unit. [Eff 02/25/24; am and comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-44 Special reexamination. If at the time of admission or reexamination, a family's income cannot be reasonably determined for the next twelve months, a special reexamination shall be scheduled within three months. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-45 Interim rent adjustment. (a) If applicable, the authority may adjust a tenant's rent between reexaminations if a tenant reports a change in family income.

(b) Adjustments, reflecting a lower rent, shall be made effective on the first of the month following the month the report was made.

(c) A tenant who has obtained a decrease in rent under this section, shall report all income increases which occur prior to the next reexamination 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.

(d) 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.

(e) 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 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-46 Tenant transfers. (a) Tenant transfers will be made without regard to race, sex, color, religion, marital status, familial status, ancestry, disability, or HIV (human immunodeficiency virus) infection.

(b) The authority may transfer a tenant 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 or interim reexamination;

(2) To preserve the purpose for which a project or unit was specifically developed or designed such as to meet the needs of the elderly, or a person with disabilities;

(3) To meet a verifiable health or safety need; or

(4) For economic reasons affecting the tenant or the authority.

(c) Tenant transfers shall take priority over new admissions.

(d) Tenant shall be afforded one offer to transfer to a unit that meets the criteria set forth in subsection (b) within the same housing project in which the tenant resides. If such unit is not available, tenant may then be offered a unit in another housing project under the control of the management unit. If such unit is not available, tenant may then be offered a suitable unit on the

island on which tenant resides. Declining an offer to transfer for good cause as determined by the authority shall not be considered a refusal.

(e) Tenant shall not be transferred during periods when eviction proceedings have been initiated or are in process against such tenant or during any period of conditional deferment of eviction action against such tenant.

(f) Tenant who is not current with rent or other charges and who does not have an approved payment arrangement will not be transferred until the situation is resolved to the satisfaction of the authority.

(g) The authority may terminate the rental agreement of a tenant who refuses to transfer as required by the authority. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-47 Backcharges. A tenant shall pay in full any backcharges within one hundred eighty days after being notified by the staff of the backcharge. Failure to do so shall result in the termination of the rental agreement for non-payment of rent. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-48 Rental agreement termination. (a) A tenant shall give the authority at least twenty-eight days written notice that the tenant will vacate the tenant's unit prior to the vacate date.

(b) The authority may terminate a rental agreement when a 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;

(2) Engages in the illegal use of a controlled substance;

(3) Whose illegal use of a controlled substance, or abuse of alcohol, is determined by the authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents;

(4) Who the authority determines engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents; or

(5) Who the authority determines engages in any drug-related criminal activity on or off the authority's property.

(c) The authority shall give a tenant written notice of the proposed termination of the rental agreement of not less than:

(1) Fourteen days in the case of failure to pay rent;

(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.

(d) The authority shall terminate a rental agreement in accordance with chapter 356D, HRS. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§§17-2035-49 to 17-2035-59 (Reserved)

SUBCHAPTER 5

RENT AND SECURITY DEPOSITS

§17-2035-60 Security deposit. A tenant shall pay a security deposit, prior to admission to a housing project, 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 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71, 521-44)

§17-2035-61 Minimum rents. (a) In state-aided elderly public housing projects, the minimum rent shall be based upon the number of bedrooms in the dwelling unit.

(b) Exhibit D entitled MINIMUM RENTS FOR STATE-AIDED ELDERLY PROJECTS, a copy of which is attached and located at the end of this chapter sets forth the minimum rents. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§17-2035-62 Rent. A tenant shall pay 30 percent of adjusted annual income for rent or a minimum rent, as set forth in 17-2035-61, whichever is greater. [Eff 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §§356D-4, 356D-71)

§§17-2035-63 to 17-2035-69 (Reserved)

SUBCHAPTER 6

MISCELLANEOUS PROVISIONS

§17-2035-70 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 02/25/24; comp] (Auth: HRS §356D-4) (Imp: HRS §1-23)

DEPARTMENT OF HUMAN SERVICES

Amendments to and compilation of chapter 17-2035, Hawaii Administrative Rules, on the Summary page dated November 5, 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

INCOME LIMITS
Effective October 19, 2023

Income limits are calculated using a set of formula relationships. The first step in calculating the income limits is to calculate a four-person income limit equal to 50 percent of the estimated area median income (or very low-income limit) which is determined by the U.S. Department of Housing and Urban Development. The HUD estimates of median family income are based on the most recent census data estimates updated with a combination of local Bureau of Labor Statistics data and census divisional data. Separate median family income estimates are calculated for all Metropolitan Statistical Areas, Primary Metropolitan Statistical Areas and Metropolitan Counties.

More specifically, the very low-income limit for a four-person family is calculated as follows:

1. 50 percent of the area median family income is calculated and set as the preliminary four-person family income limit;

2. If it is lower, the four-person income limit is increased to the amount at which 35 percent of it equals 85 percent of the annualized two-bedroom Section 8 FMR (this adjusts income limits upward for areas where rental housing costs are unusually high in relation to the median income).

3. If it is higher, the four-person income limit is reduced to the amount at which 30 percent of it equals 120 percent of the two-bedroom FMR (this adjusts income limits downward for areas where rental housing costs are unusually low in relation to the median income);

4. To minimize program management problems, income limits are being held at the most recent fiscal year levels in areas where the FMR reductions would have resulted in lower income limits; and

5. In no instance are income limits less than if based on the State non-metropolitan median family income level.

60 Percent of Median Income Limits
The 60 percent income limits are calculated as 120 percent of the very low-income limits.

Family Size Adjustments:
Family size adjustments are made to provide higher income limits for larger families and lower income limits for smaller families. The factors used are as follows:

Number of Persons in Family and Percentage Adjustments

1	2	3	4	5	6	7	8
70%	80%	90%	Base	108%	116%	124%	132%

Income limits for families with more than eight persons are not included in the printed lists because of space limitations. For each person in excess of eight, 8 percent of the four-person base should be added to the eight-person income limit. (For example, the nine-person limit equals 140 percent [132 + 8] of the relevant four-person income limit.) All income limits are rounded to the nearest $50 to reduce administrative burden.

Income Limits for Admissions and Continued Occupancy
Based upon the foregoing methodology, the following table sets forth the calculated income limits for admissions and continued occupancy in State-aided elderly public housing. These income limits are adjusted periodically whenever the HUD estimates of

area median income are revised and are, therefore, subject to change.

Income and Asset Limits for Admission
Effective October 19, 2023

	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
City & County of Honolulu	$27,360	$31,320	$35,220	$39,120	$42,240	$45,360	$48,480	$51,660
County of Hawaii	23,160	26,460	29,760	33,060	35,700	38,340	40,980	43,620
County of Kauai	27,120	31,020	34,860	38,760	41,880	44,940	48,060	51,180
County of Maui	28,500	32,580	36,660	40,740	43,980	47,280	50,520	53,760

EXHIBIT B

Occupancy Standards and Guidelines
Effective October 19, 2023

In determining the appropriate dwelling unit size for assistance, the following criteria shall be applied:

1. The smallest unit suitable for the household shall be considered and each bedroom shall be occupied by at least one person.

2. The dwelling unit shall permit up to the maximum number of persons to occupy the unit in accordance with prevailing zoning, and county building, health, and fire codes.

3. Residential Occupancy Standards shall be:

   I. City and County of Honolulu

      A. One (1) or more rooms

         1. A room for living purposes (minimum 120 square feet (sq. ft.))

         2. Other habitable room (minimum 70 sq. ft.) excludes kitchen

         3. Add 50 square feet for each occupant in excess of two. For example:

Floor Area (sq. ft.)	# of Occupants
70	2
120	3
170	4
220	5
270	6
320	7

B. Efficiency Units (Studios)

1. A living room (minimum 220 sq. ft.) –must have a separate closet, kitchen sink, cooking appliance, separate bathroom and refrigeration facilities; each having a clear working space of not less than 30 inches in front, and

2. Add 100 sq. ft., for each occupant in excess of two.
For example:

Floor Area (sq. ft.)	# of Occupants
220	2
320	3
420	4
520	5

II. County of Maui

A. One (1) or more rooms

1. A room for living purposes (minimum 120 sq. ft.)

2. Every room used for both cooking/living or living/sleeping purposes shall have a room used for sleeping purposes (minimum size is 120 sq. ft.).

3. Every <u>other</u> room used for sleeping purposes (minimum 70 sq. ft. for 1st occupant).

4. And add 50 sq. ft. for each additional occupant.

For example:

Floor Area (sq. ft.)	# of Occupants
70	1
120	2
170	3
220	4

B. Efficiency Units (Studios)

1. A living room (minimum 220 sq. ft.) –must have a separate dressing closet, kitchen sink, bathroom, kitchenette (no less than 3x5 feet in size and equipped with a tenant-operated electric exhaust fan connected to the outside air, sink, cooking appliance and refrigeration facilities).

2. Add 100 sq. ft., for each occupant in excess of two.
For example:

Floor Area (sq. ft.)	# of Occupants
220	2
320	3
420	4
520	5

III. County of Kauai

Dwelling units and congregate residences
1. One room (minimum 120 sq. ft.)
2. Other habitable rooms (excludes kitchen) (minimum 70 sq. ft.).

Note: 1997 UBC does not address # of occupants allowable per square footage.

B. Efficiency Units (Studios)

1. A living room (minimum 220 sq. ft.) –must have a separate closet, kitchen sink, cooking appliance, separate bathroom, and refrigeration facilities; each having a clear working space of not less than 30 inches in front; and

2. Add 100 sq. ft., for each occupant in excess of two.
For example:

Floor Area (sq. ft.)	# of Occupants
220	2
320	3
420	4
520	5

IV. County of Hawaii

A. Occupancy Load factor – 300 sq. ft. per person based on gross square footage of unit.

EXHIBIT C

42 U.S.C. §13661(b)(2)(A)-(C)

EXHIBIT D

Minimum Rents for
State-Aided Elderly Public Housing Projects
Effective October 19, 2023

The minimum monthly rents for all tenants of State-aided elderly projects are as follows:

Bedroom Size	Minimum Rent
0 BR	$170
1 BR	$195

Approved by the Executive Director
November 5, 2026

FOR ACTION

SUBJECT: To: **(1)** Adopt Proposed Changes to Chapter 17-2034, Hawaii Administrative Rules (HAR), Entitled "State-Aided Family Public Housing Projects", As Follows:

(A) Amend Section 17-2034-31 to Establish That Applicants with a Special Preference Shall Receive First Preference for Placement;

(B) Adopt Section 17-2034-31.01 to Allow a Family Participating in Another Housing Program Administered by the Hawaii Public Housing Authority That Claims and Verifies a Special Preference to Apply to the State-Aided Family Public Housing Program and Be Placed on a Waiting List Regardless of Whether the Waiting List Is Closed, and to Establish That a Special Preference May Be Granted to Such a Family That:

(i) Is Involuntarily Displaced Due to Modernization or Redevelopment Activity, or Due to an Emergency That Poses an Immediate Threat to the Life, Health, or Safety of the Family;

(ii) Is Approved for a Reasonable Accommodation Transfer to a Dwelling Unit with Certain Accessibility Features, and an Appropriate Dwelling Unit Is Not Available Within the Other Program's Inventory or the Family Has Waited Over One Year for Such a Unit;

(iii) Includes a Member Who Is a Victim of Domestic Violence or Assault, and Cannot Be Safely Transferred Within the Other Program; or

(iv) Is Under-Housed, and an Appropriately Sized Dwelling Unit Is Not Available Within the Other Program's Inventory;

(C) Amend Section 17-2034-32 to Exempt Applicants with a Special Preference from the Loss of Preference;

(D) Amend Section 17-2034-36 to Exempt Applicants with a Special Preference from the Standard Unit Offer Procedures;

(E) Delete Section 17-2034-43(c), Which Refers State-Aided Family Public Housing Tenants to the Grievance Procedure in Chapter 17-2021, HAR, Which Does Not Apply to State-Aided Public Housing Projects; and

(F) Make Technical, Non-Substantive Changes to Sections 17-2034-2, 17-2034-5, 17-2034-31, 17-2034-32, 17-2034-41, 17-2034-43, 17-2034-45, and 17-2034-48 for the Purposes of Clarity, Consistency, and Style; 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. 25-04 to Implement the Revision of Chapter 17-2034, Hawaii Administrative Rules, Including Making Non-Substantive Revisions to Formatting as May Be Required

* * *

The proposed amendments to Chapter 17-2034, Hawaii Administrative Rules, entitled "State-Aided Family Public Housing Projects", may be viewed online on or about November 5, 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) State-Aided Family Public Housing Program is governed by Chapter 356D, Hawaii Revised Statutes (HRS), and Chapter 17-2034, Hawaii Administrative Rules (HAR).

B. Sections 356D-4 and 356D-44, HRS, authorize the HPHA to adopt administrative rules with the force and effect of law to govern the State-Aided Family Public Housing Program. The Program consists of the following properties: Hauiki Homes, Puahala Homes, Lokahi, Kawailehua (State), Kahale Mua (State), Ke Kumu Elua, and Ke Kumu Ekahi.

C. The HPHA administers other housing programs, including the Federally Assisted Public Housing Program governed by Chapter 17-2028, HAR, and the State-Aided Elderly Public Housing Program governed by Chapter 17-2035, HAR.

D. Pursuant to section 17-2034-33(e), HAR, an applicant may be on a State-Aided Family Public Housing waiting list even though they are a tenant or participant in another HPHA housing program. However, the family may only apply while the waiting list is open. Placement on a waiting list is based on the preferences in section 17-2034-31, HAR, and the date and time applications are received. The current rules do not prioritize families in other HPHA programs whose housing needs cannot be met within their own program's inventory.

II. DISCUSSION

A. Across all HPHA-administered public housing programs, a family's request to transfer to a dwelling unit with certain accessibility features is reviewed and approved/disapproved under the Board-adopted Reasonable Accommodation and Modification Policy and applicable laws and regulations. If an appropriate dwelling unit is not available within a tenant's current program, the family must wait until one becomes available, which in some cases can take more than a year.

B. The proposed amendments would allow such a family to apply to the State-Aided Family Public Housing Program and be placed on a waiting list for admission to the program even if the waiting list is closed. Proposed amendments would also allow the family to be offered the next available and appropriate dwelling unit before other applicants without a special preference. The proposed change would allow the HPHA to use its State-Aided Family Public Housing inventory to meet the needs of other HPHA-assisted families that cannot be accommodated within their current programs.

C. The proposed amendments would also make a special preference available to a tenant in another HPHA program that (a) is involuntarily displaced due to modernization or redevelopment activity, or due to an emergency that poses an immediate threat to the family's life, health, or safety; (b) includes a member who is a victim of domestic violence or assault, and the family cannot be safely transferred within its current program; or (c) is under-housed, and an appropriately sized dwelling unit is not available within its current program.

D. A family with a special preference would still need to meet the eligibility requirements for admission set forth in section 17-2034-21. A special preference would not allow an otherwise ineligible family to be immediately transferred and admitted to the State-Aided Family Public Housing Program.

E. The specific proposed amendments to Chapter 17-2034, HAR, are as follows:

1. Amend section 17-2034-31 as follows:

a. Adopt a new paragraph (a)(1) which establishes that applicants with a special preference as described in section 17-2034-31.01 shall receive first preference for placement; and

b. Renumber the existing preferences as paragraphs (2) through (8).

