HAWAII PUBLIC HOUSING AUTHORITY
NOTICE OF MEETING
REGULAR BOARD OF DIRECTORS MEETING
1002 North School Street, Building A Boardroom
Honolulu, Hawaii 96817
January 21, 2016
9:00 a.m.

AGENDA

I. CALL TO ORDER/ESTABLISHING QUORUM

II. APPROVAL OF MINUTES

Regular Meeting Minutes, December 17, 2015
Executive Session Minutes, November 19, 2015 (not for public distribution)
Executive Session Minutes, December 17, 2015 (not for public distribution)

III. PUBLIC TESTIMONY

Public testimony on any item relevant to this agenda shall be taken at this time. Pursuant to section 92-3, Hawaii Revised Statutes, and section 17-2000-18, Hawaii Administrative Rules, the Board may limit public testimony to three minutes per agenda item.

IV. FOR ACTION

NOTE: Proposed revisions to the Hawaii Administrative Rules being considered by the HPHA Board of Directors below may be viewed in person as provided in section §91-2.6, HRS on or about March 6, 2016 at the HPHA's Offices located as follows:

HPHA's Administrative Offices, 1002 N. School Street, Honolulu
Oahu: Puuwai Momi Office, 99-132 Kohomua Street, Aiea
Oahu: Kalihi Valley Homes Office, 2250 Kalena Drive, Honolulu
Oahu: Mayor Wright Homes Office, 521 N. Kukui Street, Honolulu
Oahu: Kalakaua Homes Office, 1545 Kalakaua Avenue, Honolulu
Oahu: Punchbowl Homes Office, 730 Captain Cook Avenue, Honolulu
Oahu: Hale Poai Office, 1001 N. School Street, Honolulu
Oahu: Waimaha-Sunflower Office, 85-186 McArthur Street, Waianae
Oahu: Koolau Village Office, 45-1027 Kamau Place, Kaneohe
Oahu: Kauhale Nani Office, 310 North Cant Street, Wahiawa
Oahu: Palolo Valley Homes Office, 2107 Ahe Street, Honolulu
Oahu: Kuhio Homes Office, 1475 Linapuni Street, Honolulu
Hawaii Office, 600 Wailoa Street, Hilo, Hawaii

Hawaii Office, 78-6725 Malolea Street, Kailua-Kona, Hawaii
Hawaii Office, 65-1191 Opelo Road, Kamuela, Hawaii
Kauai Office, 4726 Malu Road, Kapaa, Hawaii
Maui Office, 2015 Holowai Place, Wailuku, Hawaii
Molokai Office, Maunaloa Molokai; or

May be viewed on the internet on or about March 6, 2016 on the Lieutenant Governor's website at: http://ltgov.hawaii.gov/the-office/administrative-rules/

A. Motion: To Appoint the Ms. Jodie Aiona to a Four -Year Term on the Hawaii Public Housing Authority's Hilo Eviction Board ***(Pages 2 – 8)***

B. Motion: To Approve the Hawaii Public Housing Authority's Draft Public Housing Agency (PHA) Five Year and Annual Plan and Authorize the Executive Director to Hold Public Hearings on the Draft Five Year and Annual Public Housing Agency (PHA) Plan for Fiscal Year 2016-2017 ***(Pages 9 – 61)***

C. Motion: To Adopt the Following Amendments to Chapter 15-195 "Section 8 Homeownership Option Program", Hawaii Administrative Rules: ***(Pages 62 – 94)***

Chapter 15-195 to be renumbered Chapter 17-2036, and "Housing and Community Development Corporation of Hawaii" or "Corporation" to be replaced with "Hawaii Public Housing Authority" or "Authority";

Replacing references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2036-2 [Definitions – "Family", "Gender identity or expression"] Clarifying definitions;

New Section 17-2036-3 [Nondiscrimination – Inclusion of gender identity and sexual orientation] Updating protected classes;

New Section 17-2036-22 [Eligibility for admission; initial requirements – threaten behavior towards staff] Requiring that eligible applicants do not engage in or threaten abusive or violent behaviors;

New Section 17-2036-24 [Minimum income requirements – disabled, elderly, welfare assistance] Clarifying income requirements for disabled and elderly families;

New Section 17-2036-31 [Closing and reopening the waiting list - notices] Removing requirement to publish notices regarding the waitlist in minority newspapers and include publication on the Authority's website;

New Section 17-2036-42 [Dwelling unit inspection – independent inspector] Clarifying that independent inspector must be qualified;

New Section 17-2036-44 [Financing requirements] Removes Authority's ability to disapprove terms of the mortgage loan;

Inserting Reserved Sections at 17-2036-5 through 17-2036-20; 17-2036-36 through 17-2036-40; 17-2036-45 through 17-2036-50; 17-2036-54 through 17-2036-60; 17-2036-64 through 17-2036-70; and

To Authorize the Executive Director to Undertake All Actions Necessary under Chapter 91, Hawaii Revised Statutes, Administrative Directive No. 09-01, and Federal Rules on the Public Housing Agency Five Year and Annual Plan to Implement the Amendments.

D. Motion: To Adopt the Following Amendments to Chapter 15-181 "Resident Advisory Board", Hawaii Administrative Rules ***(Pages 95 – 116)***:

Chapter 15-181 to be renumbered Chapter 17-2032, and "Housing and Community Development Corporation of Hawaii" or "Corporation" to be replaced with "Hawaii Public Housing Authority" or "Authority";

Replacing references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2032-21(a) [Resident Advisory Board – Expenses and expenditures] Clarifying that Expenses Must be Part of an Approved Budget;

New Section 17-2032-21(b) [Resident Advisory Board – Number of members] Reducing the Minimum of Members from Twenty to Nine and Reduce Representation from Each Geographic Location;

New Section 17-2032-21(c) [Resident Advisory Board – Authority appointment of members] Allows the Hawaii Public Housing Authority to Appoint Resident Councils or their Representatives to Serve on the Resident Advisory Board;

New Section 17-2032-42 [Executive Meetings] Removes Executive Meetings;

New Section 17-2032-44 [Agenda – Purpose and use] Clarifies the Purposes and Use of the Meeting Agenda;

New Section 17-2032-61 [Nominees for public resident member of the authority's board of directors - Number of Resident Advisory Board nominees and qualifications of a nominator] Allows Residents in Public

Housing or in the Section 8 Program to Submit a Nominee for the HPHA's Board of Directors to the Governor;

New Section 17-2032-62 [Recommendation of the resident advisory board - number of RAB Nominees and the Governor's selection and appointment of nominees] Clarifies that the Resident Advisory Board Shall Submit no Less Than Three and No More than Five Nominees for the HPHA Board of Directors to the Governor;

Inserted Reserved Sections at 17-2032-6 to 17-2032-20; 17-2032-24 to 17-2032-30; 17-2032-33 to 17-2032-40; 17-2032-50; 17-2032-53 to 17-2032-60; and 17-2032-63 to 17-2032-70; and

To Authorize the Executive Director to Undertake All Actions Necessary under Chapter 91, Hawaii Revised Statutes, and Administrative Directive No. 09-01, and Federal Regulations Regarding the Public Housing Agency Five Year and Annual Plan to Implement the Amendments

E. Motion: To Adopt the Following Amendments to Chapter 15-184 "Rent Supplement Program", Hawaii Administrative Rules ***(Pages 117 – 145)***:

Chapter 15-184 to be renumbered Chapter 17-2033, and "Housing and Community Development Corporation of Hawaii" or "Corporation" to be replaced with "Hawaii Public Housing Authority" or "Authority";

Replace references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2033-2 [Definitions] Includes and clarifies definitions of "Applicant", "Criminal activity", "Drug", "Elderly", "Gender identity or expression", "Security deposit", "Staff", "U.S.C.", and "Violent criminal activity";

New Section 17-2033-3 [Income limits] References HUD-determined very low income limits;

New Section 17-2033-11 [Application] Requires household social security number and waiting list;

New Section 17-2033-12 [Verification] Requires household member social security number;

New Section 17-2033-13 [Eligibility for participation] Clarifies applicant eligibility with regard to residence, property ownership, payment, social security number provision, no threat of abusive or violent behavior toward staff, and citizenship];

Newly added Section 17-2033-21 [Nondiscrimination] Nondiscrimination provision added consistent with U.S. Fair Housing Act;

Newly added Section17-2033-22 [Waiting list] Provides procedures for waiting list of applicants;

Section 17-2033-31 [Rent supplement] Includes a maximum rent supplement payment amount of $500;

Section 17-2033-33 [Reexamination] Provides that reexamination shall be performed either in person or via mail;

Inserted Reserved Sections at 17-2033-7 to 17-2033-10; 17-2033-14 to 17-2033-20; 17-2033-27 to 17-2033-30; 17-2033-35 to 17-2033-40; 17-2033-45 to 17-2033-50; and 17-2033-55 to 17-2033-60; and

To Authorize the Executive Director to Undertake All Actions Necessary under Chapter 91, Hawaii Revised Statutes, and Administrative Directive No. 09-01, to Implement the Amendments.

F. Motion: To Adopt the Following Amendments to Chapter 15-193 "State-Aided Family Public Housing Projects", Hawaii Administrative Rules ***(Pages 146 – 212)***:

Chapter 15-193 to be renumbered Chapter 17-2034, and "Housing and Community Development Corporation of Hawaii" or "Corporation" to be replaced with "Hawaii Public Housing Authority" or "Authority";

Replacing references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2034-2 [Definitions – "Accessible dwelling unit", "Adjusted annual income", "Annual income", "Backcharge", "Common Areas", "Community Facilities", "Criminal Activity", "Domestic Violence", "Drug", "Drug Related Criminal Activity", "Dwelling Unit", "Family", "Foster Children", "Gender identity or expression", "Involuntarily Displaced", "Live-in Aide", "Near Elderly", "Permanently Absent", "Housing Projects", "Rental Agreement", "Resident", "Security Deposit", "Sexual Orientation", "Smoke", "Smoking", "State-aided Family Public Housing Projects", "Utility Allowance", "Utility Reimbursement", "Violent Criminal Activity"- Inserting and Clarifying definitions];

New Section 17-2034-3 [Income limits – clarifying how income limits are determined];

New Section 17-2034-5 [Asset transfers – clarifying how the value of assets are to be determined];

New Section 17-2034-7 [Utility allowances – clarifying when rents for families residing in state-aided public housing projects will include utility allowances; determination of excess utility usage];

New Section 17-2034-20 [Application – amending application process];

New Section 17-2034-21 [Eligibility for admission – new initial and final requirements];

New Section 17-2034-22 [Notification of eligibility; informal hearings – Clarifying notification process; informal hearing];

New Section 17-2034-23 [Informal hearing process];

New Section 17-2034-30 [Nondiscrimination – Updating protected classes];

New Section 17-2034-31 [Preference – eliminating preference for elderly and adding preference for homeless and victims of domestic violence, reordering preferences to implement statutory disabled veterans preference; clarifying language];

New Section 17-2034-32 [Loss of Preference – clarifying language];

New Section 17-2034-33 [Waiting List – selection of one geographic area waitlist; change waitlist area at any time];

New Section 17-2034-35 [Closing and Reopening Waiting List – clarifying language];

New Section 17-2034-36 [Offers – cancellation of application upon refusal of one unit without good cause; Implement 50% to preference, 50% to non-preference applicant law; clarifying language];

New Section 17-2034-37 [Accessible units – clarifying language];

New Section 17-2034-40 [Rental Agreement – Chapter 521, HRS, Landlord Tenant Code governs State-Aided Family Public Housing Program];

New Section 17-2034-41 [Eligibility for continued occupancy – new requirements; smoking prohibition; maintain utility services; not acquire property interest; not threaten staff; not harm or damage authority; approval of additions to the family];

New Section 17-2034-41.1 [Continued occupancy of remaining members of tenant families – requirements for continued occupancy of remaining

members of tenant families; 12 month occupancy period; remaining minors];

New Section 17-2034-43 [Reexamination results – time to vacate unit after determination of ineligibility; removal of grievance procedure];

New Section 17-2034-44 [Special reexamination – time of special reexaminations];

New Section 17-2034-45 [Interim rent adjustment];

New Section 17-2034-46 [Tenant transfers – updating protected classes for nondiscrimination purposes; when unit transfers are authorized; clarifying when families will not be transferred];

New Section 17-2034-47 [Backcharges – repayment within 60 days, reduced from 180 days; reasonable payment arrangements]

New Section 17-2034-48 [Rental agreement – clarifying language; termination for threatening employees, violating smoking prohibition, failure to maintain utility services, conviction of certain felonies, fleeing prosecution or custody, violation of condition of parole, willful damage to HPHA property];

New Section 17-2034-49 [Smoking prohibition – implementing statutory smoking prohibition];

New Section 17-2034-61 [Minimum rent – reflect correct exhibit number];

New Section 17-2034-66 [Other charges – new late fee, dishonored check fee, and maintenance costs];

New Section 17-2034-67 [Delinquent accounts – authority to assign to a collection agency];

New Section 17-2034-70 [Special programs – authority to administer special programs using different criteria]

New Section 17-2034-71 [Occupancy by police officers – authority to allow occupancy of police officers to enhance security]

Inserting Reserved Sections 17-2034-10 through 17-2034-19; 17-2034-24 through 17-2034-29; 17-2034-38 through 17-2034-39; 17-2034-50 through 17-2034-59; 17-2034-68 through 17-2034-69; 17-2034-72 through 17-2034-79; and

To Authorize the Executive Director to Undertake All Actions Necessary under Chapter 91, Hawaii Revised Statutes, Administrative Directive No. 09-01, to Implement the Amendments

VII. FOR INFORMATION/FOR DISCUSSION

A. For Information: The Hawaii Public Housing Authority's Fiscal Year 2014-2015 Annual Report to the Governor and Legislature, Required Pursuant to Section 356D-20, Hawaii Revised Statutes and Distributed in Accordance with Section 32-57.5 Hawaii Revised Statutes ***(Page 213)***

B. For Discussion: Scheduling of Site Visits to the HPHA's Public Housing Properties

VIII. EXECUTIVE DIRECTOR'S REPORT *(Page 214 – 248)*

- Property Management and Maintenance Services Branch Activities and Program Status for the Month of December 2015
- Section 8 Subsidy Programs Lease Up;
- Mixed-Finance, Public-Private Partnership at Kuhio Park Terrace, Mayor Wright Homes, and School Street Offices.
- Contracts Executed During December 2015
- Update on Legislative Briefing

(Note that the HPHA's Board of Directors may call for a recess during the course of the meeting in the event that HPHA Management is requested to appear before the Legislature and reconvene at a later time to be announced at the meeting.

If any person requires special needs (i.e., large print, taped materials, sign language interpreter, etc.) please call Ms. Didi Ahakuelo-Kepa at (808) 832-4694 by close of business two days prior to the meeting date. Meals will be served to the Board and support staff as an integral part of the meeting.

Approved by the Executive Director
January 21, 2016

FOR ACTION

MOTION: To Appoint the Ms. Jodie Aiona to a Four -Year Term on the Hawaii Public Housing Authority's Hilo Eviction Board

I. FACTS

A. The Oahu and Neighbor Island Eviction Boards are composed of members of the community and are responsible for affording public housing tenants a full and fair due process hearing during lease termination proceedings.

B. Pursuant to the Hawaii Revised Statutes (HRS) 356D-93, the Authority is authorized to appoint an eviction board which shall consist of not less than one person, and no more than three persons, of which one shall be a resident of public housing.

C. Attached is a list of the current eviction board members by county and term appointments.

II. DISCUSSION

A. The eviction board members are made up of volunteers from the community, in both the public and private sector with work experiences in law, real estate, accounting and teaching. Eviction hearings are conducted on a weekly basis and require board members to commit to 1 to 4 hours per hearing scheduled date.

B. Prior to hearing an eviction case, the board members receive training on their roles and responsibilities to provide a fair and impartial hearing for the tenants. They are also trained on the roles and responsibilities of the tenant and the HPHA and its managing agents.

C. Due to natural attrition the Hearings Office continue to solicit new board members through various marketing and networking efforts, referrals from board members or HPHA staff to maintain board quorum.

D. Having more than the minimum amount of members and resident members appointed to the Oahu and Neighbor Island Eviction Boards will allow the Hearings Office to process the requests for hearings in an efficient and timely manner, and avoid cancellation of hearings for lack of quorum.

E. Ms. Aiona is a resident at the Authority's Lanakila's housing project for the past 10 years. She is in good standing with the Authority and understands

the requirements of the Authority's Rental Agreement, Project Rules and would be an asset to the Hilo Eviction Board. Ms. Aiona is currently seeking a double major in Psychology and Administration of Justice at the University of Hawaii in Hilo. Ms. Aiona meets the minimum qualifications to serve as an eviction board member and has expressed a willingness to serve as a board member of the Hilo Eviction Board.

III. RECOMMENDATION

That the Board of Directors Appoint the Ms. Jodie Aiona to a Four -Year Term on the Hawaii Public Housing Authority's Hilo Eviction Board

A. Attachment A: List of Eviction Board Members and Term Appointments
B. Attachment B: Resume of Jodie Aiona

Prepared by: Renee Blondin-Nip, Hearings Officer RBN

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

_____
Pono Shim, Chairperson

Attachment A

EVICTION BOARD MEMBERS
HAWAII PUBLIC HOUSING AUTHORITY
Initial Appointment/Current Expiration Dates

Board Member	Initial Appointment Date	Current Expiration Date	Years Served
Oahu A:			
Douglas Kaya	03/17/05	03/31/17	10
Radiant Chase	01/25/02	07/31/17	13
Wanda Camara*	12/19/13	12/19/19	2
Chunmay Chang	11/01/13	11/01/19	2
Oahu B:			
Jane Moana Gray*	08/31/79	07/31/17	36
Earl Mente	12/19/97	07/31/17	17
Joyce Nakamura	02/20/98	07/31/17	17
Louanne Kam	09/17/15	09/17/19	New
Oahu C:			
Solomon Kuresa*	05/16/97	07/31/17	18
Sylvianne Young	12/19/97	07/31/17	18
Sylvia Wilmeth	11/18/10	11/31/16	5
Hilo:			
Jane Moana Gray***	06/21/07	06/30/17	8
Keith Biho	02/18/10	02/29/16	5
Joanne Luiz*	02/29/14	02/29/16	1
Kauai:			
Fay Rapoza	10/10/13	10/30/17	2
Jane Moana Gray***	06/21/07	06/30/17	8
Arde Long-Yamashita*	02/31/08	02/31/16	7
Kona:			
Jane Moana Gray***	06/21/07	06/30/17	8
Arleila Andrade	09/15/10	09/31/16	5
Mary Hoffman*	10/10/13	10/30/17	2
Maui:			
Wanda Camara***	12/19/13	12/19/19	2
Robert G. Hill	03/01/08	02/28/16	7
Mark Nishino	03/01/15	03/01/17	1

- **Resident Board Member**

** **Floating Board Member (Attends hearing when quorum needed)**

*** **Floating Resident Board Member (Attends hearing when quorum needed)**

Revised 12/31/15

Pages 005-008 were removed because they contained confidential information.

Approved by the Executive Director
January 21, 2016

FOR ACTION

SUBJECT: To Approve the Hawaii Public Housing Authority's Draft Public Housing Agency (PHA) Five Year and Annual Plan and Authorize the Executive Director to Hold Public Hearings on the Draft Five Year and Annual Public Housing Agency (PHA) Plan for Fiscal Year 2016-2017

I. FACTS

A. The Public Housing Agency (PHA) Five Year and Annual Plan is a requirement of the Quality Housing and Work Responsibility Act of 1998 (QHWRA) and the Housing and Economic Recovery Act (HERA) of 2008. All PHAs administering federal public housing and Section 8 tenant-based Housing Choice Voucher (HCV) assistance programs must submit their plans to the U.S. Department of Housing and Urban Development (HUD) to be eligible to receive administrative, operating, Capital Fund Program, and Section 8 HCV assistance monies.

B. The PHA Annual Plan for Fiscal Years 2016-2017 states the mission of serving the needs of low-income and very low-income families, and sets out the goals, objectives and policy changes of the HPHA for a one-year period.

C. The Five Year and Annual PHA Plan does not govern or apply to the State public housing programs or any other State assisted programs that are administered and managed by the HPHA.

D. A public hearing on the draft Annual Plan is required under the 24 Code of Federal Regulations, Part 903.17. Public notice of the hearing must be published in newspapers of general circulation at least 45 days prior to the public hearing.

E. The HPHA must electronically submit the plan and required attachments in the HUD-specified format no later than April 15, 2016, for review and subsequent approval by the local Honolulu HUD Office.

II. DISCUSSION

A. The PHA Annual Plan for Fiscal Years 2016-2017 has several new goals and objectives, as well as changes to HPHA policies.

B. For the PHA Annual Plan for Fiscal Year 2016-2017, meetings started with staff and the Resident Advisory Board (RAB) members on a monthly basis in September 2015. RAB members and the HPHA staff discussed progress over the past year and additions and changes to the plan. The RAB will provide preliminary comments and recommendations, and the HPHA will respond to those recommendations prior to submission of the final PHA Plan.

C. In order to meet the April 15, 2016 deadline for submitting the final plan to HUD, the following schedule has been established:

Action	Timeframe
Input From RAB (Monthly Meetings)	October 2015 – March 2016
Board – "For Action" (set Public Hearing)	January 21, 2016
Publish Hearing Notice (45 Day Notice)	January 26, 2016
Public Hearing	March 15, 2016
Finalize Plan	March 16 – April 8, 2016
Board – "For Action" (To Approve Plan) Special Meeting	TBD w/in March 21 – April 7, 2016
Transmit Approved PHA Plan to HUD	April 14, 2016
HUD Final Deadline	April 15, 2016

D. Information regarding the draft PHA Plan and the public hearings will be sent to all RAB members, Resident Associations and Asset Management Project (AMP) property offices, and will be included in the January monthly rent billing statement mailed to all public housing households.

E. To notify the public of the hearings, notices will be published in the Honolulu Star-Advertiser, The Garden Island (Kauai), The Maui News, West Hawaii Today (Kailua-Kona), and the Hawaii Tribune Herald (Hilo) upon Board approval.

F. The draft PHA Annual Plan for Fiscal Year 2016-2017 and required attachments are provided in this packet for review. For easy reference, highlighted portions indicate proposed changes to the PHA Plan for the FY 2016 -2017 submission to HUD.

III. RECOMMENDATION

That the Board of Directors approve the Hawaii Public Housing Authority's draft Public Housing Agency (PHA) Five Year and Annual Plan and Authorize the Executive Director to hold public hearings on the draft Five Year and Annual Public Housing Agency (PHA) Plan for Fiscal Year 2016-2017

Attachment A: Draft PHA Annual Plan for Fiscal Year 2016-2017.

Prepared by: Dawn Takeuchi Apuna, Chief Planner

Approved:

_____

Pono Shim
Chairperson

Annual PHA Plan *(Standard PHAs and Troubled PHAs)*	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 02/29/2016

Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families.

Applicability. Form HUD-50075-ST is to be completed annually by **STANDARD PHAs or TROUBLED PHAs**. PHAs that meet the definition of a High Performer PHA, Small PHA, HCV-Only PHA or Qualified PHA do not need to submit this form.

Definitions.

(1) ***High-Performer PHA*** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.

(2) ***Small PHA*** - A PHA that is not designated as PHAS or SEMAP troubled, or at risk of being designated as troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 550.

(3) ***Housing Choice Voucher (HCV) Only PHA*** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.

(4) ***Standard PHA*** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceeds 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.

(5) ***Troubled PHA*** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.

(6) ***Qualified PHA*** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined, and is not PHAS or SEMAP troubled.

A. PHA Information.

A.1

PHA Name: Hawaii Public Housing Authority **PHA Code:** HI001

PHA Type: ☒ Standard PHA ☐ Troubled PHA

PHA Plan for Fiscal Year Beginning: (MM/YYYY): 07/2016

PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)

Number of Public Housing (PH) Units 5,332 **Number of Housing Choice Vouchers (HCVs)** 3,420 **Total Combined Units/Vouchers** 8,752

PHA Plan Submission Type: ☒ Annual Submission ☐ Revised Annual Submission

Availability of Information. PHAs must have the elements listed below in sections B and C readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.

☐ **PHA Consortia:** (Check box if submitting a Joint PHA Plan and complete table below)

Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program	
				PH	HCV
Lead PHA:					

012

B.	Annual Plan Elements
B.1	**Revision of PHA Plan Elements.** (a) Have the following PHA Plan elements been revised by the PHA? Y N ☐ ☒ Statement of Housing Needs and Strategy for Addressing Housing Needs ☐ ☒ Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions. ☐ ☒ Financial Resources. ☐ ☒ Rent Determination. ☐ ☒ Operation and Management. ☐ ☒ Grievance Procedures. ☐ ☒ Homeownership Programs. ☐ ☒ Community Service and Self-Sufficiency Programs. ☐ ☒ Safety and Crime Prevention. ☒ ☐ Pet Policy. ☐ ☒ Asset Management. ☐ ☒ Substantial Deviation. ☐ ☒ Significant Amendment/Modification (b) If the PHA answered yes for any element, describe the revisions for each revised element(s): Adopted changes to the Admissions and Continued Occupancy Policy for Federally Assisted Public Housing regarding its pet policy, consistent with CFR procedures. (c) The PHA must submit its Deconcentration Policy for Field Office review.
B.2	**New Activities.** (a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year? Y N ☐ ☒ Hope VI or Choice Neighborhoods. ☒ ☐ Mixed Finance Modernization or Development. ☒ ☐ Demolition and/or Disposition. ☒ ☐ Designated Housing for Elderly and/or Disabled Families. ☐ ☒ Conversion of Public Housing to Tenant-Based Assistance. ☐ ☒ Conversion of Public Housing to Project-Based Assistance under RAD. ☐ ☒ Occupancy by Over-Income Families. ☐ ☒ Occupancy by Police Officers. ☐ ☒ Non-Smoking Policies. ☒ ☐ Project-Based Vouchers. ☒ ☐ Units with Approved Vacancies for Modernization. ☒ ☐ Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants). (b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project based units and general locations, and describe how project basing would be consistent with the PHA Plan. See Annual Plan.
B.3	**Civil Rights Certification.** Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations,* must be submitted by the PHA as an electronic attachment to the PHA Plan.

B.4	**Most Recent Fiscal Year Audit.** (a) Were there any findings in the most recent FY Audit? Y N ☒ ☐ (b) If yes, please describe:
B.5	**Progress Report.** Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year and Annual Plan. (See attached Annual Plan.)
B.6	**Resident Advisory Board (RAB) Comments.** (a) Did the RAB(s) provide comments to the PHA Plan? Y N ☒ ☐ (c) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.
B.7	**Certification by State or Local Officials.** Form HUD 50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan.
B.8	**Troubled PHA.** (a) Does the PHA have any current Memorandum of Agreement, Performance Improvement Plan, or Recovery Plan in place? Y N N/A ☐ ☒ ☐ (b) If yes, please describe:
C.	**Statement of Capital Improvements. Required for all PHAs completing this form that administer public housing and receive funding from the Capital Fund Program (CFP).**
C.1	**Capital Improvements.** Include a reference here to the most recent HUD-approved 5-Year Action Plan (HUD-50075.2) and the date that it was approved by HUD.

1. PHA 5-Year and Annual Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-022 Expires 4/30/2011

1.0 PHA Information

PHA Name: Hawaii Public Housing Authority PHA Code: HI001

PHA Type: ☐ Small ☐ High Performing ☒ Standard ☒ HCV (Section 8)

PHA Fiscal Year Beginning: (MM/YYYY): 07/2016

2.0 Inventory (based on ACC units at time of FY beginning in 1.0 above)

Number of Public Housing Units: 5,332 Number of Housing Choice Voucher units: 3,420

3.0 Submission Type

☐ 5-Year and Annual Plan ☒ Annual Plan Only ☐ 5-Year Plan Only

4.0 PHA Consortia ☐ PHA Consortia: (Check box if submitting a joint Plan and complete table below.)

Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program	
				PH	HCV
PHA 1:					
PHA 2:					
PHA 3:					

5.0 5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.

