

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) Unable to work due to a disability, illness, injury, or other physical or mental impairment of a nature which is expected to last twelve months or more;
- (4) Required at home due to a verified medical condition of another household member that does not permit self-care, and care is not available from another person in the household;
- (5) Pregnant; or
- (6) The primary caretaker for a child under the age of six or a dependent adult in the home. No more than one adult in a household may qualify as a work-exempt individual under this definition. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; am and comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Parts 5, 903, 960, 965, 966; HRS §§356D-4, 356D-13)

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

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

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

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

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

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

§17-2028-5 Occupancy ~~[guidelines]~~ standards.

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

(b) The occupancy ~~[guidelines]~~ standards shall provide for minimum and maximum dwelling unit sizes depending on the number of persons in a household for purposes of determining the appropriate dwelling unit

size for ~~[the wait list]~~ a tenant transfer or an applicant on a waiting list. ~~[The occupancy guidelines are not to be confused with the authority's occupancy standards, which are based on prevailing county building codes.]~~

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

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

§17-2028-7 Utility allowances. (a) The monthly rent for a family residing in a federally assisted public housing project shall include utility allowances established in accordance with HUD's standards for utility allowances as described in 24 C.F.R. §965.505 as it existed on 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 activity 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~~[7]~~ into the dwelling unit on a temporary or permanent basis~~[-]~~;
- (15) Not provide supportive services on only a part-time, rotating, or intermittent basis;
- (16) Be certified by a doctor or other professional as capable of providing supportive services for twenty-four hours a day;
- (17) Reside with the tenant and use the tenant's dwelling unit as the sole residence. [Eff and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.403, 966.4; HRS §§356D-4, 356D-13)

§17-2028-24 Notification of placement on a waiting list and eligibility. (a) ~~[Applicants who are selected]~~ The authority may limit the number of applicants it places on a waiting list during an opening period when preliminary applications are being accepted. If the number of placements on a waiting list was limited, the authority may notify each applicant of their selection or non-selection for placement on the waiting list ~~[shall be notified]~~ by e-mail at the e-mail address provided in the applicant's preliminary application ~~[that the applicant has been selected and placed on the waiting list within ten business days of the date the lottery occurs]~~. ~~[Applicants who are not selected by the lottery shall be informed by e-mail at the e-mail address provided in the application that the applicant has not been selected for placement on the waiting list within fifteen business days of the date the~~

~~lottery occurs.]~~ The authority shall notify each applicant of their selection or non-selection within a reasonable time after a waiting list closes.

(b) ~~[Applicants]~~ An applicant who ~~[were either not selected to participate in the lottery,]~~ was not selected for placement on a waiting list if placements were limited during the opening period or whose application has expired~~[, de]~~ 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'ioakalani, Maili I & II, Nanakuli

Homes, Waimaha - Sunflower, and Waipahu
I & II.

- (2) County of Hawaii
 - (A) Hilo waitlist, which is comprised of Lanakila Homes, Punahale 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~~[7]~~ and the authority's website~~[7, 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).

~~[(e) Not less than fifty per cent of all available dwelling units shall be for applicants without preference and up to fifty per cent of available dwelling units shall be for applicants with preference.]~~ [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.202, 960.203, 960.206, 960.208; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-40 Occupancy of accessible dwelling units. (a) The authority shall take the following

nondiscriminatory steps to maximize the utilization of accessible dwelling units by eligible individuals whose disability requires the accessibility features of the particular dwelling unit. When an accessible dwelling unit becomes vacant the authority shall, before offering such dwelling units to an applicant without a disability, offer such dwelling unit:

- (1) First, to a current occupant of another dwelling unit of the same project or other projects within the same housing program, having disabilities requiring the accessibility features of the vacant dwelling unit and occupying a dwelling unit not having such features, or, if no such occupant exists, then
- (2) To an eligible qualified applicant on the waiting list having a disability requiring the accessibility features of the vacant dwelling unit.