2. Adopt section 17-2034-31.01 which allows a family that claims and verifies a special preference to apply to the State-Aided Family Public Housing Program and be placed on a waiting list regardless of whether the waiting list is closed.

   a. Subsection (a) establishes that a special preference may be granted to a family participating in another housing program administered by the HPHA that:

      i. Is involuntarily displaced for reasons including but not limited to relocation due to modernization or redevelopment activity, or an emergency where the conditions of the family's dwelling unit, building, or project pose an immediate threat to the life, health, or safety of the family, and the family cannot be relocated to another dwelling unit within the same program that meets its needs;

      ii. Is approved for a transfer as a reasonable accommodation to a dwelling unit with certain accessibility features, and the HPHA does not have an appropriate dwelling unit within the other program's inventory that meets the family's needs, or the family has waited for over one year and an appropriate dwelling unit within the other program's inventory has not become available;

      iii. Includes a member who is a victim of domestic violence or assault, and the family cannot be transferred safely to another dwelling unit within the other program; or

      iv. Is under-housed, and the HPHA does not have an appropriately sized dwelling unit within the other program's inventory.

   b. Subsection (b) requires that a family with a special preference meet the eligibility requirements set forth in section 17-2034-21 prior to admission.

3. Amend section 17-2034-32 to adopt a new subsection (b) which would exempt applicants with special preferences from losing all

preferences and priorities for placement for 12 months after refusing an offer without good cause.

4. Amend section 17-2034-36 to adopt a new subsection (e) which will exempt applicants with special preferences from the standard offer procedures set forth in this section.

5. Delete section 17-2034-43(c), which provides that a tenant aggrieved by reexamination results may request a hearing pursuant to the grievance procedures set forth in Chapter 17-2021, HAR. The federal grievance procedures do not apply to state-aided public housing projects.

6. Make technical, non-substantive changes to sections 17-2034-2, 17-2034-5, 17-2034-31, 17-2034-32, 17-2034-41, 17-2034-43, 17-2034-45, and 17-2034-48 for the purposes of clarity, consistency, and style.

F. 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.

G. 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	November 5, 2026
Request Governor approval of public hearing	November 13, 2026
Receive Governor's approval	On or after December 4, 2026
Publish hearing notice in newspapers (30-day notice)	On or after December 17, 2026
Public Hearing	On or after January 19, 2027
Final Board approval / transmit to Governor	On or after January 21, 2027
Rules effective	On or after March 21, 2027

H. 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.

(End of Section)

III. RECOMMENDATION

That the Board of Directors: **(1)** Adopt Proposed Changes to Chapter 17-2034, Hawaii Administrative Rules (HAR), Entitled "State-Aided Family Public Housing Projects", As Follows:

(A) Amend Section 17-2034-31 to Establish That Applicants with a Special Preference Shall Receive First Preference for Placement;

(B) Adopt Section 17-2034-31.01 to Allow a Family Participating in Another Housing Program Administered by the Hawaii Public Housing Authority That Claims and Verifies a Special Preference to Apply to the State-Aided Family Public Housing Program and Be Placed on a Waiting List Regardless of Whether the Waiting List Is Closed, and to Establish That a Special Preference May Be Granted to Such a Family That:

- (i) Is Involuntarily Displaced Due to Modernization or Redevelopment Activity, or Due to an Emergency That Poses an Immediate Threat to the Life, Health, or Safety of the Family;
- (ii) Is Approved for a Reasonable Accommodation Transfer to a Dwelling Unit with Certain Accessibility Features, and an Appropriate Dwelling Unit Is Not Available Within the Other Program's Inventory or the Family Has Waited Over One Year for Such a Unit;
- (iii) Includes a Member Who Is a Victim of Domestic Violence or Assault, and Cannot Be Safely Transferred Within the Other Program; or
- (iv) Is Under-Housed, and an Appropriately Sized Dwelling Unit Is Not Available Within the Other Program's Inventory;

(C) Amend Section 17-2034-32 to Exempt Applicants with a Special Preference from the Loss of Preference;

(D) Amend Section 17-2034-36 to Exempt Applicants with a Special Preference from the Standard Unit Offer Procedures;

(E) Delete Section 17-2034-43(c), Which Refers State-Aided Family Public Housing Tenants to the Grievance Procedure in Chapter 17-2021, HAR, Which Does Not Apply to State-Aided Public Housing Projects; and

(F) Make Technical, Non-Substantive Changes to Sections 17-2034-2, 17-2034-5, 17-2034-31, 17-2034-32, 17-2034-41, 17-2034-43, 17-2034-45, and 17-2034-48 for the Purposes of Clarity, Consistency, and Style; 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. 25-04 to Implement the Revision of Chapter 17-

2034, Hawaii Administrative Rules, Including Making Non-Substantive Revisions to Formatting as May Be Required

Attachment A: Proposed Draft of Chapter 17-2034, HAR, in Ramseyer Format
Attachment B: Proposed Draft of Chapter 17-2034, 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

DEPARTMENT OF HUMAN SERVICES

Amendment and Compilation of Chapter 17-2034
Hawaii Administrative Rules

November 5, 2026

1. Chapter 17-2034, Hawaii Administrative Rules, entitled "State-Aided Family 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 2034

STATE-AIDED FAMILY PUBLIC HOUSING PROJECTS

Subchapter 1 General Provisions

§17-2034-1 Purpose
§17-2034-2 Definitions
§17-2034-3 Income limits

§17-2034-4 Asset limits
§17-2034-5 Asset transfers
§17-2034-6 Occupancy standards
§17-2034-7 Interim utility allowances for the tenants in the Hauiki project
§17-2034-8 Verification of information
§17-2034-9 Misrepresentation
§§17-2034-10 to 17-2034-19 (Reserved)

Subchapter 2 Eligibility

§17-2034-20 Applicants
§17-2034-21 Eligibility for admission
§17-2034-22 Notification of eligibility
§17-2034-23 Admission of existing residents at the Ke Kumu Ekahi project
§§17-2034-24 to 17-2034-29 (Reserved)

Subchapter 3 Tenant Selection

§17-2034-30 Nondiscrimination
§17-2034-31 Preferences
§17-2034-31.01 Special admission and exception for families with a special preference
§17-2034-32 Loss of preference
§17-2034-33 Waiting lists
§17-2034-34 Removal from waiting lists
§17-2034-35 Closing the waiting lists
§17-2034-36 Offers
§17-2034-37 Occupancy of accessible dwelling units
§§17-2034-38 to 17-2034-39 (Reserved)

Subchapter 4 Occupancy and Rental Agreement

§17-2034-40 Rental agreement
§17-2034-41 Eligibility for continued occupancy
§17-2034-42 Reexamination
§17-2034-43 Reexamination results

§17-2034-44 Special reexamination
§17-2034-45 Interim rent adjustment
§17-2034-46 Tenant transfers
§17-2034-47 Backcharges
§17-2034-48 Rental agreement termination
§§17-2034-49 to 17-2034-59 (Reserved)

Subchapter 5 Rents and Security Deposits

§17-2034-60 Security deposits
§17-2034-61 Minimum rents
§17-2034-62 Rent
§17-2034-63 Determining net earned income
§17-2034-64 Determining net unearned income
§17-2034-65 Determining adjusted annual income
§§17-2034-66 to 17-2034-69 (Reserved)

Subchapter 6 Miscellaneous Provisions

§17-2034-70 Severability

Historical Note: This chapter is substantially based upon chapter 15-193. [Eff 12/13/01; R 02/25/24]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-2034-1 Purpose. These rules are adopted under chapter 91, HRS, and shall govern the admission to and the continued occupancy of state-aided family public housing projects owned or operated by the Hawaii public housing authority. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-2 Definitions. As used in these rules, except otherwise required by context:

"Accessible dwelling unit" means an apartment which 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 an apartment which meets the requirements of applicable standards that address the particular disability or impairment of an individual.

"Adjusted annual income" means net earned income plus unearned income.

"Alien" means any person not a citizen of the United States but is allowed under federal law, to reside in the United States.

"Annual income" means earned and unearned income from any source before deductions or exemptions, anticipated to be received during the twelve-month period following admission or redetermination of annual income, as the case may be, by all persons occupying, or who are temporarily separated from the household. Annual income does not include the employment income of a minor or amounts specifically paid to the household for or in reimbursement of the cost of medical expenses for any household member.

"Applicant" means a person or a family that has applied for housing assistance.

"Assets" means total cash, securities, real and personal property less any outstanding liabilities secured by the assets. Assets do not include necessary personal property such as clothing, household furniture, automobiles and eligible individual development accounts, including any earned interest, which are established pursuant to chapter 257, Hawaii Revised Statutes.

"Authority" means the Hawaii public housing authority.

"Bottom of the waiting list" means denying an applicant the benefit of all placement tenant selection preferences and priorities, as prescribed in this chapter, for a period of twelve months and establishing a new date and time for placement on the waiting list based on the date and time the unit offer was rejected.

"Disability" means having a physical or mental impairment which substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment. The term does not include current illegal use or addiction to a controlled substance or alcohol or drug abuse that threatens the property or safety of others. Disabled individual or family includes:

(1) A single individual who or a family whose head or spouse is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in indefinite duration; or

(2) A single individual who or a family whose head or spouse has a physical impairment which is expected to be of long, continued and indefinite duration and which substantially impedes the ability to live independently, and which is of a nature that the ability could be improved by more suitable housing conditions.

"Displaced" means a family who is lawfully residing on real property and is required to move from the real property as a result of the acquisition or imminence of acquisition of such real property, in whole or in part, by some public or governmental action. "Displaced" also includes the foregoing movements from real property by any family or person lawfully residing on real property who is required to move from the real property as a result of code enforcement activities.

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

"Earned income" means cash received or available to be received by the family that [~~require~~] requires some part of the family to produce. Earned income includes, but is not limited to, wages; tips; dismissal and severance pay; wages received from any on-the-job training program; wages received from funds under the job training partnership act (JTPA); public service employment (PSE); royalties; jury duty income excluding reimbursement for transportation and meals; basic allowance for quarters and entitlements paid to military personnel; and self-employment earned income.

"Elderly" means a family whose head or spouse has attained the age of sixty-two.

"Family" means:

(1) 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 need and may, but need not be, related by blood, marriage, or operation of law, including foster children and hanai children and whose head of household has reached the age of majority, or is otherwise legally emancipated; or

(2) A person who is pregnant or in the process of securing legal custody of a minor child or children, and who has reached the age of majority or is otherwise emancipated; or

(3) A remaining member of a tenant family who is recorded on the current list of household members authorized to occupy the dwelling

unit and who has reached the age of majority or is otherwise legally emancipated.

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

"Hanai children" means a person or persons, under eighteen years of age, for whom a tenant provides food, nourishment and support for a minimum period of at least a year and who is acknowledged as the tenant's child among friends, relatives and the community.

"Housing projects" means those rental projects owned and operated or both by the authority.

"HRS" means the Hawaii Revised Statutes.

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

"Individual development account" means an optional, interest-bearing, subsidized tax-benefited account established pursuant to chapter 257, HRS, and used exclusively for the purpose of paying the qualified expenditure of an eligible individual as determined by the fiduciary organization.

"Project," "housing project," or "public housing project" means one of the state-aided family public housing projects owned, managed, administered, or operated by the authority.

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

"Rent" means the monthly charge to a tenant for the use of a dwelling unit.

"Rental agreement" means the agreement containing the conditions of occupancy entered into by the tenant and authority.

"Resident" means a United States citizen or a permanent United States resident who is able to

demonstrate his or her intent to reside in Hawaii. 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; written reference from Hawaii residents, relatives, or social agencies; and any other indicia which could substantiate a claim of an intent to reside.

"Security deposit" means a deposit required of each tenant prior to admission for the cost of loss or damage of the authority's property (reasonable wear and tear excepted) and non-payment of rent.

"Self-employment income" is determined by deducting from the amount received from the sale of goods or services, those expenses directly related to producing the goods or services.

(1) Items such as depreciation, personal business, and entertainment expenses, personal transportation, purchase of capital equipment, and payments on the principal of loans for capital assets or durable goods shall not be deducted as business expenses. Personal expenses such as lunches and transportation to and from work shall not be deducted as business expenses.

(2) A business expense shall be an allowable deduction from earned income only if verified.

(3) A self-employed person shall:

(A) Not be able to be discharged from the person's job by someone else;

(B) Report income to the Internal Revenue Service and the State of Hawaii as a self-employed person;

(C) Meet social security requirements as a self-employed person and shall pay the employer's and the employee's share of social security taxes;

[~~(4)~~] (D) Not be considered to be an employee of an agency or organization; and

[~~(5)~~](E) Be licensed by the State to operate a business.

"Staff" means the employees or agents of the authority.

"State-aided family public housing projects" means the housing projects of Hauiki Homes, Puahala Homes, Lokahi, Kawailehua (State), [~~Ka Hale~~] Kahale Mua (State), Ke Kumu Elua, and Ke Kumu Ekahi, which are owned, managed, administered, or operated by the authority, and any other housing development owned, managed, administered, or operated by the authority pursuant to part III of chapter 356D, HRS.

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

"Unearned income" means cash received or available to be received by the family that is not classified as earned income. Unearned income includes, but is not limited to, social security benefits; veteran's benefits; pension and retirement benefits; unemployment insurance benefits; supplemental security income; worker's compensation benefits and temporary disability insurance benefits; strike benefits; money received to settle any insurance, legal or inheritance claim; alimony; child support payments; regular cash contribution and any in-kind contribution benefits.

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

"Veteran" means any person who has served in any of the armed services of the United States, or any person who is now a citizen of the United States who has served in any of the armed services of any country which was an ally of the United States in any war or campaign in which the United States was also engaged in. "Veteran" includes any person who served in the military or naval forces of the United States during World War II and who has been discharged or released therefrom under conditions other than dishonorable. The term "veteran" includes Filipino World War II veterans who served honorably in an active-duty status under the command of the United States Armed Forces in the Far East (USAFFE), or within the Philippine Army,

the Philippine Scouts, or recognized guerilla units. The Filipino World War II veterans must have served at any time between September 1, 1939, and December 31, 1946; been born in the Philippines; and resided in the Philippines prior to the military service. [Eff 02/25/24; am and comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-1, 356D-4, 356D-41, 356D-42, 356D-44, 515-2)

§17-2034-3 Income limits. (a) The income limit for admission to a state-aided family public housing project are based on an applicant's adjusted annual income which shall not exceed fifty per cent of the county area median income for the applicable family size as calculated by HUD for a given federal fiscal year.

(b) The income limit for continued occupancy in a state-aided family public housing project is based on a tenant's adjusted annual income which shall not exceed eighty per cent of the county area median income for the applicable family size as calculated by HUD for a given federal fiscal year.

(c) This section shall not apply to tenants of the Ke Kumu Ekahi project admitted to the program pursuant to section 17-2034-23. Families that are admitted to the program after October 17, 2024, and accept an offer of a dwelling unit at the Ke Kumu Ekahi project must meet the income limits for admission and continued occupancy set forth in subsections (a) and (b).

(d) The methodology for calculating the income limits is set forth in exhibit A, entitled "Methodology for Calculating Income and Asset Limits" and dated October 17, 2024. [Eff 02/25/24; am and comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-4 Asset limits. (a) The asset limit for admission to a housing project shall not exceed the applicable income limit for admission.

(b) The asset limit for continued occupancy in a housing project shall not exceed the applicable income limit for continued occupancy.