5.1 Mission.

The Hawaii Public Housing Authority (HPHA) is committed to promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

A. Expand the supply of assisted housing:

1. Apply for and lease up additional rental vouchers if available.
2. Public housing vacancies: Not to exceed 5% vacancy rate.
3. Leverage private or other public funds to create additional housing opportunities: Assess the feasibility of mixed-use public/private partnerships in the redevelopment for all properties.
4. Assess the feasibility of acquiring or developing more properties to create additional housing opportunities on all islands.
5. Pursue inclusion in Rental Assistance Demonstration (RAD) for select public housing properties to convert to the housing choice voucher program.
6. Pursue VASH development opportunities and additional funding.
7. Assess and pursue various TOD and non-TOD the mixed income/mixed use/mixed finance/project based and higher density redevelopment projects, such as Mayor Wright Homes and other HPHA public housing properties, and create public/private partnerships by utilizing various HUD programs including but not limited to Rental Assistance Demonstration and Choice Neighborhood Initiative (CNI), and will utilize various financing tools including but not limited to federal grants, state appropriations and low-income housing tax credits to rehabilitate and redevelop federal and state low-income housing and other properties.
8. Assess the need to establish policies to minimize the number of over-income families in public housing, including possible termination of tenancy for such families.

B. Improve the quality of assisted housing:

1. Improve public housing management: (PHAS score)
   - PHAS Physical Condition (REAC) – Achieve a high performer score of 90 out of 100 points for each property.
   - PHAS Financial Condition – Maintain rent collection rate of 95% or better at all properties.
   - PHAS Management Operations – With the conversion of the UPCS form to PDF file format that can be utilized by IPad or laptop, the inspection process should be streamlined and made more efficient. Continue to implement upgrades of PHA computer software to increase the efficiency of programs agency-wide.
   - Continue to improve the tenant rent collection system through timely evictions for non-payment of rents.
   - Enter into a cooperative agreement with the State Department of Human Services and the State Department of Health to exchange program and client information to streamline operations and to combat fraud in the public housing and the Section 8 programs.
   - In determining income from assets for purposes of eligibility and subsidy determination in the Public Housing program and the Section 8 program, update the policy determining the value of a checking account to be consistent with the policy determining the value of a savings account, by using the current balance, or average monthly balance for the last six months, to reduce administrative burden and excessive paperwork and added expense for the applicant.

- Adopt policy requiring live-in aides to establish legal residency in the United States to receive subsidy for an additional bedroom in the Section 8 program, and to occupy an additional bedroom in the public housing program.
- Update the Admissions and Continued Occupancy Policy to revise the "one-strike" admissions and termination policy to conform to the HUD Screening and Eviction Final Rule.
- Extend the length of time an applicant may be denied admissions after drug-related criminal activity or convictions over the minimum of 3 years as required by HUD regulations.
- Update the Admissions and Continued Occupancy Policy to implement the requirements of Act 148, Session Laws of Hawaii 2013, restricting the number of available units that may be for applicants with preferences, and eliminating the elderly and disabled singles preference, which is considered obsolete.
- Establish a multi-skilled worker program to promptly repair and maintain units that become vacant on a regular basis for faster and more efficient turnover of units, including establishment of a highly skilled force account for capital repairs.

2. Improve voucher management: (SEMAP score)
   - Maintain "High Performer" status.
   - Maintain lease-up to 98% of budget utilization.
   - Maintain an effective reporting system to improve operational efficiency.
   - Continue to develop relationships with more partners in the recruitment and retention of landlords.
   - Increase efforts to lease up VASH vouchers for qualifying veterans by pursuing operational efficiencies.
   - Absorb VASH vouchers once veteran has completed his/her service plan.
   - When there is a veteran participating under the VASH project based voucher program for one year (i.e., eligible to "voucher-out") who is discharged by the Veterans Administration, the HPHA may allow the veteran to receive a housing choice voucher in place of the VASH project based voucher.
   - Update policy on additions to the household after admission into the Housing Choice Voucher program to deny additions of an additional household consisting of more than one member to the Housing Choice Voucher except by birth, adoption, or court-awarded custody, or marriage, when the addition would increase the subsidy to the family.
   - Adopt policy on changes to household composition when a family member who is 18 and over remove themselves from the household; and to establish the following policies when such individuals seek readmission to the household:
     A. They are prohibited from readmission to the household.
     B. They are required to apply as new applicants for placement on the waitlist.
     C. The HPHA may consider medical hardship or other extenuating circumstances, and if determined necessary or as a reasonable accommodation, may allow such family members to be added to the household as a live-in-aide
   - Adopt administrative rules to implement Hawaii Revised Statutes §356D-13.5 regarding remaining members of assisted tenant families to allow only the original household members at the time of voucher issuance to retain the voucher where other

members of the family have left the unit; and to provide for the automatic return of the voucher to the HPHA once all original household members are no longer in the household; and to provide an exception for families where the original parents in the household are survived by minors who were subsequently added to the household, until the youngest minor reaches the age of 21 years, or reaches the age of 23 if the youngest minor is a full-time student at a business school, technical school, college, community college, or university.

- Adopt administrative rules to allow the HPHA to implement a lottery system to:
    A. Randomly choose families (excluding the elderly, disabled, and victims of domestic violence) to terminate from the Housing Choice Voucher Program if the HPHA must terminate Housing Assistance Payments contracts due to insufficient funding ; and
    B. Randomly choose families (considering all adopted preferences) to process for participation in the Housing Choice Voucher Program.
- In determining the amount of allowances for purposes of rent and subsidy determination in the Housing Choice Voucher program, establish policy to cap the amount of child care expenses that can be claimed at the amount of the lower wage earned by working family members, unless the child care expenses incurred is obviously to enable another family member with higher wages to work.
- Update policy regarding the designation of the head of household, spouse, and co-head of the family in the event of marriage of the head or co-head individuals who may not be related by blood, marriage, adoption, or other operation of law, subsequent to admission to the program, to clarify as follows:
    A. If the head marries, the head's spouse automatically replaces the original co-head as the spouse. The original co-head automatically becomes an authorized family member.
    B. If the co-head marries, as a family can only have a spouse or co-head, but not both, the family determines whether the co-head's spouse will become the head of household, or an authorized household member.
- Adopt policy in the Section 8 program to determine which household will include a minor's unearned income into the household's income, in determining unit size, and eligible deductions where two households in the assisted housing programs share custody of minors.
- Adopt revisions to the Section 8 policy in shortening the length of time for a temporary absence from, other than students and foster care.
- Adopt rules to conduct Home Quality Standards (HQS) inspections every other year, except in circumstances where HPHA may determine a need for an annual inspection (e.g., tenant complaint).
- Prepare for administrative rule updates to comply with HUD change from HQS inspections to the Uniform Physical Conditions Standards-Voucher (UPCS-V) when appropriate.
- Adopt rules allowing families that exceed the largest public housing unit size to receive Section 8 Housing Choice Voucher, rather than splitting the household to fit into existing unit sizes.

- Adopt rules where the HPHA may award Section 8 Housing Choice Vouchers to public housing residents for the following reasons in the following order and not equal priority:
    1. Involuntarily displaced such as for relocation due to modernization activity, or based on an emergency where conditions of the public housing dwelling unit, building, or project pose an immediate, verifiable threat to life, health or safety of the family, and the family cannot be relocated to another public housing unit in the same program, meeting their needs.
    2. Approved for a transfer as a reasonable accommodation for a unit with special features, and have not been offered a unit in the public housing program that meets the family's needs and have waited over one year.
    3. Victims of domestic violence, or stalking, or reprisals, or hate crime, and cannot be safely transferred to another public housing unit in the same program.
    4. Homeless families, provided "Homeless" is defined by HUD.

3. Increase customer satisfaction:
    - Automate more functions to provide increased quality of service such as web-based applications, increase web capabilities, and interactive voice response systems.
    - Increase face to face meetings to improve customer satisfaction.

4. Concentrate on efforts to improve specific management functions:
    - Revise and implement plan to have Tenant Monitors or other resident participation programs to address issues when managers are not available.
5. Continue to renovate or modernize public housing units with priority to health, safety, accessibility, end of useful life and energy conservation.
6. Demolish or dispose of obsolete public housing and provide replacement housing.
7. Provide replacement vouchers.
8. Leverage Capital Funds to accelerate modernization projects, study the feasibility of utilizing public/ private partnerships for the redevelopment of public housing and pursue mixed finance redevelopment opportunities with various HUD programs such as RAD and CNI.
9. Continue to refer criminal cases to the eviction board in an expeditious manner to maintain the health and safety of the public housing community.

C. Increase assisted housing choices:

1. Conduct outreach efforts to potential voucher landlords.
2. Provide Section 8 voucher mobility counseling.
3. Assess voucher payment standards.
4. Maintain voucher homeownership program.
5. Maintain public housing or other homeownership programs.
6. Utilize Geographical Wait Lists.
7. Pursue designated housing for elderly-only project(s).

D. Provide an improved living environment:

1. Implement measures to de-concentrate poverty by bringing higher income public housing households into lower income developments.
2. Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments.
3. Implement public housing security improvements, such as increased lighting, video surveillance, resident identification cards, utilizing after hour quiet time, tenant participation with Resident Associations, and crime prevention through environmental design features.
4. Designate developments or buildings for particular resident groups (e.g., elderly or persons with disabilities) and/or pursue designated housing under HUD's definition of designated housing.
5. Pursuing a due process determination from HUD to expedite criminal activity cases that involve 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 HPHA property, disorderly conduct, child pornography, and consuming liquor on HPHA property, which is considered as reasonably likely to adversely affect the health, safety, right to peaceful enjoyment of the premises by other tenants, the HPHA and its staff.
6. Installing adaptable design elements to allow elderly tenants to age in place.
7. De-Concentration Summary reveals 2 AMP sites are below the 85% threshold and 7 AMP site is above 115% threshold. Applicants will be placed accordingly.
8. With a public/private partnership and Master Development agreement with Michaels Development, income mixing is present at Kuhio Park Terrace.
9. Through public/private partnerships, the redevelopment of public housing and other properties will enhance communities with updated or new amenities for residents, such as public spaces and parking.
10. Adopt rules to provide greater security for tenants and staff, including no trespassing 24 hours a day at some or all of the HPHA properties.
11. Adopt rules to efficiently remove abandoned property from HPHA units to provide quicker turnaround of units.

E. Promote self-sufficiency and asset development of assisted households:
1. Increase the number and percentage of employed persons in assisted families by conducting annual activities such as job fairs and job training events.
2. Engage supportive service providers to improve assistance recipients' employability.
3. Engage supportive service providers to increase independence for the elderly or families with disabilities by continually attracting and providing supportive services.
4. Provide measures and opportunities to increase the income of residents to complement de-concentration and income targeting.
5. Improve Section 3 plan to expand resident employment opportunities.
6. Evaluate the need and the feasibility of the HUD "Step Up" program to provide jobs and job training opportunities on HUD-assisted construction projects to residents of public housing and other low-income people.
7. Pursue grant opportunities to fund self-sufficiency coordinator positions through HUD grants or other available and appropriate sources.

F. Ensure equal opportunity and affirmatively further fair housing:

1. Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sexual orientation, gender identity, marital status, familial status, and disability.
2. Undertake affirmative measures to provide a suitable living environment for families living in assisted housing regardless of race, color, religion, ancestry, national origin, age, sex, sexual orientation, gender identity, marital status, familial status, HIV/AIDS infection and disability.
3. Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required.
4. Continue on-going efforts to educate and provide information to the general population and to landlords.
5. Conduct on-going training to educate staff.
6. Continue to implement the Section 504 and ADA transition plans.
7. Maintain the Limited English Proficiency (LEP) Provide training to non-English speaking and/or Limited English Proficiency speaking groups with an interpreter available on federal and state fair housing laws.
8. Build community ties with private and non-profit organizations to affirmatively further fair housing.
9. Implement the action plan set forth in the Fair Housing Analysis of Impediments to be updated in 2015, subject to the availability of funds.
10. Review policies to ensure compliance with HUD's equal access rule.

G. Improve the housing delivery system through cost-effective management of federal government programs and resources:
1. Implement project based accounting and management for federal public housing.
2. Improve the tenant rent collection system by updating policies and procedures, timely evictions for non-payment of rents, and timely write offs.
3. Implement energy efficient cost saving measures in all properties.
4. Work with the University of Hawaii including but not limited to the development of a database system to inventory all properties.
5. Study the feasibility of creating energy farms to generate power for all properties.
6. Pursue prosecution for criminal property damage.
7. Continue to automate major operation components of the PHA computer software such as work order processing and tracking, materials, inventory, and fixed assets to improve the efficiency and accuracy of financial accounting and reporting.
8. Continue to upgrade the computer network infrastructure with faster, more reliable, and redundant connections to increase overall productivity.
9. Upgrade computers and servers with newer models to provide faster response time for users, and standardize all versions of office software.
10. Implement a content management system for more efficient retrieval of documents stored electronically on the HPHA network.
11. Use recently acquired video conferencing equipment to further better communication between all HPHA properties on all islands.
12. Make available not less than fifty per cent of available federal and state low-income housing units for applicants without preference and up to fifty per cent of available federal and state low-income housing units for applicants with preference as mandated by ACT148 – 2013.
13. Implement recently adopted Hawaii Administrative Rule (HAR) revisions to prohibit smoking in public housing, and provide tenants with revised lease addenda outlining

enforcement strategies for the "No Smoking" policy, including reviewing and amending the HAR based on HUD's forthcoming rules.

14. Adopt changes to Admissions and Continued Occupancy Policy and applicable administrative rules for the Federally Assisted Low-income Public Housing program to ensure compliance with HUD regulations and policies.
15. Update occupancy guidelines to allow two people per living space, and single person families shall be allocated a studio. (ACOP pg. 5-1 and Section 8 Admin Plan pg. 5-12)
16. Work with any and all departments and agencies to combat the community goal of homelessness.
17. Strengthen internal controls and rectify audit findings.
18. Adopt rules for tenants that enter public housing by way of citizen sponsorship into the State of Hawaii, to include the income of the sponsor when calculating the rent for the tenants.
19. Adopt rules regarding remaining members of assisted tenant families to allow only the original household members at the time of placement in federal public housing program to retain the unit and public housing assistance where other members of the family have left the unit; and to provide for the termination of the rental agreement/assistance or nonrenewal of the rental agreement once all household members are no longer in the household; and to provide an exception for families where the original parents in the household are survived by minors who were subsequently added to the household, until the minors reach a certain age (e.g., 21 years of age).
20. Revise the Admissions and Continued Occupancy Policy and applicable administrative rules to allow additions of more than one family member as long as the addition does not require the family to be transferred to a larger unit and as long as the addition would not cause overcrowding of the unit in accordance with county occupancy standards.
21. Consider converting some or all geographical waitlists to site-based waitlists.
22. Review updated HUD rules and adopt administrative rule changes meant to reduce administrative costs, increase program efficiency, improve tenant benefits, or foster self-sufficiency.

H. Evaluate the current administration of HPHA's Section 8 Housing Choice Voucher Program (Due to the recent change in funding levels for the Section 8 HCV Program by HUD, HPHA will be exploring options to maximize the number of voucher participants within the current HUD funding level):

1. Increase the current number of active vouchers by leveraging HPHA's "High Performer" status to participate in any current or future HUD programs and/or create and implement new programs in conjunction with the local HUD office. Close the Palolo Project Based Voucher wait list except for four bedroom units.
2. Open the wait list in 2016 for a limited time.
3. Conduct a utility usage study to determine whether the utility allowance is more efficiently used based on the unit size or the voucher size.

6.0a PHA Plan Update

(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:

- Housing Choice Voucher and Public Housing Administration:

1. Adopted a Violence Against Women Reauthorization Act (VAWA) Policy covering the administration of public housing and Section 8 programs, consistent with the Violence Against Women Act of 1994 and the Reauthorization Act of 2013.

2. Adopted changes to the Admissions and Continued Occupancy Policy for Federally Assisted Public Housing regarding its pet policy, consistent with CFR procedures.

(b) Identify the specific location(s) where the public may obtain copies of the Annual PHA Plan.

The PHA Plan and all supporting documents are available on the internet: www.hpha.hawaii.gov/

Hawaii Public Housing Authority
1002 North School Street, Bldg. E
Honolulu, Hawaii 96817

Lanakila Homes
600 Wailoa Street
Hilo, Hawaii 96720

Ka Hale Kahaluu
78-6725 Makolea Street
Kailua-Kona, Hawaii 96740

Kapaa
4726 Malu Road
Kapaa, Hawaii 96746

Kahekili Terrace
2015 Holowai Place
Wailuku, Hawaii 96793

THE FOLLOWING POLICIES ARE ALSO AVAILABLE AT THE LOCATIONS ABOVE:
Note: ACOP refers to the Admissions and Continued Occupancy Policy document

1. Eligibility, Selection and Admissions. and Wait List Policies: ACOP Chapters 2 and 3
2. De-concentration Policy
3. ACOP Chapter 4
4. Statement of Financial Resources
5. Rent Determination policy: ACOP Chapter 6
6. Operation and Management
7. Grievance Procedures: ACOP Chapter 13
8. Designated Housing for Elderly and Disabled Families
9. Community Service and Self-Sufficiency

10. Safety and Crime Prevention
11. Pets and Assistance Animals Policy: ACOP Chapter 10
12. Civil Rights Certification
13. Fiscal Year Audit
14. Asset Management
15. Violence Against Women Act (VAWA) activities

Section 7.0

The Housing Choice Voucher (Section 8) Administrative Plan and the Hawaii Administrative Rules § 17-2000, et. al., governing the HPHA's federal housing programs, as well as any amendments thereto, are available at the HPHA School Street location, Bldg. E, and on the HPHA's website. They are hereby incorporated by reference.

Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.

- **Mayor Wright Homes Redevelopment**
  HPHA released a Request for Qualifications (RFQ) on July 11, 2014 for a developer/partner to complete a mixed income/mixed finance/mixed use-redevelopment project at Mayor Wright Homes in the near future, and the inclusion of mixed uses pursuant to ACT 90, SLH 2011. Hunt Companies has been selected, and a Master Development Agreement is being negotiated.

- **Kuhio Park Terrace, Kuhio Homes and Kuhio Park Terrace Low-Rise Redevelopment**
  HPHA received a $300,000 Choice Neighborhoods Initiative (CNI) planning grant in 2012 and is developing a comprehensive Transformation Plan with input from community members, stakeholders and partners to revitalize the Kuhio Park Terrace, Kuhio Homes, Kuhio Park Terrace Low-Rise and Kalihi neighborhood area. The HPHA will explore options to either seek a Choice Neighborhoods Initiative (CNI) implementation grant and invest into realizing a future Transformation Plan submitted to HUD in October 2014, or progress through the approved redevelopment plan for the community which involves the construction of new mid/high-rise dwelling structures for low-income family and elderly public housing tenants, and the inclusion of mixed uses pursuant to Act 90, SLH 2011. A Regulatory and Operating Agreement is being negotiated for the second phase.

- **Mixed Finance Redevelopment**
  HPHA will evaluate and identify additional properties, on all islands, in its portfolio that have potential for public-private, mixed finance, mixed income redevelopment opportunities through Section 18 of the Housing Act of 1937 and various HUD programs including but not limited to the Rental Assistance Demonstration program, Choice Neighborhoods Initiative, VASH and any other federal, state, or local source such as the issuance of PHA bonds pursuant to Chapter 356D, Hawaii Revised Statutes.

- **Homeownership Programs:**

  1. HPHA will investigate the possibility of reopening this program and committing Section 8 vouchers through SHOP with future redevelopment projects.

Section 7.0 (cont.)

Project-based Vouchers.

1. HPHA plans to evaluate the property inventory for potential sites that might benefit from the use of project-based vouchers in addition to the properties listed below. The agency will also evaluate potential application for participation in the new HUD Rental Assistance Demonstration program.

2. 150 Project-based vouchers are part of the Kuhio Park Terrace Towers redevelopment, and the HPHA will be looking to add additional Project-based vouchers for the Kuhio Homes and Kuhio Park Terrace Low-Rise redevelopment. (HPHA is seeking additional replacement housing vouchers for public housing units that will be temporarily removed from inventory while the Kuhio Homes and Kuhio Park Terrace Low-Rise are redeveloped. Those units will be restored in future phases when redevelopment has been completed.)

3. 305 units at Palolo Homes I and II. The Palolo Homes I and II site-based waiting list shall be closed by the Section 8 Branch upon approval of this plan in order to better serve the current families in the program and reduce application processing costs except for 4 bedroom units. The list may be reopened at a later date upon notice by the HPHA.

Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. (continued)

1. Consistent with the HPHA's efforts to sustain and increase the availability of decent, safe, and affordable housing, HPHA plans to continue its utilization of rent subsidy vouchers through the Federal Project-Based Certificate/Voucher Program. The HPHA will earmark up to the maximum allowable vouchers as specified in 24 CFR 983 and will utilize project basing on the counties of Oahu, Kauai, Maui, and Hawaii in accordance with program guidelines and objectives.

2. To maximize utilization and to encourage tenant development, HPHA applied for and received HUD approval on August 8, 2001 to exceed the 25 percent cap for dwelling units in any building to be assisted under a housing assistance payment (HAP) by requiring owners to offer supportive services. To minimize the loss of existing housing inventories, HPHA applied for and received HUD approval on October 4, 2001 to attach Project Based Assistance to State-owned public housing projects in areas, which exceed the 20 percent poverty rate limitation.

8.0	**Capital Improvements.** HPHA is focusing capital improvements funding on protecting residents and the physical housing assets. In addition to the annual federal Capital Funding Program (CFP) grant, we are seeking state Capital Improvements Program (CIP) funds from the State Legislature in order to make needed repairs and modernize existing housing stock. In planning the use of funds, priority is being given to those needs that protect the health and safety of residents, such as ADA/Section 504 modifications, hot water systems and repairing sidewalks; and those that prevent further deterioration of housing, such as roof and spalling repairs, termite treatment and repairs, and other site repairs. Further, due to recent changes in PHAS Scoring factors, priority is also given to capital projects that restore previously vacant, uninhabitable units to rentable status. Due to the unpredictability of such capital projects, such as locations of such units and cause of un-inhabitability, the HPHA will be unable to maintain complete advance plans regarding these projects. This will result in slight modifications to the Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual State/Performance and Evaluation Reports; any such deviation shall not be considered by the HPHA to be a Substantial Deviation or Significant Amendment/Modification necessitating amendment of the HUD Approved PHA 5-Year and Annual Plan unless the amount of funds being required exceeds $10 Million, comprises more than 15% of a developments ACC unit count, or requires the relocation of more than two neighboring occupied units in accordance with the HPHA's definition section in 10.0 infra. For the Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual State/Performance and Evaluation Reports, where work is not specifically budgeted, monetary placeholders will be provided in lieu of specific development language, subject to Section 10.0 infra.
8.1	**Capital Fund Program Annual Statement/Performance and Evaluation Report.** As part of the PHA 5-Year and Annual Plan, annually complete and submit the *Capital Fund Program Annual Statement/Performance and Evaluation Report,* form HUD-50075.1, for each current and open CFP grant and CFFP financing. **SEE ATTACHED**
8.2	**Capital Fund Program Five-Year Action Plan.** As part of the submission of the Annual Plan, PHAs must complete and submit the *Capital Fund Program Five-Year Action Plan,* form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan. **SEE ATTACHED**
8.3	**Capital Fund Financing Program (CFFP).** ☒ Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements. **SEE ATTACHED**

9.0

Housing Needs.

Housing Needs of Families on the Public Housing Waiting List as of July 1, 2015

Total Families on Waiting List = 11,134	# of families	% of total families
	Income Levels	
Extremely low income <=30% AMI	10,552	94.77%
Very low income (>30% but <=50% AMI)	458	4.11%
Low income (>50% but <80% AMI)	81	0.73%
Average income	43	0.39%
Families with children	4,473	40.17%
Elderly families	2,270	20.39%
Families with Disabilities	2,146	19.27%
Single	2,245	20.16%
	Racial Distribution	
Asian/Pacific Islander/Other	8,290	69.32%
White	2,202	18.41%
Hispanic	921	7.70%
Black	382	3.19%
American Indian, etc.	164	1.38%
	Bedrooms Needed	
1BR and Studio	5,658	49.77%
2 BR	3,535	31.09%
3 BR	1,626	14.30%
4 BR	500	4.39%
5 BR	50	0.45%

9.0

Housing Needs (continued)

Housing Needs of Families on the Section 8 Waiting List as of July 1, 2015

Total Families on Waiting List = 4,306	# of families	% of total families
	Income Levels	
Extremely low income <=30% AMI	2,075	93.81%
Very low income (>30% but <=50% AMI)	103	4.65%
Low income (>50% but <80% AMI)	13	0.59%
Average income	21	0.95%
Families with children	1,181	53.39%
Elderly families	303	13.70%
Families with Disabilities	488	22.06%
Single	240	10.85%
	Racial Distribution	
Asian/Pacific Islander/Other	1,522	73.92%
White	296	14.38%
Hispanic	147	7.14%
Black	70	3.40%
American Indian, etc.	24	1.16%
	Bedrooms Needed	
1BR and Studio	991	44.56%
2 BR	626	28.15%
3 BR	471	21.18%
4 BR	114	5.53%
5 BR	22	0.58%
5+ BR	0	0.00%

Housing Needs (continued)

The following data is drawn from the Hawaii Consolidated Plan PY 2015 – 2019 by the Hawaii Housing Finance and Development Corporation (HHFDC):

Projected Housing Need, 2014-2020					
% Area Median Income	Honolulu	Maui	Hawaii	Kauai	State
≤30%	4,076	1,377	2,355	330	8,138
30-50%	3,808	1,402	2,017	221	7,448
60%	2,415	748	1,003	462	4,629
60-80%	3,710	1,330	1,657	312	7,009
Sub-total affordable rental	14,008	4,857	7,033	1,325	27,224
80-100%	3,217	1,087	1,422	526	6,252
100-120%	2,950	956	1,292	433	5,631
120-140%	2,448	890	924	361	4,623
Sub-total affordable for-sale	8,615	2,933	3,638	1,320	16,506
>140%	8,573	6,204	4,041	1,555	20,373
TOTAL	31,197	13,994	14,712	4,200	64,103

*Source: Ricky Cassiday, Rental Housing Study, 12/30/14

Summary of Housing Needs

Demographics	Base Year: 2000	Most Recent Year: 2011	% Change
Population	1,211,537	1,346,554	11%
Households	403,572	445,513	10%
Median Income	$49,820.00	$67,116.00	35%

Table 5 - Housing Needs Assessment Demographics

9.0 **Data Source:** 2000 Census (Base Year), 2007-2011 ACS (Most Recent Year)

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households *	59,400	51,995	83,300	54,850	195,970
Small Family Households *	16,530	17,890	34,125	23,635	102,605
Large Family Households *	4,695	5,605	10,680	8,165	27,755
Household contains at least one person 62-74 years of age	10,970	10,090	16,625	11,280	45,730
Household contains at least one person age 75 or older	10,725	10,195	12,675	7,235	21,730
Households with one or more children 6 years old or younger *	10,415	9,935	15,935	10,835	20,960
* the highest income category for these family types is >80% HAMFI					

Table 6 - Total Households Table

Data Source: 2007-2011 CHAS

Housing Needs (continued)

Housing Market Analysis

HOUSING MARKET AREA: The Hawaii Housing Market Area (HMA) is defined as the State of Hawaii which is comprised of the City & County of Honolulu and Counties of Hawaii, Maui, and Kauai.
The following housing market analysis is based primarily on information from the following sources: DBEDT, "Measuring Housing Demand in Hawaii, 2015-2025", April 2015; Ricky Cassiday, "Affordable
Rental Housing Study Updates, 2014" for Honolulu, Hawaii, Kauai, and Maui, December 2014; and U.S. Census, 2009-2013 American Community Survey 5-Year Estimates.

HOUSING DEMAND:
Housing demand is impacted by population growth, the military presence, domestic migration and immigration, and foreign investment in Hawaii real estate. As of July 2013, the resident population of the HMA is approximately 1,404,054. Between 1990 and 2013, population grew at an average annual rate of 1.0%. The City & County of Honolulu experienced slower population growth at 0.7% a year, Hawaii and Maui counties grew at 2.0%, while Kauai County grew at 1.3% per year.

The resident population of Hawaii, which includes active-duty military personnel and their dependents, is projected to increase to 1,708,900 in 2014, an average growth rate of 0.8% per year over the projection period. The Neighbor Island counties are projected to have higher population growth than Honolulu. The resident population of Honolulu is projected to increase at an annual rate of 0.4% from 2010 to 2040, while Hawaii is projected to grow at 1.6% annually, Maui County at 1.4%, and Kauai County at 1.1%. As a result, the Neighbor Island population as the share of the state total will increase from 29.9% in 2010 to 36.4% in 2040, while the corresponding share of the City and County of Honolulu is projected to decrease from 70.1% to 63.6%.

9.0 Migration is one of the most important contributors to the state's population growth. Foreign immigration to Hawaii has been steady, increasing from 5,400 people per year on average in the 1990s to about 6,600 people per year over the past decade. However, domestic migration had a stronger increase, from about 32,000 people per year in the 1990s to above 43,000 people per year on average since 2002.