(b) When an applicant accepts an accessible dwelling unit, and the applicant does not have a disability that requires the accessibility features of the dwelling unit, the applicant shall be required to agree to move to a non-accessible dwelling unit when one becomes available. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; comp] (Auth: §§356D-4, 356D-13) (Imp: 24 C.F.R. §8.27, ; HRS §§356D-4, 356D-13, 356D-31)

§§17-2028-41 to 17-2028-50 (Reserved) .

SUBCHAPTER 4

OCCUPANCY AND RENTAL AGREEMENT

§17-2028-51 Rental agreement. (a) A tenant shall enter into a rental agreement with the authority that sets forth the conditions of occupancy for the tenant including, but not limited to, the rental terms, security deposit, smoking prohibitions, eligibility reexaminations and rental adjustments, and for welfare recipients, authorization for the authority to draw rental payments directly from their EBT or bank accounts.

(b) No tenant shall be permitted to remain in a housing project without a valid rental agreement.
[Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-51.01 Work requirement policy. (a) Upon written notification to tenants by the authority of the implementation of the work requirement policy, all non-work-exempt family members must participate in work-related activities for a minimum of fifteen hours per week. Work-related activities may include but are not limited to:

- (1) Employment on at least a part-time basis;
- (2) Enrollment in an accredited educational institution or a vocational, technical, or other degree-seeking certification program;
- (3) Apprenticeships or internships;
- (4) Employment counseling;
- (5) U.S. job corps; and
- (6) Community service or volunteer activities.
Community service or volunteer activities

may count toward the fifteen-hour weekly requirement provided that such activities do not constitute more than eight hours of the required weekly minimum.

(b) The authority may verify compliance with the work requirement policy through:

- (1) Use of an upfront income verification system such as HUD's enterprise income verification system or the state department of human services' Hawaii automated welfare information system;
- (2) Written, third-party verification from an employer or staffing agency;
- (3) Written, third-party verification from the organization receiving community service or volunteer assistance; or
- (4) Written, third-party verification of enrollment from a school or program for education or job training.

(c) At admission, a family shall be given a written description of the work requirement policy. A non-work-exempt family member shall have the work requirement waived for an introductory period of six months following admission or until the family member begins engaging in fifteen hours of work-related activities per week, whichever is sooner.

(d) If at any time following the introductory period a non-work-exempt family member becomes non-compliant, the family member must notify the authority within ten calendar days of the start of non-compliance. The family member shall be given a warning period of ninety calendar days to submit verification of compliance. The warning period shall begin on:

- (1) The tenth calendar day following the start of non-compliance if the change was reported timely; or
- (2) The start of non-compliance if the change was not reported timely.

If the family member remains non-compliant after the warning period expires, the authority may terminate the family's rental agreement.

(e) The authority may suspend this policy during periods of economic downturn, natural disasters, public health emergencies, or for other reasons as determined to be necessary.

(f) Nothing in this section shall be construed as exempting a tenant or any family member from complying with the community service requirements pursuant to 24 C.F.R. part 5, subpart F as it existed on July 16, 2026. [Eff and comp]

(Auth: HRS §§356D-4, 356D-13) (Imp: HRS §§356D-4, 356D-13; 85 Fed. Reg. 53444)

§17-2028-51.02 Work requirement policy; hardship exemptions. (a) A non-work-exempt family member may request a temporary hardship exemption from the work requirement policy. Examples of qualifying hardships may include but are not limited to:

- (1) A doctor or medical professional verifies the family member received or is receiving inpatient care at a hospital, nursing facility, or intermediate care facility for an illness or injury that is not of a permanent nature;
- (2) The family member must travel out of state for an extended period of time for medical care for themself or a dependent; or
- (3) The family member certifies they are a victim of domestic violence, dating violence, sexual assault, or stalking.

(b) A hardship exemption request shall be submitted to the management office in writing and describe:

- (1) The nature and circumstances of why an exemption is needed;
- (2) The expected duration of the cause for the exemption; and
- (3) How the hardship has affected or will affect the family's ability to pay rent.

(c) Upon receipt of a written request for a hardship exemption, the authority shall suspend the

work requirement policy for the family member until the authority determines whether to grant the exemption. The authority shall make a determination within thirty calendar days following receipt of the request.