(c) This section shall not apply to tenants of the Ke Kumu Ekahi project admitted to the program pursuant to section 17-2034-23. Families that are admitted to the program after October 17, 2024, and accept an offer of a dwelling unit at the Ke Kumu Ekahi project must meet the asset limits for admission and continued occupancy set forth in subsections (a) and (b).

(d) The methodology for calculating the asset limits is set forth in exhibit A, entitled "Methodology for Calculating Income and Asset Limits" and dated October 17, 2024. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-5 Asset transfers. (a) All assets transferred or assigned to another person, within a twenty-four-month period prior to submitting an application, shall be included in determining an applicant's assets.

(b) The value of the assets shall be based on the fair market value. [Eff 02/25/24; comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-6 Occupancy standards. Applicant and tenant shall abide by the occupancy standards for the admission and continued occupancy in housing projects as prescribed by exhibit B, which is incorporated by

reference and attached. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-7 Interim utility allowances for the tenants in the Hauiki project. (a) Until meters are installed for individual units in the Hauiki project, the monthly rent for a tenant shall include utility allowances.

(b) The utility allowance schedules may be modified from time to time with at least thirty days written notice to tenant and an opportunity for tenant to present written or oral comments which shall be considered prior to the modifications becoming effective. The applicable schedules shall be publicly posted in a conspicuous manner at the authority's project offices and shall be furnished to a requester upon request.

(c) A tenant shall pay for utility usage in excess of applicable utility allowance. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-8 Verification of information. An applicant or tenant shall provide documentation to verify information upon request of the staff. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-9 Misrepresentation. An applicant may be denied admission to a housing project or a tenant's rental agreement may be terminated if the applicant or tenant has submitted false information, withheld information, or made willful misstatements. [Eff

02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§§17-2034-10 to 17-2034-19 (Reserved)

SUBCHAPTER 2

ELIGIBILITY

§17-2034-20 Applicants. (a) A person seeking admission to a housing project shall:

(1) Be a resident of the State of Hawaii, except that no preference shall be given to applicants based on residency in a specific locality or area within the authority's jurisdiction;

(2) Not have previously lived in a housing project and been evicted from the project since March 1, 1985;

(3) Not have an outstanding debt owed to the authority as a participant in any of its programs; and

(4) Meet the occupancy standards as set forth in exhibit B, which is incorporated by reference and attached.

(b) A person seeking admission to a housing project must submit a completed application form as used by the authority. The applicant is permitted to file at any of the authority's intake offices an application for any and all waiting lists prescribed in section 17-2034-33.

(c) An applicant who has misrepresented material information shall not be eligible to file an application with the authority for twelve months from the date of written notification from the authority. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-21 Eligibility for admission. To be eligible for admission to a housing project, an applicant and household members shall meet the

requirements set forth in section 17-2034-20, and shall:

(1) Qualify as a family;

(2) Have an income that does not exceed the applicable income limit;

(3) Have assets that do not exceed the applicable limit;

(4) Not own a majority interest in fee simple or leasehold lands suitable for dwelling purposes, or a majority interest in lands under any trust agreement or other fiduciary arrangement in which another person holds the legal title to such lands;

(5) Not have a record of conduct or behavior within three years of the projected date of admission which may be detrimental to the project, its tenants, or employees;

(6) Not have a recent history of criminal activity involving crimes to persons or property or other criminal acts that may adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents. For purposes of this subsection, 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 exists;

(7) Not have been evicted from any of the authority's housing programs for drug-related criminal activity for three years. For the purposes of this subsection, in determining eligibility, the authority shall consider whether the evicted applicant or household member has successfully completed a rehabilitation program approved by the authority, or whether the circumstances leading to eviction no longer exist. This subsection does not apply to an applicant or

household member ineligible under section 17-2034-20(a)(2);

(8) Not engage in any drug-related criminal activity or violent criminal activity. For the purposes of this subsection, "violent criminal activity" means any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another;

(9) Not engage in the illegal use of a controlled substance or give the authority reasonable cause to believe that the illegal use of a controlled substance, pattern of illegal use, abuse of alcohol, or pattern of abuse may interfere with the health, safety of the residents, or right to peaceful enjoyment of the premises by other residents;

(A) For the purposes of this subsection, "reasonable cause to believe" means by a preponderance of the evidence;

(B) For the purposes of this subsection, in determining whether to deny eligibility based on a pattern of illegal use of a controlled substance 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), effective October 1, 1999, which is incorporated by reference and attached as exhibit C;

(10) Provide a social security number for all family members who are over five years old or certify that the person does not have a social security number; and

(11) Furnish evidence that the applicant is a citizen of the United States or a resident alien. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-22 Notification of eligibility. (a) An applicant shall be notified in writing by the staff as to the applicant's eligibility after a determination is made and the notification shall specifically state the reasons for determination.

(b) An eligible applicant shall be placed on a waiting list.

(c) An ineligible applicant may request an informal hearing within fourteen days after date of written notification. The informal hearing shall be conducted by someone other than the person or the person's subordinates who made or approved the decision. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-23 Admission of existing residents at the Ke Kumu Ekahi project. The authority may admit families already residing at the Ke Kumu Ekahi project as of October 17, 2024, to the program unless they are deemed ineligible by the authority based on the criteria set forth in section 17-2034-21. [Eff and comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42) (Imp: HRS §§356D-4, 356D-42)

§§17-2034-24 to 17-2034-29 (Reserved)

SUBCHAPTER 3

TENANT SELECTION

§17-2034-30 Nondiscrimination. Tenant selection and assignment shall be made without regard to race, sex, color, religion, marital status, familial status, ancestry, disability, age, or HIV (human immunodeficiency virus) infection. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44, 515-3)

§17-2034-31 Preferences. (a) Except for [~~those~~] dwelling units [~~design~~] designed for a specific purpose (such as units for persons with disabilities), applicants for admission into state public housing projects shall be given preference for placement in the following order:

(1) Applicants with a special preference as described in section 17-2034-31.01;

[~~(1)~~] (2) The elderly;

[~~(2)~~] (3) The displaced;

[~~(3)~~] (4) Disabled veterans with service-connected disabilities;

[~~(4)~~] (5) Families of deceased veterans whose death was determined to be service connected;

[~~(5)~~] (6) Other veterans;

[~~(6)~~] (7) Families residing in a transitional shelter for the homeless and who have successfully completed a social service plan; and

[~~(7)~~] (8) Other families determined by the staff.

(b) Regardless of the date and time of application, an applicant who will be the sole occupant of a unit and who is not elderly, or

displaced, or a person with disabilities, shall not have preference over elderly, displaced, or disabled families with up to two members. [Eff 02/25/24; comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-31.01 Special admission and exception for families with a special preference. (a) A family that claims and verifies a special preference may apply to the state-aided family public housing program and be placed on a waiting list regardless of whether the waiting list is closed. A special preference may be granted to:

(1) A family participating in another housing program administered by the authority that is involuntarily displaced for reasons including but not limited to:
   (A) Relocation due to modernization or redevelopment activity; or
   (B) An emergency where the conditions of the family's dwelling unit, building, or project pose an immediate threat to the life, health, or safety of the family, and the family cannot be relocated to another dwelling unit within the same program that meets its needs;

(2) A family participating in another housing program administered by the authority that is approved for a transfer as a reasonable accommodation to a dwelling unit with certain accessibility features, and:
   (A) The authority does not have an appropriate dwelling unit within the other program's inventory that meets the family's needs; or
   (B) The family has waited for over one year, and an appropriate dwelling unit

within the other program's inventory has not become available;

(3) A family participating in another housing program administered by the authority that includes a member who is a victim of domestic violence or assault, and the family cannot be transferred safely to another dwelling unit within the other program; or

(4) A family participating in another housing program administered by the authority that is under-housed, and the authority does not have an appropriately sized dwelling unit within the other program's inventory.

(b) A family with a special preference shall meet the eligibility requirements set forth in section 17-2034-21 prior to admission. [Eff and comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-32 Loss of preference. (a) An applicant who [~~declines~~] refuses an offer[~~, without just cause,~~] of a [~~housing~~] dwelling unit without good cause or who voluntarily requests cancellation of the application after [~~declining~~] refusing an offer shall lose all preferences and priorities for a period of twelve months from the date the offer was [~~declined~~] refused or from the date of the request for cancellation.

(b) This section shall not apply to an applicant with a special preference as described in section 17-2034-31.01. [Eff 02/25/24; comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-33 Waiting lists. (a) The authority shall maintain five geographical waiting lists, which are community-wide in scope:

(1) Kalihi waiting list, which is comprised of Puahala Homes and Hauiki Homes;
(2) East Hawaii waiting list, which is comprised of Lokahi;
(3) North Hawaii waiting list, which is comprised of Ke Kumu Elua and Ke Kumu Ekahi;
(4) Kauai waiting list, which is comprised of Kawailehua (State); and
(5) Molokai waiting list, which is comprised of Kahale Mua (State).

(b) Applicants shall be notified of the opportunity to apply for and be placed on any and all waiting lists through notices posted in a conspicuous place at the authority's offices which accept applications and printed statement in the authority's informational material on its application process.

(c) Placement of applicants on a waiting list shall be based upon the following:
(1) Type of project;
(2) Size of dwelling unit required based on occupancy standards;
(3) Type of dwelling unit required (e.g., accessible for persons with disabilities);
(4) Applicable state preference; and
(5) Date and time of receipt of application.

(d) An applicant must notify the authority of any change which will affect applicant's place on a waiting list and the authority's ability to contact applicant. Changes include, but are not limited to family status, financial status, preference status, mailing address, and current residence.

(e) An applicant may continue to be on a waiting list even though applicant is a tenant in or receiving housing assistance from another housing program. [Eff 02/25/24; am and comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-34 Removal from waiting lists. An applicant shall not be removed from a waiting list unless:

(1) The applicant requests that the 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 17-2034-21;

(4) The applicant fails to respond to the authority's reasonable contact efforts. Correspondence to the last known address will constitute reasonable effort to contact;

(5) The applicant fails without good cause to keep a scheduled interview or to provide requested information necessary to determine eligibility; or

(6) The applicant misrepresents any material information to the authority in the application or otherwise. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-35 Closing the waiting lists. (a) The authority, at its discretion, may restrict acceptance of applications, and close the waiting lists in whole or in part, when it determines that it will be unable to assist all the applicants on the waiting lists within a reasonable period of time.

(b) The authority shall publicly announce any closure and reopening of the application process.

(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 02/25/24; comp 02/22/25; comp] (Auth:

HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-36 Offers. (a) An applicant shall be afforded only one offer to rent a suitable unit. The offer shall be based on what is available in a requested housing project on the day of the offer. If there is more than one suitable unit available on the day of the offer, the unit offered shall be the one with the earliest vacancy date.

(b) Offers to eligible applicants shall be made in sequence based upon the following:

(1) Size of dwelling unit required;

(2) Type of project needed;

(3) Type of dwelling unit required (e.g., accessible units for the mobility, hearing or visually impaired);

(4) Factors affecting priorities and preferences as established by the authority;

(5) Date and time the application was received.

(c) Upon refusal of an offer, without good cause, the applicant's name will be moved to the bottom of all waiting lists on which the applicant's name has been placed.

(d) An applicant shall not be considered to have been offered a unit if an offer has been declined for good cause. Good cause may include, but is not limited to the following:

(1) The 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 unit that is awaiting a person with disabilities applicant needing such a unit);

(2) The 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 presents clear evidence which substantiates this to the authority's satisfaction, such as:

(A) A doctor verifies that the applicant has just undergone major surgery and needs a period to recuperate;
(B) A court verifies that the applicant is serving on a jury which has been sequestered;
(C) A landlord verifies that the applicant has an existing lease 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., where current employment or day care facilities are inaccessible).

(e) This section shall not apply to an applicant with a special preference as described in section 17-2034-31.01. [Eff 02/25/24; comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-37 Occupancy of accessible dwelling units. The authority shall take the following nondiscriminatory steps to maximize the utilization of accessible units by eligible individuals whose disability requires the accessibility features of the particular unit.

(a) When an accessible unit becomes vacant the authority shall, before offering such units to an applicant without disabilities, offer the unit:

(1) First, to a current occupant of another unit of the same project or other projects within the same housing program, having disabilities requiring the accessibility features of the vacant unit and occupying a

unit not having such features; or, if no such occupant exists, then

(2) Second to an eligible qualified applicant on the waiting list having a disability requiring the accessibility features of the vacant unit.

(b) When an applicant who is not disabled accepts a unit with accessibility features, the applicant shall transfer to a non-accessible unit when one becomes available. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§§17-2034-38 to 17-2034-39 (Reserved)

SUBCHAPTER 4

OCCUPANCY AND RENTAL AGREEMENT

§17-2034-40 Rental agreement. (a) A tenant shall enter into a rental agreement with the authority which sets forth the conditions of occupancy for the tenant including, but not limited to, the rental terms, security deposit, eligibility reexaminations and rental adjustment, and for welfare recipients, authorization for the authority to draw rental payments directly from their EBT or bank account.

(b) No tenant shall be permitted to remain in a housing project without a valid rental agreement. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-41 Eligibility for continued occupancy. (a) To be eligible for continued occupancy in a family housing project, the tenant shall:

(1) Qualify as a family;

(2) Conform to the occupancy standards;

(3) Have an income that does not exceed the applicable income limit for continued occupancy;

(4) Have assets that do not exceed the applicable limits for continued occupancy; and

(5) Not have a record of conduct or behavior which may be detrimental to the project, its tenants or employees[~~; and~~].

(b) Except for a newborn child, a person shall not be permitted to join or rejoin the family until it is verified that the person meets the eligibility requirements set forth in section 17-2034-21. [Eff 02/25/24; comp 02/22/25; am and comp]

(Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-42 Reexamination. At least once every twelve months, 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. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-43 Reexamination results. (a) A tenant shall be given notice within a reasonable time, after determination by the staff, of both the tenant's eligibility for continued occupancy and rent schedule.

(b) A tenant found ineligible for continued occupancy by the staff shall be required to vacate the dwelling unit within ninety days from the date of ineligibility.

[~~(c) A tenant aggrieved by the reexamination results may request a hearing pursuant to the authority's grievance procedure as provided in chapter 17-2021, HAR.~~] [Eff 02/25/24; comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-44 Special reexamination. If at the time of admission or reexamination, a family's income cannot be reasonably determined for the next twelve months, a special reexamination shall be scheduled within three months. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-45 Interim rent adjustment. (a) If applicable, the authority may adjust a tenant's rent between [~~reexamination~~] reexaminations if a tenant reports a change in family income.

(b) Adjustments, reflecting a lower rent, shall be made effective on the first of the month following the month the report was made.

(c) A tenant who has obtained a decrease in rent under this section, shall report all income increases which occur prior to the next reexamination 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.

(d) 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.

(e) 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 02/25/24; comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-46 Tenant transfers. (a) Tenant transfers will be made without regard to race, sex, color, religion, marital status, familial status, ancestry, disability, age, or HIV (human immunodeficiency virus) infection.

(b) The authority may transfer a tenant 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 or interim reexamination;

(2) To preserve the purpose for which a project or unit was specifically developed or

designed such as to meet the needs of the elderly, or a person with disabilities;

(3) To meet a verifiable health or safety need; or

(4) For economic reasons affecting the tenant or the authority.

(c) Tenant transfers shall take priority over new admissions.