Another important driver of housing demand is the increase in the number of residential rental units being used as vacation rentals. There is evidence that local residential housing units are increasingly catering to visitors, either full or part time. According to the Hawaii Tourism Authority, "…the popularity and demand for alternative accommodations have grown rapidly over the years. If all of the identified units were available for visitor use at the same time, these units would account for up to 25% of Hawaii's total lodging inventory…."

Foreign buyers are yet another source of increased demand for housing in the local real estate market. The National Association of Realtors estimates that foreign buyers of properties in Hawaii accounted for

Housing Needs (continued)

3.6% of all homes sold in 2012. Furthermore, in 2013, Hawaii properties were the second most popular for the Japanese buyers and the fourth most popular for the Canadian buyers. This increased demand from foreign buyers exerts additional price pressures on the housing sector, since often foreign buyers are not income-constrained and, in many cases, buy properties with cash.

DBEDT forecasts a long-range demand for a total of about 64,700 new housing units in Hawaii by the year 2025. This is based largely on the assumed increase in the number of households and is dependent on changes in social and economic factors, expected migration and immigration, and expected changes in the size and age distribution of the adult population. Forecasted demand by county is as follows:

Honolulu, 25,800 units; Hawaii, 19,600 units; Maui, 14,000 units; and Kauai, 5,300 units.

Number of Housing Units

In 2009-2013, Hawaii had a total of 522,200 housing units, 14% of which were vacant. Of the total housing units, 62% were single-unit structures, 38% were in multi-unit structures, and less than 0.5% was mobile homes. An estimated 29% of the housing units were built since 1990.

In the 1980s, the available housing inventory expanded by an average of just under 6,000 units per year. In the 1990s, the housing inventory increased by nearly 7,000 units per year and remained at about this level in the years prior to the recession (expanding by about 6,500 units per year between 2000 and 2008). As the economy recovered from the recession between 2009 and 2013, the housing supply expanded at a slower pace at only about 2,400 units per year.

9.0 In 1990, Honolulu accounted for 72.3% of the housing units, followed by Hawaii, Maui then Kauai at 12.4%, 10.8%, and 4.5% respectively. By 2013, Honolulu County accounted for 64.7% of total state housing units, Hawaii County had 16.0%; Maui County had 13.5% while Kauai County had 5.7% of the
total.

The 2009-2013 ACS 5-Year Estimates reports that of the 449,800 occupied housing units, 259,300 (58%) were owner occupied and 190,500 (42%) were renter occupied. Historically, the homeownership rate in Hawaii has increased from approximately 50% in 1986 to above 60% between 2004 and 2007. As a result of the recession, the homeownership rate in Hawaii fell to about 55% in 2011. However, as the economy has recovered, the rate has been increasing.

After the recession, there was a temporary shift from owning to renting that was caused by a variety of factors including stricter mortgage lending requirements, job losses, and rapid increases in home prices which priced many potential home buyers out of the market. This in turn resulted in sustained rental price increases. While homeownership rates have recently increased, they are still below the pre-recession level.

Housing Needs (continued)

The increase in Hawaii's housing stock needs to be compared with the population increase over time. The figure below highlights the expansion of housing supply in the late 1980s and early 2000s, compared with annual population growth. There is an increasing gap between annual population growth and housing supply growth. The result of this increasing gap has been continued housing price increases, leading to an unbalanced housing market.

Building permit activity provides a way to project where the housing market is going in the short-term. A high level of activity indicates more supply, which means that more demand will be met, and the potential for prices adjusting downwards. A low level of permits indicates less supply of housing and potentially higher prices.

The permit data for residential construction is not encouraging. There has not been a sustained increase in private residential construction, which is required to increase the housing supply. The 1980-2014 trend for building permits is downward.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	278,596	54%
1-unit, attached structure	36,021	7%
2-4 units	39,122	8%
5-19 units	59,892	12%
20 or more units	101,776	20%
Mobile Home, boat, RV, van, etc	987	0%
Total	*516,394*	*100%*

9.0

Table 30 – Residential Properties by Unit Number

Data Source: 2007-2011 ACS

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	3,117	1%	15,011	8%
1 bedroom	15,626	6%	40,073	22%
2 bedrooms	49,659	19%	63,212	34%
3 or more bedrooms	193,085	74%	65,730	36%
Total	*261,487*	*100%*	*184,026*	*100%*

Table 31 – Unit Size by Tenure

Data Source: 2007-2011 ACS

Housing Needs (continued)

Cost of Housing

The median monthly housing costs for mortgaged owners in 2013 was the highest in Honolulu County at $2,362 per month, followed by Maui County at $2,261 per month, Kauai County at $2,022, and Hawaii County at $1,637 per month.

Oahu renters paid the highest median rent in 2013 at $1,535 per month, followed by Maui County renters at $1,292 per month, Kauai County rents at $1,281, and Hawaii County renters with the lowest rent at $1,017 per month.

An estimated 48% of owners with mortgages, 12% of owners without mortgages, and 56% of renters in Hawaii spent 30% or more of household income on housing.

Hawaii's median housing value increased from $496,600 in 2012 to $500,000 in 2013. This increase, however, was not statistically different. Hawaii remained #1 in the ranking with the highest median housing value in the U.S.

Cost of Housing

	Base Year: 2000	Most Recent Year: 2011	% Change
Median Home Value	249,300	529,500	112%
Median Contract Rent	721	1,185	64%

Table 32 – Cost of Housing

Data Source: 2000 Census (Base Year), 2007-2011 ACS (Most Recent Year)

9.0

Rent Paid	Number	%
Less than $500	30,266	16.5%
$500-999	48,753	26.5%
$1,000-1,499	47,181	25.6%
$1,500-1,999	28,852	15.7%
$2,000 or more	28,974	15.7%
Total	*184,026*	*100.0%*

Table 33 - Rent Paid

Data Source: 2007-2011 ACS

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	13,800	No Data
50% HAMFI	32,945	3,220
80% HAMFI	92,885	10,830
100% HAMFI	No Data	26,325
Total	*139,630*	*40,375*

Table 34 – Housing Affordability

Data Source: 2007-2011 CHAS

9.0 Strategy for Addressing Housing Needs.

A. Need: Shortage of affordable housing for all eligible populations

Strategy 1. Maximize the number of affordable units available to the PHA within its current resources:

- Employ effective maintenance and management policies to minimize the number of public housing units off-line.
- Reduce turnover time for vacated public housing units by use of the Multi Skilled Worker pilot program, special teams and/or outsourcing where appropriate.
- Seek replacement of public housing units lost to the inventory through mixed finance development on all islands, including rural areas.
- Maintain or increase section 8 lease-up rates by maintaining or increasing payment standards that will enable families to rent throughout the jurisdiction.
- Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required.
- Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration.
- Participate in the Consolidated Plan development process to ensure coordination with broader community strategies.
- Seek additional Federal grant funds and State Capital Improvement Project funding.
- Work with HUD to restore Faircloth limit unit count at Lanakila Homes.

Strategy 2: Increase the number of affordable housing units:

- Apply for additional section 8 units should they become available.
- Leverage affordable housing resources in the community through the creation of mixed - finance housing.
- Pursue housing resources other than public housing or Section 8 tenant-based assistance.

B. Need: Specific Family Types: Families at or below 30% of median

Strategy: Target available assistance to families at or below 30 % of AMI

- Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing.
- Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance.
- Adopt rent policies and assess any programs that support and encourage work.

C. Need: Specific Family Types: Families at or below 50% of median

Strategy: Target available assistance to families at or below 50% of AMI

- Adopt rent policies and assess any programs that support and encourage work.

9.0 Strategy for Addressing Housing Needs. (cont.)

D. Need: Specific Family Types: The Elderly

Strategy: Target available assistance to the elderly:

- Seek designation of public housing for the elderly.
- Apply for special-purpose vouchers targeted to the elderly, should they become available.

E. Need: Specific Family Types: Families with Disabilities

Strategy: Target available assistance to Families with Disabilities:

- Carry out the modifications needed in public housing based on the Needs Assessment for public housing.
- Apply for special-purpose vouchers targeted to families with disabilities, should they become available.
- Affirmatively market to local non-profit agencies that assist families with disabilities.

F. Need: Specific Family Types: Races or ethnicities with disproportionate housing needs

Strategy: Conduct activities to affirmatively further fair housing

- Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units.
- Market the section 8 program to owners outside of areas of poverty /minority concentrations.
- Provide training of fair housing laws to housing providers and to tenants with limited English proficiency.

Reasons for Selecting Strategies

- Funding constraints
- Staffing constraints
- Limited availability of sites for assisted housing
- Evidence of housing needs as demonstrated in the Consolidated Plan and the 2011 Hawaii Housing Policy Study and other information available to the PHA.
- Influence of the housing market on PHA programs.
- Community priorities regarding housing assistance.
- Results of consultation with local or state government.
- Results of consultation with residents and the Resident Advisory Board.
- Results of consultation with advocacy groups.

10.0 Additional Information

Additional Information. (a) Progress in Meeting Mission and Goals in the previous 5- Year Plan (FY 2009-2014)

1. **PHA Goal: Expand the supply of assisted housing**
   - Apply for additional rental subsidies: Applications for HUD Specific Section 8 Housing Choice Vouchers will be submitted provided that HUD specific funding is available and HPHA meets the criteria for the specific funding.
   - Reduce public housing vacancies, not to exceed 5% vacancy rate.
   - As of June 30, 2015, there were 128 vacant units.
   - HPHA will aim to maintain this 5% vacancy rate into the future.
   - Current occupancy rate is approximately 94%, with approved modernization and Type C units included the adjusted occupancy rate is 96%.

2. **PHA Goal: Improve the quality of assisted housing**
   - Improve public housing management: (PHAS score) HPHA currently maintains a 97% rent collection rate. HPHA completes 100% of emergency work orders within 24 hours and has met its goal to inspect 100% of units and systems using the Uniform Physical Condition Standard (UPCS). HPHA has completed system-wide upgrades to its network and computer software to increase the efficiency of administered programs. Additionally, HPHA's staff received HUD-provided training on rent calculation and internal PHAS training.
   - Improve voucher management: Attained a SEMAP score of 95%: The 2014-2015 final assessment SEMAP score ranks HPHA as a "High Performer."
   - Increase customer satisfaction: HPHA has begun the development process to automate certain functions geared at enhancing customer service delivery and customer satisfaction including the redesign of the agency website and development of web-based applications. HPHA has implemented a no-smoking policy throughout all public housing properties.
   - Renovate or modernize public housing units: As of June 30, 2015, HPHA has federal dollars in the amount of $33,375,345 CFP funds and $172,979,000 State CIP funds appropriated and budgeted for a total of $206,354,345. HPHA has expended $29,096,219 in CFP and $34,020,601 in State CIP for a total of $63,116,820. Additionally, HPHA partnered with HUD to offer a workshop on federal relocation requirements for staff and local partners.

- Kau'iokalani Fire Damage Repair — Des: $6,500, Const: $39,037 CIP
- Maili II Type C Vacant Unit — Des: *in-house*, Const: $124,932 CIP
- Hale Nana Kai O Kea Site & Dwelling / ADA — Des: $240,330 CIP, Const: $2,458,082 CFP/CIP
- Puahala Homes Site Repairs — Des: *$4,500 CIP*, Const: $44,020 CIP
- Kauhale O Hanakahi Exterior Painting — Des: *in-house*, Const: $99,890 CIP
- HPHA Campus Electrical Connections Repair — Des: *in-house*, Const: $5,970 CIP
- Mayor Wright Homes Security Camera System — Des: *in-house*, Const: 136,005 CIP
- Palolo Valley Homes Modernize Bldg. 16,17 & 20 — Des: $676,508 CFP, Const: $6,120,750 CFP/CIP

• Paoakalani Repavement / ADA	Des: *$17,189 CIP*, Const: $141,885 CFP
• Makua Alii Repavement / ADA	Des: *$50,810 CIP*, Const: $422,473 CFP
• Kalakaua Homes Repavement / ADA	Des: *$29,230*, Const: $229,305 CFP/CIP
• Kauhale Ohana Replace Sewage Lift Station	Des: $9,000 CIP, Const: $72,272 CIP
• Kalihi Valley Reroofing Bldg. 20,21 & 30	Des: $51,930 CIP, Const: $611,524 CFP
• Kalihi Valley Reroofing Bldg. 32, 36, 37, 41 & 42	Des: $51,930 CIP, Const: $1,214,572 CFP
• Wahiawa Terrace Type C Vacant Unit	Des: $140,901 CIP, Const: $1,377,309 CFP
• Puuwai Momi Electrical Upgrade	Des: *$180,928*, Const: $2,442,167 CFP
• Kauhale Nani Exterior Lighting Upgrade	Des: *in-house*, Const: $49,326 CIP
• Lanakila Homes—Exterior Paint Comm. Ctr.	Des: *in-house*, Const: $48,300 CIP

- Leverage capital funds to accelerate modernization projects. HPHA leveraged State funding, through the use of state CIP funds, in order to offset decreases in federal program funding.

- Provide replacement public housing: Under the Master Development Agreement, HPHA will redevelop Kuhio Homes and Kuhio Park Terrace Low-Rise with Michaels Development with an estimated 400 units.

10.0 Additional Information (cont.)

3. PHA Goal: Increase assisted housing choices

- Geographical Wait List: Administrative rules implemented in December 2001.
- Conduct ongoing outreach efforts to potential voucher landlords: Outreach activities to attract new voucher landlords began in March, 2005, including owners of accessible units, and is ongoing on an annual basis.

4. PHA Goal: Provide an improved living environment

- Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments.
- HPHA added increased lighting, surveillance cameras and 24-hour security patrols at selected properties with high crime activity. Efforts at Mayor Wright Homes have reduced overall crime by half.

5. PHA Goal: Promote self-sufficiency and asset development of assisted households

- HPHA continues to operate the Tenant Aide Program for federal public housing residents.
- HPHA continues to fill vacant positions in the Property Management and Maintenance Services Branch to assist tenants in accessing resident services and case management.

6. PHA Goal: Asset Management

- HPHA has a HUD Technical Assistance consultant team reviewing the current AMP structure. When their report is final, AMP structure changes might be made based on the findings.

7. **PHA Goal: Evaluate the current administration of HPHA's Section 8 Housing Choice Voucher Program**

- 2013, 2014, 2015 – rated as "High Performer".
- 2015 – 95% SEMAP score designated as High Performer.
- Began the process of removing local preferences to lease up people off the waitlist by date and time to ensure fairness.
- Purged waitlist to remove non-responsive applicants
- Adopted temporary compliance measures proposed by HUD
- Completing re-certifications, inspections and disbursing timely payments to landlords.

8. **PHA Goal: Ensure equal opportunity and affirmatively further fair housing**

- HPHA evaluated agency-specific limited English proficiency (LEP) needs in order to supplement the HPHA's LEP plan and update procedures accordingly.
- HPHA provided training to staff on applicable laws, regulations, policies and procedures on the following topics: reasonable accommodations, assistance animals, limited English proficiency, and fair housing.
- HPHA offered a full day fair housing training for all employees and residents.
- HPHA evaluated the proposed rule on affirmatively furthering fair housing to identify changes to the analysis of fair housing impediments planning process.

- **10.0 Additional Information (cont.)**

  - HPHA continues to participate in the fair housing consortium with Hawaii Civil Rights Commission, Legal Aid Society of Hawaii, Department of Hawaiian Home Lands, local county fair housing coordinators, and HUD FHEO to discuss impediments to fair housing.

9. **PHA Goal: Improve the housing delivery system through cost-effective management of federal and State government programs and resources:**

- Continue to automate major operation components of the PHA computer software such as work order processing and tracking, materials, inventory, and fixed assets. Section 8, Low income public housing, wait list and financial modules were recently upgraded.
- Continue to upgrade the computer network infrastructure with faster, more reliable, and redundant connections to increase overall productivity. Upgrade computers with newer models, to provide faster response time for users, and standardize versions of office software.
- Ongoing SEMAP and PHAS training is being provided to HPHA staff.

Additional Information. (b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"

In accordance with 24 CFR §903.7(r)(2) which requires public housing authorities to identify the basic criteria the agency will use to determine a substantial

deviation from its 5-Year Plan and significant amendments or modification to the 5-Year Plan and Annual Plan, the following definitions are used:

Substantial Deviation: A substantial change in the goals identified in the Five-Year Plan. For example, making a formal decision not to pursue a listed goal; or substituting an entirely different set of activities to achieve the goal.

Significant Amendment/Modification: Adding or eliminating major strategies to address housing needs and to major policies (e.g., policies governing eligibility, selection or admissions and rent determination) or programs (e.g., demolition or disposition, designation, homeownership programs or conversion activities); or modifying a strategy such that a substantial transfer of resources away from others is necessary in order to carry it out.

For Capital Fund Program projects that deviate from the Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual State/Performance and Evaluation Reports, only projects that meet the following criteria shall require 5-Year and Annual Plan Amendment: the amount of funds being required exceeds $10 Million; number of units being worked on comprises more than 15% of a developments ACC unit count; or work requires the relocation of more than two neighboring occupied units. Where work is not specifically budgeted, monetary placeholders will be provided in lieu of specific development language.

11.0 Required Submission for HUD Field Office Review.

In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. **Note:** Faxed copies of these documents will not be accepted by the Field Office.

(a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations* (which includes all certifications relating to Civil Rights)

(b) Form HUD-50070, *Certification for a Drug-Free Workplace* (PHAs receiving CFP grants only)

(c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions* (PHAs receiving CFP grants only)

(d) Form SF-LLL, *Disclosure of Lobbying Activities* (PHAs receiving CFP grants only)

(e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet* (PHAs receiving CFP grants only)

(f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA

Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations.

(g) Challenged Elements

(h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (PHAs receiving CFP grants only)

(i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* (PHAs receiving CFP grants only)

PHA Certifications of Compliance with PHA Plans and Related Regulations

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 08/30/2011

PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the PHA 5-*Year and Annual* PHA Plan

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the___ 5-Year and/or___ Annual PHA Plan for the PHA fiscal year beginning, hereinafter referred to as" the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
   - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
   - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
   - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
   - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
   - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification that:
    (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
    (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
    (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

Hawaii Public Housing Authority	HI001
PHA Name	PHA Number/HA Code

5-Year PHA Plan for Fiscal Years 20 - 20

Annual PHA Plan for Fiscal Years 20 - 20

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Hakim Ouansafi	Executive Director
Signature	Date

Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan
(All PHAs)

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 2/29/2016

Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan

I, _____, the _____
Official's Name *Official's Title*

certify that the 5-Year PHA Plan and/or Annual PHA Plan of the

_____
PHA Name

is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of Impediments (AI) to Fair Housing Choice of the

_____
Local Jurisdiction Name

pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or State Consolidated Plan and the AI.

_____

_____

_____

_____

_____

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Signature	Date

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Hawaii Public Housing Authority

Program/Activity Receiving Federal Grant Funding

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federalagency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. **Sites for Work Performance.** The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here ☐ if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.
Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Hakim Ouansafi	Executive Director
Signature	**Date**
X	

form HUD-50070 (3/98)
ref. Handbooks 7417.1, 7475.13, 7485.1 & 3

OMB Approval No. 2577-0157 (Exp. 01/31/2017)

Certification of Payments to Influence Federal Transactions

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Applicant Name

Hawaii Public Housing Authority

Program/Activity Receiving Federal Grant Funding

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Hakim Ouansafi	Executive Director
Signature	**Date (mm/dd/yyyy)**

Previous edition is obsolete

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
[a] a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	[ ] a. bid/offer/application b. initial award c. post-award	[ ] a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*: 4c	**5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:** **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: Hakim Ouansafi Title: Executive Director Telephone No.: _____ Date: _____
Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary

PHA Name: Hawaii Public Housing Authority	Grant Type and Number Capital Fund Program Grant No: HI08P001501-16 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant: 2016 FFYof Grant Approval: 2016

Type of Grant

☐ Original Annual Statement ☐ Reserve for Disasters/Emergencies ☐ Revised Annual Statement

☐ Performance and Evaluation Report for Period Ending: ☐ Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost [1]	
		Original	Revised[2]	Obligated	Expended
1	Total non-CFP Funds	5,000,000		0.00	0.00
2	1406 Operations (may not exceed 20% of line 20) [3]	1,807,358	0.00	0.00	0.00
3	1408 Management Improvements	45,485	0.00	0.00	0.00
4	1410 Administration (may not exceed 10% of line 20)	903,679	0.00	0.00	0.00
5	1411 Audit	0	0.00	0.00	0.00
6	1415 Liquidated Damages	0	0.00	0.00	0.00
7	1430 Fees and Costs	248,422	0.00	0.00	0.00
8	1440 Site Acquisition	0	0.00	0.00	0.00
9	1450 Site Improvement	300,000	0.00	0.00	0.00
10	1460 Dwelling Structures	5,100,700	0.00	0.00	0.00
11	1465.1 Dwelling Equipment—Nonexpendable	300,000	0.00	0.00	0.00
12	1470 Non-dwelling Structures	200,000	0.00	0.00	0.00
13	1475 Non-dwelling Equipment	100,000	0.00	0.00	0.00
14	1485 Demolition	0	0.00	0.00	0.00
15	1492 Moving to Work Demonstration	0	0.00	0.00	0.00
16	1495.1 Relocation Costs	0	0.00	0.00	0.00
17	1499 Development Activities [4]	0	0.00	0.00	0.00
18a	1501 Collateralization or Debt Service paid by the PHA	0	0.00	0.00	0.00
18b	9000 Collateralization or Debt Service paid Via System of	0	0.00	0.00	0.00
19	1502 Contingency (may not exceed 8% of line 20)	31,145	0.00	0.00	0.00
20	Amount of Annual Grant: (sum of lines 2 - 19)	9,036,788	0.00	0.00	0.00
21	Amount of line 20 Related to LBP Activities	0	0.00	0.00	0.00
22	Amount of line 20 Related to Section 504 Activities	0	0.00	0.00	0.00
23	Amount of line 20 Related to Security - Soft Costs	0	0.00	0.00	0.00
24	Amount of line 20 Related to Security - Hard Costs	0	0.00	0.00	0.00
25	Amount of line 20 Related to Energy Conservation Measures	0	0.00	0.00	0.00

form HUD-50075.1 (4/2008)

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary

PHA Name: Hawaii Public Housing Authority	Grant Type and Number Capital Fund Program Grant No: HI08P001501-16 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant: 2016 FFYof Grant Approval: 2016

Type of Grant

☐ Original Annual Statement ☐ Reserve for Disasters/Emergencies ☐ Revised Annual Statement

☐ Performance and Evaluation Report for Period Ending: ☐ Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost [1]	
		Original	Revised[2]	Obligated	Expended
	Signature of Executive Director 1/15/2016		**Signature of Public Housing Director** 1/15/2016		

[1] To be completed for the Performance and Evaluation Report.

[2] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

[3] PHAs with under 250 units in management may use 100% of CFP Grants for operations.

[4] RHF funds shall be included here.

form HUD-50075.1 (4/2008)

Part II: Supporting Pages

PHA Name: Hawaii Public Housing Authority	Grant Type and Number Capital Fund Program Grant No: HI08P001501-16 CFFP (Yes/ No): No Replacement Housing Factor Grant No:					Federal FFY of Grant: 2015		
Development Number Name/PHA-Wide Activities	General Discription of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated[2]	Funds Expended[2]	
30/1026 Puuwai Momi	Community Center Building and Site Improvements (Fees and Costs)	1430		100,000				Planning
37/1045 Pahala Homes	Rehabilitate 24 Units of Elderly Housing, ADA Units, Modernization, Site and Physical Improvements (Dwelling Structures)	1460		1,700,000				Planning
37/1045 Pahala Homes	Rehabilitate 24 Units of Elderly Housing, ADA Units, Modernization, Site and Physical Improvements (Non-dwelling Structures)	1470		200,000				Planning
37/1045 Pahala Homes	Rehabilitate 24 Units of Elderly Housing, ADA Units, Modernization, Site and Physical Improvements (Non-dwelling Equipment)	1475		100,000				Planning
40/1045 Kuhio Homes	Parking Lot and Sidewalk Renovation, Sewer Repairs, Replace Gutters, Interior MOD, Exterior Painting, Spall Repair (Dwelling Structures)	1460		1,700,000				Planning
40/1045 Kuhio Homes	Parking Lot and Sidewalk Renovation, Sewer Repairs, Replace Gutters, Interior MOD, Exterior Painting, Spall Repair (Site Improvement)	1450		300,000				Planning
50/1008 Palolo Valley Homes	Physical Improvements Ph4 (Dwelling Structures)	1460		1,700,000				Planning
50/1008 Palolo Valley Homes	Physical Improvements Ph4 (Dwelling Equipment—Nonexpendable)	1465.1		300,000				Planning

Part II: Supporting Pages

PHA Name: Hawaii Public Housing Authority	**Grant Type and Number** Capital Fund Program Grant No: **HI08P001501-16** CFFP (Yes/ No): **No** Replacement Housing Factor Grant No:					**Federal FFY of Grant: 2015**		
Development Number Name/PHA-Wide Activities	**General Discription of Major Work Categories**	**Development Account No.**	**Quantity**	**Total Estimated Cost**		**Total Actual Cost**		**Status of Work**
LIPH/Wide	ADA/UFAS Accessibility Compliance, for (5 projects) Puuwai Momi, Waimaha, Kauiokalani, Kauhale Nani, Kupuna Home O' Waialua (Fees and Costs)	1430		148,422				Planning
LIPH/Wide	Maanagement Improvements	1408		45,485				Planning
LIPH/Wide	Various Funding Place Holders	1460		700				Planning

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

0551

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name: Hawaii Public Housing Authority					**Federal FFY of Grant: 2015**
Development Number Name/PHA-Wide	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name: Hawaii Public Housing Authority					**Federal FFY of Grant: 2015**
Development Number Name/PHA-Wide	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

053

Part I: Summary

PHA: Hawaii Public Housing Authority/HI001			Locality: Honolulu/Hawaii		☐ Original 5-Year Plan	☐ Revision No:
A.	Development Number and Name: **Hawaii Public Housing Authority HI001**	Work Statement for Year 1 FFY 2016 **Annual Statement**	Work Statement for Year 2 FFY 2017	Work Statement for Year 3 FFY 2018	Work Statement for Year 4 FFY 2019	Work Statement for Year 5 FFY 2020
B.	Physical Improvements Subtotal	6,249,102	6,000,690	6,108,400	6,000,700	6,000,720
C.	Management Improvements	45,485	149,290	149,290	149,310	149,300
D.	PHA-Wide Non-dwelling Structures and Equipment	20	20	20	20	20
E.	Administration	903,679	903,679	903,679	903,679	903,679
F.	Other	31,145	175,752	68,042	175,722	175,652
G.	Operations	1,807,358	1,807,358	1,807,358	1,807,358	1,807,418
H.	Demolition					
I.	Development					
J.	Capital Fund Financing – Debt Service					
K.	Total CFP Funds	9,036,788	9,036,788	9,036,788	9,036,788	9,036,788
L.	Total Non-CFP Funds	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
M.	Grand Total	14,036,788	14,036,788	14,036,788	14,036,788	14,036,788

Part I: Summary (Continuation)

PHA: Hawaii Public Housing Authority/HI001 | Locality: Honolulu/Hawaii | ☐ Original 5-Year Plan ☐ Revision No:

A.	Development Number and Name	Work Statement for Year 1 FFY 2015	Work Statement for Year 2 FFY 2017	Work Statement for Year 3 FFY 2018	Work Statement for Year 4 FFY 2019	Work Statement for Year 5 FFY 2020
		Annual Statement				
AMP 30						
1026	Puuwai Momi	100,000	2,100,000	10	10	10
1027	Hale Laulima	10	10	10	10	10
1038	Waipahu I	10	10	10	10	10
1039	Waipahu II	10	10	10	10	10
1066	Salt Lake	10	10	10	10	10
AMP 31						
1005	Kalihi Valley Homes	10	10	807,700	10	3,000,000
AMP 32						
1003	Mayor Wright Homes	10	10	10	10	10
AMP 33						
1009	Kaahumanu Homes	10	10	10	10	10
1099	Kamehameha Homes	10	10	10	10	10
AMP 34						
1012	Makua Alii	10	10	10	10	10
1036	Paoakalani	10	10	10	1,800,000	10
1062	Kalakaua Homes	10	10	10	10	10
AMP 35						
1011	Punchbowl Homes	10	10	10	10	10
1024	Kalanihuia	10	10	10	10	10
1046	Makamae	10	10	10	10	10
1047	Pumehana	10	10	10	10	10
1073	Spencer House	10	10	10	10	10
AMP 37						
1004	Lanakila Homes I	10	10	10	10	10
1013	Lanakila Homes II	10	10	10	10	10
1014	Lanakila Homes III	10	10	10	10	10
1028	Punahele Homes	10	10	10	10	10
1029	Pomaikai Homes	10	10	10	10	10
1045	Pahala	2,000,000	10	10	10	10
1051	Hale Aloha O'Puna	10	10	10	10	10
1052	Hale Olaloa	10	10	10	10	10
1097	Kauhale O'Hanakahi	10	10	10	10	10
1104	Lanakila Homes IV	10	10	10	10	10
AMP 38						
1018	Kapaa	10	10	10	1,000,000	10
1019	Hale Hoolulu	10	10	10	10	10
1020	Eleele Homes	10	10	10	10	10
1021	Hui O'Hanamaulu	10	10	10	10	10
1022	Kalaheo	10	10	10	10	10
1023	Home Nani	10	10	10	10	10
1054	Hale Nana Kai O'Kea	10	10	10	10	10
1055	Hale Hoonanea	10	10	10	10	10
1064	Kekaha Haaheo	10	10	10	10	10
1086	Kawailehua – Federal	10	10	10	10	10
AMP 39						
1016	David Malo Circle	10	10	10	10	10
1017	Kahekili Terrace	10	10	10	10	10
1044	Piilani Homes	10	10	10	10	10
1088	Kahale Mua	10	10	10	10	10
1092	Makani Kai Hale	10	10	10	10	10
1097	Makani Kai Hale II	10	10	10	10	10
AMP 40						
1007	Kuhio Homes	2,000,000	1,748,422	10	10	10
1010	Kuhio Park Terrace	10	10	10	2,000,000	10
AMP 43						
1032	Kaimalino	10	10	10	10	10
1053	Hale Hookipa	10	10	10	10	10
1061	Ka Hale Kahaluu	10	10	10	10	10
1063	Nani Olu	10	10	10	10	10
1070	Kealakehe	10	10	10	10	10
AMP 44						
1033	Maile I	10	10	10	10	10
1035	Nanakuli Homes	10	10	10	10	10
1057	Waimaha Sunflower	10	10	10	10	10
1091	Kauiokalani	10	10	10	10	10

Part I: Summary (Continuation)

PHA: Hawaii Public Housing Authority/HI001 | Locality: Honolulu/Hawaii | ☐ Original 5-Year Plan ☐ Revision No:

A.	Development Number and Name	Work Statement for Year 1 FFY 2015	Work Statement for Year 2 FFY 2017	Work Statement for Year 3 FFY 2018	Work Statement for Year 4 FFY 2019	Work Statement for Year 5 FFY 2020
		Annual Statement				
1108	Maile II	10	10	10	10	10
AMP 45						
1025	Waimanalo Homes	10	10	10	10	10
1030	Koolau Village	10	10	10	10	10
1069	Kaneohe Apartments	10	10	10	10	10
1072	Hookipa Kahaluu	10	10	10	10	10
1090	Kauhale O'Hana	10	10	10	10	10
1107	Waimanalo Homes II	10	10	10	10	10
AMP 46						
1031	Hale Hauoli	10	10	10	10	10
1071	Noelani I	10	10	10	10	10
1078	Noelani II	10	10	10	10	10
1097	Ke Kumu Ekolu	10	10	10	10	10
AMP 49						
1015	Wahiawa Terrace	10	10	10	10	10
1050	Kupuna O'Hana	10	10	10	10	10
1056	Kauhale Nani	10	10	10	10	10
AMP 50						
1008	Palolo Valley Homes	2,000,000	2,000,000	2,000,000	1,200,000	3,000,000
PHAWID						
LIPH/Wide	ADA/UFAS Accessibility Compliance, for (5 projects) Puuwai Momi, Waimaha, Kauiokalani, Kauhale Nani, Kupuna Home O' Waialua	148,422	151,578	2,000,000	10	10
	PNA	0	0	1,300,000	10	10
	CMB Support Services	10	10	10	10	10
	ADA Compliance	10	10	10	10	10
	Type C Units	10	10	10	10	10

Part II: Supporting Pages – Physical Needs Work Statement(s)

Work Statement for Year 1 FFY 2016	Work Statement for Year: 2 FFY 2017			Work Statement for Year: 3 FFY 2018		
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
See	30/1026 Puuwai Momi, Community Center Building and Site Improvements (Fees and Costs)		100,000	31/1005 Kalihi Valley Homes Site and Dwelling Improvement Remaining Design (Fees and Costs)		807,700
Annual	30/1026 Puuwai Momi, Community Center Building and Site Improvements (Dwelling Structures)		2,000,000	30/1008 Paloio Valley Homes Physical Improvements Phase 4. Comprehensive MOD including interior and exterior renovations, including electical, plumbing, baths, kitchens, windows, floors, ADA site drainage, parking, sidewalks, landscaping, hazmat, etc. (Dwelling Structures)		2,000,000
Statement	40/1007 Kuhio Homes, Parking Lot and Sidewalk Renovation, Sewer Repairs, Replace Gutters, Interior MOD, Exterior Painting, Spall Repair (Dwelling Structures)		1,748,422	Physical Needs Assessment (PNA) of Federal Housing Projects for 2018 (Fees and Costs)		1,300,000
	30/1008 Paloio Valley Homes Physical Improvements Phase 4. Comprehensive MOD including interior and exterior renovations, including electical, plumbing, baths, kitchens, windows, floors, ADA site drainage, parking, sidewalks, landscaping, hazmat, etc. (Dwelling Structures)		2,000,000			
	PHA Wide Funding Place Holder for Remaining AMP/Projects (Const/Design)		670	PHA Wide Funding Place Holder for Remaining AMP/Projects (Const/Design)		680
	PHA Wide ADA (Fees and Costs)		151,578	PHA Wide ADA (Fees and Costs)		2,000,000
	PHA Wide Type "C" Funding Place Holder (Dwelling Structures/Fees and Costs)		10	PHA Wide Type "C" Funding Place Holder (Dwelling Structures/Fees and Costs)		10
	CMS Support Services Technical Salaries Place Holder (Dwelling Structures)		10	CMS Support Services Technical Salaries (Dwelling Structures)		10
	Subtotal of Estimated Cost		$6,000,690	Subtotal of Estimated Cost		$6,108,400

Part II: Supporting Pages – Physical Needs Work Statement(s)

Work Statement for Year 1 FFY 2015	Work Statement for Year: 4 FFY 2019			Work Statement for Year: 5 FFY 2020		
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
See	34/1036 Paoakalani Site and Dwelling Improvement (Dwelling Structures)		1,800,000	31/1005 Kalihi Valley Homes, Site and Dwelling Improvement Remaining Construction (Dwelling Structures)		3,000,000
Annual	38/1018 Kapaa, Site and Building Improvements Full MOD (Dwelling Structures)		1,000,000	50/1008 Palolo Valley Homes Physical Improvements Phase 5. Comprehensive MOD including interior and exterior renovations, including electical, plumbing, baths, kitchens, windows, floors, ADA site drainage, parking, sidewalks, landscaping, hazmat, etc. (Const)		3,000,000
	40/1010 KPT, Parking Lots, Site Walkways, CMU Repair, Sewer Repair, Site Work, Interior renovations, Replace Solar, At KPT Low Rise (Dwelling Structures)		2,000,000			
Statement	50/1008 Palolo Valley Homes Physical Improvements Phase 5. Comprehensive MOD including interior and exterior renovations, including electical, plumbing, baths, kitchens, windows, floors, ADA site drainage, parking, sidewalks, landscaping, hazmat, etc. (Const)		1,200,000			
	PHA Wide Funding Place Holder for Remaining AMP/Projects (Const/Design)		670	PHA Wide Funding Place Holder for Remaining AMP/Projects (Const/Design)		690
	PHA Wide ADA (Const)		10	PHA Wide ADA (Const/Design)		10
	PHA Wide Type "C" Funding Place Holder (Const/Design)		10	PHA Wide Type "C" Funding Place Holder (Const/Design)		10
	CMS Support Services Technical Salaries Place Holder (Const)		10	CMS Support Services Technical Salaries Place Holder (Const)		10

	Subtotal of Estimated Cost	$6,000,700	Subtotal of Estimated Cost	$6,000,720

Part III: Supporting Pages – Management Needs Work Statement(s)

Work Statement for Year 1 2015	Work Statement for Year: 2016 FFY 2016		Work Statement for Year: 2017 FFY 2017	
	Development Number/Name General Description of Major Work Categories	Estimated Cost	Development Number/Name General Description of Major Work Categories	Estimated Cost
See				
Annual				
Statement				
	Subtotal of Estimated Cost	0	Subtotal of Estimated Cost	0

090

Part III: Supporting Pages – Management Needs Work Statement(s)

Work Statement for Year 1 2015	Work Statement for Year: 2018 FFY 2018		Work Statement for Year: 2019 FFY 2019	
	Development Number/Name General Description of Major Work Categories	Estimated Cost	Development Number/Name General Description of Major Work Categories	Estimated Cost
See				
Annual				
Statement				
	Subtotal of Estimated Cost	0	Subtotal of Estimated Cost	0

Reviewed by the Executive Director
January 21, 2016

FOR ACTION

MOTION: To Adopt the Following Amendments to Chapter 15-195 "Section 8 Homeownership Option Program", Hawaii Administrative Rules:

Chapter 15-195 to be renumbered Chapter 17-2036, and "Housing and Community Development Corporation of Hawaii" or "Corporation" to be replaced with "Hawaii Public Housing Authority" or "Authority";

Replacing references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2036-2 [Definitions – "Family", "Gender identity or expression"] Clarifying definitions;

New Section 17-2036-3 [Nondiscrimination – Inclusion of gender identity and sexual orientation] Updating protected classes;

New Section 17-2036-22 [Eligibility for admission; initial requirements – threaten behavior towards staff] Requiring that eligible applicants do not engage in or threaten abusive or violent behaviors;

New Section 17-2036-24 [Minimum income requirements – disabled, elderly, welfare assistance] Clarifying income requirements for disabled and elderly families;

New Section 17-2036-31 [Closing and reopening the waiting list - notices] Removing requirement to publish notices regarding the waitlist in minority newspapers and include publication on the Authority's website;

New Section 17-2036-42 [Dwelling unit inspection – independent inspector] Clarifying that independent inspector must be qualified;

New Section 17-2036-44 [Financing requirements] Removes Authority's ability to disapprove terms of the mortgage loan;

Inserting Reserved Sections at 17-2036-5 through 17-2036-20; 17-2036-36 through 17-2036-40; 17-2036-45 through 17-2036-50; 17-2036-54 through 17-2036-60; 17-2036-64 through 17-2036-70; and

To Authorize the Executive Director to Undertake All Actions Necessary under Chapter 91, Hawaii Revised Statutes, Administrative Directive No.

09-01, and Federal Rules on the Public Housing Agency Five Year and Annual Plan to Implement the Amendments.

I. FACTS

A. The Hawaii Public Housing Authority (HPHA) Section 8 Homeownership Option Program is governed by a variety of Federal, State, and HPHA statutes and rules, such as the Code of Federal Regulations and Chapter 356D, Hawaii Revised Statutes (HRS).

B. Act 196, Session Laws of Hawaii (SLH) 2005, as amended by Act 180, SLH 2006, separated the housing financing and development functions from the Housing and Community Development Corporation of Hawaii (HCDCH) resulting in the creation of the Hawaii Housing Finance and Development Corporation (HHFDC), and the Hawaii Public Housing Authority. Act 196 became effective on July 1, 2006. Act 196 provided that all HCDCH administrative rules would remain in effect until amended.

C. Sections 356D-4 and 356D-13, HRS (Attachment A), authorize the HPHA to adopt administrative rules with the force and effect of law to govern the Section 8 Homeownership Option Program.

D. The HPHA has consistently managed the Section 8 Homeownership Option Program in accordance with Chapter 15-195 "Section 8 Homeownership Option Program", Hawaii Administrative Rules (HAR).

E. Once approved by the HPHA Board of Directors, the agency must request permission to take the proposed Rules to public hearing from the Governor. The HPHA staff must give thirty days notice to the public and hold hearings on the Islands of Kauai, Oahu, Maui, and Hawaii.

F. Once the hearing process has been completed, the HPHA must request the Governor to adopt the Rules and file certified copies with the Office of the Lieutenant Governor.

II. DISCUSSION

A. Chapter 15-195, HAR, to be renumbered Chapter 17-2036: Proposed changes throughout Chapter 15-195, HAR, include the renumbering of the Chapter and sections to renumber the entire chapter as Chapter 17-2036, and replacing the "Housing and Community Development Corporation of Hawaii" or "Corporation" with the "Hawaii Public Housing Authority" or "Authority", to accurately reflect the current title of the agency.

B. New Section 17-2036-2, HAR [Definitions – "Family", "Gender identity or expression"]: Amends the definition of "Family" to include a person or person regardless of actual or perceived sexual orientation, gender identity, or marital, and includes the definition of "Gender identity or expression" status, consistent with the U.S. Fair Housing Act.

C. New Section 17-2036-3, HAR [Nondiscrimination - Inclusion of gender identity and sexual orientation]: Adding "gender identity" and "sexual orientation" as protected classes, consistent with the U.S. Fair Housing Act.

D. New Section 17-2036-22, HAR [Eligibility for admission; initial requirements – threaten behavior towards staff]: Adding to qualification requirements that applicant(s) shall not engage in or threaten abusive or violent behavior toward the Authority's staff, consistent with HAR federal public housing qualifications.

E. New Section 17-2036-24, HAR [Minimum income requirements – disabled, elderly, welfare assistance]: Clarifying minimum income requirements for disabled and elderly participants, and the regard for welfare assistance income, consistent with the CFR.

F. New Section 17-2036-31, HAR [Closing and reopening the waiting list - notices]: Removes minority newspapers and adds posting on the Authority's website for publishing notices, for more effective notice.

G. New Section 17-2036-42, HAR [Dwelling unit inspection – independent inspector]: Clarifies that independent inspectors shall be qualified to report on property conditions, including major building systems and components, consistent with the CFR.

H. New Section 17-2036-44 [Financing requirements] Removes Authority's ability to disapprove terms of the mortgage loan to eliminate potential liability of the Authority between the applicant and the lender.

I. The proposed amendments in Attachment B include all changes being proposed. Deleted language is bracketed and new language is underlined.

J. The proposed amendments in the form attached as Attachment B have been reviewed and approved by the Department of the Attorney General.

K. Following approval from the Governor to hold public hearings on the proposed amendments, the HPHA will hold public hearings on the Islands of Kauai, Oahu, Maui, and Hawaii at a date and locations to be determined.

L. Based on testimony received during the public viewing and comment period, the Executive Director will make any non-substantive amendments to the draft amendments of the Rules prior to or following the public hearings.

M. After the public hearings, the Executive Director will transmit amendments to Chapter 15-195, HAR, to the Governor for final approval provided that no substantive amendments are made. Staff anticipates the following updated approximate schedule of the process:

Action	Timeframe
Board For Action (adopt amendments)	January 21, 2016
Request to Governor for public hearing	January 22, 2016
Receive Governor authorization	February 22, 2016
Publish hearing notice (30 day notice)	February 26, 2016
Public Hearing	March 29, 2016
Finalize Rule/Transmit to Governor for Adoption	April 15, 2016
Rule effective	July 1, 2016

III. RECOMMENDATION

That the HPHA Board of Directors Adopt Amendments to Chapter 15-195, "Section 8 Homeownership Option Program", Hawaii Administrative Rules:

Chapter 15-195 be renumbered Chapter 17-2036, and "Housing and Community Development Corporation of Hawaii" or "Corporation" be replaced with "Hawaii Public Housing Authority" or "Authority";

Replace references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2036-2 [Definitions – "Family", "Gender identity or expression"] Clarify definitions;

New Section 17-2036-3 [Nondiscrimination – Inclusion of gender identity and sexual orientation] Update protected classes;

New Section 17-2036-22 [Eligibility for admission; initial requirements – threaten behavior towards staff] Require that eligible applicants do not engage in or threaten abusive or violent behaviors;

New Section 17-2036-24 [Minimum income requirements – disabled, elderly, welfare assistance] Clarify income requirements for disabled and elderly families;

New Section 17-2036-31 [Closing and reopening the waiting list - notices] Remove requirement to publish notices regarding the waitlist in minority newspapers and include publication on the Authority's website;

New Section 17-2036-42 [Dwelling unit inspection – independent inspector] Clarify that independent inspector must be qualified;

New Section 17-2036-44 [Financing requirements] Removes Authority's ability to disapprove terms of the mortgage loan;

Insert Reserved Sections 17-2036-5 through 17-2036-20; 17-2036-36 through 17-2036-40; 17-2036-45 through 17-2036-50; 17-2036-54 through 17-2036-60; 17-2036-64 through 17-2036-70; and

Authorize the Executive Director to undertake all actions necessary under Chapter 91, Hawaii Revised Statutes, Administrative Directive No. 09-01, and Federal Rules on the Public Housing Agency Five Year and Annual Plan to implement the amendments.

Attachment A: Sections 356D-4 and 356D-13, Hawaii Revised Statutes
Attachment B: Draft changes to Chapter 15-195, Hawaii Administrative Rules Ramseyer format

Prepared by: Dawn Takeuchi Apuna, Chief Planner DTA

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

_____
Pono Shim
Chairperson

Attachment A

Hawaii Revised Statutes

§356D-4 General powers of the authority. (a) The authority may:

(1) Sue and be sued;

(2) Have a seal and alter the same at pleasure;

(3) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers;

(4) Adopt bylaws and rules in accordance with chapter 91 for its organization, internal management, and to carry into effect its purposes, powers, and programs;

(5) Sell, lease, rent, hold, maintain, use, and operate any property, real, personal, or mixed, tangible or intangible, in support of its purposes, powers, and programs; provided that the sale of real property shall be subject to legislative approval;

(6) Receive by gift, grant, devise, bequest, or otherwise from any source, any property, real, personal, or mixed, intangible or tangible, absolutely or in trust, to be used and disposed of, either the principal or the income thereof, for the benefit only of the residents assisted by its programs; provided that no gift to the authority that has an estimated value of $1,000 or more shall be accepted unless approved or confirmed by the board; and

(7) Engage the services of volunteers as deemed appropriate by the authority without regard to chapter 76, 89, 90, 103, or 103D.

(b) In addition to other powers conferred upon it, the authority may do all things necessary and convenient to carry out the powers expressly provided in this chapter. [L 2006, c 180, pt of §2; am L 2013, c 148, §1]

[§356D-13] Administration of federal programs. (a) The authority may carry out federal programs designated to be carried out by a public housing agency, or entity designated by the authority.

(b) The authority shall adopt necessary rules in accordance with chapter 91, including the establishment and collection of reasonable fees for administering the program, to carry out any federal program in subsection (a).

(c) All fees collected for administering the program may be deposited into an appropriate special fund of the authority and may be used to cover the administrative expenses of the authority. [L 2006, c 180, pt of §2]

HAWAII ADMINISTRATIVE RULES

TITLE [15]17

DEPARTMENT OF [BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM] HUMAN SERVICES

SUBTITLE [14]5

[HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII] HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER [195]2036

SECTION 8 HOMEOWNERSHIP OPTION PROGRAM

SUBCHAPTER 1 General Provisions

§[15-195-1]17-2036-1	Purpose
§[15-195-2]17-2036-2	Definitions
§[15-195-3]17-2036-3	Nondiscrimination
§[15-195-4]17-2036-4	Verification of information

SUBCHAPTER 2 Eligibility

§[15-195-21]17-2036-21	Applications
§[15-195-22]17-2036-22	Eligibility for admission; initial requirements
§[15-195-23]17-2036-23	First-time homeowner requirements
§[15-195-24]17-2036-24	Minimum income requirements
§[15-195-25]17-2036-25	Employment requirements
§[15-195-26]17-2036-26	Dwelling unit requirements
§[15-195-27]17-2036-27	Notification of eligibility
§[15-195-28]17-2036-28	Preferences
§[15-195-29]17-2036-29	Waiting list
§[15-195-30]17-2036-30	Removal from the waiting list
§[15-195-31]17-2036-31	Closing and reopening the waiting list

§[15-195-32]17-2036-32 Final application process - selection and certification
§[15-195-33]17-2036-33 Reexaminations
§[15-195-34]17-2036-34 Interim homeownership assistance adjustment
§[15-195-35]17-2036-35 Continued assistance; family obligations

SUBCHAPTER 3 Home Purchase

§[15-195-41]17-2036-41 Contract of sale; requirements
§[15-195-42]17-2036-42 Dwelling unit inspection
§[15-195-43]17-2036-43 Lender requirements
§[15-195-44]17-2036-44 Financing requirements

SUBCHAPTER 4 Homeownership Assistance Payments

§[15-195-51]17-2036-51 Maximum term of homeownership assistance
§[15-195-52]17-2036-52 Housing assistance payments
§[15-195-53]17-2036-53 Recapture of homeownership assistance

SUBCHAPTER 5 Operations

§[15-195-61]17-2036-61 Portability
§[15-195-64]17-2036-64 Moves with continued assistance
§[15-195-66]17-2036-66 Termination of participation

SUBCHAPTER 6 Miscellaneous Provisions

§[15-195-71]17-2036-71 Severability
§[15-195-72]17-2036-72 Number

Historical Note. Chapter 2036 of Title 17 Hawaii Administrative Rules, is substantially based upon Chapter 15-195, Hawaii Administrative Rules. [Eff:]

SUBCHAPTER 1

GENERAL PROVISIONS

§[15-195-1]17-2036-1 Purpose. These rules govern the requirements for participation by eligible families in the section 8 homeownership option program administered by the [housing and community development corporation of Hawaii.] authority. [Eff: 5/13/2002; am and ren §17-2036-1] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §982.54)

§[15-195-2]17-2036-2 Definitions. As used in this chapter:

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

"Authority" means the Hawaii public housing authority.

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

"Cooperative" or "housing cooperative" means housing owned by a corporation or association, and where a member of the corporation or association has the right to reside in a particular unit, and to participate in management of the housing.

"Cooperative member" means a family of which one or more members owns membership shares in a cooperative.

["Corporation" means the housing and community development corporation of Hawaii.]

"Disabled family" means a family whose head, spouse, or sole member is a person with a disability;

or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

"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, 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.

"Executive director" means the executive director of the [corporation] authority or the executive director's designated representative.

"Family" means regardless of actual or perceived sexual orientation, gender identity, or marital status, a person or group of persons, as determined by the [corporation,] authority approved to reside in a unit with assistance under the Program. A family is comprised of:

(1) Two or more persons who live or intend to live together as a unit and whose income and resources are available to meet the family's needs and who may be related by blood, marriage, or operation of law and whose head of family has reached the age of majority. Family may include foster children and hanai children;
(2) An elderly family;
(3) A disabled family;
(4) A displaced family;
(5) 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 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 [establish] established by the [corporation] authority in accordance with 24 C.F.R. Part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services.

"First-time homeowner" means a family of which no member owned any present ownership interest in a residence of any family member during the three years before commencement of homeownership assistance for the family. The term "first-time homeowner" includes a single parent or displaced homemaker who, while married, owned a home with his or her spouse, or resided in a home owned by his or her spouse.

"Gender identity or expression" includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression, regardless of whether that gender identity, gender-related self-image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth.

"HRS" means Hawaii Revised Statutes.

"Home" means a dwelling unit for which the [corporation] authority pays homeownership assistance.

"Homeowner" means a family of which one or more members hold title to the home.

"Homeownership assistance" means monthly homeownership assistance payments by the [corporation.] authority. Homeownership assistance payments may be paid to the family, or to a mortgage lender on behalf of the family.

"Homeownership expenses" means a family's allowable monthly expenses for the home, as determined by the [corporation.] authority.

"Homeownership option" means assistance for a homeowner or cooperative member.

"Housing quality standards" means the HUD minimum quality standards for housing assisted under the tenant-based programs.

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

"Interest in the home" means:

(1) In the case of assistance for a homeowner, "interest in the home" includes title to the home, any lease or other right to occupy the home, or any other present interest in the home.

(2) In the case of assistance for a cooperative member, "interest in the home" includes ownership of membership shares in the cooperative, any lease or other right to occupy the home, or any other present interest in the home.

"Independent inspector" means a professional home inspector who is independent of the seller and the [corporation.] authority.

"Lender" or "mortgage lender" means a mortgage lender as defined in part I, chapter [201G,] 356D, HRS.

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

(1) Is determined to be essential to the care and well-being of the persons;

(2) Is not obligated for the support of the persons; and

(3) Would not be living in the unit except to provide the necessary support services.

"Membership shares" means shares in a cooperative. By owning such cooperative shares, the share-owner has the right to reside in a particular unit in the cooperative, and the right to participate in management of the housing.

"Payment standard" means the maximum monthly assistance payment for a family assisted in the section 8 housing choice voucher program before deducting the total tenant payment by the family.

"PHA section 8 administrative plan" means the administrative plan for implementation of the section 8 housing choice voucher program pursuant to 24 C.F.R. Part 982.

"Participant" means a person or family that is receiving homeownership assistance in the Program.

"Portability" means the right to receive section 8 tenant-based assistance outside of the jurisdiction of the initial public housing agency.

"Present ownership interest" means holding title, in whole or in part, to a residence, or ownership, in whole or in part, of membership shares in a cooperative. "Present ownership interest" in a residence does not include the right to purchase title to the residence under a lease-purchase agreement.

"Program" or "homeownership program" means the section 8 homeownership option program.

"Section 8 housing choice voucher program" means the tenant-based section 8 rental voucher program.

"Total tenant payment" means the total amount the HUD rent formula requires the tenant to pay toward rent and utilities. [Eff: 5/13/2002; am and ren §17-2036-2] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. Parts 5 and 982)

§[15-195-3]17-2036-3 Nondiscrimination. (a) The [corporation] authority shall not deny any family or individual the opportunity to apply for or receive assistance under this chapter on the basis of race, color, sex, religion, marital status, creed, national or ethnic origin, age, familial status, gender identity, sexual orientation, handicap or disability or HIV infection.

(b) The [corporation] authority shall comply with state and federal nondiscrimination laws and with rules and regulations governing fair housing and equal opportunity in the administration of the Program. The [corporation] authority shall provide a family with the United States Department of Housing and Urban Development discrimination complaint form and

information on how to file a fair housing complaint if the family claims that discrimination prevented them from finding or leasing a suitable unit under the Program. [Eff: 5/13/2002; am and ren §17-2036-3] (Auth: HRS [§201G-15] §§356D-4, 356D-13)(Imp: HRS [§201G-15;] §356D-7; 24 C.F.R. §§982.53, 982.304)

§[15-195-4]17-2036-4 Verification of information. (a) The [corporation] authority shall require an applicant or participant to provide documentation to verify information required to be provided by the family relating to the Program.

(b) An applicant or participant who fails to provide documentation to verify information requested by staff shall be ineligible for participation in the Program. [Eff: 5/13/2002; am and ren §17-2036-4] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. S§982.551, 982.552, 982.553, 982.626)

17-2036-5 through 17-2036-20 Reserved

SUBCHAPTER 2

ELIGIBILITY

§[15-195-21] 17-2036-21 Applications. (a) A family seeking to participate in the Program shall submit a completed application form. The applicant form shall be provided by the [corporation.] authority. The applicant is permitted to file an application by mailing to or by submitting in person to any of the [corporation's] authority's applications offices.

(b) The initial application review shall not require an interview. Only applicants who are determined eligible in the initial review shall be placed on the waiting list. A final eligibility

review may be conducted when the applicant reaches the top of the waiting list.

(c) An applicant who has misrepresented material information may not be eligible to apply to and participate in the Program. [Eff: 5/13/2002; am and ren §17-2036-21] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §§982.551, 982.552)

§[15-195-22]17-2036-22 Eligibility for admission; initial requirements. (a) To be eligible for admission in the Program, an applicant shall meet the following qualification requirements:

(1) Has been admitted to the section 8 housing choice voucher program;

(2) Is in compliance with the terms of the lease and the section 8 housing choice voucher program;

(3) Satisfies the first-time homeowner requirements set forth in section [15-195-23;] 17-2036-23;

(4) Satisfies the minimum income requirements set forth in section [15-195-24;] 17-2036-24;

(5) Satisfies the employment requirements set forth in section [15-195-25;] 17-2036-25;

(6) Has pre-qualified for a loan;

(7) Has not defaulted on a mortgage securing debt to purchase a home under the Program;

(8) Except for cooperative members who have acquired cooperative membership shares prior to commencement of homeownership assistance, has no present ownership interest in a residence at the commencement of homeownership assistance for the purchase of a home;

(9) Except for cooperative members who have acquired cooperative membership shares prior to the commencement of homeownership assistance, has entered a contract of sale

in accordance with section [15-195-41;] 17-2036-41; [and]

(10) Satisfies any other initial requirements as determined by the [corporation] authority and set forth in the PHA section 8 administrative plan[.]; and

(11) 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 racial epithets, or other language, written or oral, that is customarily used to insult or intimidate.