(d) If the authority requests additional information to verify the necessity of the hardship exemption and such information not received within ten calendar days, the authority may deny the family member's exemption request.

(e) When evaluating a hardship request, the authority shall determine if the claimed hardship exists and whether nexus can be established between the claimed hardship and the work requirement policy.

(1) If the authority determines that no hardship exists, the authority shall reinstate the work requirement following notification to the family in writing.

(2) If the authority determines that a hardship exists, the family member shall be exempted from the work requirement policy until the hardship has been resolved or after a period of ninety calendar days, whichever is sooner. The authority may extend the exemption beyond ninety calendar days if it determines that a hardship will persist. Until the work requirement is reimposed, the family member must continue to qualify for the hardship exemption and remain compliant with all other program requirements.

(f) A family member granted an exemption for any reason that is not of a permanent nature must provide updated verification of their continued qualification at each reexamination and upon request by the authority within a deadline specified in a written notice.

(g) A family member who is denied a hardship exemption may grieve the authority's determination pursuant to chapter 17-2021. [Eff and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: HRS §§356D-4, 356D-13; 85 Fed. Reg. 53444)

§17-2028-52 Eligibility for continued occupancy.

(a) To be eligible for continued occupancy in a housing project, the tenant shall:

- (1) Qualify as a family;
- (2) Conform to the occupancy standards;
- (3) Abide by smoking prohibitions pursuant to section 17-2028-60;
- (4) Not have a record of conduct or behavior which may be detrimental to the project, its tenants, or employees of the authority; and
- (5) Except for ~~[an exempt]~~ a service-exempt individual, conform to the following community service and economic self-sufficiency requirements:
 - (A) Contribute eight hours per month of community service (not including political activities);
 - (B) Participate in an economic self-sufficiency program for eight hours per month; ~~[or]~~
 - (C) Perform eight hours per month of combined activities as described in paragraphs (A) and (B), above; and
- (6) Except for a work-exempt individual, comply with the work requirement policy set forth in section 17-2028-51.01.

(b) Except for a newborn child of a tenant or family member, adopted minor child, a minor child who is domiciled with the tenant or family member because tenant or family member was awarded custody by the court or is the legal guardian of the child, foster children, hanai children, or a child who is domiciled with, and for whom an adult member of the current household is caring for with written or unwritten permission from the legal parent or other person having legal custody, or child domiciled with, and for whom an adult member of the current family is in the process of securing custody, no person, including live-in aides, shall be permitted to join or rejoin the household until:

- (1) The authority verifies that the person joining or rejoining the household meets the eligibility requirements set forth in section 17-2028-21 or 17-2028-22, and that household meets the eligibility requirements set forth in section 17-2028-52(a); and
 - (2) The authority approves of the tenant's request to add a household member as an occupant of the dwelling unit.
- (c) The authority will not approve the addition of household members where the occupancy standards would require a larger size dwelling unit with the exception of adding a new spouse or partner or live-in aide.
- (d) All changes to a household composition must be reported to the authority within ten business days. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; am and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: C.F.R. §§960.603, 966.4; HRS §§356D-4, 356D-6.5, 356D-13, 356D-31)

§17-2028-53 Reexamination. (a) For families who pay an income-based rent, the authority shall reexamine a tenant's annual income, assets, family composition, and any other matter necessary to determine a tenant's rent and eligibility for continued occupancy at least once every [~~twelve~~] twenty-four months.

(b) For families who pay a flat rent pursuant to section 17-2028-62, the authority shall conduct reexaminations as follows:

- (1) At least once every [~~twelve~~] twenty-four months, the authority shall reexamine the family's composition and any other matter necessary to determine the family's eligibility for continued occupancy; and
- (2) At least once every three years, the authority shall reexamine the family's annual income, assets, and any other matter

necessary to determine the family's eligibility for continued occupancy.

