

Hawaii Public Housing Authority
Emergency Rules Relating to Eviction

- §1 Findings
- §2 Purpose
- §3 Authority
- §4 Applicability
- §5 Definitions
- §6 Curable and non-curable violations; federally assisted public housing
- §7 Rental agreement termination; federally assisted public housing

§1 Findings. The authority finds that:

- (1) Over the past several months, the authority has experienced a significant and alarming increase in criminal activity occurring at and around public housing properties, including, but not limited to gang activity, shootings, assaults, drug trafficking, trespassing, property damage, and other criminal activities;
- (2) Law enforcement agencies operating across the state have confirmed to the authority that certain public housing properties have experienced disproportionately high rates of criminal activity compared to surrounding neighborhoods, thereby creating an increased need for police presence and security resources;
- (3) In many documented cases, the individuals responsible for criminal activities at or around public housing properties are tenants, household members, guests or visitors of tenants, or unauthorized residents;
- (4) According to crime data and statistics reporting provided to the Authority by the Honolulu police department, certain public housing properties and their surrounding communities experience a disproportionately high level of criminal activity, particularly violent and drug-related crime, when compared with other neighborhoods on Oahu. During calendar year 2025:
 - (i) In police beat 384, which includes Puuwai Momi, 336 crimes were reported, including nine aggravated assaults, one murder, three robberies, and 13 sex crimes;

- (ii) In police beat 558, which includes Kalihi Valley Homes, 332 crimes were reported, including 13 aggravated assaults, one murder, eight robberies, and four sex offenses;
- (iii) In police beat 560, which includes Kuhio Park, 261 crimes were reported, including 17 aggravated assaults, seven robberies, and five sex offenses; and
- (iv) In police beat 567, which includes Mayor Wright Homes, 237 crimes were reported, including 11 aggravated assaults, nine robberies, and four sex offenses.

In comparison, police beats in east Honolulu, ranging from Kaimuki-Kahala to Hawaii Kai, averaged roughly 168 crimes reported per beat. Only 16 assaults, five robberies, and 11 sex offenses were reported in aggregate.

- (4) The authority has a paramount duty and obligation to provide safe, decent, and sanitary housing to its residents and to maintain public housing properties that are free from conditions that threaten their health, safety, or right to peaceful enjoyment;
- (5) The current administrative rules do not provide all the necessary means for addressing the current crisis of criminal activity which in turn hinders the authority's ability to take swift action to protect residents;
- (6) The delay required for standard administrative rulemaking procedures would expose residents, the authority's staff and representatives, and surrounding communities to continued danger and harm;
- (7) These emergency rules amend the standards for the proposed termination of a rental agreement to include an expanded scope of prohibited conduct and broaden which rental agreement violations the eviction board for the federally assisted public housing program shall consider as non-curable;
- (8) Based on the above, there is an imminent peril to the public health, safety, or morals caused by the increase in criminal activity occurring at and around public housing properties, requiring immediate adoption of these emergency rules upon less than thirty days' notice of hearing; and
- (9) These findings are based on the Board's personal knowledge and professional experience.

§2 Purpose. These emergency rules are adopted based on the findings in section 1 to respond to the increase in criminal activity occurring at and around public housing properties.

§3 Authority. These emergency rules are adopted pursuant to section 91-3, HRS.

§4 Applicability. Notwithstanding chapter 17-2020, entitled "Eviction - Practice and Procedure"; chapter 17-2028, entitled "Federally Assisted Public Housing Projects"; and any subsequent repeal or revisions, these rules shall apply to all aforementioned administrative rules chapters, provided that upon expiration of these emergency rules, these rules shall terminate.

§5 Definitions. All definitions provided in these rules shall be the same as those provided in chapter 356D, HRS; chapter 17-2020, entitled "Eviction - Practice and Procedure"; and chapter 17-2028, entitled "Federally Assisted Public Housing Projects".

§6 Curable and non-curable violations; federally assisted public housing. (a) Section 17-2020-33 is suspended. While section 17-2020-33 is suspended, this section shall apply.

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

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

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

- (2) Any drug-related criminal activity or violent criminal activity;
- (3) Any criminal activity that threatens or could threaten the health, safety, or right to peaceful enjoyment of other residents, the authority's employees or representatives, or other individuals on any authority property or that damages the authority's property itself;
- (4) Where the tenant has received notice from the United States Department of Housing and Urban Development that the tenant is no longer eligible to remain in the unit;
- (5) Where any member of the family has been convicted of a felony during the term of the tenancy, including but not limited to felonies involving violence, threats of violence, weapons, sexual offenses, crimes against persons, crimes against property, offenses involving the authority's or a resident or tenant association's property or funds, or any other felony that threatens, or that could threaten, the health, safety, or peaceful enjoyment of the premises by others;
- (6) Any property damage, regardless of whether such damage threatens or could threaten the health or safety of other residents, the authority's employees or representatives, or other individuals, which requires repair at a projected cost which exceeds sixty per cent of the household's adjusted income or which the household cannot pay off within six months if the household has no income;
- (7) Any violation where the family allows an individual, who they know or should have known to be trespassed from the property, to visit or stay on the property or in the unit during the trespass period;
- (8) Any violation where at the time of admission, reexamination, interim or at any other time, the family has submitted false information or has withheld valuable information or has made willful misstatements;
- (9) Any false statement or misrepresentation by the household during any authority related grievance or eviction hearing that affects or could reasonably affect the hearing decision; and
- (10) Where 24 C.F.R. §966.4, as it existed on February 19, 2026, requires termination of the rental agreement and eviction.

§7 Rental agreement termination; federally assisted public housing. (a) Section 17-2028-59 is suspended. While section 17-2028-59 is suspended, this section shall apply.

(b) 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.

(c) 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. 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 February 19, 2026, 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.
- (2) Engages 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 any authority property by other tenants;
 - (3) Engages in any criminal activity that threatens or could threaten the health, safety, or right to peaceful enjoyment of other residents, the authority's employees or representatives, or other individuals on any authority property or that damages the authority's property itself;
 - (4) Engages in any drug-related criminal activity on or near any of the authority's property as determined by the authority;
 - (5) Engages in conduct 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 felonies involving violence, threats of violence, weapons, sexual offenses, crimes against persons, crimes against property, offenses involving the authority's or a resident or tenant association's property or funds, or any other felony that threatens, or that could threaten, the health, safety, or 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 they know or should have known to be trespassed from the property, to visit or

stay on the property or in the 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 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; or
- (13) Engages in willful damage to the authority's property.

(d) 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 February 19, 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.

(e) 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 February 19, 2026.

3624 = 1/2

Hawaii Public Housing Authority
Emergency Rules Relating to Eviction

The Hawaii Public Housing Authority Emergency Rules Relating to Eviction, Hawaii Administrative Rules, were adopted on February 19, 2026, by the Hawaii Public Housing Authority Board of Directors at its regular monthly board meeting with prior public notice provided in accordance with section 92-7 and section 91-3(b), Hawaii Revised Statutes.

These rules shall take effect upon filing with the Office of the Lieutenant Governor for a period of not longer than 120 days unless extended in compliance with section 91-3(a), Hawaii Revised Statutes.



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

APPROVED:



Josh Green, MD
Governor
State of Hawaii

Dated: 3/10/2026

APPROVED AS TO FORM:



Deputy Attorney General

Filed: MAR 10 2026