(d) Tenant shall be afforded one offer to transfer to a unit that meets the criteria set forth in subsection (b) within the same housing project in which the tenant resides. If such unit is not available, tenant may then be offered a unit in another housing project under the control of the management unit. If such a unit is not available, tenant may then be offered a suitable unit on the island on which tenant resides. Declining an offer to transfer for good cause as determined by the authority shall not be considered a refusal.

(e) Tenant shall not be transferred during periods when eviction proceedings have been initiated or are in process against such tenant, or during any period of conditional deferment of eviction action against such tenant.

(f) Tenant 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 tenant who refuses to transfer as required by the authority. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-47 Backcharges. A tenant shall pay in full any backcharges within one hundred eighty days after being notified by the staff of the backcharge. Failure to do so shall result in the termination of the rental agreement for non-payment of rent. [Eff

02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-48 Rental agreement termination. (a) A tenant shall give the authority at least twenty-eight days written notice that the tenant will vacate the tenant's unit prior to the vacate date.

(b) The authority may terminate a rental agreement when a 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;

(2) Engages in the illegal use of a controlled substance;

(3) Whose illegal use of a controlled substance, or abuse of alcohol, is determined by the authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents;

(4) Who the authority determines engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents; or

(5) Who the authority determines engages in any drug-related criminal activity on or near the authority's property.

(c) The authority shall give a tenant written notice of the proposed termination of the rental agreement of not less than:

(1) Fourteen days in the case of failure to pay rent;

(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.

(d) The authority shall terminate a rental agreement in accordance with chapter 356D, HRS. [Eff 02/25/24; comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-44, 356D-64) (Imp: HRS §§356D-4, 356D-44, 356D-64)

§§17-2034-49 to 17-2034-59 (Reserved)

SUBCHAPTER 5

RENTS AND SECURITY DEPOSITS

§17-2034-60 Security deposits. A tenant shall pay a security deposit, prior to admission to a housing project, 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 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-61 Minimum rents. (a) The minimum rent shall be based upon the number of bedrooms in the dwelling unit.

(b) The minimum rents for state-aided family projects are set forth in exhibit D which is incorporated by reference and attached. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-62 Rent. A tenant shall pay thirty per cent of adjusted annual income for rent or a minimum rent, as set forth in 17-2034-61, whichever is greater. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-63 Determining net earned income. The net earned income for a tenant family shall be determined by the following process:

1. From the gross annual earned income of each adult household member, deduct a standard deduction of twenty per cent; and if applicable,
2. After the twenty per cent standard deduction, deduct from the remainder an education credit for a household member that is a full-time student seeking a post-secondary education. The education credit, which is provided for a tenant family and not individual family members, is calculated as the lesser of:
   A. The actual amount received from scholarship(s) to attain a post-secondary education degree; or
   B. One thousand dollars ($1,000) per year.

[Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-64 Determining net unearned income. The net unearned income for a tenant family shall be determined by the following process:

1. If applicable, from the gross annual unearned income of each adult household member, deduct Medicare premiums that are actually deducted from social security benefits; and
2. If a household member is a full-time student seeking a post-secondary education, deduct an education credit, which is provided for a tenant family and not individual family members. The education credit is calculated as the lesser of:

A. The actual amount received from scholarship(s) to attain a post-secondary education degree; or

B. One thousand dollars ($1,000) per year.

[Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-65 Determining adjusted annual income. Adjusted annual income is determined by adding the net earned income, as set forth in section 17-2034-63, to the net unearned income, as set forth in 17-2034-64. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-66 to 17-2034-69 (Reserved)

SUBCHAPTER 6

MISCELLANEOUS PROVISIONS

§17-2034-70 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 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §1-23)

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 17-2034, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on August 2, 1982, 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

Methodology for Calculating Income and Asset Limits
Effective October 17, 2024

The income and asset limits for admission into a state-aided family public housing project are calculated as fifty per cent (50%) of the area median income (AMI) of the applicable county for a given family size.

County*	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
C&C of Honolulu	$48,750	$55,700	$62,650	$69,600	$75,200	$80,750	$86,350	$91,900
County of Hawaii	38,800	44,350	49,900	55,400	59,850	64,300	68,700	73,150
County of Kauai	46,450	53,100	59,750	66,350	71,700	77,000	82,300	87,600
County of Maui	43,650	49,900	56,150	62,350	67,350	72,350	77,350	82,350

The income and asset limits for continued occupancy of a state-aided family public housing project are calculated as eighty per cent (80%) of the area median income (AMI) of the applicable county for a given family size.

County*	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
C&C of Honolulu	$77,950	$90,100	$100,250	$111,350	$120,300	$129,200	$138,100	$147,000
County of Hawaii	62,100	70,950	79,800	88,650	95,750	102,850	109,950	117,050
County of Kauai	74,350	84,950	95,550	106,200	114,700	123,200	131,700	140,150
County of Maui	69,850	79,800	89,800	99,750	107,750	115,750	123,700	131,700

*Based on the U.S. Department of Housing and Urban Development's calculation of county AMI for federal fiscal year 2024.

EXHIBIT B

Occupancy Standards and Guidelines
Effective October 17, 2024

The Occupancy Standards are based upon the prevailing zoning and county building, health, and fire codes. In determining the appropriate dwelling unit size for assistance, the following criteria shall be applied:

1. A family shall be assigned to the smallest unit suitable for its needs and each bedroom shall be occupied by at least one person.

2. The dwelling unit assigned should permit up to the maximum number of persons to occupy the unit in accordance with prevailing zoning and county building, health, and fire codes.

3. Every member of the household, regardless of age, shall be counted as a person. Children born by pregnant household members will also be counted as a person.

4. At the written request of the applicant, the HPHA shall take into consideration in determining unit allotment, factors that include but are not limited to the following:

    a. In the case of single parents and dependent(s), separate bedrooms may be allotted to the parent and to the child/children;

    b. Children of opposite sexes may be allotted separate bedrooms for each gender;

    c. A person with valid medical ailments may be allotted a separate bedroom, provided the necessity for the separate bedroom is

verified by a signed statement from a medical doctor and other supporting data;

d. A live-in care attendant of necessity may be allotted a separate bedroom.

e. Children who are in the process of being adopted, or whose legal custody is being obtained by a household will be included as members of the household for the purpose of determining unit size.

f. One person, the remaining member of a tenant family, may with prior consent of the authority, be permitted to continue to occupy the smallest size unit. The remaining member, may, with prior consent of the authority, add another person to the household, provided the new household qualifies as a family for continued occupancy and a larger dwelling is not required to accommodate the enlarged household.

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

EXHIBIT C

42 U.S.C. §13661(b)(2)(A)-(C)

EXHIBIT D

Minimum Rents for
State-Aided Family Public Housing Projects
Effective October 17, 2024

The minimum monthly rents for all tenant of state-aided family public housing projects are as follows:

No. of Bedrooms	**Monthly Minimum Rent**
1	$108
2	$128
3	$152
4	$180
5	$212

DEPARTMENT OF HUMAN SERVICES

Amendment and Compilation of Chapter 17-2034
Hawaii Administrative Rules

November 5, 2026

SUMMARY

1. §17-2034-2 is amended.

2. §17-2034-5 is amended.

3. §17-2034-31 is amended.

4. A new §17-2034-31.01 is added.

5. §17-2034-32 is amended.

6. §17-2034-36 is amended

7. §17-2034-41 is amended.

8. §17-2034-43 is amended.

9. §17-2034-45 is amended.

10. §17-2034-48 is amended

11. Chapter 17-2034 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER 2034

STATE-AIDED FAMILY PUBLIC HOUSING PROJECTS

Subchapter 1 General Provisions

§17-2034-1 Purpose
§17-2034-2 Definitions
§17-2034-3 Income limits
§17-2034-4 Asset limits
§17-2034-5 Asset transfers
§17-2034-6 Occupancy standards
§17-2034-7 Interim utility allowances for the tenants in the Hauiki project
§17-2034-8 Verification of information
§17-2034-9 Misrepresentation
§§17-2034-10 to 17-2034-19 (Reserved)

Subchapter 2 Eligibility

§17-2034-20 Applicants
§17-2034-21 Eligibility for admission
§17-2034-22 Notification of eligibility

§17-2034-23 Admission of existing residents at the Ke Kumu Ekahi project
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Subchapter 3 Tenant Selection

§17-2034-30 Nondiscrimination
§17-2034-31 Preferences
§17-2034-31.01 Special admission and exception for families with a special preference
§17-2034-32 Loss of preference
§17-2034-33 Waiting lists
§17-2034-34 Removal from waiting lists
§17-2034-35 Closing the waiting lists
§17-2034-36 Offers
§17-2034-37 Occupancy of accessible dwelling units
§§17-2034-38 to 17-2034-39 (Reserved)

Subchapter 4 Occupancy and Rental Agreement

§17-2034-40 Rental agreement
§17-2034-41 Eligibility for continued occupancy
§17-2034-42 Reexamination
§17-2034-43 Reexamination results
§17-2034-44 Special reexamination
§17-2034-45 Interim rent adjustment
§17-2034-46 Tenant transfers
§17-2034-47 Backcharges
§17-2034-48 Rental agreement termination
§§17-2034-49 to 17-2034-59 (Reserved)

Subchapter 5 Rents and Security Deposits

§17-2034-60 Security deposits
§17-2034-61 Minimum rents
§17-2034-62 Rent
§17-2034-63 Determining net earned income
§17-2034-64 Determining net unearned income

§17-2034-65 Determining adjusted annual income
§§17-2034-66 to 17-2034-69 (Reserved)

Subchapter 6 Miscellaneous Provisions

§17-2034-70 Severability

Historical Note: This chapter is substantially based upon chapter 15-193. [Eff 12/13/01; R 02/25/24]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-2034-1 Purpose. These rules are adopted under chapter 91, HRS, and shall govern the admission to and the continued occupancy of state-aided family public housing projects owned or operated by the Hawaii public housing authority. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-2 Definitions. As used in these rules, except otherwise required by context:

"Accessible dwelling unit" means an apartment which 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 an apartment which meets the requirements of applicable standards that address the particular disability or impairment of an individual.

"Adjusted annual income" means net earned income plus unearned income.

"Alien" means any person not a citizen of the United States but is allowed under federal law, to reside in the United States.

"Annual income" means earned and unearned income from any source before deductions or exemptions, anticipated to be received during the twelve-month period following admission or redetermination of annual income, as the case may be, by all persons occupying, or who are temporarily separated from the household. Annual income does not include the employment income of a minor or amounts specifically paid to the household for or in reimbursement of the cost of medical expenses for any household member.

"Applicant" means a person or a family that has applied for housing assistance.

"Assets" means total cash, securities, real and personal property less any outstanding liabilities secured by the assets. Assets do not include necessary personal property such as clothing, household furniture, automobiles and eligible individual development accounts, including any earned interest, which are established pursuant to chapter 257, Hawaii Revised Statutes.

"Authority" means the Hawaii public housing authority.

"Bottom of the waiting list" means denying an applicant the benefit of all placement tenant selection preferences and priorities, as prescribed in this chapter, for a period of twelve months and establishing a new date and time for placement on the waiting list based on the date and time the unit offer was rejected.

"Disability" means having a physical or mental impairment which substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment. The term does not include current illegal use or addiction to a controlled substance or alcohol or drug abuse that threatens the property or safety of others. Disabled individual or family includes:

(1) A single individual who or a family whose head or spouse is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in indefinite duration; or

(2) A single individual who or a family whose head or spouse has a physical impairment which is expected to be of long, continued and indefinite duration and which substantially impedes the ability to live independently, and which is of a nature that the ability could be improved by more suitable housing conditions.

"Displaced" means a family who is lawfully residing on real property and is required to move from the real property as a result of the acquisition or imminence of acquisition of such real property, in whole or in part, by some public or governmental action. "Displaced" also includes the foregoing movements from real property by any family or person lawfully residing on real property who is required to move from the real property as a result of code enforcement activities.

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

"Earned income" means cash received or available to be received by the family that requires some part of the family to produce. Earned income includes, but is not limited to, wages; tips; dismissal and severance pay; wages received from any on-the-job training program; wages received from funds under the job training partnership act (JTPA); public service employment (PSE); royalties; jury duty income excluding reimbursement for transportation and meals; basic allowance for quarters and entitlements paid to military personnel; and self-employment earned income.

"Elderly" means a family whose head or spouse has attained the age of sixty-two.

"Family" means:

(1) 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 need and may, but need not be, related by blood, marriage, or operation of law, including foster children and hanai children and whose head of household has reached the age of majority, or is otherwise legally emancipated; or

(2) A person who is pregnant or in the process of securing legal custody of a minor child or children, and who has reached the age of majority or is otherwise emancipated; or

(3) A remaining member of a tenant family who is recorded on the current list of household members authorized to occupy the dwelling

unit and who has reached the age of majority or is otherwise legally emancipated.

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

"Hanai children" means a person or persons, under eighteen years of age, for whom a tenant provides food, nourishment and support for a minimum period of at least a year and who is acknowledged as the tenant's child among friends, relatives and the community.

"Housing projects" means those rental projects owned and operated or both by the authority.

"HRS" means the Hawaii Revised Statutes.

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

"Individual development account" means an optional, interest-bearing, subsidized tax-benefited account established pursuant to chapter 257, HRS, and used exclusively for the purpose of paying the qualified expenditure of an eligible individual as determined by the fiduciary organization.

"Project," "housing project," or "public housing project" means one of the state-aided family public housing projects owned, managed, administered, or operated by the authority.

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

"Rent" means the monthly charge to a tenant for the use of a dwelling unit.

"Rental agreement" means the agreement containing the conditions of occupancy entered into by the tenant and authority.

"Resident" means a United States citizen or a permanent United States resident who is able to

demonstrate his or her intent to reside in Hawaii. 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; written reference from Hawaii residents, relatives, or social agencies; and any other indicia which could substantiate a claim of an intent to reside.

"Security deposit" means a deposit required of each tenant prior to admission for the cost of loss or damage of the authority's property (reasonable wear and tear excepted) and non-payment of rent.

"Self-employment income" is determined by deducting from the amount received from the sale of goods or services, those expenses directly related to producing the goods or services.

(1) Items such as depreciation, personal business, and entertainment expenses, personal transportation, purchase of capital equipment, and payments on the principal of loans for capital assets or durable goods shall not be deducted as business expenses. Personal expenses such as lunches and transportation to and from work shall not be deducted as business expenses.

(2) A business expense shall be an allowable deduction from earned income only if verified.

(3) A self-employed person shall:

(A) Not be able to be discharged from the person's job by someone else;

(B) Report income to the Internal Revenue Service and the State of Hawaii as a self-employed person;

(C) Meet social security requirements as a self-employed person and shall pay the employer's and the employee's share of social security taxes;

(D) Not be considered to be an employee of an agency or organization; and

(E) Be licensed by the State to operate a business.

"Staff" means the employees or agents of the authority.

"State-aided family public housing projects" means the housing projects of Hauiki Homes, Puahala Homes, Lokahi, Kawailehua (State), Kahale Mua (State), Ke Kumu Elua, and Ke Kumu Ekahi, which are owned, managed, administered, or operated by the authority, and any other housing development owned, managed, administered, or operated by the authority pursuant to part III of chapter 356D, HRS.