(b) The applicant shall also satisfactorily complete a pre-assistance homeownership counseling program approved by the [corporation.] authority. [Eff: 5/13/2002; am and ren §17-2036-22] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §§356D-4, 356D-13; 24 C.F.R. §§982.626, 982.627, 982.628, 982.629)

§[15-195-23]17-2036-23 First-time homeowner requirements. At commencement of homeownership assistance, the participant shall be:

(1) A first-time homeowner;

(2) A cooperative member; or

(3) A family of which a family member is a person with disabilities and use of the homeownership option is needed as a reasonable accommodation so that the Program is readily accessible to and usable by such person. [Eff: 5/13/2002; ren §17-2036-23] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §982.627)

§[15-195-24]17-2036-24 Minimum income requirements. (a) At commencement of homeownership assistance, the participant shall demonstrate that the annual income, as determined by the [corporation,] authority, of the adult family members who will own the home at commencement of homeownership assistance is not less than:

(1) In the case of a disabled family, the monthly federal supplemental security income (SSI) benefit for an individual living alone or paying his or her share of food and housing costs multiplied by twelve; or

(2) In the case of other families, the federal minimum hourly wage multiplied by 2,000 hours.

(b) Except for an elderly family or a disabled family, the [corporation] authority shall not count any welfare assistance received by the family in determining annual income. In the case of an elderly or disabled family, the authority shall include welfare assistance for the adult family members who will own the home in determining if the family meets the minimum income requirement.

(c) The disregard of welfare assistance income under subsection (b) only affects the determination of minimum annual income used to determine if a family initially qualifies for commencement of homeownership assistance in accordance with this section, but does not affect:

(1) The determination of income-eligibility for admission to the voucher program;

(2) Calculation of the amount of the family's total tenant payment; or

(3) Calculation of the amount of homeownership assistance payments on behalf of the family.

[Eff: 5/13/2002; am and ren §17-2036-24] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §982.627)

§[15-195-25]17-2036-25 Employment requirements. (a) Except as provided in subsection (b), the applicant shall demonstrate that one or more adult members of the family who will own the home at commencement of homeownership assistance meets the following employment requirements:

(1) Is currently employed on a full-time basis, with an average of not less than thirty hours per week; and

(2) Has been continuously so employed during the year before commencement of homeownership assistance for the family.

(b) The following shall be exempt from the employment requirements:

(1) An elderly family;

(2) A disabled family; or

(3) A family that includes a person with disabilities and the [corporation] authority has determined that an exemption is needed as a reasonable accommodation so that the Program is readily accessible to and usable by persons with disabilities. [Eff: 5/13/2002; am and ren §17-2036-25] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §982.627)

§[15-195-26]17-2036-26 Dwelling unit requirements. (a) The dwelling unit shall satisfy the following dwelling unit requirements:

(1) The unit is eligible;

(2) The unit was either under construction or already existing at the time the [corporation] authority determined that the family was eligible for homeownership assistance to purchase the unit;

(3) The unit is either a single family dwelling unit or single dwelling unit in a cooperative or condominium;

(4) The unit was inspected by the [corporation] authority and by an independent inspector designated and paid for by the family; and

(5) The unit satisfies the housing quality standards.

(b) The [corporation] authority shall not commence homeownership assistance for occupancy of a home if the [corporation] authority has been informed (by HUD or otherwise) that the seller of the home is debarred, suspended, or subject to a limited denial of participation under 24 C.F.R. Part 24. [Eff: 5/13/2002; am and ren §17-2036-26] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §§982.352, 982.628)

§[15-195-27]17-2036-27 Notification of eligibility. (a) An applicant shall be mailed a written notification after an eligibility determination is made. The notification shall specifically state the reasons for the determination.

(b) An eligible applicant shall be issued a certification of section 8 homeownership eligibility.

(c) In the event the [corporation] authority has issued all of the section 8 homeownership eligibility certifications, eligible applicants shall be placed on the waiting list.

(d) An applicant determined to be ineligible for admission or participation in the Program shall be afforded an opportunity to request [for] an informal review as set forth in chapter [15-185,] 17-2036, Hawaii Administrative Rules. [Eff: 5/13/2002; am and ren §17-2036-27] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §982.638)

§[15-195-28]17-2036-28 Preferences. (a) Eligible applicants shall be given preference for certification in the Program in the order of the dates of their applications if, at the time they are seeking

housing assistance, they fall within the following preference categories:

(1) Completed or enrolled in and in full compliance with the [corporation's] authority's family self-sufficiency program; or

(2) Enrolled and in full compliance with the [corporation's] authority's welfare to work program or other self-suffiency program approved by the [corporation.] authority.

(b) Preference categories are of equal weight, and an applicant who qualifies for any of the preferences shall receive assistance before any other applicant who does not qualify regardless of:

(1) Place on the waiting list; or

(2) Date and time of submission of an application. [Eff: 5/13/2002; am and ren §17-2036-26] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §982.626)

[§15-195-29]§17-2036-29 Waiting list. (a) The [corporation] authority shall maintain a statewide waiting list of applicants who are eligible to obtain a certification of section 8 homeownership eligibility.

(b) All recipients of section 8 housing choice voucher assistance administered by the [corporation] authority shall be notified of the opportunity to apply for assistance under the Program.

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

(1) Applicable preference; and

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

(d) An applicant must notify the [corporation,] authority, at least annually, of any change that may affect the applicant's place on the waiting list and the [corporation's] authority's ability to contact the applicant. Changes include, but are not limited to, familial status, financial status, preference status, mailing address and current residence. [Eff:

5/13/2002; am and ren §17-2036-30]
(Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §982.629)

§[15-195-30]17-2036-30 Removal from the waiting list. An applicant shall be removed from the waiting list for any one of the following reasons:

(1) The applicant requests that applicant's name be removed;

(2) The applicant fails to notify the [corporation] authority of applicant's continued interest for housing assistance at least once every twelve months;

(3) The applicant no longer meets the eligibility criteria set forth in section [15-195-22;] 17-2036-22;

(4) The applicant fails to respond to the [corporation's] authority's reasonable contact efforts. Two written notices to the last known address shall constitute reasonable effort to contact;

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

(6) The applicant refuses a certification of section 8 homeownership eligibility; or

(7) The applicant misrepresents any material information to the [corporation] authority on the application or otherwise. [Eff: 5/13/2002; am and ren §17-2036-30] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §§982.626, 982.629, 982.633)

§[15-195-31]17-2036-31 Closing and reopening the waiting list. (a) The [corporation] authority may suspend the acceptance of applications and close the waiting list when the [corporation] authority

determines that there are enough applicants on the waiting list to fill anticipated openings over a reasonable time period.

(b) The [corporation] authority may publicly announce any closure and reopening of the taking of applications pursuant to section 15-195-21. If the list is opened for only a limited time, the opening announcement shall include the closing date and not require further notice. The announcement may include, but is not limited to, publishing notices in a newspaper of general circulation, [and minority newspapers or] notifying social service organizations[.], or posting on the authority's website.

(c) During periods when the waiting list is closed, the [corporation] authority is not required to maintain a list of persons to be notified when application taking is reopened. [Eff: 5/13/2002; am and ren §17-2036-31] (Auth: HRS [§201G-15;] §§356D-4, 356D-13) (Imp: HRS [§201G-15] §356D-13; 24 C.F.R. §§982.626, 982.629)

§[15-195-32]17-2036-32 Final application process - selection and certification. (a) Selection for certification shall be from the established waiting list and shall be based on the following:

(1) Applicable local preferences; and

(2) Date and time of receipt of application.

(b) Applicants shall sign a statement of homeownership obligations, the terms of which are set forth in section [15-195-35,] 17-2036-35, and shall be issued a certification of section 8 eligibility.

(c) An applicant that has been issued a certification shall be responsible for finding a dwelling unit that meets the requirements of section [15-195-26] 17-2036-26 prior to the expiration of the certification.

(d) A certification shall expire at the end of ninety days from issuance unless within that time, the family submits a contract of sale, in which case the

ninety day time limit shall be suspended while the [corporation] authority reviews the contract of sale.

(e) An applicant may request a ninety day extension of time to submit a contract of sale before the certification expires. The request for extension shall be in writing and received by the [corporation] authority on or postmarked no later than the last day of the certification term. The extension request shall include an explanation for the request and a report on efforts made to locate a suitable unit.

(f) An applicant may request an extension beyond one hundred eighty days provided there are verifiable circumstances beyond the applicant's control that hinders the applicant from locating a suitable unit. The request for extension shall be in writing and be received by the [corporation] authority or postmarked no later than the last day of the certification term. The extension request shall include an explanation for the request and a progress report on efforts made to locate a suitable unit.

(1) An extension may be granted at the [corporation's] authority's sole discretion.

(2) If an extension is requested and denied, the applicant may be placed on the bottom of the waiting list. [Eff: 5/13/2002; am and ren §17-2036-32] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. § 982.629)

§[15-195-33]17-2036-33 Reexaminations. (a) At least once every twelve months, the [corporation] authority may reexamine a family's income, composition and any other matter necessary to determine the participant's housing payment standard and eligibility for continued housing assistance.

(b) If at the time of admission or reexamination, a family's income cannot be reasonably anticipated for the next twelve-month period, the [corporation] authority may schedule a special reexamination at any time prior to the next annual reexamination.

(c) The participant shall be notified in writing by the [corporation] authority of the results of any reexamination within a reasonable time. [Eff: 5/13/2002; am and ren §17-2036-33] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R §§5.617, 982.629, 982.635)

§[15-195-34]17-2036-34 Interim homeownership assistance adjustment. (a) The [corporation] authority may adjust a participant's homeownership assistance payment between reexaminations if a participant reports a change in income and requests an adjustment.

(b) Adjustments reflecting a higher homeownership assistance payment shall be made effective on the first day of the month following the month the report was made. A participant who has obtained an increase in the homeownership assistance payment under this section, shall report all income increases which occur prior to the next reexamination and the homeownership assistance payment shall be readjusted accordingly.

(c) An adjustment in the homeownership assistance payment shall be made between reexaminations when a participant's income increases as a result of the inclusion of additional persons with income to the family, and such adjustment shall be made effective on the first day of the second month following the inclusion.

(d) The participant and lender shall be notified in writing by the [corporation] authority of the results of any reexamination within a reasonable time. [Eff: 5/13/2002; am and ren §17-2036-34] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §982.635)

§[15-195-35]17-2036-35 Continued assistance; family obligations. (a) To be eligible for

homeownership assistance, the participant shall occupy the home.

(b) The participant shall comply with the following family obligations:

(1) Attend and complete ongoing homeownership and housing counseling;

(2) Comply with the terms of any mortgage securing debt incurred to purchase or refinance the home;

(3) Not convey or transfer the home;

(4) Supply any required information that the [corporation] authority or HUD determines is necessary in the administration of the Program, including information on the following:

(i) Any mortgage or other debt incurred to purchase the home, and any refinancing of such debt and information on any satisfaction or payment of the mortgage debt;

(ii) Any sale or other transfer of any interest in the home; or

(iii) The family's homeownership expenses;

(5) Notify the [corporation] authority before the participant moves out of the home;

(6) Notify the [corporation] authority if the participant defaults on a mortgage securing any debt incurred to purchase the home;

(7) During the time the participant receives homeownership assistance, no family member may have any ownership interest in any other residential property;

(8) Not commit drug-related criminal activity or violent criminal activity pursuant to chapter [15-185,] 17-2036, Hawaii Administrative Rules; and

(9) Comply with additional requirements that the [corporation] authority may establish including:

(i) Attending post-purchase homeownership counseling; or

(ii) Having periodic inspections of the dwelling unit.

(c) Prior to commencement of homeownership assistance, the participant shall execute a statement of family obligations in the form prescribed by HUD. In the statement, the family shall agree to comply with all family obligations as cited in paragraph (b) of this section. [Eff: 5/13/2002; am and ren §17-2036-35] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §§982.551, 982.553, 982.633)

17-2036-36 through 17-2036-40 Reserved

SUBCHAPTER 3

PURCHASE OF DWELLING UNIT

§[15-195-41]17-2036-41 Contract of sale; requirements.

(a) Upon finding a dwelling unit that the applicant is willing to purchase, the applicant shall provide a copy of the contract of sale to the [corporation.] authority.

(b) The contract of sale shall contain the following information:

(1) Specify the price and other terms of sale by the seller to the applicant;

(2) Provide that the applicant shall arrange for a pre-purchase inspection of the dwelling unit by an independent inspector selected by the applicant;

(3) Provide that the applicant is not obligated to purchase the unit;

(4) Provide that the applicant is not obligated to pay for any necessary repairs; and

(5) Certify that the seller has not been debarred, suspended, or subject to a limited denial of participation under 24 C.F.R. Part

24. [Eff: 5/13/2002; am and ren §17-2036-41] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §982.631)

§[15-195-42]17-2036-42 Dwelling unit inspection.

(a) Dwelling units approved for sale in the Program shall meet housing quality standards.

(b) Prior to commencing homeownership assistance, the [corporation] authority shall inspect the dwelling unit within a reasonable time after receipt of the applicant's contract of sale.

(c) In addition to the inspection conducted by the [corporation,] authority, the applicant shall select and pay for an independent inspection conducted by an independent inspector qualified to report on property conditions, including major building systems and components. The independent inspection shall cover major building systems and components, including:

(i) Foundation and structure;

(ii) Housing interior and exterior; and

(iii) Roofing, plumbing, electrical, heating and cooling systems.

(d) The independent inspector shall provide a copy of the inspection report to the [corporation] authority and the applicant. The [corporation] authority may disapprove the unit for homeownership assistance based on the information in the inspection report. [Eff: 5/13/2002; am and ren §17-2036-42] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §982.631)

§[15-195-43]17-2036-43 Lender requirements. (a) The [corporation] authority shall maintain a list of approved mortgage lenders from which a family may obtain financing to purchase a home.

(b) Lenders shall obtain the [corporation's] authority's approval of the terms of the loan.

(c) Lenders shall notify the [corporation] authority when a participant becomes delinquent by more than thirty days. [Eff: 5/13/2002; am and ren §17-2036-43] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §§982.625, 982.632)

§[15-195-44]17-2036-44 Financing requirements. (a) The family may obtain financing to purchase the dwelling unit from any lender on the [corporation's] authority's approved list of mortgage lenders.

(b) The [corporation] authority shall review the terms of the mortgage loan[. The corporation may disapprove proposed financing, refinancing or other debt if the corporation determines that the debt is unaffordable, or] to determine if the loan terms do not meet the [corporation's] authority's qualifications. [In making such determination, the corporation may take into account other family expenses including child care, unreimbursed medical expenses, homeownership expenses, and other family expenses.]

(c) The [corporation] authority may disapprove certain loan types including adjustable rate mortgage loans and balloon payment mortgage loans. [Eff: 5/13/2002; am and ren §17-2036-44] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §982.632)

17-2036-45 through 17-2036-50 Reserved

SUBCHAPTER 4

HOMEOWNERSHIP ASSISTANCE PAYMENTS

§[15-195-51]17-2036-51 Maximum term of homeownership assistance. (a) Except in the case of a

family that qualifies as an elderly or disabled family, the maximum term of homeownership assistance is as follows:

(1) Fifteen years, if the initial mortgage incurred to finance the purchase of the home has a term of twenty years or longer; or

(2) Ten years, in all other cases.

(b) A family shall qualify as an elderly family at the start of the homeownership assistance.

(c) A family may qualify as a disabled family at any time during receipt of homeownership assistance.

(d) If, during the course of homeownership assistance, the family ceases to qualify as an elderly or disabled family, the maximum term of homeownership assistance is fifteen years plus six months. [Eff: 5/13/2002; ren §17-2036-51] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §982.634)

§[15-195-52]17-2036-52 Homeownership assistance payments.

(a) The [corporation] authority shall make homeownership assistance payments into a dedicated, limited access account established by the lender or mortgage servicer.

(b) The homeownership assistance payment shall be the lower of:

(i) The payment standard minus the total tenant payment; or

(ii) The participant's monthly homeownership expenses minus the total tenant payment.

(c) The payment standard shall be the lower of:

(i) The payment standard for the family unit size; or

(ii) The payment standard for the size of the home.

(d) Homeownership expenses shall include the following:

(i) Principal and interest on the initial mortgage debt and any mortgage insurance

premium incurred to finance the purchase of the home and any refinancing of such debt;

(ii) Real estate taxes and public assessments on the home;

(iii) Homeowner's insurance;

(iv) Hurricane insurance;

(v) An allowance for maintenance expenses;

(vi) An allowance for the costs of major repairs and replacements;

(vii) A utility allowance; and

(viii) Principal and interest on mortgage debt incurred to finance major repairs, replacements, or improvements for the home. [Eff: 5/13/2002; am and ren §17-2036-52] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §982.635)

§[15-195-53]17-2036-53 Recapture of homeownership assistance. (a) The [corporation] authority shall recapture a percentage of the homeownership assistance provided to the participant upon the participant's sale or refinancing of the home.

(b) The recapture amount upon sale of the home shall be the lesser of:

(1) The amount of homeownership assistance provided to the participant; or

(2) The difference between the sales price and the purchase price minus the following:

(i) The costs of any capital expenditures;

(ii) The costs incurred by the participant in the sale of the home, including closing costs and sales commissions;

(iii) The amount of the difference between the sales price and purchase price that is being used, upon sale, towards the purchase of a new home

under the section 8 homeownership option; and

(iv) Any amounts that have been previously recaptured.

(c) The recapture amount for refinancing shall be the lesser of:

(1) The amount of homeownership assistance provided to the participant; or

(2) The difference between the current mortgage debt and the new mortgage debt minus the following:

(i) The costs of any capital expenditures;

(ii) The costs incurred by the participant in the refinancing of the home, such as closing costs; and

(iii) Any amounts that have been previously recaptured as a result of refinancing.

(d) The amount of homeownership assistance subject to recapture shall automatically be reduced over a ten-year period, beginning one year from the purchase date, in annual increments of ten percent. At the end of the ten year period, the amount of homeownership assistance to recapture is zero. [Eff: 5/13/2002; am and ren §17-2036-53] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §982.640)

17-2036-54 through 17-2036-60 Reserved

SUBCHAPTER 5

OPERATIONS

§[15-195-61]17-2036-61 Portability. (a) The [corporation] authority may require applicants who were nonresidents at the time of application to live

in its jurisdiction during the first twelve-month period.

(b) The [corporation] authority shall not absorb a family under portability assistance into its Program unless funds are available and there is no applicant with a preference on the applicable waiting list. [Eff: 5/13/2002; am and ren §17-2036-61] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15;] §356D-13; 24 C.F.R. §§982.353, 982.355, 982.636)

§[15-195-62]17-2036-62 Moves with continued tenant-based assistance. (a) A participant may move to a new unit with continued tenant-based assistance.

(b) The [corporation] authority shall deny permission to move to a new unit with continued tenant-based assistance if:

(1) The [corporation] authority does not have sufficient funds to provide continued assistance;

(2) The participant has defaulted on an FHA-insured mortgage;

(3) The participant fails to demonstrate that the participant has conveyed title to the home to HUD or a HUD designee and the participant has moved from the home within the period established or approved by HUD; or

(4) The participant has moved or has been issued a voucher within the last twelve months. [Eff: 5/13/2002; am and ren §17-2036-62] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15] §356D-13; 24 C.F.R. §§982.314, 982.552, 982.637)

§[15-195-63]17-2036-63 Termination of participation. (a) The [corporation] authority shall terminate a family's participation in the Program when:

(1) The family fails to comply with the continued assistance requirements set forth in section [15-195-35;] 17-2036-35 or

(2) The family is dispossessed from the home pursuant to a judgment or order of foreclosure on any mortgage securing debt to purchase the property or any refinancing of such debt. [Eff: 5/13/2002; am and ren §17-2036-63] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15] §356D-13; 24 C.F.R. §§982.551, 982.633, 982.638)

17-2036-64 through 17-2036-70 Reserved

SUBCHAPTER 6

MISCELLANEOUS PROVISIONS

§[15-195-71]§17-2036-71 Severability. If any part, section, sentence, clause, of phrase of this chapter, of its application to any person or transaction of 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: 5/13/2002; ren §17-2036-71] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS [§201G-15] §356D-13)

§[15-195-72]17-2036-72 Number. The use of all words used in the singular shall extend to and include the plural. [Eff: 5/13/2002; am and ren §17-2036-72] (Auth: HRS [§201G-15] §§356D-4, 356D-13) (Imp: HRS §1-17)

Reviewed by the Executive Director
January 21, 2016

FOR ACTION

MOTION: To Adopt the Following Amendments to Chapter 15-181 "Resident Advisory Board", Hawaii Administrative Rules:

Chapter 15-181 to be renumbered Chapter 17-2032, and "Housing and Community Development Corporation of Hawaii" or "Corporation" to be replaced with "Hawaii Public Housing Authority" or "Authority";

Replacing references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2032-21(a) [Resident Advisory Board – Expenses and expenditures] Clarifying that Expenses Must be Part of an Approved Budget;

New Section 17-2032-21(b) [Resident Advisory Board – Number of members] Reducing the Minimum of Members from Twenty to Nine and Reduce Representation from Each Geographic Location;

New Section 17-2032-21(c) [Resident Advisory Board – Authority appointment of members] Allows the Hawaii Public Housing Authority to Appoint Resident Councils or their Representatives to Serve on the Resident Advisory Board;

New Section 17-2032-42 [Executive Meetings] Removes Executive Meetings;

New Section 17-2032-44 [Agenda – Purpose and use] Clarifies the Purposes and Use of the Meeting Agenda;

New Section 17-2032-61 [Nominees for public resident member of the authority's board of directors - Number of Resident Advisory Board nominees and qualifications of a nominator] Allows Residents in Public Housing or in the Section 8 Program to Submit a Nominee for the HPHA's Board of Directors to the Governor;

New Section 17-2032-62 [Recommendation of the resident advisory board - number of RAB Nominees and the Governor's selection and appointment of nominees] Clarifies that the Resident Advisory Board Shall Submit no Less Than Three and No More than Five Nominees for the HPHA Board of Directors to the Governor;

Inserted Reserved Sections at 17-2032-6 to 17-2032-20; 17-2032-24 to 17-2032-30; 17-2032-33 to 17-2032-40; 17-2032-50; 17-2032-53 to 17-2032-60; and 17-2032-63 to 17-2032-70; and

to Authorize the Executive Director to Undertake All Actions Necessary under Chapter 91, Hawaii Revised Statutes, and Administrative Directive No. 09-01, and Federal Regulations Regarding the Public Housing Agency Five Year and Annual Plan to Implement the Amendments

I. FACTS

A. The Hawaii Public Housing Authority (HPHA) Resident Advisory Board is governed by a variety of federal, state, and agency statutes and rules, such as the Code of Federal Regulations and Chapter 356D, Hawaii Revised Statutes (HRS).

B. Act 196, Session Laws of Hawaii (SLH) 2005, as amended by Act 180, SLH 2006, separated the housing financing and development functions from the Housing and Community Development Corporation of Hawaii (HCDCH) resulting in the creation of the Hawaii Housing Finance and Development Corporation (HHFDC), and the Hawaii Public Housing Authority (HPHA). Act 196 became effective on July 1, 2006. Act 196 provided that all HCDCH administrative rules would remain in effect until amended.

C. Sections 356D-4 and 356D-13, HRS (Attachment A), authorize the HPHA to adopt administrative rules with the force and effect of law to govern the Resident Advisory Board (RAB).

D. The HPHA has consistently managed the Resident Advisory Board in accordance with Chapter 15-181 "Resident Advisory Board", Hawaii Administrative Rules (HAR).

E. Once approved by the HPHA Board of Directors, the agency must request permission to take the proposed Rule to public hearing from the Governor. The HPHA must give thirty days notice to the public and hold hearings on the Islands of Kauai, Oahu, Maui, and Hawaii.

F. Once the hearing process has been completed, the HPHA must request the Governor to adopt the Rule and file certified copies with the Office of the Lieutenant Governor.

II. DISCUSSION

A. Chapter 15-181, HAR, to be renumbered Chapter 17-2032: Proposed changes throughout Chapter 15-181, HAR, include the renumbering of the

Chapter and sections to renumber the entire chapter as Chapter 17-2031, and replacing the "Housing and Community Development Corporation of Hawaii" or "Corporation" with the "Hawaii Public Housing Authority" or "Authority", to accurately reflect the current title of the agency.

B. New Section 17-2032-21(a), HAR: The proposed amendments add that all RAB expenses shall be part of an approved budget, and expenditures shall require written approval by the Executive Director, for clarity.

C. New Section 17-2032-21(b), HAR: The proposed amendments reduce the minimum number of members to serve on the RAB and the number of representatives from each geographic area to increase the likelihood of having a full board.

D. New Section 17-2032-21(c), HAR: The proposed amendment provides that the authority shall appoint resident councils or representatives to serve on the RAB, consistent with 24 C.F.R. 903.13(b)(2).

E. New Section 17-2032-44, HAR: The proposed amendment adds the contents of the RAB agenda, for clarity.

F. New Section 17-2032-61, HAR: The proposed amendment provides a minimum and maximum number of RAB nominees for the public resident member of the HPHA Board of Directors, and the qualifications of a nominator of the public resident member of the HPHA Board of Directors, for clarity.

G. New Section 17-2032-62, HAR: The proposed amendment provides a minimum and maximum number of RAB nominees for the public resident member of the HPHA Board of Directors, and the Governor's selection and appointment of the nominees, for clarity.

H. The proposed amendments in Attachment B include all changes being proposed. Deleted language is bracketed and new language is underlined.

I. The proposed amendments in the form attached as Attachment B have been reviewed and approved by the Department of the Attorney General.

J. The proposed amendments in the form attached as Attachment B have been reviewed by the Resident Advisory Board.

K. Following approval from the Governor to hold public hearings on the proposed amendments, the HPHA will hold public hearings on the Islands of Kauai, Oahu, Maui, and Hawaii at a date and locations to be determined.

L. Based on testimony received during the public viewing and comment period, the Executive Director will make any non-substantive amendments to the draft amendments to and compilation of the Rule prior to or following the public hearing.

M. After the public hearings, the Executive Director will transmit amendments to Chapter 15-181, HAR, to the Governor for final approval provided that no substantive amendments are made. Staff anticipates the following updated approximate schedule of the process:

Action	Timeframe
Board For Action (adopt amendments)	January 17, 2016
Request to Governor for public hearing	January 19, 2016
Receive Governor authorization	February 15, 2016
Publish hearing notice (30 day notice)	February 16, 2016
Public Hearing	March 15, 2016
Finalize Rule/Transmit to Governor for Adoption	March 16, 2016
Rule effective	July 1, 2016

III. RECOMMENDATION

That the HPHA Board of Directors Adopt Amendments to Chapter 15-181, "Resident Advisory Board", Hawaii Administrative Rules:

Chapter 15-181 be renumbered Chapter 17-2032, and "Housing and Community Development Corporation of Hawaii" or "Corporation" be replaced with "Hawaii Public Housing Authority" or "Authority";

Replace references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2032-21(a) [Resident Advisory Board – Expenses and expenditures] Clarify that Expenses Must be Part of an Approved Budget;

New Section 17-2032-21(b) [Resident Advisory Board – Number of members] Reduce the Minimum of Members from Twenty to Nine and Reduce Representation from Each Geographic Location;

New Section 17-2032-21(c) [Resident Advisory Board – Authority appointment of members] Allow the Hawaii Public Housing Authority to Appoint Resident Councils or their Representatives to Serve on the Resident Advisory Board;

New Section 17-2032-42 [Executive Meetings] Remove Executive Meetings;

New Section 17-2032-44 [Agenda – Purpose and use] Clarify the Purposes and Use of the Meeting Agenda;

New Section 17-2032-61 [Nominees for public resident member of the authority's board of directors - Number of Resident Advisory Board nominees and qualifications of a nominator] Allow Residents in Public Housing or in the Section 8 Program to Submit a Nominee for the HPHA's Board of Directors to the Governor;

New Section 17-2032-62 [Recommendation of the resident advisory board - number of RAB Nominees and the Governor's selection and appointment of nominees] Clarify that the Resident Advisory Board Shall Submit no Less Than Three and No More than Five Nominees for the HPHA Board of Directors to the Governor;

Insert Reserved Sections at 17-2032-6 to 17-2032-20; 17-2032-24 to 17-2032-30; 17-2032-33 to 17-2032-40; 17-2032-50; 17-2032-53 to 17-2032-60; and 17-2032-63 to 17-2032-70;

and to Authorize the Executive Director to Undertake All Actions Necessary under Chapter 91, Hawaii Revised Statutes, and Administrative Directive No. 09-01, and Federal Regulations Regarding the Public Housing Agency Five Year and Annual Plan to Implement the Amendments

Attachment A: Sections 356D-4 and 356D-13, Hawaii Revised Statutes
Attachment B: Draft changes to Chapter 15-181, Hawaii Administrative Rules Ramseyer format

Prepared by: Dawn Takeuchi Apuna, Chief Planner DTA

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

_____
Pono Shim
Chairperson

Attachment A

Hawaii Revised Statutes

§356D-4 General powers of the authority. (a) The authority may:

(1) Sue and be sued;

(2) Have a seal and alter the same at pleasure;

(3) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers;

(4) Adopt bylaws and rules in accordance with chapter 91 for its organization, internal management, and to carry into effect its purposes, powers, and programs;

(5) Sell, lease, rent, hold, maintain, use, and operate any property, real, personal, or mixed, tangible or intangible, in support of its purposes, powers, and programs; provided that the sale of real property shall be subject to legislative approval;

(6) Receive by gift, grant, devise, bequest, or otherwise from any source, any property, real, personal, or mixed, intangible or tangible, absolutely or in trust, to be used and disposed of, either the principal or the income thereof, for the benefit only of the residents assisted by its programs; provided that no gift to the authority that has an estimated value of $1,000 or more shall be accepted unless approved or confirmed by the board; and

(7) Engage the services of volunteers as deemed appropriate by the authority without regard to chapter 76, 89, 90, 103, or 103D.