(c) For all families who include [~~non-exempt~~] non-service-exempt individuals, the authority shall also [~~annually~~] reexamine compliance with community service and economic self-sufficiency requirements and the work requirement policy at least once every twenty-four months. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; am and comp]
(Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.257, 966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-54 Reexamination results. (a) A family shall be given written notification within a reasonable time, after determination by the staff, of both the family's eligibility for continued occupancy and rent schedule.

(b) A family found ineligible for continued occupancy by the staff shall be required to vacate the dwelling unit unless the ineligibility is due to noncompliance with community service requirements pursuant to 24 C.F.R. Part 960, Subpart F as it existed on [~~October 20, 2022~~] July 16, 2026. In such cases of noncompliance with community service requirements, the rental agreement shall not be renewed at the end of the twelve-month term unless:

- (1) The tenant, and any other noncompliant family member, enter into a written agreement with the authority, in the form and manner required by the authority, to cure such noncompliance in accordance with such agreement; or
- (2) The family provides written assurance satisfactory to the authority that the tenant or other noncompliant family member no longer resides in the dwelling unit.

(c) A family aggrieved by the reexamination results may request a hearing pursuant to the authority's grievance procedure as provided in chapter

17-2021. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp]
(Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.257, 960.607, 966.4, 966.51; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-55 Special reexamination. If at the time of admission or reexamination, a family's income cannot be reasonably anticipated for the next [~~twelve~~ twenty-four-month] period, the authority may schedule a special reexamination at any time prior to the next [~~annual~~] regular reexamination when deemed necessary. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §5.609; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-56 Interim rent adjustment. (a) The authority may adjust a family's rent between reexamination if a tenant reports a change in family income. However, adjustments to rent shall not be made for covered families with reduced welfare benefit payments resulting from welfare sanctions for noncompliance with welfare self-sufficiency and work activity requirements. Adjustments, reflecting a lower rent, shall be made effective on the first of the month following the month the report was made. The authority will not process the rent adjustment if it confirms that the decrease in income will last less than thirty calendar days.

(b) A tenant who has obtained a decrease in rent under this section shall report all income increases to the authority which occur prior to the next reexamination within ten business days of when tenant knows the increase will occur, and rent shall be readjusted accordingly. Any increase in rent shall be

effective on the first day of the second month following the month in which the change occurred.

(c) A tenant who fails to report any increase in income after obtaining a decrease in rent under this section shall be subject to a back rent charge retroactive to the month in which the rent increase should have been made pursuant to section 17-2028-58.

(d) A tenant shall report to the authority any changes in family composition. Rent adjustment shall be made between reexaminations when a person with income is added to the family and the rent adjustment shall be effective on the first of the second month following the approved inclusion. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; comp 11/11/23; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.615, 960.257, 966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-57 Tenant transfers. (a) Tenant transfers shall be made without regard to race, sex, color, creed, age, religion, gender identity, sexual orientation, handicap, national origin, or familial status.

(b) The authority may transfer a family to another dwelling unit:

- (1) To prevent overcrowding or underutilization of a dwelling unit as determined by the authority at the time of the [~~annual~~] regular or interim reexamination;
- (2) To preserve the purpose for which a project or dwelling unit was specifically developed or designed such as to meet the needs of the elderly or persons with disabilities;
- (3) Based on an emergency where conditions of the dwelling unit, building or project pose an immediate, verifiable threat to life, health, or safety of the family;
- (4) For economic reasons affecting the tenant or the authority;

(5) For administrative reasons determined by the authority including, but not limited to, permitting modernization, renovation, or rehabilitation work[, and transferring eligible tenants with disabilities from State-aided public housing projects to federally assisted public housing projects]; or

(6) As a reasonable accommodation.

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

(d) A family shall be afforded one offer to transfer to a dwelling unit that meets the criteria set forth in subsection (b) above within the same housing project in which the family resides. If such dwelling unit is not available, the family may then be offered a dwelling unit in another housing project under the control of the management unit. If such dwelling unit is not available, the family may then be offered a dwelling unit in another housing project served by the same geographic waiting list. If such a dwelling unit is not available, the family may then be offered a suitable dwelling unit on the island on which the family resides. Declining an offer to transfer for good cause as determined by the authority shall not be considered a refusal.