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

"Unearned income" means cash received or available to be received by the family that is not classified as earned income. Unearned income includes, but is not limited to, social security benefits; veteran's benefits; pension and retirement benefits; unemployment insurance benefits; supplemental security income; worker's compensation benefits and temporary disability insurance benefits; strike benefits; money received to settle any insurance, legal or inheritance claim; alimony; child support payments; regular cash contribution and any in-kind contribution benefits.

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

"Veteran" means any person who has served in any of the armed services of the United States, or any person who is now a citizen of the United States who has served in any of the armed services of any country which was an ally of the United States in any war or campaign in which the United States was also engaged in. "Veteran" includes any person who served in the military or naval forces of the United States during World War II and who has been discharged or released therefrom under conditions other than dishonorable. The term "veteran" includes Filipino World War II veterans who served honorably in an active-duty status under the command of the United States Armed Forces in the Far East (USAFFE), or within the Philippine Army, the Philippine Scouts, or recognized guerilla units. The Filipino World War II veterans must have served at

any time between September 1, 1939, and December 31, 1946; been born in the Philippines; and resided in the Philippines prior to the military service. [Eff 02/25/24; am and comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-1, 356D-4, 356D-41, 356D-42, 356D-44, 515-2)

§17-2034-3 Income limits. (a) The income limit for admission to a state-aided family public housing project are based on an applicant's adjusted annual income which shall not exceed fifty per cent of the county area median income for the applicable family size as calculated by HUD for a given federal fiscal year.

(b) The income limit for continued occupancy in a state-aided family public housing project is based on a tenant's adjusted annual income which shall not exceed eighty per cent of the county area median income for the applicable family size as calculated by HUD for a given federal fiscal year.

(c) This section shall not apply to tenants of the Ke Kumu Ekahi project admitted to the program pursuant to section 17-2034-23. Families that are admitted to the program after October 17, 2024, and accept an offer of a dwelling unit at the Ke Kumu Ekahi project must meet the income limits for admission and continued occupancy set forth in subsections (a) and (b).

(d) The methodology for calculating the income limits is set forth in exhibit A, entitled "Methodology for Calculating Income and Asset Limits" and dated October 17, 2024. [Eff 02/25/24; am and comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-4 Asset limits. (a) The asset limit for admission to a housing project shall not exceed the applicable income limit for admission.

(b) The asset limit for continued occupancy in a housing project shall not exceed the applicable income limit for continued occupancy.

(c) This section shall not apply to tenants of the Ke Kumu Ekahi project admitted to the program pursuant to section 17-2034-23. Families that are admitted to the program after October 17, 2024, and accept an offer of a dwelling unit at the Ke Kumu Ekahi project must meet the asset limits for admission and continued occupancy set forth in subsections (a) and (b).

(d) The methodology for calculating the asset limits is set forth in exhibit A, entitled "Methodology for Calculating Income and Asset Limits" and dated October 17, 2024. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-5 Asset transfers. (a) All assets transferred or assigned to another person, within a twenty-four-month period prior to submitting an application, shall be included in determining an applicant's assets.

(b) The value of the assets shall be based on the fair market value. [Eff 02/25/24; comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-6 Occupancy standards. Applicant and tenant shall abide by the occupancy standards for the admission and continued occupancy in housing projects as prescribed by exhibit B, which is incorporated by reference and attached. [Eff 02/25/24; comp 02/22/25;

comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-7 Interim utility allowances for the tenants in the Hauiki project. (a) Until meters are installed for individual units in the Hauiki project, the monthly rent for a tenant shall include utility allowances.

(b) The utility allowance schedules may be modified from time to time with at least thirty days written notice to tenant and an opportunity for tenant to present written or oral comments which shall be considered prior to the modifications becoming effective. The applicable schedules shall be publicly posted in a conspicuous manner at the authority's project offices and shall be furnished to a requester upon request.

(c) A tenant shall pay for utility usage in excess of applicable utility allowance. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-8 Verification of information. An applicant or tenant shall provide documentation to verify information upon request of the staff. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-9 Misrepresentation. An applicant may be denied admission to a housing project or a tenant's rental agreement may be terminated if the applicant or tenant has submitted false information, withheld information, or made willful misstatements. [Eff 02/25/24; comp 02/22/25; comp]

(Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§§17-2034-10 to 17-2034-19 (Reserved)

SUBCHAPTER 2

ELIGIBILITY

§17-2034-20 Applicants. (a) A person seeking admission to a housing project shall:

(1) Be a resident of the State of Hawaii, except that no preference shall be given to applicants based on residency in a specific locality or area within the authority's jurisdiction;

(2) Not have previously lived in a housing project and been evicted from the project since March 1, 1985;

(3) Not have an outstanding debt owed to the authority as a participant in any of its programs; and

(4) Meet the occupancy standards as set forth in exhibit B, which is incorporated by reference and attached.

(b) A person seeking admission to a housing project must submit a completed application form as used by the authority. The applicant is permitted to file at any of the authority's intake offices an application for any and all waiting lists prescribed in section 17-2034-33.

(c) An applicant who has misrepresented material information shall not be eligible to file an application with the authority for twelve months from the date of written notification from the authority. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-21 Eligibility for admission. To be eligible for admission to a housing project, an applicant and household members shall meet the

requirements set forth in section 17-2034-20, and shall:

(1) Qualify as a family;

(2) Have an income that does not exceed the applicable income limit;

(3) Have assets that do not exceed the applicable limit;

(4) Not own a majority interest in fee simple or leasehold lands suitable for dwelling purposes, or a majority interest in lands under any trust agreement or other fiduciary arrangement in which another person holds the legal title to such lands;

(5) Not have a record of conduct or behavior within three years of the projected date of admission which may be detrimental to the project, its tenants, or employees;

(6) Not have a recent history of criminal activity involving crimes to persons or property or other criminal acts that may adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents. For purposes of this subsection, 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 exists;

(7) Not have been evicted from any of the authority's housing programs for drug-related criminal activity for three years. For the purposes of this subsection, in determining eligibility, the authority shall consider whether the evicted applicant or household member has successfully completed a rehabilitation program approved by the authority, or whether the circumstances leading to eviction no longer exist. This subsection does not apply to an applicant or

household member ineligible under section 17-2034-20(a)(2);

(8) Not engage in any drug-related criminal activity or violent criminal activity. For the purposes of this subsection, "violent criminal activity" means any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another;

(9) Not engage in the illegal use of a controlled substance or give the authority reasonable cause to believe that the illegal use of a controlled substance, pattern of illegal use, abuse of alcohol, or pattern of abuse may interfere with the health, safety of the residents, or right to peaceful enjoyment of the premises by other residents;

(A) For the purposes of this subsection, "reasonable cause to believe" means by a preponderance of the evidence;

(B) For the purposes of this subsection, in determining whether to deny eligibility based on a pattern of illegal use of a controlled substance 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), effective October 1, 1999, which is incorporated by reference and attached as exhibit C;

(10) Provide a social security number for all family members who are over five years old or certify that the person does not have a social security number; and

(11) Furnish evidence that the applicant is a citizen of the United States or a resident alien. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-22 Notification of eligibility. (a) An applicant shall be notified in writing by the staff as to the applicant's eligibility after a determination is made and the notification shall specifically state the reasons for determination.

(b) An eligible applicant shall be placed on a waiting list.

(c) An ineligible applicant may request an informal hearing within fourteen days after date of written notification. The informal hearing shall be conducted by someone other than the person or the person's subordinates who made or approved the decision. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-23 Admission of existing residents at the Ke Kumu Ekahi project. The authority may admit families already residing at the Ke Kumu Ekahi project as of October 17, 2024, to the program unless they are deemed ineligible by the authority based on the criteria set forth in section 17-2034-21. [Eff and comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42) (Imp: HRS §§356D-4, 356D-42)

§§17-2034-24 to 17-2034-29 (Reserved)

SUBCHAPTER 3

TENANT SELECTION

§17-2034-30 Nondiscrimination. Tenant selection and assignment shall be made without regard to race, sex, color, religion, marital status, familial status, ancestry, disability, age, or HIV (human immunodeficiency virus) infection. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44, 515-3)

§17-2034-31 Preferences. (a) Except for dwelling units designed for a specific purpose (such as units for persons with disabilities), applicants for admission into state public housing projects shall be given preference for placement in the following order:

(1) Applicants with a special preference as described in section 17-2034-31.01;
(2) The elderly;
(3) The displaced;
(4) Disabled veterans with service-connected disabilities;
(5) Families of deceased veterans whose death was determined to be service connected;
(6) Other veterans;
(7) Families residing in a transitional shelter for the homeless and who have successfully completed a social service plan; and
(8) Other families determined by the staff.

(b) Regardless of the date and time of application, an applicant who will be the sole occupant of a unit and who is not elderly, or displaced, or a person with disabilities, shall not have preference over elderly, displaced, or disabled

families with up to two members. [Eff 02/25/24; comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-31.01 Special admission and exception for families with a special preference. (a) A family that claims and verifies a special preference may apply to the state-aided family public housing program and be placed on a waiting list regardless of whether the waiting list is closed. A special preference may be granted to:

(1) A family participating in another housing program administered by the authority that is involuntarily displaced for reasons including but not limited to:
    (A) Relocation due to modernization or redevelopment activity; or
    (B) An emergency where the conditions of the family's dwelling unit, building, or project pose an immediate threat to the life, health, or safety of the family, and the family cannot be relocated to another dwelling unit within the same program that meets its needs;
(2) A family participating in another housing program administered by the authority that is approved for a transfer as a reasonable accommodation to a dwelling unit with certain accessibility features, and:
    (A) The authority does not have an appropriate dwelling unit within the other program's inventory that meets the family's needs; or
    (B) The family has waited for over one year, and an appropriate dwelling unit within the other program's inventory has not become available;

(3) A family participating in another housing program administered by the authority that includes a member who is a victim of domestic violence or assault, and the family cannot be transferred safely to another dwelling unit within the other program; or

(4) A family participating in another housing program administered by the authority that is under-housed, and the authority does not have an appropriately sized dwelling unit within the other program's inventory.

(b) A family with a special preference shall meet the eligibility requirements set forth in section 17-2034-21 prior to admission. [Eff and comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-32 Loss of preference. (a) An applicant who refuses an offer of a dwelling unit without good cause or who voluntarily requests cancellation of the application after refusing an offer shall lose all preferences and priorities for a period of twelve months from the date the offer was refused or from the date of the request for cancellation.

(b) This section shall not apply to an applicant with a special preference as described in section 17-2034-31.01. [Eff 02/25/24; comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-33 Waiting lists. (a) The authority shall maintain five geographical waiting lists, which are community-wide in scope:

(1) Kalihi waiting list, which is comprised of Puahala Homes and Hauiki Homes;

(2) East Hawaii waiting list, which is comprised of Lokahi;

(3) North Hawaii waiting list, which is comprised of Ke Kumu Elua and Ke Kumu Ekahi;
(4) Kauai waiting list, which is comprised of Kawailehua (State); and
(5) Molokai waiting list, which is comprised of Kahale Mua (State).

(b) Applicants shall be notified of the opportunity to apply for and be placed on any and all waiting lists through notices posted in a conspicuous place at the authority's offices which accept applications and printed statement in the authority's informational material on its application process.

(c) Placement of applicants on a waiting list shall be based upon the following:
(1) Type of project;
(2) Size of dwelling unit required based on occupancy standards;
(3) Type of dwelling unit required (e.g., accessible for persons with disabilities);
(4) Applicable state preference; and
(5) Date and time of receipt of application.

(d) An applicant must notify the authority of any change which will affect applicant's place on a waiting list and the authority's ability to contact applicant. Changes include, but are not limited to family status, financial status, preference status, mailing address, and current residence.

(e) An applicant may continue to be on a waiting list even though applicant is a tenant in or receiving housing assistance from another housing program. [Eff 02/25/24; am and comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-34 Removal from waiting lists. An applicant shall not be removed from a waiting list unless:
(1) The applicant requests that the 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 17-2034-21;
(4) The applicant fails to respond to the authority's reasonable contact efforts. Correspondence to the last known address will constitute reasonable effort to contact;
(5) The applicant fails without good cause to keep a scheduled interview or to provide requested information necessary to determine eligibility; or
(6) The applicant misrepresents any material information to the authority in the application or otherwise. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-35 Closing the waiting lists. (a) The authority, at its discretion, may restrict acceptance of applications, and close the waiting lists in whole or in part, when it determines that it will be unable to assist all the applicants on the waiting lists within a reasonable period of time.

(b) The authority shall publicly announce any closure and reopening of the application process.

(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 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-36 Offers. (a) An applicant shall be afforded only one offer to rent a suitable unit. The offer shall be based on what is available in a requested housing project on the day of the offer. If there is more than one suitable unit available on the day of the offer, the unit offered shall be the one with the earliest vacancy date.

(b) Offers to eligible applicants shall be made in sequence based upon the following:

(1) Size of dwelling unit required;

(2) Type of project needed;

(3) Type of dwelling unit required (e.g., accessible units for the mobility, hearing or visually impaired);

(4) Factors affecting priorities and preferences as established by the authority;

(5) Date and time the application was received.

(c) Upon refusal of an offer, without good cause, the applicant's name will be moved to the bottom of all waiting lists on which the applicant's name has been placed.

(d) An applicant shall not be considered to have been offered a unit if an offer has been declined for good cause. Good cause may include, but is not limited to the following:

(1) The 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 unit that is awaiting a person with disabilities applicant needing such a unit);

(2) The 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 presents clear evidence which substantiates this to the authority's satisfaction, such as:

(A) A doctor verifies that the applicant has just undergone major surgery and needs a period to recuperate;

(B) A court verifies that the applicant is serving on a jury which has been sequestered;

(C) A landlord verifies that the applicant has an existing lease 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., where current employment or day care facilities are inaccessible).

(e) This section shall not apply to an applicant with a special preference as described in section 17-2034-31.01. [Eff 02/25/24; comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§17-2034-37 Occupancy of accessible dwelling units. The authority shall take the following nondiscriminatory steps to maximize the utilization of accessible units by eligible individuals whose disability requires the accessibility features of the particular unit.

(a) When an accessible unit becomes vacant the authority shall, before offering such units to an applicant without disabilities, offer the unit:

(1) First, to a current occupant of another unit of the same project or other projects within the same housing program, having disabilities requiring the accessibility features of the vacant unit and occupying a unit not having such features; or, if no such occupant exists, then

(2) Second to an eligible qualified applicant on the waiting list having a disability requiring the accessibility features of the vacant unit.

(b) When an applicant who is not disabled accepts a unit with accessibility features, the

applicant shall transfer to a non-accessible unit when one becomes available. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-42, 356D-44) (Imp: HRS §§356D-4, 356D-42, 356D-44)

§§17-2034-38 to 17-2034-39 (Reserved)

SUBCHAPTER 4

OCCUPANCY AND RENTAL AGREEMENT

§17-2034-40 Rental agreement. (a) A tenant shall enter into a rental agreement with the authority which sets forth the conditions of occupancy for the tenant including, but not limited to, the rental terms, security deposit, eligibility reexaminations and rental adjustment, and for welfare recipients, authorization for the authority to draw rental payments directly from their EBT or bank account.

(b) No tenant shall be permitted to remain in a housing project without a valid rental agreement. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-41 Eligibility for continued occupancy. (a) To be eligible for continued occupancy in a family housing project, the tenant shall:

(1) Qualify as a family;

(2) Conform to the occupancy standards;

(3) Have an income that does not exceed the applicable income limit for continued occupancy;

(4) Have assets that do not exceed the applicable limits for continued occupancy; and

(5) Not have a record of conduct or behavior which may be detrimental to the project, its tenants or employees.