(b) In addition to other powers conferred upon it, the authority may do all things necessary and convenient to carry out the powers expressly provided in this chapter. [L 2006, c 180, pt of §2; am L 2013, c 148, §1]

[§356D-13] Administration of federal programs. (a) The authority may carry out federal programs designated to be carried out by a public housing agency, or entity designated by the authority.

(b) The authority shall adopt necessary rules in accordance with chapter 91, including the establishment and collection of reasonable fees for administering the program, to carry out any federal program in subsection (a).

(c) All fees collected for administering the program may be deposited into an appropriate special fund of the authority and may be used to cover the administrative expenses of the authority. [L 2006, c 180, pt of §2]

HAWAII ADMINISTRATIVE RULES

TITLE [15]17

DEPARTMENT OF [BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM] HUMAN SERVICES

SUBTITLE [14]5

[HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII] HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER [181] 2032

RESIDENT ADVISORY BOARD

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§[15-181-1]17-2032-1 Purpose
§[15-181-2]17-2032-2 Definitions
§[15-181-3]17-2032-3 Scope of Responsibilities
§[15-181-4]17-2032-4 Applicability of rules
§[15-181-5]17-2032-5 Gender and number

Subchapter 2 Resident Advisory Board Membership

§[15-181-21]17-2032-21 Resident Board
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§[15-181-47]17-2032-46 Quorum and number of votes necessary for action
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Subchapter 6 Recommendation of Nominees to Serve as a Public Resident Member of the [corporation] Authority Board of Directors

§[15-181-61]17-2032-61 Nominees for public resident member for the [corporation's] authority's board of directors
§[15-181-62]17-2032-62 Recommendation of the resident advisory board

Subchapter 7 Records and Fees

§[15-181-71]17-2032-71 Retention of documents
§[15-181-72]17-2032-72 Access to resident advisory board records
§[15-181-73]17-2032-73 Limitation on access to resident advisory board records
§[15-181-74]17-2032-74 Fees
§[15-181-75]17-2032-75 Severability

Historical Note. Chapter 2032 of Title 17 Hawaii Administrative Rules, is substantially based upon Chapter 15-181, Hawaii Administrative Rules.
[Eff:]

SUBCHAPTER 1

GENERAL PROVISIONS

§[15-181-1]17-2032-1 Purpose. These rules govern the establishment, operation and responsibilities of the resident advisory board or boards to comply with the requirements of the federal Quality Housing and Work Responsibility Act of 1998; and set forth a process for nominations for the resident member [for] to the [corporation's] authority's board of directors.
[Eff: 7/13/2002; am and ren §17-2032-1,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [§201G-4.5]) HRS §356D-5; 24 C.F.R. 903.13)

§[15-181-2]17-2032-2 Definitions. Whenever used in this chapter, unless otherwise specifically defined:

"Authority" means the Hawaii public housing authority as defined by section 356D-2, HRS.

"Board" means the board of directors of the [housing and community development corporation of Hawaii] Hawaii public housing authority as defined by section [201G-3,] 356D-2, HRS.

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

"Chairperson" means the duly selected chair of the resident advisory board.

["Corporation" means the housing and community development corporation of Hawaii as defined by section 201G-2, HRS.]

"Executive director" means the executive director of the [corporation] authority or the executive director's designated representative.

"Government" includes the State and the United States and any political subdivision, agency, or instrumentality, corporate or otherwise, of the United States.

"Government record" means information maintained by an agency in written, auditory, visual, electronic, or other physical form as defined in section 92F-3, HRS.

"Governor" means the duly elected governor of the State of Hawaii whose office was created by Article V of the Constitution of the State of Hawaii.

"HRS" means the Hawaii revised statutes.

"Legislature" means the legislature of the State of Hawaii, which was created pursuant to Article III of the Constitution of the State of Hawaii.

"Meetings" means the convening of the resident advisory board following due notice as prescribed under chapter 92, HRS.

"Party" means any person permitted or entitled as of right to participate in a proceeding before the resident advisory board.

"Person" means an individual, partnership, corporation, association through a representative, or public or private organization of any character other than the resident advisory board.

"Proceeding" refers to any matter brought before the resident advisory board for action following due consideration of the objectives, goals, policies, and all related matters of the resident advisory board.

"Public housing agency plan" means the [corporation's] authority's public housing agency plan that is prepared pursuant to 24 C.F.R. Part 903.

"Public housing project" means a federal housing project directly controlled, owned, developed, or managed by the [corporation] authority pursuant to subpart A of part II of chapter [201G,] 356D, HRS.

"Public housing resident" means any household member of a public housing project, who is eighteen years of age or older, whose name appears on the

[lease] rental agreement, and is in compliance with the [lease] rental agreement.

"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 council" means an association of public housing residents in a federal project assisted by the [corporation,] authority, which has met the requirements of 24 C.F.R. Part 964.

"Resident advisory board" means the resident advisory board or boards established pursuant to section [201G-4.5,] 356D-5, HRS.

"Resident members" means the members of the resident advisory board as defined in section [201G-4.5,] 356D-5, HRS.

"Rules" means these rules.

"Staff" means the employed personnel or agents of the [corporation.] authority.

"Tenant-based Section 8 recipient" means any recipient of tenant-based housing assistance authorized by the United States Department of Housing and Urban Development and administered by the [corporation,] authority, who is eighteen years of age or older, whose name appears on the [lease] rental agreement, and who is in compliance with the [lease] rental agreement. [Eff: 7/13/2002; am and ren §17-2032-2,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [§201G-4.5;] §356D-5; 24 C.F.R. §903.13)

§[15-181-3]17-2032-3 Scope of responsibilities. It is the responsibility of the resident advisory board to:

(1) [assist] Assist and make recommendations regarding the public housing agency plan; and

(2) [prepare] Prepare a list of nominees who are eligible to serve as the resident member to the board of the [corporation.] authority. [Eff: 7/13/2002; am and ren

§17-2032-3] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [§§201G-4.5, 201G-4.6;] §§356D-5, 356D-6; 24 C.F.R. §903.13)

§[15-181-4]17-2032-4 Applicability of rules. The rules under this chapter shall apply to all practices and procedures of the resident advisory board. The resident advisory board shall refer to Robert's Rules of Order for guidance on procedural matters not addressed in the resident advisory board's rules or in law. [Eff: 7/13/2002; ren §17-2032-4,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13) (Imp: HRS §356D-5)

§[15-181-5]17-2032-5 Gender and number. In any rule of the resident advisory board, all words used in the masculine or singular shall extend to and include the feminine or plural. [Eff: 7/13/2002; ren §17-2032-5] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13) (Imp: HRS §1-17)

17-2032-6 through 17-2032-20 Reserved

SUBCHAPTER 2

RESIDENT ADVISORY BOARD MEMBERSHIP

§[15-181-21]17-2032-21 Resident advisory board. (a) The members of the resident advisory board shall represent federal public housing projects and Section 8 tenants and be at least eighteen years of age, are authorized members of an assisted household, and in compliance with the [lease] rental agreement. All members shall serve without pay, but shall be reimbursed for necessary expenses. All expenses shall be part of an approved budget. No expenditures shall

be made by the resident advisory board without prior written approval by the Executive Director.

(b) The board shall consist of [twenty] a minimum of nine members which shall comprise [of] the following:

(1) [two representatives] At least one representative of public housing projects from each of the counties of Hawaii, Kauai and Maui;

(2) [eleven] Six representatives of public housing projects geographically allocated from Oahu. The geographic breakdown consists of:

(A) [Two representatives] At least one representative from Windward (Waimanalo to Kahaluu);

(B) [Two representatives] At least one representative from Leeward (Pearl City, Waipahu, Waianae, Nanakuli, and Kapolei);

(C) [Two representatives] At least one representative from Central (Wahiawa to Waialua); and

(D) [Five representatives] At least one representative from Honolulu (Red Hill to Palolo); and

(E) [Three representatives] At least two representatives geographically allocated [with two representatives] from Oahu [and one from a neighbor island] who are recipients of Section 8 tenant-based assistance.

(c) The following process shall apply for the appointment of the public housing members to fill vacancies on the resident advisory board:

(1) The president of each resident council or in the event that the president cannot serve, a representative designated by the resident council, shall serve as a potential candidate as a representative to the resident advisory board.

(2) [The presidents or designated representatives from each geographic area shall vote from among themselves to select the geographic representatives. The persons getting the highest number of votes shall represent the geographic area.

(3) An alternative designee shall be that person who has the highest number of votes after the regular designee(s) has been selected. The alternative designee shall be available to assume role of the delegate:

(A) In the event that the delegate cannot fulfill their duties; and

(B) If the delegate cannot fulfill, their term of office, for whatever reason.] The authority shall appoint such resident councils or their representatives to serve on the resident advisory board. The authority may require that the resident councils choose a limited number of representatives.

(d) The following procedure shall apply for the appointment of the section 8 members to fill the [three] two vacancies on the resident advisory board:

(1) The [corporation] authority shall send notices to solicit volunteers for potential candidates to serve as a representative on the resident advisory board.

(2) The [corporation] authority shall screen the list of volunteers to ensure that they are at least eighteen years of age and an authorized member of an assisted household.

(3) The members of the resident advisory board shall elect from the pool of volunteers the representatives to the resident advisory board. The candidates getting the highest number of votes shall represent the geographic area. [Eff: 7/13/2002; am and ren §17-2032-21,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [§201G-4.5] §356D-5; 24 C.F.R. §903.13)

§[15-181-22]17-2032-22 Terms of office. (a) The members of the resident advisory board shall serve terms that are concurrent with terms of the respective members of the recognized resident council.

(b) Each term shall be a maximum of three years.

(c) Members shall be limited to serve a total of two consecutive terms or a maximum of six consecutive years. [Eff: 7/13/2002; ren §17-2032-22] (Auth: HRS p§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [§201G-4.5] §356D-5; 24 C.F.R. 903.13)

§[15-181-23]17-2032-23 Removal from office. A member of the resident advisory board may be removed from the board for the conviction of any crime or if the member is no longer a tenant of public housing or section 8 recipient.
[Eff: 7/13/2002; ren §17-2032-23,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [§201G-4.5] §356D-5)

17-2032-23 through 17-2032-30 Reserved

SUBCHAPTER 3

RESIDENT ADVISORY BOARD OFFICERS

§[15-181-31]17-2032-31 Officers. The officers of the resident advisory board shall serve for a term of one year and [shall] may consist of the following positions and duties:

(1) Chairperson, who shall conduct all meetings;

(2) Vice-Chairperson, who shall assume any duties assigned by the Chairperson, and who shall assume the duties of the Chairperson in the absence of the Chairperson;

(3) Treasurer, who shall maintain any financial record of the resident advisory board and who assumes the duties of the Chairperson in the absence of either the Chairperson or Vice-Chairperson;

(4) Secretary, who shall maintain and record all resident advisory board proceedings; and

(5) Sergeant of Arms, who shall keep order of any meeting, including adherence to any parliamentary procedure or State procedural requirements. [Eff: 7/13/2002; am and ren §17-2032-31,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [§201G-4.5] §356D-5; 24 C.F.R. 903.13)

§[15-181-32]17-2032-32 Election of officers. Officers shall be elected from among members of the resident advisory board and shall serve until the new officers of the advisory board are elected. The advisory board shall hold meetings yearly to select officers. [Eff: 7/13/2002; ren §17-2032-32,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [§201G-4.5] §356D-5; 24 C.F.R. 903.13)

17-2032-33 through 17-2032-40 Reserved

SUBCHAPTER 4

RESIDENT ADVISORY BOARD MEETINGS

§[15-181-41]17-2032-41 Meetings. Meetings shall be held after the required notice is given as to the time and place of the meeting. [Eff: 7/13/2002; ren §17-2032-41,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS §§92-7, [201G-4.5] §356D-5)

[§15-181-42 Executive meetings. The resident advisory board may hold an executive meeting upon the fulfillment of the requirements therefore and for the reasons prescribed by law.
[Eff: 7/13/2002] (Auth: HRS §201G-4) (Imp: HRS §§92-4, 92-5, 201G-4.5)]

§[15-181-43]17-2032-42 Manner of voting. The voting on all questions coming before the resident advisory board shall be by motion, duly seconded, and shall be entered upon the minutes of such meeting. When requested by the chairperson or any member, a roll call vote shall be taken. All measures voted on by resident members shall be advisory in nature unless it pertains to the election of officers.
[Eff: 7/13/2002; ren §17-2032-42,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS §§92-9, [201G-4.5] §356D-5)

§[15-181-44]17-2032-43 Agenda. Staff shall prepare the agenda for the meetings of the resident advisory board, as directed by the chairperson. The agenda shall include items related to the authority's public housing agency plan and recommendations of the resident advisory board. The agenda should not include matters that are personal in nature, related to a specific tenant's housing status or not governed by the authority's public housing agency plan.
[Eff: 7/13/2002; ren §17-2032-43,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [201G-4] §356D-5)

§[15-181-45]17-2032-44 Notice. Staff shall provide notice of the meetings of the resident advisory board pursuant to the requirements of section 92-7, HRS. [Eff: 7/13/2002; ren §17-2032-44,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS §92-7)

§[15-181-46]17-2032-45 Minutes. The resident advisory board shall maintain written minutes in compliance with section 92-9, HRS. [Eff: 7/13/2002; ren §17-2032-45,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS §92-9)

§[15-181-47]17-2032-46 Quorum and number of votes necessary for action. Fifty-one percent of the resident members of the resident advisory board shall constitute a quorum. The affirmative vote of at least fifty-one percent of the resident members present shall determine any action. [Eff: 7/13/2002; ren §17-2032-46,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [201G-4.5] §356D-5)

§[15-181-48]17-2032-47 Disqualification of member of resident advisory board. No matter shall be heard by or voted on by a member of the resident advisory board who:

(1) Has any pecuniary interest in the matter to be decided; or
(2) Is related within the third degree by blood or marriage to any party to the proceeding.

[Eff: 7/13/2002; ren §17-2032-47,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [§201G-4] §356D-5)

§[15-181-49]17-2032-48 Video or teleconferencing. Video or teleconferencing facilities for meetings may be made available to board members. [Eff: 7/13/2002; ren §17-2032-48,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS §92-3.5)

17-2032-49 through 17-2032-50 Reserved

SUBCHAPTER 5

PROCEEDINGS BEFORE THE RESIDENT ADVISORY BOARD

§[15-181-51]17-2032-51 General rule. All persons and parties shall comply with these rules when appearing before the resident advisory board. Robert's Rule of Order shall prevail in all proceedings. [Eff: 7/13/2002; ren §17-2032-51,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS §§91-9(d), [§201G-4.5; C.F.R. 903.13] 356D-5)

§[15-181-52]17-2032-52 Public housing agency plan. The board shall advise and make recommendations on issues relating to the public housing agency plan. [Eff: 7/13/2002; ren §17-2032-52,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [§201G-4.5;] §356D-5; C.F.R. 903.13)

17-2032-52 through 17-2032-60 Reserved

SUBCHAPTER 6

RECOMMENDATION OF NOMINEES TO SERVE AS A PUBLIC RESIDENT MEMBER OF THE [corporation] AUTHORITY BOARD OF DIRECTORS

§[15-181-61]17-2032-61 Nominees for public resident member for the [corporation's] authority's board of directors. (a) Nominees for the public resident member of the board of directors of the [corporation] authority shall be a household member of

a federal public housing project or tenant-based section 8 recipient who is eighteen years of age or older, whose name appears on the [lease] rental agreement, and is in compliance with the [lease] rental agreement.

(b) The resident advisory board shall select no less than three and no more than five nominees for the public resident member of the [corporation's] authority's board of directors at a public meeting.

(c) The [corporation] authority shall send to all resident councils notice of the public meeting, at least twenty-one days prior to the meeting at which the selection will be made.

(d) Any person who is directly assisted by the authority under the federal public housing or section 8 tenant-based program, and who is at least eighteen years of age and is an authorized member of an assisted household, may submit a nominee for the public resident member of the board of directors of the authority to the Governor for consideration.

[Eff: 7/13/2002; am and ren §17-2032-61,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [§201G-4.6] §356D-6)

§[15-181-62]17-2032-62 Recommendation of the resident advisory board. The resident advisory board shall submit to the [corporation] authority a list of no less than three and no more than five nominees. The governor [shall] may select and appoint one of the nominees as the public resident member from the list of no more than five nominees so submitted.

[Eff: 7/13/2002; am and ren §17-2032-62,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [§201G-4.6] §356D-6)

17-2032-63 through 17-2032-70 Reserved

SUBCHAPTER 7

RECORDS AND FEES

§[15-181-71]17-2032-71 Retention of documents. All documents filed with the resident advisory board shall be retained by the [corporation] authority in its files. The [corporation] authority may permit the withdrawal of original documents upon submission of properly authenticated copies to replace the original documents.
[Eff: 7/13/2002; am and ren §17-2032-71,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [§201G-4] §356D-5)

§[15-181-72]17-2032-72 Access to resident advisory board records. (a) All government records of the resident advisory board shall be open for inspection in the principal office of the [corporation] authority during established business hours, unless access to such records is restricted or closed by law.

(b) A request for access to or copies of government records shall be made in writing to the executive director and shall include a clear and concise description of the records sought. All such requests must be signed by the requesting party or the party's authorized representative.

(c) The [corporation] authority shall not be required to prepare a compilation or summary of its records in response to a request for records.

(d) Copies of the government records shall be available in accordance with (b) above, with payment of the reasonable costs of reproduction as set forth in section 92-21, HRS, and a fee for searching, reviewing, or segregating the records set forth in office of information practices, Hawaii administrative rules, chapter 5-43. Reasonable costs of reproduction shall include, but are not limited to, actual time for reproduction, material costs, including electricity cost, equipment and equipment [lease] rental costs,

costs for certification and labor costs for monitoring the public inspection of the records to prevent theft, loss, defacement, or alteration of the records. [Eff: 7/13/2002; am and ren §17-2032-72,] (Auth: HRS §§92F-11, 356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS §§92F-11, 92-21)

§[15-181-73]17-2032-73 Limitation on access to resident advisory board records. Access to resident advisory board records are subject to the limitations set forth in section 92F-13, HRS. [Eff: 7/13/2002; ren §17-2032-73,] (Auth: HRS §§92F-11, 356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS §92F-13)

§[15-181-74]17-2032-74 Fees. The [corporation] authority shall have the right to charge reasonable fees for processing any instrument or taking any action required under this chapter. [Eff: 7/13/2002; am and ren §17-2032-74,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS [§201G-4] §356D-5)

§[15-181-75]17-2032-75 Severability. If any rule of the resident advisory board is found in whole or in part by a court of competent jurisdiction to be invalid under law, such finding shall not affect the remaining rules or any part therein. [Eff: 7/13/2002; ren §17-2032-75,] (Auth: HRS [§201G-4] §§356D-4, 356D-5, 356D-13; 24 C.F.R. 903.13) (Imp: HRS §1-23)

Reviewed by the Executive Director
January 21, 2016

FOR ACTION

MOTION: To Adopt the Following Amendments to Chapter 15-184 "Rent Supplement Program", Hawaii Administrative Rules:

Chapter 15-184 to be renumbered Chapter 17-2033, and "Housing and Community Development Corporation of Hawaii" or "Corporation" to be replaced with "Hawaii Public Housing Authority" or "Authority";

Replace references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2033-2 [Definitions] Includes and clarifies definitions of "Applicant", "Criminal activity", "Drug", "Elderly", "Gender identity or expression", "Security deposit", "Staff", "U.S.C.", and "Violent criminal activity";

New Section 17-2033-3 [Income limits] References HUD-determined very low income limits;

New Section 17-2033-11 [Application] Requires household social security number and waiting list;

New Section 17-2033-12 [Verification] Requires household member social security number;

New Section 17-2033-13 [Eligibility for participation] Clarifies applicant eligibility with regard to residence, property ownership, payment, social security number provision, no threat of abusive or violent behavior toward staff, and citizenship;

Newly added Section 17-2033-21 [Nondiscrimination] Nondiscrimination provision added consistent with U.S. Fair Housing Act;

Newly added Section17-2033-22 [Waiting list] Provides procedures for waiting list of applicants;

New Section 17-2033-31 [Rent supplement] Includes a maximum rent supplement payment amount of $500;

New Section 17-2033-33 [Reexamination] Provides that reexamination shall be performed either in person or via mail;

Inserted Reserved Sections at 17-2033-7 to 17-2033-10; 17-2033-14 to 17-2033-20; 17-2033-27 to 17-2033-30; 17-2033-35 to 17-2033-40; 17-2033-45 to 17-2033-50; and 17-2033-55 to 17-2033-60;

and to Authorize the Executive Director to Undertake All Actions Necessary under Chapter 91, Hawaii Revised Statutes, and Administrative Directive No. 09-01, to Implement the Amendments.

I. FACTS

A. The Hawaii Public Housing Authority (HPHA) Rent Supplement Program is governed by a variety of federal, state, and agency statutes and rules, such as the Code of Federal Regulations and Chapter 356D, Hawaii Revised Statutes (HRS).

B. Act 196, Session Laws of Hawaii (SLH) 2005, as amended by Act 180, SLH 2006, separated the housing financing and development functions from the Housing and Community Development Corporation of Hawaii (HCDCH) resulting in the creation of the Hawaii Housing Finance and Development Corporation (HHFDC), and the Hawaii Public Housing Authority (HPHA). Act 196 became effective on July 1, 2006. Act 196 provided that all HCDCH administrative rules would remain in effect until amended.

C. Sections 356D-4 and 356D-13, HRS (Attachment A), authorize the HPHA to adopt administrative rules with the force and effect of law to govern the Rent Supplement Program.

D. The HPHA has consistently managed the Rent Supplement Program in accordance with Chapter 17-2033 "Rent Supplement Program", Hawaii Administrative Rules (HAR).

E. Once approved by the HPHA Board of Directors, the agency must request permission to take the proposed Rules to public hearing from the Governor. The HPHA staff must give thirty days notice to the public and hold hearings on the Islands of Kauai, Oahu, Maui, and Hawaii.

F. Once the hearing process has been completed, the HPHA must request the Governor to adopt the Rules and file certified copies with the Office of the Lieutenant Governor.

II. DISCUSSION

A. Chapter 15-184, HAR, to be renumbered Chapter 17-2033, HAR: Proposed changes throughout Chapter 15-184, HAR, include the renumbering of the Chapter and sections to renumber the entire Chapter under Chapter 17-2033, and replacing the "Housing and Community Development Corporation of Hawaii" or "Corporation" with the "Hawaii Public Housing Authority" or "Authority", to accurately reflect the current title of the agency.

B. New Section 17-2033-2, HAR: Amends the definitions of "applicant", "elderly", and adds the terms "criminal activity", "drug", "gender identity or expression", "security deposit", "staff", "U.S.C", and "violent criminal activity", for clarity.

C. New Section 17-2033-3, HAR: The proposed amendment refers to the U.S. Department of Housing and Urban Development's (HUD) determination of income limits is referenced for greater accuracy.

D. New Section 17-2033-11, HAR: The proposed amendments: (1) include social security number or certification, evidence of citizenship or eligible immigrant status for each household member for required application household information; and (2) require waitlist placement upon application completion, for clarity.

E. New Section 17-2033-12, HAR: The proposed amendment includes social security number of verification, evidence of citizenship or eligible immigrant status for applicant verification, for clarity.

F. New Section 17-2033-13, HAR: The proposed amendments disallow the ownership of a dwelling unit in the State of Hawaii rather than within a single island; allow for rent supplement payments of a minimum of $25 but not more than $500 for a greater range of payments; require a social security number or certification by the applicant for clarity; disallow the threaten abusive or violent behavior or harm or damage by an applicant toward HPHA staff for the safety and welfare of staff; and require evidence of citizenship or immigrant status for clarity.

G. Newly added Section 17-2033-21: This new section on nondiscrimination is added consistent with U.S. Fair Housing Act.

H. Newly added Section 17-2033-22: This new section on waitlist is to clarify procedures for a waiting list of applicants.

I. New Section 17-2033-21, HAR: The proposed amendment indicates that rent supplement payments shall not exceed $500 per tenant.

J. New Section 17-2033-23, HAR: The proposed amendment clarifies that reexamination shall be performed either in-person or via mail.

K. The proposed amendments in Attachment B include all changes being proposed. Deleted language is bracketed and new language is underlined.

L. The proposed amendments in the form attached as Attachment B have been reviewed and approved by the Department of the Attorney General.

M. Following approval from the Governor to hold public hearings on the proposed amendments, the Executive Director will hold public hearings on the Islands of Kauai, Oahu, Maui, and Hawaii at a date and locations to be determined.

N. Based on testimony received during the public viewing and comment period, the Executive Director will make any non-substantive amendments to the draft amendments to the Rules prior to or following the public hearing.

O. After the public hearings, the Executive Director will transmit amendments to Chapter 17-2033, HAR, to the Governor for final approval provided that no substantive amendments are made. Staff anticipates the following updated approximate schedule of the process:

Action	Timeframe
Board For Action (adopt amendments)	January 21, 2016
Request to Governor for public hearing	January 22, 2016
Receive Governor authorization	February 22, 2016
Publish hearing notice (30 day notice)	February 26, 2016
Public Hearing	March 29, 2016
Finalize Rule/Transmit to Governor for Adoption	April 15, 2016
Rule effective	July 1, 2016

III. RECOMMENDATION

That the HPHA Board of Directors Adopt the Following Amendments to Chapter 15-184, "Rent Supplement Program", Hawaii Administrative Rules:

Chapter 15-184 to be renumbered Chapter 17-2033, and "Housing and Community Development Corporation of Hawaii" or "Corporation" to be replaced with "Hawaii Public Housing Authority" or "Authority";

Replace references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2033-2 [Definitions] Includes and clarifies definitions of "Applicant", "Criminal activity", "Drug", "Elderly", "Gender identity or expression", "Security deposit", "Staff", "U.S.C.", and "Violent criminal activity";

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New Section 17-2033-11 [Application] Requires household social security number and waiting list;

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New Section 17-2033-13 [Eligibility for participation] Clarifies applicant eligibility with regard to residence, property ownership, payment, social security number provision, no threat of abusive or violent behavior toward staff, and citizenship];

Newly added Section 17-2033-21 [Nondiscrimination] Nondiscrimination provision added consistent with U.S. Fair Housing Act;

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Section 17-2033-31 [Rent supplement] Includes a maximum rent supplement payment amount of $500;

Section 17-2033-33 [Reexamination] Provides that reexamination shall be performed either in person or via mail;

Inserted Reserved Sections at 17-2033-7 to 17-2033-10; 17-2033-14 to 17-2033-20; 17-2033-27 to 17-2033-30; 17-2033-35 to 17-2033-40; 17-2033-45 to 17-2033-50; and 17-2033-55 to 17-2033-60; and

Authorize the Executive Director to undertake all actions necessary under Chapter 91, Hawaii Revised Statutes, and Administrative Directive No. 09-01, to implement the amendments

Attachment A: Sections 356D-4 and 356D-13, Hawaii Revised Statutes
Attachment B: Draft changes to Chapter 15-184, Hawaii Administrative Rules Ramseyer format

Prepared by: Dawn Takeuchi Apuna, Chief Planner DTA

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

_____
Pono Shim
Chairperson

Attachment A

Hawaii Revised Statutes

§356D-4 General powers of the authority. (a) The authority may:

(1) Sue and be sued;

(2) Have a seal and alter the same at pleasure;

(3) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers;

(4) Adopt bylaws and rules in accordance with chapter 91 for its organization, internal management, and to carry into effect its purposes, powers, and programs;

(5) Sell, lease, rent, hold, maintain, use, and operate any property, real, personal, or mixed, tangible or intangible, in support of its purposes, powers, and programs; provided that the sale of real property shall be subject to legislative approval;

(6) Receive by gift, grant, devise, bequest, or otherwise from any source, any property, real, personal, or mixed, intangible or tangible, absolutely or in trust, to be used and disposed of, either the principal or the income thereof, for the benefit only of the residents assisted by its programs; provided that no gift to the authority that has an estimated value of $1,000 or more shall be accepted unless approved or confirmed by the board; and

(7) Engage the services of volunteers as deemed appropriate by the authority without regard to chapter 76, 89, 90, 103, or 103D.