(e) A family requesting a transfer shall not be transferred during periods when eviction proceedings have been initiated or are in process against such family, which includes the issuance of a notice of violation of the rental agreement by the authority for which the authority is seeking eviction, [~~or scheduling a grievance hearing related to same~~] or during any periods of conditional deferment of eviction action against such family.

(f) A family requesting a transfer, who is not current with rent or other charges, and who does not have an approved payment arrangement shall not be transferred until the situation is resolved to the satisfaction of the authority.

~~[(g) A family shall not be transferred between any federally assisted housing programs.]~~

~~[(h)]~~ (g) The authority may terminate the rental agreement of a family who refuses to transfer as required by the authority. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-58 Back charges. (a) A family shall pay in full any back charges within ninety days from the date of notification of the back charge; provided that where the family timely reports a change in income to the authority and a back charge results from an increase in income, payment for any back charges shall not be due until ninety days from the date of a completed reexamination or interim rent adjustment. Failure to do so shall result in the termination of the rental agreement.

(b) The authority may, in its discretion, elect to negotiate a reasonable payment arrangement with a family to ensure payment in full of any back charges. When the authority determines not to exercise this discretion, the family shall be responsible for the full balance of back charges as stated in subsection (a) above. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-59 Rental agreement termination. (a) A family shall give the authority at least twenty-eight days written notice that the family will vacate the family's dwelling unit prior to the vacate date.

(b) The authority may terminate a rental agreement when the tenant, any member of the tenant's

household, or any guest or other person under the tenant's control:

- (1) Fails to observe or perform any covenant or obligation of the rental agreement, or rule of the authority or housing project, or law or ordinance of a governmental agency that pertains to or establishes standards of occupancy. This includes but is not limited to the following:

- (A) Serious or repeated violation of the material terms of the rental agreement, including failure to make payments due or fulfill household obligations set forth in the rental agreement;
- (B) Failure to provide family income, assets, employment and composition information and documentation to enable the authority to determine the family's rental rate and eligibility for continued occupancy;
- (C) Family no longer conforms to the occupancy limits as established by the authority for the dwelling unit occupied by the family and the family refuses to move to the first appropriate size dwelling unit offered;
- (D) When requested by the authority due to health and safety, repair, abatement, construction or renovation of the dwelling unit, the family refuses to move;
- (E) Family is ineligible for continued occupancy;
- (F) Failure of a family member to comply with community service requirement provisions of 24 C.F.R. part 960, subpart F as it existed October 20, 2022, provided that such failure shall result in non-renewal of rental agreement and termination of tenancy at the end of the twelve-month rental agreement term;

- (G) At the time of admission, reexamination, interim or at any other time, the family has submitted false information or has withheld valuable information or has made willful misstatements; ~~[and]~~
 - (H) Family fails to accept the authority's offer of a revision to the existing rental agreement~~[-]~~; or
 - (I) Failure of a family member to comply with the authority's work requirement policy;
- (2) Engages in ~~[the]~~ illegal drug use ~~[of a drug]~~ or gives the authority reasonable cause to believe that ~~[the]~~ illegal drug use (or pattern of illegal drug use) ~~[of a drug]~~ or alcohol abuse (or pattern of alcohol abuse) ~~[of alcohol]~~ may interfere with the health, safety, or right to peaceful enjoyment of ~~[the premises]~~ authority property by other tenants;
 - (3) ~~[Who the authority determines engages in]~~ Gives the authority reasonable cause to believe that tenant engages in any criminal activity or conduct, on or off the authority's property, that threatens or could threaten the health, safety, or right to peaceful enjoyment of [the premises by] other [tenants] residents, the authority's employees or representatives, or other individuals on any authority property or that damages the authority's property itself;
 - (4) ~~[Who the authority determines engages]~~ Gives the authority reasonable cause to believe that tenant engages in any drug-related criminal activity on or [near the authority's premises] off any authority property;
 - (5) ~~[Threatens]~~ Gives the authority reasonable cause to believe that tenant commits any violation or engages in conduct, on or off

the authority's property, that threatens or could threaten the health or safety of [an employee, contractor or agent of the authority or State] other residents, the authority's employees or representatives, or other individuals on any authority property or that damages the authority's property itself;