(b) Except for a newborn child, a person shall not be permitted to join or rejoin the family until it is verified that the person meets the eligibility requirements set forth in section 17-2034-21. [Eff 02/25/24; comp 02/22/25; am and comp]

(Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-42 Reexamination. At least once every twelve months, 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. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-43 Reexamination results. (a) A tenant shall be given notice within a reasonable time, after determination by the staff, of both the tenant's eligibility for continued occupancy and rent schedule.

(b) A tenant found ineligible for continued occupancy by the staff shall be required to vacate the dwelling unit within ninety days from the date of ineligibility. [Eff 02/25/24; comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-44 Special reexamination. If at the time of admission or reexamination, a family's income cannot be reasonably determined for the next twelve months, a special reexamination shall be scheduled within three months. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-45 Interim rent adjustment. (a) If applicable, the authority may adjust a tenant's rent between reexaminations if a tenant reports a change in family income.

(b) Adjustments, reflecting a lower rent, shall be made effective on the first of the month following the month the report was made.

(c) A tenant who has obtained a decrease in rent under this section, shall report all income increases which occur prior to the next reexamination 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.

(d) 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.

(e) 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 02/25/24; comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-46 Tenant transfers. (a) Tenant transfers will be made without regard to race, sex, color, religion, marital status, familial status, ancestry, disability, age, or HIV (human immunodeficiency virus) infection.

(b) The authority may transfer a tenant 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 or interim reexamination;

(2) To preserve the purpose for which a project or unit was specifically developed or designed such as to meet the needs of the elderly, or a person with disabilities;

(3) To meet a verifiable health or safety need; or

(4) For economic reasons affecting the tenant or the authority.

(c) Tenant transfers shall take priority over new admissions.

(d) Tenant shall be afforded one offer to transfer to a unit that meets the criteria set forth in subsection (b) within the same housing project in which the tenant resides. If such unit is not available, tenant may then be offered a unit in another housing project under the control of the management unit. If such a unit is not available, tenant may then be offered a suitable unit on the island on which tenant resides. Declining an offer to transfer for good cause as determined by the authority shall not be considered a refusal.

(e) Tenant shall not be transferred during periods when eviction proceedings have been initiated or are in process against such tenant, or during any period of conditional deferment of eviction action against such tenant.

(f) Tenant 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 tenant who refuses to transfer as required by the authority. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-44)

§17-2034-47 Backcharges. A tenant shall pay in full any backcharges within one hundred eighty days after being notified by the staff of the backcharge. Failure to do so shall result in the termination of the rental agreement for non-payment of rent. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-48 Rental agreement termination. (a) A tenant shall give the authority at least twenty-eight days written notice that the tenant will vacate the tenant's unit prior to the vacate date.

(b) The authority may terminate a rental agreement when a 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;

(2) Engages in the illegal use of a controlled substance;

(3) Whose illegal use of a controlled substance, or abuse of alcohol, is determined by the authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents;

(4) Who the authority determines engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents; or

(5) Who the authority determines engages in any drug-related criminal activity on or near the authority's property.

(c) The authority shall give a tenant written notice of the proposed termination of the rental agreement of not less than:

(1) Fourteen days in the case of failure to pay rent;

(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.

(d) The authority shall terminate a rental agreement in accordance with chapter 356D, HRS. [Eff 02/25/24; comp 02/22/25; am and comp] (Auth: HRS §§356D-4, 356D-44, 356D-64) (Imp: HRS §§356D-4, 356D-44, 356D-64)

§§17-2034-49 to 17-2034-59 (Reserved)

SUBCHAPTER 5

RENTS AND SECURITY DEPOSITS

§17-2034-60 Security deposits. A tenant shall pay a security deposit, prior to admission to a housing project, 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 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-61 Minimum rents. (a) The minimum rent shall be based upon the number of bedrooms in the dwelling unit.

(b) The minimum rents for state-aided family projects are set forth in exhibit D which is incorporated by reference and attached. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-62 Rent. A tenant shall pay thirty per cent of adjusted annual income for rent or a minimum rent, as set forth in 17-2034-61, whichever is greater. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-63 Determining net earned income. The net earned income for a tenant family shall be determined by the following process:

1. From the gross annual earned income of each adult household member, deduct a standard deduction of twenty per cent; and if applicable,
2. After the twenty per cent standard deduction, deduct from the remainder an education credit for a household member that is a full-time student seeking a post-secondary education. The education credit, which is provided for a tenant family and not individual family members, is calculated as the lesser of:
   A. The actual amount received from scholarship(s) to attain a post-secondary education degree; or
   B. One thousand dollars ($1,000) per year.

[Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-64 Determining net unearned income. The net unearned income for a tenant family shall be determined by the following process:

1. If applicable, from the gross annual unearned income of each adult household member, deduct Medicare premiums that are actually deducted from social security benefits; and
2. If a household member is a full-time student seeking a post-secondary education, deduct an education credit, which is provided for a tenant family and not individual family members. The education credit is calculated as the lesser of:

A. The actual amount received from scholarship(s) to attain a post-secondary education degree; or

B. One thousand dollars ($1,000) per year.

[Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-65 Determining adjusted annual income. Adjusted annual income is determined by adding the net earned income, as set forth in section 17-2034-63, to the net unearned income, as set forth in 17-2034-64. [Eff 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §§356D-4, 356D-43, 356D-44)

§17-2034-66 to 17-2034-69 (Reserved)

SUBCHAPTER 6

MISCELLANEOUS PROVISIONS

§17-2034-70 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 02/25/24; comp 02/22/25; comp] (Auth: HRS §§356D-4, 356D-44) (Imp: HRS §1-23)

DEPARTMENT OF HUMAN SERVICES

Amendments to and compilation of chapter 17-2034, Hawaii Administrative Rules, on the Summary page dated November 5, 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

Methodology for Calculating Income and Asset Limits
Effective October 17, 2024

The income and asset limits for admission into a state-aided family public housing project are calculated as fifty per cent (50%) of the area median income (AMI) of the applicable county for a given family size.

County*	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
C&C of Honolulu	$48,750	$55,700	$62,650	$69,600	$75,200	$80,750	$86,350	$91,900
County of Hawaii	38,800	44,350	49,900	55,400	59,850	64,300	68,700	73,150
County of Kauai	46,450	53,100	59,750	66,350	71,700	77,000	82,300	87,600
County of Maui	43,650	49,900	56,150	62,350	67,350	72,350	77,350	82,350

The income and asset limits for continued occupancy of a state-aided family public housing project are calculated as eighty per cent (80%) of the area median income (AMI) of the applicable county for a given family size.

County*	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
C&C of Honolulu	$77,950	$90,100	$100,250	$111,350	$120,300	$129,200	$138,100	$147,000
County of Hawaii	62,100	70,950	79,800	88,650	95,750	102,850	109,950	117,050
County of Kauai	74,350	84,950	95,550	106,200	114,700	123,200	131,700	140,150
County of Maui	69,850	79,800	89,800	99,750	107,750	115,750	123,700	131,700

*Based on the U.S. Department of Housing and Urban Development's calculation of county AMI for federal fiscal year 2024.

EXHIBIT B

Occupancy Standards and Guidelines
Effective October 17, 2024

The Occupancy Standards are based upon the prevailing zoning and county building, health, and fire codes. In determining the appropriate dwelling unit size for assistance, the following criteria shall be applied:

1. A family shall be assigned to the smallest unit suitable for its needs and each bedroom shall be occupied by at least one person.

2. The dwelling unit assigned should permit up to the maximum number of persons to occupy the unit in accordance with prevailing zoning and county building, health, and fire codes.

3. Every member of the household, regardless of age, shall be counted as a person. Children born by pregnant household members will also be counted as a person.

4. At the written request of the applicant, the HPHA shall take into consideration in determining unit allotment, factors that include but are not limited to the following:

    a. In the case of single parents and dependent(s), separate bedrooms may be allotted to the parent and to the child/children;

    b. Children of opposite sexes may be allotted separate bedrooms for each gender;

    c. A person with valid medical ailments may be allotted a separate bedroom, provided the necessity for the separate bedroom is

verified by a signed statement from a medical doctor and other supporting data;

d. A live-in care attendant of necessity may be allotted a separate bedroom.

e. Children who are in the process of being adopted, or whose legal custody is being obtained by a household will be included as members of the household for the purpose of determining unit size.

f. One person, the remaining member of a tenant family, may with prior consent of the authority, be permitted to continue to occupy the smallest size unit. The remaining member, may, with prior consent of the authority, add another person to the household, provided the new household qualifies as a family for continued occupancy and a larger dwelling is not required to accommodate the enlarged household.

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

EXHIBIT C

42 U.S.C. §13661(b)(2)(A)-(C)

EXHIBIT D

Minimum Rents for
State-Aided Family Public Housing Projects
Effective October 17, 2024

The minimum monthly rents for all tenant of state-aided family public housing projects are as follows:

No. of Bedrooms	**Monthly Minimum Rent**
1	$108
2	$128
3	$152
4	$180
5	$212

Approved by the Executive Director
November 5, 2026

FOR ACTION

SUBJECT: To Appoint No Less Than One (1) and No More Than Four (4) Directors to the HHA Wilikina Apartments Project, Inc. Board of Directors

I. FACTS

A. HHA Wilikina Apartments Project, Inc. Project No. 140-35071-LDP-L8 is a low-income residential housing project which operates under the provisions of HUD's Section 8 Housing Assistance Payments Program. The project is located at 730 Wilikina Drive, Wahiawa, Oahu, Hawaii and further identified as Tax Map Key No. (1) 7-3-009:003.

B. In 2009, the Board of Directors of the HHA Wilikina Apartments Project, Inc. authorized said property for leasehold sale in "as is – where is and with all faults" condition without any warranties and guarantees.

C. VB Wilikina Limited Partnership, a Washington limited partnership, desired to purchase said property in "as is-where is and with all faults" condition without any warranties and guarantees.

D. The HPHA still holds title to the land and entered into a ground lease with the partnership. As such, the HHA Wilikina Apartments Project, Inc. Board must continue to have an active Board.

II. DISCUSSION

A. The HHA Wilikina Apartments Project By-Laws, **Section 1. Number, Qualifications and Election.** state:

"There shall be no less than three and no less than eight (8) directors."

"The directors of the Corporation shall at all times, be limited to individuals who are members of the commission of the Hawaii Housing Authority or persons who have the approval of the commission of the Hawaii Housing Authority."

B. By-Laws, **Section 6. Quorum.** states:

"Subject to applicable laws or these By-Laws, four directors of the board of Directors shall constitute a quorum, whose affirmative vote shall be necessary for all actions by the Corporation and to transact business at any meeting."

C. The HPHA Board of Directors must appoint a minimum of one additional Director to the HHA Wilikina Apartments Project, Inc. Board of Directors.

III. RECOMMENDATION

That the Board of Directors Appoint No Less Than One (1) and No More Than Four (4) Directors to the HHA Wilikina Apartments Project, Inc. Board of Directors

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

_____
Robert J. Hall
Chairperson

Executive Director's Report

Hawaii Public Housing Authority

September 2026

This report summarizes financial performance, development and capital projects, housing programs, compliance, and staffing for Board review. Financial results cover August 2026; selected project and compliance updates extend into October.

I. Planning and Evaluation

September interagency discussions addressed pathways from homelessness to permanent housing and financing for transit-oriented development. The September 18 TOD Council meeting reviewed the proposed RISE Bond constitutional amendment on the November ballot and AECOM's July 2026 Skyline feasibility study. The study identified infrastructure gaps limiting housing delivery near Skyline stations and opportunities for public investment to support development.

II. Fiscal Management

August 2026 Financial Performance

HPHA reported a net loss of $2,046,812, compared with a budgeted loss of $3,388,664, a favorable variance of $1,341,852. Revenues were $17,501,937, or $544,953 (3.2%) above budget; expenses were $19,548,749, or $796,899 (3.9%) below budget.

Grant income exceeded budget by $1,371,687. HUD operating grants, other income, dwelling rental income, and Central Office Cost Center (COCC) fee income were below budget by $310,920, $214,691, $199,192, and $96,799, respectively. Within other income, front-line service fees were $242,217 below budget, partly offset by investment income $97,634 above budget.

Administrative expenses were $486,380 below budget, primarily from lower payroll and benefits, legal, office, and front-line service costs. Maintenance expenses were $241,160 below budget despite $267,197 in unbudgeted vacant-unit repairs and contract service costs $113,928 above budget. Utilities and management fees were below budget by $177,312 and $148,159, respectively.

Bad debt expense was $161,722 below budget, including a net credit of $66,284. Housing Assistance Payments (HAP) exceeded budget by $409,780, with State Rent Supplement and voucher program payments above budget by $232,409 and $196,940, respectively. Protective services exceeded budget by $57,201.

Year to Date Financial Performance

For the two months ending August 31, 2026, HPHA reported a net loss of $2,809,799, compared with a budgeted loss of $5,839,084. The $3,029,285 favorable variance reduced the loss by 51.9% relative to budget. Revenues totaled $35,393,850, or

$437,500 (1.3%) above budget; expenses totaled $38,203,649, or $2,591,785 (6.4%) below budget.

Grant income exceeded budget by $1,704,368. Dwelling rental income, HUD operating grants, other income, and COCC fee income were below budget by $419,271, $403,680, $300,538, and $136,901, respectively. Within other income, front-line service fees were $493,688 below budget, partly offset by investment income $291,010 above budget.

Maintenance and administrative expenses were below budget by $1,386,380 and $1,272,847, respectively, primarily from lower payroll and benefits and service costs. Maintenance included $398,372 in unbudgeted vacant-unit repairs. Protective services and management fees were below budget by $366,872 and $239,820, respectively.

HAP exceeded budget by $572,064, including voucher program payments $333,638 above budget and State Rent Supplement payments $216,074 above budget. Bad debt expense was $177,207 above budget. General expenses exceeded budget by $60,663, reflecting $306,387 in undistributed expenses, partly offset by other general expenses $252,281 below budget.

Monitoring priorities are HAP, rental and fee income shortfalls, bad debt, and undistributed expenses. With only two months of FY 2027 activity recorded, favorable expense variances should be reassessed as additional costs are posted before drawing full-year conclusions.