(b) In addition to other powers conferred upon it, the authority may do all things necessary and convenient to carry out the powers expressly provided in this chapter. [L 2006, c 180, pt of §2; am L 2013, c 148, §1]

[§356D-13] Administration of federal programs. (a) The authority may carry out federal programs designated to be carried out by a public housing agency, or entity designated by the authority.

(b) The authority shall adopt necessary rules in accordance with chapter 91, including the establishment and collection of reasonable fees for administering the program, to carry out any federal program in subsection (a).

(c) All fees collected for administering the program may be deposited into an appropriate special fund of the authority and may be used to cover the administrative expenses of the authority. [L 2006, c 180, pt of §2]

HAWAII ADMINISTRATIVE RULES

TITLE [15]17

DEPARTMENT OF [BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM] HUMAN SERVICES

SUBTITLE [14]5

[HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII] HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER [184]2033

RENT SUPPLEMENT PROGRAM

SUBCHAPTER 1 General Provisions

[§15-184-1]§17-2033-1 Purpose
[§15-184-2]§17-2033-2 Definitions
[§15-184-3]§17-2033-3 Income limits
[§15-184-4]§17-2033-4 Asset limits
[§15-184-5]§17-2033-5 Asset transfer
[§15-184-6]§17-2033-6 Occupancy guidelines

SUBCHAPTER 2 [Participation and Selection] Eligibility

[§15-184-11]§17-2033-11 Application
[§15-184-12]§17-2033-12 Verification
[§15-184-13]§17-2033-13 Eligibility for participation
[§15-184-14 Preference]
[§15-184-15 Removal from waiting list]
[§15-184-16 Ineligible applicant]
[§15-184-17 Closing the waiting list]

SUBCHAPTER 3 [Rent] Tenant Selection

§17-2033-21 Nondiscrimination
§17-2033-22 Waiting list
§17-2033-23 Preference
§17-2033-24 Removal from waiting list

§17-2033-25 Ineligible applicant
§17-2033-26 Closing the waiting list

SUBCHAPTER 4 Rent

[§15-184-21]§17-2033-31 Rent supplement payments
[§15-184-22]§17-2033-32 Rent calculation
[§15-184-23]§17-2033-33 Reexamination
[§15-184-24]§17-2033-34 Security deposits

SUBCHAPTER [4]5 Rent Supplement Agreements

[§15-184-31]§17-2033-41 Rent supplement agreement - housing owners
[§15-184-32]§17-2033-42 Rent supplement agreement - tenants
[§15-184-33]§17-2033-43 [corporation's] Authority's responsibility
[§15-184-34]§17-2033-44 Rent supplement agreement - termination

SUBCHAPTER [5]6 [Shared Housing] Qualified Housing Dwelling Unit

[§15-184-41]§17-2033-51 Eligibility for shared housing
[§15-184-42]§17-2033-52 Eligible dwelling units
[§15-184-43]§17-2033-53 Allocable share of rent
[§15-184-44]§17-2033-54 Shared housing addendum

SUBCHAPTER [6]7 Miscellaneous Provisions

[§15-184-51]§17-2033-61 Severability
[§15-184-52]§17-2033-62 Number

Historical Note. Chapter [184] 2033 of Title [15,] 17, Hawaii Administrative Rules, is substantially based upon Chapter [17-510,] 15-184 Hawaii Administrative Rules.
Eff: 2/18/82; am 2/18/92; R 10/25/99; am and comp 3/23/2001; am]

SUBCHAPTER 1

GENERAL PROVISIONS

§[15-184-1]17-2033-1 Purpose. These rules are adopted under chapter 91, HRS, and shall govern the requirements for participation by eligible families and housing owners in the rent supplement program as administered by the [housing and community development corporation of Hawaii.] authority. [Eff: 10/25/99; comp 3/23/2001; am and ren §17-2033-1] Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-236] §356D-156)

§[15-184-2]17-2033-2 Definitions. As used in this chapter:

"Applicant" means [a] an individual or family [or person] who [submitted] submits an application to participate in the program[.] but is not yet a participant in the program.

"Assets" means total cash, securities, real and personal property less any outstanding liabilities secured by the assets. Assets do not include necessary personal property such as clothing, household furniture and automobiles.

["Corporation"] "Authority" means the [housing and community development corporation of Hawaii.] Hawaii public housing authority.

"Criminal activity" means any act or conduct which constitutes a criminal offense under any Federal or State law, rule or regulation, or county or municipal ordinance, committed by a tenant, a member of the tenant's household, a guest of the tenant or any person who is on the premises with the express or implied consent of the tenant, regardless if the person engaging in the act or conduct has been arrested or convicted for the applicable criminal offense.

"Displaced" means a family or elderly individual who is without housing, about to be without housing or was without housing within three years prior to applying for housing assistance and was displaced by some public or governmental action.

"Drug" means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. §802) as it existed on March 28, 2013.

"Drug-related criminal activity" means the illegal possession, manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use, of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

"Dwelling unit" means a house, apartment or group of rooms, intended for residential occupancy as separate living quarters with each unit having direct access from either the outside of the building or through a common hall with each unit being equipped with complete kitchen and bathroom facilities for the exclusive use of the occupants. Dwelling units that present a serious health or safety hazard shall not be acceptable for use by participants of the program.

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

"Family" means:

(1) One or more persons who live or intend to occupy a dwelling unit and whose income and resources are available to meet the family's need and who may, but need not be, related by blood, marriage, or operation of law, including foster children and hanai children and whose head of household has reached the age of majority, or is otherwise legally emancipated;

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

"Foster children" means a person or persons, under eighteen years of age, who [is] may not be related to the foster parent by blood, marriage, or

adoption and who is in need of parenting care.

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

"Gender identity or expression" includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression, regardless of whether that gender identity, gender-related self-image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth.

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

"Household" includes "family", "elderly", and "displaced".

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

"Housing owner" means the same as defined in [§201G-232,] §356D-152, HRS, and may include an agent of an owner.

"HRS" means the Hawaii revised statutes.

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

"Minor" means a person less than eighteen years of age. An unborn child may not be counted as a minor.

"Participant" means the same as tenant.

"Program" means the rent supplement program administered by the [corporation.] authority.

"Rent" means the monthly charge to a tenant for

the use of a dwelling unit.

"Security deposit" means a monetary deposit required by a landlord prior to occupancy of the dwelling unit.

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

"Shared housing" means a dwelling unit with two or more bedrooms that is occupied by more than one person or household which share the housing cost for the dwelling.

"Standard unit" means the same as "dwelling unit".

"Tenant" means a qualified person or family that is participating in the program.

"Unassisted household" means a person or family who is not participating in the program.

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

"Very low income" means 50 per cent of the median household income for the area as determined by the method set forth in exhibit A.

"Violent criminal activity" means any criminal activity that includes the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage. [Eff: 10/25/99; am and comp 3/23/2001; am and ren §17-2033-2,] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-235] §§356D-152, 356D-153)

§[15-184-3]17-2033-3. Income limits. To be eligible to participate or continue participation in the program, an applicant's or tenant's adjusted household income shall not exceed the very low income limits most recently determined by [the calculation using the method set forth in exhibit A, entitled "Method for Calculating Income Limits", located at the end of this chapter.] the U.S. Department of Housing and Urban Development. [Eff: 10/25/99; am and comp 3/23/2001; ren §17-2033-3,] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-233] §356D-153)

§[15-184-4]17-2033-4 Asset limits. (a) An elderly family having assets valued at more than twice its applicable income limit is ineligible to participate in the program.

(b) A non-elderly family having assets which are valued at more than one and one half times its applicable income limit is ineligible to participate in the program. [Eff: 10/25/99; comp 3/23/2001; ren §17-2033-4,] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-235] §356D-155)

§[15-184-5]17-2033-5 Asset transfer. All assets transferred or assigned to another party, within a twenty-four month period prior to submitting an application or for the purpose of continuing to qualify for participation in the program, shall be included in determining a household's assets. [Eff: 10/25/99; comp 3/23/2001; ren §17-2033-5,] (Auth: HRS §§356D-4, 356D-151, 356D-156) (Imp: HRS §356D-155)

§[15-184-6]17-2033-6 Occupancy guidelines. Eligible applicants and tenants shall abide by the occupancy standards for admission and continued occupancy in this program as prescribed in exhibit B, entitled "Occupancy Standards", dated August 27, 1999, located at the end of this chapter. [Eff: 10/25/99; am and comp 3/23/2001; ren §17-2033-6,] (Auth: HRS [§§201G-4, 201G-113] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§§201G-111, 201G-113] §§356D-4, 356D-156)

17-2033-7 through 17-2033-10 Reserved

SUBCHAPTER 2

[PARTICIPATION AND SELECTION] ELIGIBILITY

§[15-184-11]17-2033-11 Application. (a) A [household] person seeking to participate in the program shall submit a completed application form, provided by the [corporation.] authority. The form shall include, but not be limited to, information relating to household income, household composition, social security number or certify that the member does not have a social security number for each household member, evidence of citizenship or eligible immigrant status as provided under 14 C.F.R. 5.508, as amended, for each household member, financial condition, and other program information necessary to determine eligibility and program demographics.

(b) The applicant shall be placed on a waiting list upon submission of a completed application form. Placement on a waiting list shall not be deemed a determination on eligibility or admission.

(c) An applicant who has misrepresented material information or has willfully withheld important information on the application form submitted to the [corporation] authority shall not be eligible to file an application with the [corporation] authority for twelve months from the date of written notification from the [corporation.] authority.

[Eff: 10/25/99; comp 3/23/2001; am and ren §17-2033-11] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-235] §356D-155)

§[15-184-12]17-2033-12 Verification. Applicants and tenants in the program shall provide, prior to admission or as the [corporation] authority may require, documentation setting forth information concerning household income, household composition, social security number or certify that the member does not have a social security number for each household member, evidence of citizenship or eligible immigrant status as provided under 24 C.F.R. 5.508, as amended, for each household member, financial condition or other information as may be requested. [Eff: 10/25/99; comp 3/23/2001; am and ren §17-2033-12,

] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-235] §356D-155)

§[15-184-13]17-2033-13 Eligibility for participation. To be eligible to participate or continue participation in the program, the applicant and applicant's household members or tenant and tenant's household members shall:

(1) Qualify as a household;

(2) Have an adjusted household income which does not exceed the applicable income limit;

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

(4) Have earning capabilities or whose financial situation gives reasonable assurance of meeting the rental payments on time as they become due;

(5) Not own, in whole or a majority interest in, a dwelling unit [on the same island on which they seek assistance under the program;] in the state of Hawaii;

(6) Not have an outstanding debt owed to the [corporation;] authority;

(7) Be eligible for a monthly rent supplement payment of a minimum of [$15 or more;] $25 and not more than $500; [and]

(8) Provide a social security number for all family members or certify that the person does not have a social security number;

(9) Meet all requirements of part III, chapter [201G,] 356D, HRS[.];

[(9)] (10) Have their primary place of residence in Hawaii [or demonstrate their intent to make Hawaii their primary place of residence.];

[(10)] (11) Not have a recent history of criminal activity involving crimes to persons or property or criminal acts that affect the health, safety, or right to peaceful enjoyment of the premises by other residents. A person convicted for such a crime shall not be eligible for

participation in the program until three years after completion of probation or the serving of the sentence; [or]

[(11)] (12) Not have been evicted from any of the [corporation's] authority's housing programs for drug related criminal activity for three years prior to admission. For purposes of this subsection, in determining eligibility, the [corporation] authority may consider whether the evicted applicant or household member has successfully completed a rehabilitation program approved by the [corporation,] authority, or whether the circumstances leading to eviction no longer exist; [or]

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

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

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

(B) For the purposes of this subsection, in determining whether to deny eligibility based on a pattern of use of a controlled substance or a pattern of abuse of alcohol, the [corporation] authority may consider rehabilitation as provided for under 42 U.S.C.

§13661(b)(2)(A)-(C) effective October 1, 1999[.];

[(14)] (15) Except for a newborn child, a person shall not be permitted to join or rejoin the household until it is verified that the person meets the eligibility requirements set forth in this section[.];

(16) 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 racial epithets, or other language, written or oral, that is customarily used to intimidate;

(17) Not cause any harm or damage to the authority, its staff, agents, representatives, or programs; and

(18) Furnish evidence of citizenship or eligible immigrant status as provided for in 24 C.F.R. §5.508, as amended. [Eff: 10/25/99; am and comp 3/23/2001; am and ren §17-2033-13] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-236] §§356D-153, 356D-155, 356D-156)

17-2033-14 through 17-2033-20 Reserved

SUBCHAPTER 3

TENANT SELECTIONS

§17-2033-21 Nondiscrimination. (a) The authority shall not deny any family or individual the opportunity to apply for or receive assistance under this chapter on the basis of race, color, sex, religion, marital status, creed, national or ethnic origin, age, familial status, gender identity, sexual

orientation, handicap or disability or HIV infection.

(b) The authority shall comply with state and federal nondiscrimination laws and with rules and regulations governing fair housing and equal opportunity in the administration of the Program. The authority shall provide a family with the United States Department of Housing and Urban Development discrimination complaint form and information on how to file a fair housing complaint if the family claims that discrimination prevented them from finding or leasing a suitable unit under the Program. [Eff:] (Auth: HRS §§356D-4, 356D-13, 356D-151, 356D-156) (Imp: HRS §356D-7; 24 C.F.R. §§982.53, 982.304)

§17-2033-22 Waiting list. (a) The authority shall maintain a statewide waiting list of applicants who are eligible to obtain a certification of rent supplement eligibility.

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

(1) Applicable preference, if any; and

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

(c) An applicant must notify the authority, at least annually, of 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, familial status, financial status, preference status, mailing address and current residence. [Eff:] (Auth: HRS §§356D-4, 356D-151, 356D-156) (Imp: HRS §356D-153)

§[15-184-14]17-2033-23 Preference. Participation in the program shall be determined by the date of application except for those displaced by a governmental action and not due to tenant's actions, who will be given preference. [Eff: 10/25/99; am and comp 3/23/2001; ren §17-2033-23] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-236] §356D-155)

§[15-184-15]17-2033-24 Removal from waiting list. An applicant shall be removed from the waiting list for one of the following reasons:

(1) The applicant requests that the applicant's name be removed;

(2) The applicant fails to notify the [corporation] authority of the applicant's continued interest for housing at least once every twelve months;

(3) The applicant no longer meets the eligibility criteria set forth in section [15-184-13;] 17-2033-13;

(4) The applicant fails to respond to the [corporation's] authority's reasonable efforts such as correspondence to the last known address to contact them;

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

(6) An applicant who has misrepresented material information or has wilfully withheld important information from the [corporation] authority shall be removed from the waiting list for twelve months. [Eff: 10/25/99; comp 3/23/2001; am and ren §17-2033-24] (Auth: HRS §§356D-4, 356D-151, 356D-156) (Imp: HRS §356D-4)

§[15-184-16]17-2033-25 Ineligible applicant. An applicant determined to be ineligible for participation in the program shall be notified in writing of the termination and the reasons thereof by the [corporation.] authority. [Eff: 10/25/99; comp 3/23/2001; am and ren §17-2033-25] (Auth: HRS [§201G-4] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-4] §356D-155)

§[15-184-17]17-2033-26 Closing the waiting list.

(a) The [corporation,] authority, at its discretion, may restrict or refuse acceptance of applications to the waiting list, when it determines that it is unable to assist applicants on the waiting list within a reasonable period of time.

(b) The [corporation] authority shall publicly announce any closure and reopening of the application process. [Eff: 10/25/99; comp 3/23/2001; am and ren §17-2033-26] (Auth: HRS [§201G-235] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-235] §356D-155)

17-2033-27 through 17-2033-30 Reserved

SUBCHAPTER [3] 4

RENT

§[15-184-21]17-2033-31 Rent supplement payments. (a) The [corporation] authority shall pay directly to the housing owner, or authorized representative, on behalf of a tenant, a monthly amount which is the difference between the established monthly rent for the tenant's dwelling unit and the tenant's allocable share of rent as established in [§15-184-22.] §17-2033-32; provided that the authority shall not make payments on behalf of any tenant that exceeds $500.

[(b) The corporation shall not make payments on behalf of any tenant that exceeds the amounts contained in section 201G-231, HRS.]

[(c)] (b) Rent supplement payments will be made on behalf of a tenant for the period that the rental unit is occupied; except that if the tenant vacates the dwelling unit without proper notice, rent supplement payments will be continued to the time that the rental agreement could legally be terminated or to the date that the unit is re-rented, or to the last day of the month that the tenant vacated the unit and rent supplement payment was already made, whichever comes first. [Eff: 10/25/99; comp 3/23/2001; am and ren §17-2033-31] (Auth: HRS [§201G-

236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§§201G-236, 201G-236] §§356D-151, 356D-156)

§[15-184-22]17-2033-32 Rent calculation. (a) Effective April 1, 2001, the tenant's allocable share of monthly rent shall be determined by subtracting $100 per minor child from the household income; multiplied by thirty per cent; divided by twelve and rounded to the closest dollar amount.

Example: tenant's household income = $15,000
number of minor children = 2

	$15,000	(household income)
-	$ 200	(less $100 for each minor)
	$14,800	
x	30%	
	$ 4,440	
÷	12	
	$ 370	tenant's allowable share of monthly rent

(b) The tenant shall pay to the landlord the allocable share of monthly rent as determined in subsection (a). [Eff: 10/25/99; am and comp 3/23/2001; ren §17-2033-32] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-134] §356D-160)

§[15-184-23]17-2033-33 Reexamination. (a) The [corporation] authority shall review the household's income, household composition and any other related matter to adjust, if necessary, the tenant's allocable share of monthly rent and the [corporation's] authority's rent supplement payment.

(b) A non-elderly household shall be reexamined at least once every twelve months.

(c) An elderly household shall be reexamined at least once every twenty-four months.

(d) If at the time of admission or annual reexamination, a household's income cannot be reasonably determined for the next twelve months, a six month reexamination may be scheduled.

(e) The tenant's allocable share of monthly rent shall be adjusted between reexaminations when a person with income is added to the household and the adjustment shall be effective on the first day of the second month following the approved inclusion.

(f) Reexamination shall be performed either in-person or via mail. [Eff: 10/25/99; comp 3/23/2001; ren §17-2033-33] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-235] §356D-160)

§[15-184-24]17-2033-34 Security deposits. No portion of the rent supplement payments by the [corporation] authority shall be applied or allocated to any security deposit demanded by a housing owner. The [corporation] authority shall not be responsible for nor be required to pay a housing owner for the security deposit. [Eff: 10/25/99; comp 3/23/2001; am and ren §17-2033-34] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-236] §356D-156)

17-2033-35 through 17-2033-40 Reserved

SUBCHAPTER [4] 5

RENT SUPPLEMENT AGREEMENTS

§[15-184-31]17-2033-41 Rent supplement agreement - housing owners. (a) A rent supplement agreement, used by the [corporation,] authority, shall be executed between the [corporation] authority and housing owners who rent dwelling units to tenants of the program. The form shall include, but not be limited to, an acknowledgment of the rental agreement between the owner and participant, the amount of rent and supplemental assistance, date that payment is due, to whom payment is to be made and the owner's and [corporation's] authority's responsibilities.

(b) Amendments to the rent supplement agreement

shall be in writing, and approved by the [corporation] authority and the housing owner. [Eff: 10/25/99; comp 3/23/2001; am and ren §17-2033-41] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§§201G-231, 201G-236] §§356D-151, 356D-156)

§[15-184-32]17-2033-42 Rent supplement agreement - tenants. (a) The head(s) of household of a tenant household shall execute a rent supplement agreement, used by the [corporation] authority prior to participating in the program. The form shall include, but not be limited to, an acknowledgment of an agreement between the tenant and the [corporation,] authority, the rent and amount of supplemental assistance and the participant's and [corporation,] authority, responsibilities.

(b) The rent supplement agreement between the [corporation] authority and tenant shall set forth the conditions of participation in the program. [Eff: 10/25/99; comp 3/23/2001; am and ren §17-2033-42] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-236] §§356D-155, 356D-156)

§[15-184-33]17-2033-43 [corporation's] Authority's responsibility. Other than the agreed-to rent supplement for the monthly rent, the [corporation] authority shall not be held responsible to the housing owner for any portion of the tenant's allocable share of the rent, or be held responsible to the housing owner or tenant for any damages, breakage, or losses to the dwelling unit or any portion thereof, or to the furnishings, fixtures, and appliances where the same may have been caused by the tenant, housing owner or other causes. [Eff: 10/25/99; comp 3/23/2001; ren §17-2033-43] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-236] §356D-156)

§[15-184-34]17-2033-44 Rent supplement agreement

termination. (a) A tenant shall give the [corporation] authority at least thirty days written notice prior to the date that the tenant will withdraw from participation in the program.

(b) The [corporation] authority may terminate a tenant's participation in the program when a tenant has:

(1) Established a pattern of late rent payments or is chronically delinquent with rent payments;

(2) Submitted false or misleading information or willfully withheld important information from the [corporation;] authority;

(3) Violated any provision of the rules or chapter [201G,] 356D, HRS, as related to this program;

(4) Had the rental agreement terminated by the housing owner; or

(5) Transferred without prior approval to a dwelling unit of same or higher rent that does not meet the [corporation's] authority's occupancy standards.

(c) If a tenant has submitted false or misleading information or has willfully withheld important information which reduced the tenant's allocable monthly share of rent, the tenant shall reimburse the [corporation] authority for the amount of supplemental overpayment. Repayment shall be made in accordance with a repayment plan as approved by the [corporation.] authority.

(d) The [corporation] authority may terminate the rent supplement agreement when a tenant, any member of the tenant's household or guest or other person under the tenant's control:

(1) Who engages in the illegal use of a controlled substance;

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

(3) The [corporation] authority determines that

tenants criminal activity interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents; or

(4) Who the [corporation] authority determines engages in any drug related criminal activity on or off the premises assisted by the program.

(e) The [corporation] authority shall give a tenant thirty days written notice prior to the date of termination of the rent supplement agreement.

(f) A housing owner shall give the [corporation] authority thirty days written notice prior to the date the housing owner plans to withdraw from the program.

(g) The [corporation] authority may suspend or terminate the rent supplement agreement based on the amount of funding available for the program.

[Eff: 10/25/99; am and comp 3/23/2001; am and ren §17-2033-44] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-236] §356D-156)

17-2033-45 through 17-2033-50 Reserved

SUBCHAPTER [5] 6

[SHARED HOUSING] QUALIFIED HOUSING DWELLING UNIT

§[15-184-41]17-2033-51 Eligibility for shared housing. The following criteria shall apply for participation in shared housing:

(1) Eligibility requirements established in section [15-184-13] 17-2033-13 shall apply;

(2) Preference provisions established in section [15-184-14] 17-2033-14 shall apply;

(3) Two or more related or unrelated families may occupy a housing unit, provided that occupancy is in compliance with exhibit B, entitled "Occupancy Standards", dated August 27, 1999, located at the end of this

chapter;

(4) Except for a studio and a one bedroom unit, a participant and an unassisted person or household, which may include the housing owner, may reside in a shared housing unit;

(5) Two or more participant families may reside in a shared housing unit; and

(6) A housing owner who resides in the shared housing unit may not be related to the participant. [Eff: 10/25/99; am and comp 3/23/2001; am and ren §17-2033-51](Auth: HRS [§201G-235] §§356D-4, 356D-151, 356D-156)(Imp: HRS [§201G-235] §356D-155)

§[15-184-42]17-2033-52 Eligible dwelling units. (a) An acceptable dwelling unit for shared housing is the same as defined in section [15-184-2] 17-3022-2 with the following exceptions:

(1) Common space areas may be shared by all individuals and families living in the shared housing unit;

(2) Separate private bedrooms that are adequate in size for the participant's household size shall be available; and

(3) Areas, traditionally not designated for sleeping purposes, including but not limited to the bathroom(s), kitchen, dining room, utility room, and patio, shall be used as common areas unless mutually deemed by occupants of the dwelling unit to be exclusive use of an individual or household.

(b) The [corporation] authority shall determine the acceptability of units for shared housing taking into consideration the adequacy of space, security, and other conditions so as not to pose any threat to health and safety of the participants.

(c) The [corporation] authority shall determine the number of participants in this program. [Eff: 10/25/99; am comp 3/23/2001; am and ren §17-2033-52] (Auth: HRS [§201G-4] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-4]

§356D-4)

§[15-184-43]17-2033-53 Allocable share of rent. The allocable share of the dwelling unit rent shall be a prorated amount that is equitable and acceptable to the [corporation,] authority, the owner, and the participant. [Eff: 10/25/99; comp 3/23/2001; am and ren §17-2033-53] (Auth: HRS [§201G-4] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-4] §356D-4)

§[15-184-44]17-2033-54 Shared housing addendum. An addendum to the rent supplement agreements for the housing owner and tenant, setting forth the conditions for shared housing, shall be executed by the housing owner, participant and [corporation.] authority. [Eff: 10/25/99; comp 3/23/2001; am and ren §17-2033-54] (Auth: HRS [§201G-4] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-4] §356D-4)

17-2033-55 through 17-2033-60 Reserved

SUBCHAPTER [6] 7

MISCELLANEOUS PROVISIONS

§[15-184-51]17-2033-61 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: 10/25/99; comp 3/23/2001; ren §17-2033-61] (Auth: HRS [§201G-4] §§356D-4, 356D-151, 356D-156) (Imp: HRS [§201G-4] §356D-4)

§[15-184-52]17-2033-62 Number. The use of all words used in the singular shall extend to and include the plural. [Eff: 10/25/99; comp 3/23/2001; ren §17-2033-62] (Auth: HRS [§201G-236] §§356D-4, 356D-151, 356D-156) (Imp: HRS §1-17)

Reviewed by the Executive Director
January 21, 2016

FOR ACTION

MOTION: To Adopt the Following Amendments to Chapter 15-193 "State-Aided Family Public Housing Projects", Hawaii Administrative Rules:

Chapter 15-193 to be renumbered Chapter 17-2034, and "Housing and Community Development Corporation of Hawaii" or "Corporation" to be replaced with "Hawaii Public Housing Authority" or "Authority";

Replacing references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2034-2 [Definitions – "Accessible dwelling unit", "Adjusted annual income", "Annual income", "Backcharge", "Common Areas", "Community Facilities", "Criminal Activity", "Domestic Violence", "Drug", "Drug Related Criminal Activity", "Dwelling Unit", "Family", "Foster Children", "Gender identity or expression", "Involuntarily Displaced", "Live-in Aide", "Near Elderly", "Permanently Absent", "Housing Projects", "Rental Agreement", "Resident", "Security Deposit", "Sexual Orientation", "Smoke", "Smoking", "State-aided Family Public Housing Projects", "Utility Allowance", "Utility Reimbursement", "Violent Criminal Activity"- Inserting and Clarifying definitions];

New Section 17-2034-3 [Income limits – clarifying how income limits are determined];

New Section 17-2034-5 [Asset transfers – clarifying how the value of assets are to be determined];

New Section 17-2034-7 [Utility allowances – clarifying when rents for families residing in state-aided public housing projects will include utility allowances; determination of excess utility usage];

New Section 17-2034-20 [Application – amending application process];

New Section 17-2034-21 [Eligibility for admission – new initial and final requirements];

New Section 17-2034-22 [Notification of eligibility; informal hearings – Clarifying notification process; informal hearing];

New Section 17-2034-23 [Informal hearing process];

New Section 17-2034-30 [Nondiscrimination – Updating protected classes];

New Section 17-2034-31 [Preference – eliminating preference for elderly and adding preference for homeless and victims of domestic violence, reordering preferences to implement statutory disabled veterans preference; clarifying language];

New Section 17-2034-32 [Loss of Preference – clarifying language];

New Section 17-2034-33 [Waiting List – selection of one geographic area waitlist; change waitlist area at any time];

New Section 17-2034-35 [Closing and Reopening Waiting List – clarifying language];

New Section 17-2034-36 [Offers – cancellation of application upon refusal of one unit without good cause; Implement 50% to preference, 50% to non-preference applicant law; clarifying language];

New Section 17-2034-37 [Accessible units – clarifying language];

New Section 17-2034-40 [Rental Agreement – Chapter 521, HRS, Landlord Tenant Code governs State-Aided Family Public Housing Program];

New Section 17-2034-41 [Eligibility for continued occupancy – new requirements; smoking prohibition; maintain utility services; not acquire property interest; not threaten staff; not harm or damage authority; approval of additions to the family];

New Section 17-2034-41.1 [Continued occupancy of remaining members of tenant families – requirements for continued occupancy of remaining members of tenant families; 12 month occupancy period; remaining minors];

New Section 17-2034-43 [Reexamination results – time to vacate unit after determination of ineligibility; removal of grievance procedure];

New Section 17-2034-44 [Special reexamination – time of special reexaminations];

New Section 17-2034-45 [Interim rent adjustment];

New Section 17-2034-46 [Tenant transfers – updating protected classes for nondiscrimination purposes; when unit transfers are authorized; clarifying when families will not be transferred];

New Section 17-2034-47 [Backcharges – repayment within 60 days, reduced from 180 days; reasonable payment arrangements]

New Section 17-2034-48 [Rental agreement – clarifying language; termination for threatening employees, violating smoking prohibition, failure to maintain utility services, conviction of certain felonies, fleeing prosecution or custody, violation of condition of parole, willful damage to HPHA property];

New Section 17-2034-49 [Smoking prohibition – implementing statutory smoking prohibition];

New Section 17-2034-61 [Minimum rent – reflect correct exhibit number];

New Section 17-2034-66 [Other charges – new late fee, dishonored check fee, and maintenance costs];

New Section 17-2034-67 [Delinquent accounts – authority to assign to a collection agency];

New Section 17-2034-70 [Special programs – authority to administer special programs using different criteria]

New Section 17-2034-71 [Occupancy by police officers – authority to allow occupancy of police officers to enhance security]

Inserting Reserved Sections 17-2034-10 through 17-2034-19; 17-2034-24 through 17-2034-29; 17-2034-38 through 17-2034-39; 17-2034-50 through 17-2034-59; 17-2034-68 through 17-2034-69; 17-2034-72 through 17-2034-79; and

To Authorize the Executive Director to Undertake All Actions Necessary under Chapter 91, Hawaii Revised Statutes, Administrative Directive No. 09-01, to Implement the Amendments

I. FACTS

A. The Hawaii Public Housing Authority (HPHA) State-Aided Low-Income Family Public Housing Program is governed by a variety of state and agency statutes and rules, such as Chapter 356D, Hawaii Revised Statutes (HRS) and Chapter 521, HRS.