- (6) Violates the smoking prohibitions pursuant to section 17-2028-60 on more than three occasions and receives written notice of said violations; provided that if tenant, any member of the tenant's household, or any guest or other person under the tenant's control receives only one violation of section 17-2028-60 in one year, and participates in and completes a smoking cessation service program within the same year, the authority will clear the one violation and shall not deem the incident as a violation for the following year;
- (7) Fails to maintain utility services;
- (8) Has been convicted of a felony during the term of the tenancy, ~~[and the felony is related to the authority's property or funds, the resident association or tenant association's property or funds, homicide, assault, terroristic threatening, firearms, dangerous weapons, kidnapping, sexual assault, extortion, burglary, unauthorized control of propelled vehicle, and criminal property damage]~~ including but not limited to any felony involving violence, threats of violence, weapons, sexual offenses, crimes against persons, crimes against property, offenses involving the authority's or a resident or tenant association's property or funds, or any other felony that threatens or could threaten the health, safety, or right to peaceful enjoyment of the premises by others. This ~~[subsection]~~ paragraph does

not apply to tenant's guest or other person under tenant's control;

- (9) Allows an individual who the family knows to be trespassed from the property, to visit or stay on the property or in the family's dwelling unit during the trespass period;
- (10) Furnishes false or misleading information during any authority related grievance or eviction hearing that affects or could reasonably affect the hearing decision;
- ~~[(9)]~~ (11) Flees to avoid arrest or prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;
- ~~[(10)]~~ (12) Violates a condition of probation or parole imposed under federal or state law;
~~[or]~~
- ~~[(11)]~~ (13) Engages in willful damage to the authority's property; or
- (14) At the time of admission, reexamination, interim, or at any other time, the family has submitted false information to the authority or has withheld valuable information from the authority or has made willful misstatements to the authority.

(c) The authority shall give a tenant written notice of the proposed termination of the rental agreement that conforms to 24 C.F.R. §966.4 as it existed on ~~[October 20, 2022]~~ July 16, 2026, such as:

- (1) ~~[Fourteen]~~ Thirty days in the case of failure to pay rent except for nonpayment of minimum rent during the ninety-day period beginning the month following the family's request for a financial hardship exemption pursuant to section 17-2028-61(b);
- (2) A reasonable time commensurate with the exigencies of the situation in the case of creation or maintenance of a threat to the health or safety of other tenants or project employees; or

- (3) Thirty days in all other cases. The authority shall terminate a rental agreement in accordance with chapter 356D, HRS.

(d) The authority may terminate a rental agreement if any member of the family engages in the use of marijuana, even if pursuant to a lawful prescription under part IX of the Hawaii uniform controlled substances act as it existed on [~~October 20, 2022~~] July 16, 2026. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; am and comp 12/31/22; comp 11/11/23; am and comp] (Auth: 24 C.F.R. §966.4; §§356D-4, 356D-13; 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31, 356D-92)

§17-2028-60 Smoking prohibited. (a) Smoking is prohibited in all public housing projects, or portions of public housing projects, including inside dwelling units, unless specifically exempted by the authority in the ACOP, including:

- (1) In all common areas, community facilities, administrative offices, or maintenance areas in and around the authority's public housing projects, including vehicles owned or leased by the authority. The authority may designate additional common areas; and
- (2) Within a presumptively reasonable minimum distance of twenty-five feet from entrances, exits, and windows that open to common areas, community facilities, and dwelling units, and ventilation intakes that serve common areas, community facilities, and dwelling units, including enclosed or partially enclosed areas where smoking is prohibited.