HAWAII PUBLIC HOUSING AUTHORITY

Consolidated Balance Sheet

Agency Total

As of August 31, 2026 and August 31, 2025

	As of August 31, 2026	As of August 31, 2025	Increase (Decrease)
ASSETS:			
Cash	208,469,697	207,790,405	679,291
Accounts receivable (net of allowance)	6,161,713	2,366,192	3,795,521
Accrued Interest	706,300	363,611	342,689
Prepaid Expenses	1,022,849	1,087,621	(64,771)
Inventories	709,442	830,939	(121,497)
Total Current Assets	**217,070,001**	**212,438,768**	**4,631,233**
Property, Plant & Equipment:			
Land	25,518,054	25,518,054	-
Buildings	838,908,919	837,138,707	1,770,213
Furniture & Equipment	8,884,775	8,872,733	12,042
Motor vehicles	5,443,547	5,429,726	13,821
Construction in Progress	60,534,436	41,782,867	18,751,569
Less: Accumulated Depreciation	(607,334,044)	(587,209,289)	(20,124,755)
Notes, Loans & Mortgage Receivable-Non Current	26,946,082	11,918,651	15,027,430
Other Long Term Assets	-	-	-
Deferred Outflows of Resources	12,548,739	10,393,217	2,155,522
Total Assets & Deferred Outflow of Resources	**$ 588,520,509**	**$ 566,283,434**	**$ 22,237,074**
LIABILITIES AND NET POSITION			
Accounts Payable	10,419,677	5,816,972	4,602,704
Accrued Expenses	-	-	-
Accrued Salaries & Wages	2,190,239	2,383,894	(193,656)
Tenant Security Deposits	1,589,299	1,593,662	(4,363)
Other Liabilities & Deferred Income	8,365,644	6,666,885	1,698,759
Total Current Liabilities	**22,564,858**	**16,461,414**	**6,103,444**
Net Pension Liability	42,532,481	42,532,481	-
Net OPEB Liability	28,490,372	28,490,372	-
Other Long Term Liabilities	5,591,809	5,151,946	439,863
Deferred Inflows of Resources	11,240,654	9,085,132	2,155,522
Net Assets			
Investment in capital assets	331,955,687	331,532,798	422,889
Restricted Net Assets	395,129	395,129	-
Unrestricted Net Assets	148,559,317	139,401,190	9,158,127
Net Income Year to Date	(2,809,799)	(6,767,027)	3,957,228
Total Net Assets	**478,100,335**	**464,562,090**	**13,538,245**
Total Liabilities, Deferred Inflow of Resources & Net Position	**$ 588,520,509**	**566,283,434**	**22,237,074**

HAWAII PUBLIC HOUSING AUTHORITY

Agency-Wide

Actual vs Budget

For the Month of August 2026, and the 2 Months ended August 31, 2026

(Amounts in Full Dollars)

	Month of August 2026				Year To Date ended August 31 ,2026			
	Actual	Budget	Variance		Actual	Budget	Variance	
			Amount	%			Amount	%
REVENUES								
Dwelling Rental Income	2,458,172	2,657,364	(199,192)	-7%	4,895,142	5,314,413	(419,271)	-8%
HUD Operating Grants	12,629,683	12,940,603	(310,920)	-2%	25,477,526	25,881,206	(403,680)	-2%
CFP Grant Income	20,177	25,309	(5,132)	-20%	37,328	43,805	(6,477)	-15%
COCC Fee Income	413,633	510,432	(96,799)	-19%	884,050	1,020,951	(136,901)	-13%
State CIP Fund	-	-	-	0%	-	-	-	0%
Grant Income	1,502,495	130,808	1,371,687	>100%	3,022,225	1,317,857	1,704,368	>100%
Other Income	477,777	692,468	(214,691)	-31%	1,077,580	1,378,118	(300,538)	-22%
Total Revenues	**$ 17,501,937**	**16,956,984**	**544,953**	**3%**	**$ 35,393,850**	**34,956,350**	**437,500**	**1%**
EXPENSES								
Administrative	2,197,493	2,683,873	(486,380)	-18%	4,083,062	5,355,909	(1,272,847)	-24%
Management Fees	352,197	500,356	(148,159)	-30%	760,973	1,000,793	(239,820)	-24%
Bookkeeping Fees	61,437	65,490	(4,053)	-6%	123,076	130,988	(7,912)	-6%
Housing Assistance Payments	10,476,028	10,066,248	409,780	4%	20,704,560	20,132,496	572,064	3%
Tenant Services	14,297	14,274	23	0%	21,428	28,748	(7,320)	-25%
Utilities	1,119,541	1,296,853	(177,312)	-14%	2,512,242	2,595,233	(82,991)	-3%
Maintenance	2,727,504	2,968,664	(241,160)	-8%	4,678,100	6,064,480	(1,386,380)	-23%
Protective Services	477,689	420,488	57,201	14%	459,186	826,058	(366,872)	-44%
Insurance	157,868	161,310	(3,442)	-2%	285,044	322,620	(37,576)	-12%
Depreciation Expense	1,931,805	1,931,805	-	0%	3,865,535	3,865,535	-	0%
Bad Debt Expense	(66,284)	95,438	(161,722)	<-100%	368,083	190,876	177,207	93%
General Expenses	99,177	140,849	(41,672)	-30%	342,361	281,698	60,663	22%
Total Expenses	**19,548,749**	**20,345,648**	**(796,899)**	**-4%**	**38,203,649**	**40,795,434**	**(2,591,785)**	**-6%**
Net Income(Loss)	**$ (2,046,812)**	**(3,388,664)**	**1,341,852**	**40%**	**$ (2,809,799)**	**(5,839,084)**	**3,029,286**	**52%**

HAWAII PUBLIC HOUSING AUTHORITY
Federal Low Rent Housing Projects

Actual vs Budget

For the Month of August 2026, and the 2 Months ended August 31, 2026

(Amounts in Full Dollars)

	Month of August 2026				Year To Date ended August 31 ,2026			
	Actual	Budget	Variance		Actual	Budget	Variance	
			Amount	%			Amount	%
REVENUES								
Dwelling Rental Income	2,038,175	2,180,972	(142,797)	-7%	4,030,012	4,361,944	(331,932)	-8%
HUD Operating Grants	2,127,165	2,359,701	(232,536)	-10%	4,254,338	4,719,402	(465,064)	-10%
CFP Grant Income	20,177	25,309	(5,132)	-20%	37,328	43,805	(6,477)	-15%
COCC Fee Income	-	-	-	0%	-	-	-	0%
State CIP Fund	-	-	-	0%	-	-	-	0%
Grant Income	384,082	-	384,082	100%	515,257	460,416	54,841	12%
Other Income	164,588	61,452	103,136	>100%	341,444	122,904	218,540	>100%
Total Revenues	**$ 4,734,188**	**4,627,434**	**106,754**	**2%**	**9,178,378**	**9,708,471**	**(530,093)**	**-5%**
EXPENSES								
Administrative	758,101	993,554	(235,453)	-24%	1,465,155	1,995,460	(530,305)	-27%
Asset Management Fees	-	-	-	0%	-	-	-	0%
Management Fees	284,094	322,574	(38,480)	-12%	569,626	645,309	(75,683)	-12%
Bookkeeping Fees	30,375	33,989	(3,614)	-11%	60,885	67,994	(7,109)	-10%
Housing Assistance Payments	931	-	931	100%	931	-	931	100%
Tenant Services	9,045	13,914	(4,869)	-35%	16,176	27,828	(11,652)	-42%
Utilities	949,208	1,068,308	(119,100)	-11%	2,055,911	2,138,143	(82,232)	-4%
Maintenance	2,257,158	2,376,268	(119,110)	-5%	3,922,961	4,925,855	(1,002,894)	-20%
Protective Services	461,526	380,362	81,164	21%	418,006	745,725	(327,719)	-44%
Insurance	121,475	123,728	(2,253)	-2%	242,910	247,456	(4,546)	-2%
Depreciation Expense	1,584,560	1,584,560	-	0%	3,171,047	3,171,047	-	0%
Bad Debt Expense	(97,938)	76,807	(174,745)	<-100%	281,800	153,614	128,186	83%
General Expenses	30,770	-	30,770	100%	228,668	-	228,668	100%
Total Expenses	**6,389,305**	**6,974,064**	**(584,759)**	**-8%**	**12,434,076**	**14,118,431**	**(1,684,355)**	**-12%**
Net Income(Loss)	**$ (1,655,117)**	**(2,346,630)**	**691,513**	**29%**	**(3,255,698)**	**(4,409,960)**	**1,154,262**	**26%**

HAWAII PUBLIC HOUSING AUTHORITY
State Low Rent and Elderly Housing Projects

Actual vs Budget

For the Month of August 2026, and the 2 Months ended August 31, 2026

(Amounts in Full Dollars)

	Month of August 2026				Year To Date ended August 31 ,2026			
	Actual	Budget	Variance		Actual	Budget	Variance	
			Amount	%			Amount	%
REVENUES								
Dwelling Rental Income	363,518	403,716	(40,198)	-10%	724,412	807,117	(82,705)	-10%
HUD Operating Grants	-	-	-	0%	-	-	-	0%
CFP Grant Income	-	-	-	0%	-	-	-	0%
COCC Fee Income	-	-	-	0%	-	-	-	0%
State CIP Fund	-	-	-	0%	-	-	-	0%
Grant Income	293,011	-	293,011	100%	293,011	595,825	(302,814)	-51%
Other Income	9,950	17,434	(7,484)	-43%	39,000	34,868	4,132	12%
Total Revenues	**$ 666,478**	**421,150**	**245,328**	**58%**	**1,056,422**	**1,437,810**	**(381,388)**	**-27%**
EXPENSES								
Administrative	114,673	130,931	(16,258)	-12%	130,410	261,793	(131,383)	-50%
Asset Management Fees	-	-	-	0%	-	-	-	0%
Management Fees	30,163	35,142	(4,979)	-14%	66,459	70,204	(3,745)	-5%
Bookkeeping Fees	6,098	6,624	(527)	-8%	12,780	13,240	(460)	-3%
Housing Assistance Payments	-	-	-	0%	-	-	-	0%
Tenant Services	-	5	(5)	-100%	-	210	(210)	-100%
Utilities	155,379	201,717	(46,338)	-23%	410,419	403,434	6,985	2%
Maintenance	242,116	327,988	(85,872)	-26%	329,053	609,230	(280,177)	-46%
Protective Services	12,932	17,781	(4,849)	-27%	32,945	35,562	(2,617)	-7%
Insurance	30,348	31,486	(1,138)	-4%	30,197	62,972	(32,775)	-52%
Depreciation Expense	270,916	270,916	-	0%	541,828	541,828	-	0%
Bad Debt Expense	31,654	18,631	13,023	70%	86,283	37,262	49,021	>100%
General Expenses	-	-	-	0%	-	-	-	0%
Total Expenses	**894,279**	**1,041,221**	**(146,942)**	**-14%**	**1,640,375**	**2,035,735**	**(395,360)**	**-19%**
Net Income(Loss)	**$ (227,801)**	**(620,071)**	**392,270**	**63%**	**(583,953)**	**(597,925)**	**13,972**	**2%**

HAWAII PUBLIC HOUSING AUTHORITY

Housing Rental Assistance Programs

Actual vs Budget

For the Month of August 2026, and the 2 Months ended August 31, 2026

(Amounts in Full Dollars)

	Month of August 2026				Year To Date ended August 31 ,2026			
	Actual	Budget	Variance		Actual	Budget	Variance	
			Amount	%			Amount	%
REVENUES								
Dwelling Rental Income	-	-	-	0%	-	-	-	0%
HUD Operating Grants	10,502,518	10,580,902	(78,384)	-1%	21,223,188	21,161,804	61,384	0%
CFP Grant Income	-	-	-	0%	(0)	-	(0)	-100%
COCC Fee Income	-	-	-	0%	-	-	-	0%
State CIP Fund	-	-	-	0%	-	-	-	0%
Grant Income	497,638	98,011	399,627	>100%	847,988	196,022	651,966	>100%
Other Income	26,320	41,296	(14,976)	-36%	54,772	82,592	(27,820)	-34%
Total Revenues	**$ 11,026,476**	**10,720,209**	**306,267**	**3%**	**22,125,948**	**21,440,418**	**685,530**	**3%**
EXPENSES								
Administrative	443,989	385,990	57,999	15%	739,464	771,980	(32,516)	-4%
Asset Management Fees	-	-	-	0%	-	-	-	0%
Management Fees	37,939	142,640	(104,701)	-73%	124,889	285,280	(160,391)	-56%
Bookkeeping Fees	24,964	24,877	87	0%	49,411	49,754	(343)	-1%
Housing Assistance Payments	10,475,097	10,066,248	408,849	4%	20,703,629	20,132,496	571,133	3%
Tenant Services	5,118	96	5,022	>100%	5,118	192	4,926	>100%
Utilities	190	4,555	(4,365)	-96%	5,002	9,110	(4,108)	-45%
Maintenance	1,482	1,784	(302)	-17%	2,716	3,568	(852)	-24%
Protective Services	712	1,030	(318)	-31%	1,814	2,060	(246)	-12%
Insurance	1,535	1,590	(55)	-3%	3,070	3,180	(111)	-3%
Depreciation Expense	4,309	4,309	-	0%	8,618	8,618	-	0%
Bad Debt Expense	-	-	-	0%	-	-	-	0%
General Expenses	31,225	140,816	(109,591)	-78%	38,067	281,632	(243,565)	-86%
Total Expenses	**11,026,561**	**10,773,935**	**252,626**	**2%**	**21,681,798**	**21,547,870**	**133,928**	**1%**
Net Income(Loss)	**$ (85)**	**(53,726)**	**53,641**	**100%**	**444,150**	**(107,452)**	**551,602**	**>100%**

HAWAII PUBLIC HOUSING AUTHORITY

Central Office Cost Center

Actual vs Budget

For the Month of August 2026, and the 2 Months ended August 31, 2026

(Amounts in Full Dollars)

	Month of August 2026				Year To Date ended August 31 ,2026			
	Actual	Budget	Variance		Actual	Budget	Variance	
REVENUES			Amount	%			Amount	%
Dwelling Rental Income	-	-	-	0%	-	-	-	0%
HUD Operating Grants	-	-	-	0%	-	-	-	0%
CFP Grant Income	-	-	-	0%	-	-	-	0%
COCC Fee Income	413,633	510,432	(96,799)	-19%	884,050	1,020,951	(136,901)	-13%
State CIP Fund	-	-	-	0%	-	-	-	0%
Grant Income	37,077	32,797	4,280	13%	70,437	65,594	4,843	7%
Other Income	263,716	572,279	(308,563)	-54%	599,421	1,137,740	(538,319)	-47%
Total Revenues	**$ 714,426**	**1,115,508**	**(401,082)**	**-36%**	**1,553,908**	**2,224,285**	**(670,377)**	**-30%**
EXPENSES								
Administrative	858,811	1,155,349	(296,538)	-26%	1,708,724	2,290,578	(581,854)	-25%
Asset Management Fees	-	-	-	0%	-	-	-	0%
Management Fees	-	-	-	0%	-	-	-	0%
Bookkeeping Fees	-	-	-	0%	-	-	-	0%
Housing Assistance Payments	-	-	-	0%	-	-	-	0%
Tenant Services	134	259	(125)	-48%	134	518	(384)	-74%
Utilities	883	9,292	(8,409)	-90%	12,732	18,584	(5,852)	-31%
Maintenance	200,076	248,628	(48,552)	-20%	395,232	497,835	(102,603)	-21%
Protective Services	2,519	3,293	(774)	-24%	6,420	6,667	(247)	-4%
Insurance	2,888	2,872	16	1%	5,776	5,744	32	1%
Depreciation Expense	12,595	12,595	-	0%	25,194	25,194	-	0%
Bad Debt Expense	-	-	-	0%	-	-	-	0%
General Expenses	37,182	33	37,149	>100%	75,626	66	75,560	>100%
Total Expenses	**1,115,087**	**1,432,321**	**(317,234)**	**-22%**	**2,229,839**	**2,845,186**	**(615,347)**	**-22%**
Net Income(Loss)	**$ (400,661)**	**(316,813)**	**(83,848)**	**-26%**	**(675,931)**	**(620,901)**	**(55,030)**	**-9%**

Hawaii Public Housing Authority
Summary of Capital Funds
As of 08/31/2026

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	6,286,667	42%
HI08P001501-23	14,891,053	14,891,053	14,891,053	9,669,635	65%
HI08P001501-24	15,384,579	15,384,579	15,384,579	5,520,841	36%
HI08P001501-25	15,526,078	15,526,078	7,118,082	0	0%
HI08P001501-26	15,816,881	15,816,881	5,635,908	0	0%
CFP Totals	**60,838,873**	**76,655,754**	**58,066,786**	**21,477,143**	**35%**

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	28,167,739	97%
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	21,336,727	99%
FY 19-20 Lump Sum CIP	B	20,000,000	20,000,000	20,000,000	18,554,680	93%
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	273,081	3%
FY 21-22 TOD Planning Puuwai Momi, Kahakili Terrace	B	625,000	625,000	625,000	53,047	8%
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	219,736	37%
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	4,960,866	569,399	11%
FY 23-24 Lump Sum CIP	A	5,000,000	5,000,000	4,970,687	4,008,354	80%
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	3,514,936	2,364,936	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	4,912,860	0	0%
FY 24-25 Lump Sum CIP	A	5,000,000	5,000,000	4,992,455	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	9,182,581	2,059,843	21%
FY 24-25 Repair of Housing Units	A	10,500,000	10,500,000	10,500,000	8,377,747	80%
FY 25-26 Repair of Housing Units	A	10,000,000	10,000,000	10,000,000	228,549	2%
FY 26-27 Repair of Housing Units	A	10,000,000	0	0	0	0%
FY 26-27 Kuhio Park Terrace (Lump Sum)	B	1,300,000	0	0	0	0%
CIP Totals		**229,110,000**	**217,810,000**	**196,579,718**	**141,318,676**	**65%**

III. Procurement

September Solicitations

HPHA issued solicitations for Kalanihuia water heater replacement and preventive maintenance (RFQ-PMB-24-2026; quotes due September 16), as-needed towing at Kauaʻi AMP 38 (RFQ-PMB-26-2026; quotes due September 18), and administrative office custodial services on Oʻahu (IFB-PMB-22-2026; bids due October 2).