(b) This prohibition applies to the use of marijuana, even if its use is pursuant to a lawful prescription under part IX of the Hawaii uniform controlled substances act as it existed on [~~October 20, 2022~~] July 16, 2026 that was given subsequent to

tenant placement in the dwelling unit. [Eff and comp
5/24/14, am and comp 1/20/19; comp 2/17/22; am and
comp 12/31/22; am and comp 11/11/23; am and
comp] (Auth: §§356D-4, 356D-6.5,
356D-13, 328J-2) (Imp: 24 C.F.R. §§903.7, 966.3; HRS
§§356D-4, 356D-6.5, SLH 2018, Act 127, §1, 356D-13,
356D-31)

SUBCHAPTER 4.1

OVER-INCOME FAMILIES

§17-2028-60.01 Over-income limit. (a) The authority shall enforce an over-income limit for all program participants of [~~120~~] one hundred twenty per cent of the area median income for the applicable family size.

(b) A public housing family with an annual gross income that exceeds the over-income limit shall be considered an "over-income family."

(c) The authority shall grant an over-income family a [~~24~~] twenty-four consecutive month grace period, starting from the day of the initial discovery of the family's over-income status, before it enforces the over-income policy set forth in section 17-2028-60.02.

(d) During the grace period:

- (1) An over-income family shall remain as public housing participant; and
- (2) An over income family may request the authority perform a special reexamination of its annual income pursuant to section 17-2028-55.

(e) An over-income family with an annual gross income that falls below the over-income limit during the grace period shall no longer be subject to the over-income policy and is entitled to a new grace period should its annual gross income again exceed the over-income limit. [Eff and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.507, 960.509; HRS §§356D-4, 356D-13)

§17-2028-60.02 Over-income policy. (a) The authority shall terminate an over-income family's

tenancy if its annual gross income exceeds the over-income limit for the entire [24] twenty-four consecutive month grace period.

(b) The termination of an over-income family's tenancy shall occur within the six months following the expiration of the grace period.

(c) After the expiration of the grace period and prior to termination, the over-income family shall:

- (1) Remain as public housing program participant;
- (2) Convert its lease to a month-to-month term;
- (3) Continue to pay the monthly rent for the dwelling unit; and
- (4) Abide by all program requirements, including the community service and economic self-sufficiency requirements pursuant to 24 C.F.R. part 960, subpart F.

(d) The authority shall allow an over-income family facing termination after the expiration of their grace period to request an interim income reexamination. Any decrease in income shall not permit a new grace period or allow the over-income family to avoid or delay the termination of tenancy. [Eff and comp 11/11/23; am and comp]

(Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.507, 960.509; HRS §§356D-4, 356D-13)

§17-2028-60.03 Notification of over-income status. (a) The authority shall provide a family a notice in writing within [30] thirty calendar days of the first discovery of their over-income status. The first written notice shall:

- (1) Notify the family of their over-income status;
- (2) State that by continuing to exceed the over-income limit for a total of [24] twenty-four consecutive months, the family shall be subject to the over-income policy;

- (3) State that during the grace period, the family shall remain as public housing participants;
- (4) Provide an explanation of the authority's over-income policy set forth under section 17-2028-112; and
- (5) State that the family may request a grievance hearing to dispute the over-income finding.

(b) The authority shall conduct an income reexamination one year following the initial over-income finding. If at such time the family remains over-income, the authority shall provide the family a second notice in writing within the following ~~[30]~~ thirty calendar days. The second written notice shall:

- (1) Notify the family that its annual income has exceeded the over-income limit for ~~[12]~~ twelve consecutive months;
- (2) State that continuing to exceed the over-income limit for the next ~~[12]~~ twelve consecutive months will result in the family being subject to the over-income policy;
- (3) Provide an explanation of the authority's over-income policy set forth under section 17-2028-112; and
- (4) State that the family may request a grievance hearing to dispute the over-income finding.

(c) The authority shall conduct an income reexamination of an over-income family at the expiration of the ~~[24-month]~~ twenty-four-month grace period. If at that time the family remains over-income, the authority shall provide a third notice in writing within the next ~~[30]~~ thirty calendar days. The third written notice shall:

- (1) Notify the family that its grace period has expired;
- (2) Explain that the family's tenancy shall be terminated within the following six month pursuant to the authority's over-income policy set forth in section 17-2028-112;

- (3) Provide an explanation of the authority's over-income policy set forth under section 17-2028-112; and
- (4) State that the family may request a grievance hearing to dispute the over-income finding. [Eff and comp 11/11/23; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.507, 960.509; HRS §§356D-4, 356D-13)

SUBCHAPTER 5

RENTS, SECURITY DEPOSITS, and OTHER CHARGES

§17-2028-61 Minimum rents. (a) There is established a minimum rent of [~~\$50.00~~] \$100 per month.

(b) The authority shall grant an exemption from payment of minimum rent if the family is unable to pay the minimum rent because of financial hardship attributable only to the following situations:

- (1) The family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program;
- (2) The family would be evicted because it is unable to pay the minimum rent;
- (3) The income of the family has decreased because of changed circumstances, including loss of employment;
- (4) A death has occurred in the family; [~~and~~] or
- (5) Other circumstances determined by the authority or HUD.

(c) If a family requests a financial hardship exemption, the authority shall suspend the minimum rent requirement beginning the month following the family's request for a hardship exemption, and continuing until the authority determines whether there is a qualifying financial hardship and whether it is temporary or long term.

(d) When the authority determines that a qualifying financial hardship is temporary, the authority shall reinstate the minimum rent from the beginning of the suspension of the minimum rent ninety days after receiving the exemption request. The authority shall offer a reasonable payment arrangement to the family to ensure payment in full of any back charges.

(e) When the authority determines a qualifying financial hardship is long term, the authority shall exempt the family from the minimum rent requirements

so long as such hardship continues. Such exemption shall apply from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying financial hardship.

(f) When the authority determines that there is no qualifying financial hardship exemption, the authority shall reinstate the minimum rent, including back rent owed from the beginning of the suspension. The family shall be responsible for back charges as established in section 17-2028-58 and shall not be eligible for payment arrangements as provided under section 17-2028-58(b). [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/14; comp 1/20/19; comp 2/17/22; comp 12/31/22; am and comp]
(Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. 5.630; HRS §§356D-4, 356D-13, 356D-31; 85 Fed. Reg. 53444)

§17-2028-62 Choice of rent. (a) Once a year, the authority shall give each family the opportunity to choose between two methods of determining the monthly tenant rent. The family may choose to pay either a flat rent or income-based rent.

~~[(a)]~~ (b) The flat ~~[rent]~~ rents shall be the fair market rents ("FMRs") that are determined by HUD, at least annually, pursuant to 24 C.F.R. §888.113 as it existed on ~~[October 20, 2022]~~ July 16, 2026. These FMRs, which include utilities (exclusive of telephone and cable television), are established for dwelling units of various bedroom sizes. Because the FMRs are determined by HUD and the authority has no discretion to amend or change the FMRs, the ~~[FMRs]~~ flat rents shall be established without a public hearing as provided in Section 91-3(d), HRS.

~~[(b)]~~ (c) The income-based rent is based on thirty per cent of the family's monthly adjusted income, or ten per cent of the family's monthly income, or the minimum rent set forth in section 17-2028-61, whichever is ~~[greater]~~ greatest.

- (1) The income-based rent does not include charges for excess utility consumption or other charges.
- (2) The income-based rent shall not exceed the total tenant payment pursuant to 24 C.F.R. §5.628 as it existed on ~~[October 20, 2022]~~ July 16, 2026, for the family minus any applicable utility allowance for tenant-paid utilities. ~~[If the utility allowance exceeds the total tenant payment, the authority shall pay such excess amount (the utility reimbursement) either to the family or directly to the utility supplier to pay the utility bill on behalf of the family. If the authority pays the utility supplier, the authority shall notify the family of the amount of the utility reimbursement paid to the supplier.]~~
- (3) For purposes of establishing the income-based rent, the authority shall exclude from annual income the earned income of previously unemployed family members and increases in earnings of a family member during participation in any economic self-sufficiency or other job training program as provided for in 24 C.F.R. §960.255 as it existed on ~~[October 20, 2022]~~ July 16, 2026, and the PHA plan.

~~[(e)]~~ (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:	Persons in Household:
	<u>(Minimum #)</u>	<u>(Maximum #)</u>
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	6	10