September Contract Actions

Contractor	Scope	Amount	Term through
Paul's Electrical Contracting LLC	Puuwai Momi fire alarm replacement; 90-day extension	No cost	December 4, 2026
Artistic Builders Corporation	Repair of 15 vacant units at Kauaʻi AMP 38; 90-day extension	No cost	December 14, 2026
RMA Architects Inc.	Pālolo Valley Homes Phase 5 construction management and post-warranty services; 850-day extension	$218,911.06	November 28, 2029
Emphasys Software	Elite software maintenance and technical support	$432,927.06	June 30, 2027
Garden Isle Disposal Inc.	Kawailehua State and Federal refuse collection	$66,448.44	August 31, 2027
Hawaii Affordable Properties Inc.	MU 42 property management, maintenance, and resident services	$1,077,126.33	February 28, 2027
Professional Security Consultants	Security at AMPs 31, 32, and listed AMP 35 properties	$432,247.98	April 30, 2027
Island Refuse Inc.	Kahale Mua State and Federal refuse collection on Molokaʻi	$77,259.00	August 31, 2027
VDA Inc.	Professional elevator consulting	$118,626.00	November 30, 2026

October and November Priorities

Planned solicitations cover roof coating and gutters at AMP 34; major building systems at AMPs 30, 34, 35, and MU 42; security systems at AMP 35; grounds and wastewater services at Kauaʻi AMP 38; and laundry services across Oʻahu, Kauaʻi, and Hawaiʻi Island. Routine service renewals will proceed as needed.

IV. Development

School Street Elderly Housing Redevelopment. The dedication of Hoʻohiki Senior Living, formerly known as School Street Elderly Housing, was held on October 14. The first resident move-ins are anticipated in January 2027.

Kūhiō Park Terrace Low-Rises and Kūhiō Homes. Construction is 8.7% complete, with site work and utility coordination continuing. Crane assembly around October 3 is expected to close Linapuni Street to vehicles and pedestrians for approximately four hours.

Ka Lei Momi Mayor Wright Homes. Phase 1A has received demolition, mass grading, superstructure, and foundation approvals; the building permit remains in progress. Closing preparations began in July, and HUD is reviewing the Mixed Finance Development Proposal. Phase 1B building, demolition, foundation, and superstructure permits remain in progress.

Ka Lei Momi Kapaʻa. Building and demolition permits are advancing. HUD's Special Applications Center approved the Section 18 disposition application in July 2026. Tenant relocation is scheduled for the second quarter of 2027.

Ka Lei Momi Kaʻahumanu Homes. The Section 106 memorandum of agreement has been executed by HPHA and SHPD, received DHS sign-off, and awaits the Governor's signature. NEPA Finding of No Significant Impact documentation will follow execution. HPHA and HCDC are reviewing the 50% design development plans for Phases 1A and 1B; the 100% set is anticipated for submission to HUD in October 2026.

Ka Lei Momi Lānakila Homes. The 100% design development plans and NEPA reevaluation are underway, including consideration of potential offsite improvements.

Ka Lei Momi Kahekili Terrace. Initial fit tests are complete, and the product type has been selected. Site obsolescence and environmental studies are underway; engagement of 201H consultants is planned for the fourth quarter of 2026.

Ka Lei Momi Alternate Sites. Initial fit tests are complete for Hale Nana Kai Okea, Kekaha Haʻaheo, Lokahi, and Hale Olaloa. Master planning, site obsolescence, and environmental studies continue.

V. Property Management and Maintenance Services

In September, HPHA processed 33 move-ins, 19 move-outs, 301 annual reexaminations, 140 interim reexaminations, and 21 new admissions. Under vacant-unit contracts, 128 units had been completed as of September 2026.

REAC NSPIRE inspection dates remain to be determined for Waimaha Sunflower (AMP 44) and Koolau Village (AMP 45).

HPHA conducted 21 federal eviction hearings for rent delinquency: 16 resulted in evictions with a ten-business-day opportunity to cure, two were resolved through full payment, one followed the tenant's departure, and two were continued. No state eviction hearings or Section 8 informal hearings were conducted.

VI. Construction Management

Vacant Unit Modernization

As of September 30, Construction Management was managing 158 vacant units: 44 state and 114 federal units. Of these, 93 were under modernization and 65 under the Emergency Proclamation (EP). The geographic breakdown was Oʻahu, 90 units (18 EP); Kauaʻi, 31 (all EP); Maui, 10 (all EP); and Hawaiʻi Island, 27 (6 EP).

An additional 241 vacant units are being reviewed for potential CIP-funded work. Further appropriations will be needed in the next biennium legislative session to address all of these units. Standard contract performance is 90 days, extendable to 120 days for exceptional modernization conditions.

AMP 38 vacant units are being prioritized for Kapaʻa tenant relocation. Hurricane Lowell road closures and power outages have delayed progress on Kauaʻi.

Major Project Updates

Emergency generators. Work at Kalakaua Homes is complete. Five generator replacements remain, with work continuing at Paoakalani, Makua Alii, and Punchbowl Homes.

Reasonable accommodations. HPHA is evaluating the feasibility and cost of modifying occupied units so residents can remain in and fully use their current homes.

MU 42 state elderly properties. Hale Poai community improvements have started. At Laiola, Building B is watertight and Building A reroofing began September 14.

Waipahu I and II and Puuwai Momi. Lead-based paint removal from pipes at Waipahu I and spall repairs at Waipahu I and II are underway. Replacement of corroded and inoperable zone valves has been requested. Puuwai Momi's fire alarm upgrade requires additional devices and retrofits for units serving residents with visual or hearing impairments; the associated supplemental contract and time extension have been submitted.

Salt Lake Apartments. The design contract for ADA Title II, building, and site improvements is executed, with site investigations underway.

Kalihi Valley Homes. Roof replacement has begun at Building 45, requiring relocation of an accessible route from the public right of way. Bus stop and Kalena Road reconstruction is nearing completion. Kalaunu Street waterline replacement began following the September 21 Notice to Proceed.

Hauiki Homes. Accessibility options are being evaluated to convert two-story units into single-floor flats on two levels and adjust the bedroom mix.

Mayor Wright Homes. Repairs to REAC-cited concrete spalls continue; the final two buildings are scheduled for completion in November.

Makua Alii. Plumbing and building upgrade surveys have begun. Burned-unit repairs are nearly complete, with a wall beneath the electrical panel remaining. Guard shack

installation is scheduled by the end of October. Additional Kaheka gate power conduits require change orders, and full communication conduits constrain connectivity among campus buildings.

Kūhiō Homes. Approval is being routed for a lead-based paint removal contract.

Pālolo Valley Homes Phase 4. The 29-unit modernization covers Buildings 1, 2, 7, 8, and 9. Interior and exterior work at Buildings 7, 8, and 9 is complete, but energization awaits HECO transformers and a power connection. Recent weather has limited HECO's response. Retaining wall work behind Building 7 has begun.

Hale Aloha O Puna and Pomaikai. Phase 4 work at Buildings 2 and 3 has completed fall protection, mechanical closet excavation, electrical and plumbing rough-in, solar installation, and bathroom demolition.

Kaimalino. Flooring installation in Building 3 is complete. Seven units were relocated for Building 11 termite repairs and stair replacement, which remain underway.

Kawailehua State. Roof, gutter, downspout, fall-protection anchor, fascia, and substrate work is reported complete. The punch list and a change order for fiberglass replacement doors remain pending.

Capital Funding and Obligation Risks

On September 29, the Department of Budget and Finance notified HPHA of the release of $10 million in CIP cash for vacant units and emergency life-safety repairs under the Governor's Emergency Proclamation Relating to Affordable Housing.

Carryover project delays from 2025 put the CFP 2023 February 2027 deadline at risk. The CFP 2022 May 2027 obligation deadline is also in jeopardy because of design delays and the loss of Kauaʻi County offices, including the Building Department and permit records. HPHA may request a deadline extension.

VII. Section 8 Subsidy Program

Assistance and Program Performance

HPHA expended $5,443,486 in HAP for 3,212 households, including $584,543 for 500 Veterans Affairs Supportive Housing (VASH) families. The report also records 52 Mainstream leases and one port-in voucher, with $72,997 in HAP disbursements.

In September, HPHA completed 198 NSPIRE inspections, with 61 failures and no quality-control inspections. It processed 90 rent-comparability requests, approving 85 and denying five. The correction period remains 30 days.

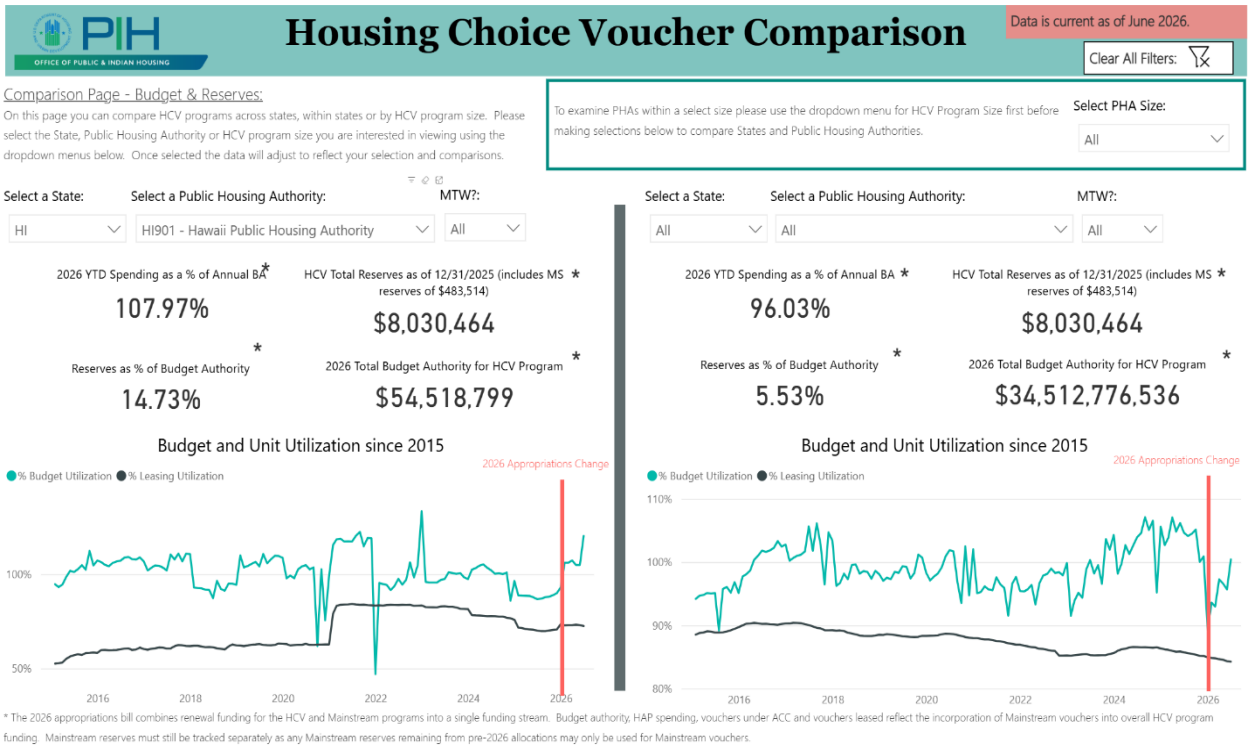
The State Rent Supplement Program paid $212,098 to 486 families: $8,999 for new lease-ups and $203,099 for 477 existing families.

Family Self-Sufficiency served 29 active participants. Since inception, 163 Section 8 and 32 low-income public housing participants have graduated. Fifteen of 28 Section 8 participants and one public housing participant were eligible for escrow credits; September escrow deposits totaled $6,330.

HUD Housing Choice Voucher Funding Comparison

The June 2026 HUD dashboard shows 2026 HCV budget authority of $54,518,799 for HPHA and $34,512,776,536 nationwide. Its spending indicator is 107.97% for HPHA and 96.03% nationally. HPHA's displayed reserves as of December 31, 2025, are $8,030,464, or 14.73% of budget authority. Available vouchers do not each carry a fixed allocation; leasing must be managed within available funding.

The dashboard provides the comparison below.



VIII. Compliance Office

As of October 14, HPHA is working on 367 reasonable accommodation or modification requests. During October, the office processed 28 new requests, reactivated none, and issued 16 decisions. Program and construction reviews continued to address federal, state, Board policy, and ADA requirements, alongside responses and referrals for Fair Housing inquiries and complaints.

The Declaration of Trust and Declaration of Restrictive Covenants update is complete; all Bureau of Conveyances filings are current.

IX. Human Resources

HPHA reports current staffing of 321 positions, with 14 Tenant Aide Program positions. Fifty-three positions are on continuous recruitment and 13 recruitments are pending. Human Resources is reviewing recruitment plans and selection processes with hiring managers to expedite hiring, with recruitment continuing across engineering, accounting, housing management, clerical, and maintenance positions.

During September, three employees were on Temporary Total Disability for the full month and seven were on Temporary Partial Disability while working light duty. Sixteen employees returned to restricted duties without compensation benefits, and four were working with the DHRD Workers' Compensation Counselor to identify jobs in other Executive Branch agencies. Four new claims were filed; three employees returned to full duty, and one employee lost 15 workdays.

Human Resources and Property Management continue AMP site inspections and personal protective equipment checks to reduce workplace injuries.