B. Act 196, Session Laws of Hawaii (SLH) 2005, as amended by Act 180, SLH 2006, separated the housing financing and development functions from the Housing and Community Development Corporation of Hawaii (HCDCH) resulting in the creation of the Hawaii Housing Finance and Development Corporation (HHFDC), and the Hawaii Public Housing Authority (HPHA). Act 196 became effective on July 1, 2006. Act 196 provided that all HCDCH administrative rules would remain in effect until amended.

C. Amendments to Chapter 15-193, HAR, to change the title to be under the Department of Human Services, to renumber as Chapter 17-2034, and to replace references to "Housing and Community Development Corporation of Hawaii" or "Corporation" to with "Hawaii Public Housing Authority" or "Authority", are necessary to effectuate Act 196, SLH 2005;

D. Amendments to Chapter 15-193, HAR, to remove the application of HPHA's grievance procedures to the State-Aided Low-Income Family Public Housing Program are also necessary to effectuate the modification in Act 196, SLH 2005, that the landlord-tenant code in Chapter 521, HRS, and its procedures would apply to the state low-income public housing projects.

E. Additional amendments to Chapter 15-193, HAR, are necessary to effectuate the provisions of Act 248, SLH 2013, that limit the availability of units to applicants who have a preference to 50% of available units, and the smoking prohibitions of Act 91, SLH 2014.

F. Sections 356D-4 and 356D-44, HRS (Attachment A), authorize the HPHA to adopt administrative rules with the force and effect of law to govern the State-Aided Low-Income Family Public Housing Program.

G. The HPHA has consistently managed the State-Aided Low-Income Family Public Housing Program in accordance with Chapter 15-193 "State-Aided Family Public Housing Program", Hawaii Administrative Rules (HAR).

H. Once approved by the HPHA Board of Directors, the agency must request permission to take the proposed Rule to public hearing from the Governor.

The HPHA staff must give thirty days notice to the public and hold hearings on the Islands of Kauai, Oahu, Maui, and Hawaii.

I. Once the hearing process has been completed, the HPHA must request the Governor to adopt the Rule and file certified copies with the Office of the Lieutenant Governor.

II. DISCUSSION

A. Chapter 15-193, HAR, to be renumbered Chapter 17-2034: Proposed changes throughout Chapter 15-193, HAR, include the renumbering of the Chapter and sections to renumber the entire chapter as Chapter 17-2034, and replacing the "Housing and Community Development Corporation of Hawaii" or "Corporation" with the "Hawaii Public Housing Authority" or "Authority", to accurately reflect the current title of the agency.

B. New Section 17-2034-2 [Definitions – "Accessible dwelling unit", "Adjusted annual income", "Annual income", "Backcharge", "Common Areas", "Community Facilities", "Criminal Activity", "Domestic Violence", "Drug", "Drug Related Criminal Activity", "Dwelling Unit", "Family", "Foster Children", "Gender identity or expression", "Involuntarily Displaced", "Live-in Aide", "Near Elderly", "Permanently Absent", "Housing Projects", "Rental Agreement", "Resident", "Security Deposit", "Sexual Orientation", "Smoke", "Smoking", "State-aided Family Public Housing Projects", "Utility Allowance", "Utility Reimbursement", "Violent Criminal Activity"] Inserting and Clarifying definitions;

C. New Section 17-2034-3 [Income limits]: Clarifying how income limits are determined.

D. New Section 17-2034-5 [Asset transfers]: Clarifying how the value of assets are to be determined.

E. New Section 17-2034-7 [Utility allowances]: Clarifying when rents for families residing in state-aided public housing projects will include utility allowances; determination of excess utility usage.

F. New Sections 17-2034-20 [Application] and 17-2034-22 [Notification of eligibility; informal hearings]: Amending the application process to establish a pre-application and final application process, and eliminating the eligibility determination prior to placement on a waitlist; clarifying informal hearing process.

G. New Section 17-2034-21 [Eligibility for admission]: Adding the following initial requirements:

a. Not having an outstanding liability for unpaid rent or damages incurred during previous participation in a section 8 rental subsidy program;

b. Not have committed fraud, bribery, or other corrupt act;

c. Not have been convicted of drug-related criminal activity relating to methamphetamines;

d. Not subject to sex offender registration;

e. Not engaged in certain criminal activity for the 3 years prior to admission;

f. Social Security numbers for family members under five years of age;

g. Disclosure of tobacco use,

and adding as a requirement at the final application phase, not engaging in or threatening abusive or violent behavior toward authority staff.

H. New Section 17-2034-23 [Informal hearing process]: Adopting the same informal hearing process as for the federally assisted public housing program.

I. New Section 17-2034-30 [Nondiscrimination]: Updating protected classes to include creed, national or ethnic origin, gender identity or expression, sexual orientation, and handicap.

J. New Section 17-2034-31 [Preference]: Eliminating preference for the elderly and adding preference for homeless and victims of domestic violence; reordering preferences to implement statutory first priority disabled veterans preference; clarifying preference order by removing single or two-member elderly, displaced, or disabled priority.

K. New Section 17-2034-32 [Loss of Preference]: Clarifying language to eliminate priority language.

L. New Section 17-2034-33 [Waiting List]: Establish geographical waitlists; allowing selection of only one geographic area waitlist; allowing change of waitlist area at any time; not allowing applicants to remain on waitlist once housed through another housing program.

M. New Section 17-2034-35 [Closing and Reopening Waiting List]: Clarifying language by providing where notices must be posted.

N. New Section 17-2034-36 [Offers]: Cancelling, instead of moving to bottom of waiting list, applications upon refusal of one unit without good cause; implementing 50% to preference, 50% to non-preference applicant law; clarifying language.

O. New Section 17-2034-37 [Accessible units]: Clarifying language.

P. New Section 17-2034-40 [Rental Agreement]: Inserting types of conditions covered by Rental Agreement; providing that Chapter 521, HRS, Landlord Tenant Code governs tenancy in the State-Aided Family Public Housing Program.

Q. New Section 17-2034-41 [Eligibility for continued occupancy]: Adding new requirements:

   a. On smoking prohibition;

   b. To maintain utility services;

   c. Not to acquire property interest;

   d. Not threaten staff;

   e. Not harm or damage authority, its staff, or programs;

   f. Requiring approval of additions to the family.

R. New Section 17-2034-41.1 [Continued occupancy of remaining members of tenant families]: Adding a 12 month occupancy period for a remaining member of tenant families to become the head or co-head of household, upon original head of household being declared permanently absent; allowing legally appointed caretaker of remaining minors to take over the unit when all remaining members of family are minors.

S. New Section 17-2034-43 [Reexamination results]: Removing the 90 day limit to vacate unit after determination of ineligibility; removing grievance procedure to reflect amendments to Chapter 17-2021, Grievance Procedure.

T. New Section 17-2034-44 [Special reexamination]: Allowing time of special reexaminations to be at any time prior to next annual reexamination.

U. New Section 17-2034-45 [Interim rent adjustment]: Excluding certain situations from interim rent adjustments; requiring tenants to report interim income increases within 10 days, and to report all changes in family composition.

V. New Section 17-2034-46 [Tenant transfers] Updating protected classes for nondiscrimination purposes to include creed, gender identity or expression, sexual orientation, and national or ethnic origin; providing that unit transfers are authorized for administrative reasons including rehabilitation work to a project, a a reasonable accommodation, or when a family occupying an accessible unit no longer needs the accessible features; clarifying that an issuance of a notice of violation of the rental agreement constitutes the initiation of the eviction proceedings, during which time families will not be transferred.

W. New Section 17-2034-47 [Backcharges]: Reducing from 180 days to 60 days the time tenants are required to pay backcharges; authorizing the authority to enter into reasonable payment arrangements.

X. New Section 17-2034-48 [Rental agreement]: Clarifying that serious or repeated violations of material terms of the rental agreement, failure to provide necessary family information, and refusal to move to another unit upon failure to conform to occupancy limits, ineligibility for continued occupancy, fraud, or failure to accept authority's offer to revise a rental agreement, constitute failure to observe an obligation of the rental agreement, justifying termination of the rental agreement; authorizing termination of the rental agreement for threatening employees, violating the smoking prohibition, failure to maintain utility services, conviction of certain felonies, fleeing prosecution or custody, violation of condition of parole, or willful damage to HPHA property.

Y. New Section 17-2034-49 [Smoking prohibition]: Implementing statutory smoking prohibition enacted in Act 91, Session Laws of Hawaii 2014.

Z. New Section 17-2034-61 [Minimum rent]: Correcting the exhibit number.

AA. New Section 17-2034-66 [Other charges]: Establishing new late fee, dishonored check fee, and maintenance costs.

BB. New Section 17-2034-67 [Delinquent accounts]: Authorizing HPHA to assign delinquent accounts to a collection agency.

CC. New Section 17-2034-70 [Special programs]: Authorizing HPHA to administer special programs using different criteria.

DD. New Section 17-2034-71 [Occupancy by police officers]: Authorizing occupancy of police officers to enhance security.

EE. Inserting Reserved Sections 17-2034-10 through 17-2034-19; 17-2034-24 through 17-2034-29; 17-2034-38 through 17-2034-39; 17-2034-50 through 17-2034-59; 17-2034-68 through 17-2034-69; 17-2034-72 through 17-2034-79

FF. The proposed amendments in Attachment B include all changes being proposed. Deleted language is bracketed and new language is underlined.

GG. The proposed amendments in the form attached as Attachment B have been reviewed and approved by the Department of the Attorney General.

HH. Following approval from the Governor to hold public hearings on the proposed amendments, the Executive Director will hold public hearings on the Islands of Kauai, Oahu, Maui, and Hawaii at a date and locations to be determined.

II. Based on testimony received during the public viewing and comment period, the Executive Director will make any non-substantive amendments to the draft amendments to and compilation of the Rule prior to or following the public hearing.

JJ. After the public hearings, the Executive Director will transmit amendments to Chapter 15-193, HAR, to the Governor for final approval provided that no substantive amendments are made. Staff anticipates the following updated approximate schedule of the process:

Action	Timeframe
Board For Action (adopt amendments)	January 21, 2016
Request to Governor for public hearing	January 28, 2016
Receive Governor authorization	February 25, 2016
Publish hearing notice (30 day notice)	March 6, 2016
Public Hearing	April 5, 2016
Finalize Rule/Transmit to Governor for Adoption	April 16, 2016
Rule effective	July 1, 2016

III. RECOMMENDATION

That the HPHA Board of Directors Adopt Amendments to Chapter 15-193, "State-Aided Family Public Housing Program", Hawaii Administrative Rules:

Chapter 15-193 be renumbered Chapter 17-2034, and "Housing and Community Development Corporation of Hawaii" or "Corporation" be replaced with "Hawaii Public Housing Authority" or "Authority";

Replace references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2034-2 [Definitions – "Accessible dwelling unit", "Adjusted annual income", "Annual income", "Backcharge", "Common Areas", "Community Facilities", "Criminal Activity", "Domestic Violence", "Drug", "Drug Related Criminal Activity", "Dwelling Unit", "Family", "Foster Children", "Gender identity or expression", "Involuntarily Displaced", "Live-in Aide", "Near Elderly", "Permanently Absent", "Housing Projects", "Rental Agreement", "Resident", "Security Deposit", "Sexual Orientation", "Smoke", "Smoking", "State-aided Family Public Housing Projects", "Utility Allowance", "Utility Reimbursement", "Violent Criminal Activity"] Insert and Clarify definitions;

New Section 17-2034-3 [Income limits – Clarify how income limits are determined];

New Section 17-2034-5 [Asset transfers – Clarify determination of value of assets];

New Section 17-2034-7 [Utility allowances – Clarify when rents for families residing in state-aided public housing projects will include utility allowances; determination of excess utility usage];

New Section 17-2034-20 [Application – amend application process];

New Section 17-2034-21 [Eligibility for admission – new initial and final requirements];

New Section 17-2034-22 [Notification of eligibility; informal hearings – Clarifying notification process; informal hearing];

New Section 17-2034-23 [Informal hearing process];

New Section 17-2034-30 [Nondiscrimination – Update protected classes];

New Section 17-2034-31 [Preference – eliminate preference for elderly and add preference for homeless and victims of domestic violence, reordering preferences to implement statutory disabled veterans preference; clarifying language];

New Section 17-2034-32 [Loss of Preference – clarify language];

New Section 17-2034-33 [Waiting List – selection of one geographic area waitlist; change waitlist area at any time];

New Section 17-2034-35 [Closing and Reopening Waiting List – clarify language];

New Section 17-2034-36 [Offers – cancellation of application upon refusal of one unit without good cause; implement 50% to preference, 50% to non-preference applicant law; clarify language];

New Section 17-2034-37 [Accessible units – clarify language];

New Section 17-2034-40 [Rental Agreement – Chapter 521, HRS, Landlord Tenant Code governs State-Aided Family Public Housing Program];

New Section 17-2034-41 [Eligibility for continued occupancy – new requirements; smoking prohibition; maintain utility services; not acquire property interest; not threaten staff; not harm or damage authority; approval of additions to the family];

New Section 17-2034-41.1 [Continued occupancy of remaining members of tenant families – requirements for continued occupancy of remaining members of tenant families; 12 month occupancy period; remaining minors];

New Section 17-2034-43 [Reexamination results – time to vacate unit after determination of ineligibility; removal of grievance procedure];

New Section 17-2034-44 [Special reexamination – time of special reexaminations];

New Section 17-2034-45 [Interim rent adjustment];

New Section 17-2034-46 [Tenant transfers – update protected classes for nondiscrimination purposes; when unit transfers are authorized; clarify when families will not be transferred];

New Section 17-2034-47 [Backcharges – repayment within 60 days, reduced from 180 days; reasonable payment arrangements]

New Section 17-2034-48 [Rental agreement – clarify language; termination for threatening employees, violating smoking prohibition, failure to maintain utility services, conviction of certain felonies, fleeing

prosecution or custody, violation of condition of parole, willful damage to HPHA property];

New Section 17-2034-49 [Smoking prohibition – implement statutory smoking prohibition];

New Section 17-2034-61 [Minimum rent – renumber exhibit reference number];

New Section 17-2034-66 [Other charges – new late fee, dishonored check fee, and maintenance costs];

New Section 17-2034-67 [Delinquent accounts – authority to assign to a collection agency];

New Section 17-2034-70 [Special programs – authority to administer special programs using different criteria]

New Section 17-2034-71 [Occupancy by police officers – authority to allow occupancy of police officers to enhance security]

Inserting Reserved Sections 17-2034-10 through 17-2034-19; 17-2034-24 through 17-2034-29; 17-2034-38 through 17-2034-39; 17-2034-52 through 17-2034-59; 17-2034-68 through 17-2034-69; 17-2034-72 through 17-2034-79; and

Authorize the Executive Director to undertake all actions necessary under Chapter 91, Hawaii Revised Statutes, Administrative Directive No. 09-01, to implement the amendments

Attachment A: Sections 356D-4 and 356D-44, Hawaii Revised Statutes
Attachment B: Draft changes to Chapter 15-193, Hawaii Administrative Rules Ramseyer format

Prepared by: Kiriko Oishi, Chief Compliance Officer KW

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

_____
Pono Shim
Chairperson

Attachment A

Section 356D-4, Hawaii Revised Statutes

§356D-4 General powers of the authority. *(a) The authority may:*

(1) Sue and be sued;

(2) Have a seal and alter the same at pleasure;

(3) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers;

(4) Adopt bylaws and rules in accordance with chapter 91 for its organization, internal management, and to carry into effect its purposes, powers, and programs;

(5) Sell, lease, rent, hold, maintain, use, and operate any property, real, personal, or mixed, tangible or intangible, in support of its purposes, powers, and programs; provided that the sale of real property shall be subject to legislative approval;

(6) Receive by gift, grant, devise, bequest, or otherwise from any source, any property, real, personal, or mixed, intangible or tangible, absolutely or in trust, to be used and disposed of, either the principal or the income thereof, for the benefit only of the residents assisted by its programs; provided that no gift to the authority that has an estimated value of $1,000 or more shall be accepted unless approved or confirmed by the board; and

(7) Engage the services of volunteers as deemed appropriate by the authority without regard to chapter 76, 89, 90, 103, or 103D.

(b) In addition to other powers conferred upon it, the authority may do all things necessary and convenient to carry out the powers expressly provided in this chapter. [L 2006, c 180, pt of §2; am L 2013, c 148, §1]

Section 356D-44, Hawaii Revised Statutes

§356D-44 Administration of state low-income public housing projects and programs. (a) The authority shall construct, develop, and administer property or housing for the purpose of state low-income public housing projects and programs.

(b) The authority shall offer any decommissioned low-income public housing project, except for federal housing projects, to nonprofit or for-profit organizations or government agencies for rehabilitation into emergency or transitional shelter facilities for the homeless or rehabilitation into rental units that set aside at least fifty per cent of the units to persons or families with incomes at or below fifty per cent of the area median family income; provided that:

(1) The housing project is wholly owned by the State on either state-owned or ceded lands;

(2) The authority has determined that the housing project is not eligible for rehabilitation using the authority's current resources; and

(3) The nonprofit or for-profit organization or government agency demonstrates expertise in rehabilitation of housing projects and has community, public, and private resources to substantially pay for the rehabilitation.

The land and improvements may be leased to the nonprofit or for-profit organization or government agency for a period not to exceed ninety-nine years for a sum of $1 per year.

(c) State low-income housing projects shall be subject to chapter 521.

(d) The authority shall adopt necessary rules in accordance with chapter 91, including the establishment and collection of reasonable fees for administering the state low-income housing projects or programs and to carry out any state program under subsection (a). [L 2006, c 180, pt of §2; am L 2007, c 249, §35]

DEPARTMENT OF HUMAN SERVICES

Adoption of Chapter 17-2034
Hawaii Administrative Rules

January 21, 2016

1. Chapter 193 of Title 15, Hawaii Administrative Rules, entitled "State-Aided Family Public Housing Projects" is repealed.

2. Chapter 2034 of Title 17, Hawaii Administrative Rules, entitled "State-Aided Family Public Housing Projects" is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE [15] 17

DEPARTMENT OF [BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM] HUMAN SERVICES

SUBTITLE [14] 5

[HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF] HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER [193] 2034

STATE-AIDED FAMILY PUBLIC HOUSING PROJECTS

Subchapter 1 General Provisions

§[15-193-1]	17-2034-1	Purpose
§[15-193-2]	17-2034-2	Definitions
§[15-193-3]	17-2034-3	Income limits
§[15-193-4]	17-2034-4	Asset limits
§[15-193-5]	17-2034-5	Asset transfers
§[15-193-6]	17-2034-6	Occupancy standards
§[15-193-7]	17-2034-7	[Interim utility] Utility allowances [for the tenants in the Hauiki project]
§[15-193-8]	17-2034-8	Verification of information
§[15-193-9]	17-2034-9	Misrepresentation

Subchapter 2 Eligibility

§[15-193-20]	17-2034-20	Applicants
§[15-193-21]	17-2034-21	Eligibility for admission and participation
§[15-193-22]	17-2034-22	Notification of eligibility
§17-2034-23		Informal hearing for applicants determined to be ineligible for admission

Subchapter 3 Tenant Selection

§[15-193-30] 17-2034-30 Nondiscrimination
§[15-193-31] 17-2034-31 Preference
§[15-193-32] 17-2034-32 Loss of preference
§[15-193-33] 17-2034-33 Waiting lists
§[15-193-34] 17-2034-34 Removal from waiting lists
§[15-193-35] 17-2034-35 Closing the waiting lists
§[15-193-36] 17-2034-36 Offers
§[15-193-37] 17-2034-37 Occupancy of accessible dwelling units

Subchapter 4 Occupancy and Rental Agreement

§[15-193-40] 17-2034-40 Rental agreement
§[15-193-41] 17-2034-41 Eligibility for continued occupancy
§17-2034-41.1 Continued Occupancy of remaining members of tenant families
§[15-193-42] 17-2034-42 Reexamination
§[15-193-43] 17-2034-43 Reexamination results
§[15-193-44] 17-2034-44 Special reexamination
§[15-193-45] 17-2034-45 Interim rent adjustment
§[15-193-46] 17-2034-46 Tenant transfers
§[15-193-47] 17-2034-47 Backcharges
§[15-193-48] 17-2034-48 Rental agreement termination
§17-2034-49 Smoking prohibited

Subchapter 5 Rents [and], Security Deposits, and Other Charges

§[15-193-60] 17-2034-60 Security deposits
§[15-193-61] 17-2034-61 Minimum rents
§[15-193-62] 17-2034-62 Rent
§[15-193-63] 17-2034-63 Determining net earned income
§[15-193-64] 17-2034-64 Determining net unearned income
§[15-193-65] 17-2034-65 Determining adjusted annual income
§17-2034-66 Other Charges
§17-2034-67 Delinquent accounts

Subchapter 6 Special Programs

§17-2028-70 Special programs
§17-2028-71 Occupancy by police officers

Subchapter [6] 7 Miscellaneous Provisions

§[15-193-70] 17-2034-80 Severability
§17-2034-81 Number and gender

Historical Note: [This] Chapter 2034 of Title 17, Hawaii Administrative Rules, [chapter] is substantially based upon Chapter 17-535, Hawaii Administrative Rules, [Eff 5/24/71; R 12/13/01] and Chapter 15-193, Hawaii Administrative rules, [Eff 12/13/01; R].

SUBCHAPTER 1

GENERAL PROVISIONS

§[15-193-1] 17-2034-1 Purpose. These rules are adopted under chapter 91, HRS, and shall govern the admission to and the continued occupancy of state-aided family public housing projects owned or operated by the [housing and community development corporation of] Hawaii Public Housing Authority. [Eff] (Auth: HRS §[201G]356D-4, 356D-44) (Imp: HRS §§[201G]356D-4, [201G]356D-44)

§[15-193-2] 17-2034-2 Definitions. [As used in these rules, except otherwise required by context:] Whenever used in this chapter, unless specifically defined:

"Accessible dwelling unit" means [an apartment] a dwelling unit which is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical disabilities or [an apartment] 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 annual income" means net earned income plus unearned income of the members of the family residing or intending to reside in the dwelling unit.

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

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

paid to the household for or in reimbursement of the cost of medical expenses for any household member.

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

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

"Authority" means the Hawaii public housing authority.

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

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

["Corporation" means the housing and community development corporation of Hawaii.]

"Common areas" means roofs, halls, sidewalks, corridors, lobbies, stairs, stairways, fire escapes, entrances and exits of the building or buildings, basements, yards, gardens, recreational facilities, parking areas, storage spaces, and other parts of the project or household normally in common use or other areas designated by the authority.

"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.

"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.

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

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

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

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

"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 March 28, 2013.

"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.

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

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

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

(1) Two or more persons who live or intend to live together as a unit and whose income and resources are available to meet the family's need and may, but need not be, related by blood, marriage, or operation of law, including foster children and hanai children and whose head of household has reached the age of majority, or is otherwise legally emancipated; or

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

(3) A single person; or

(4) A remaining member of a tenant family who is recorded on the current list of household members authorized to occupy the dwelling unit and who has reached the age of majority or is otherwise legally emancipated.

"Foster children" means a person or persons, under eighteen years of age who is 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 or expression" includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression, regardless of whether that gender identity, gender-related self-image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth.

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

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

"HRS" means the Hawaii Revised Statutes.

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

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

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

(1) Displacement by disaster; or

(2) Displacement by governmental action.

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

(1) Is determined to be essential to the care and well-being of the persons;

(2) Is not obligated for the support of the persons;

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

(4) Is not a tenant.

"Low income family" means a family whose income does not exceed eighty per cent of the median income as determined by the method set forth in exhibit A, which is incorporated by reference and attached.

"Near elderly" 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.

"Permanently absent" means the household member is away from the unit for six consecutive months except when the authority verifies that the absence is temporary due to military service or to receive care at a hospital, nursing home, or rehabilitation center.

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

"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 [corporation] authority for a specific unit from any waiting list or an applicant's failure to respond to a written offer from the [corporation] authority for a specific unit within the time specified in the offer.

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

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

"Resident" means a United States citizen or a permanent United States resident who is able to demonstrate his or her intent to reside in Hawaii. Intent to reside in Hawaii may be demonstrated by the following: length of time spent in Hawaii; leasing or renting of a home in Hawaii; filing of personal Hawaii income tax returns; registering to vote in Hawaii; 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 [of each tenant] prior to admission [for] to state-aided family public housing projects that is applied against the cost of loss or damage [of] to the [corporation's] authority's property (responsible wear and tear excepted) and non-payment of rent.

"Sexual orientation" means having a preference for heterosexuality, homosexuality, or bisexuality, 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.

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

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

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

(3) A self-employed person shall:

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

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

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

(4) Not be considered to be an employee of an agency or organization; and

(5) Be licensed by the State to operate a business.

"Staff" means the employees or agents of the [corporation] authority.

"State-aided family public housing projects" means the housing projects of Hauiki Homes, Puahala Homes, Lokahi, [Palolo I and II], Kawailehua (State), Ka Hale Mua (State), [and] Ke Kumu Elua [,] which are owned by the [corporation] authority.

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

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

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

"Utility allowance" means the value of utilities such as electricity, gas, and water costs. This does not include telephone or cable television services.

"Very low-income family" means a family whose income does not exceed fifty per cent of the median income as determined by the method set forth in exhibit A, which is incorporated by reference and attached.

"Veteran" means any person who has served in any of the armed services of the United States, or any person who is now a citizen of the United States who has served in any of the armed services of any country

which was an ally of the United States in any war or campaign in which the United States was also engaged in. "Veteran" includes any person who served in the military or naval forces of the United States during World War II and who has been discharged or released therefrom under conditions other than dishonorable. The term "veteran" includes Filipino World War II veterans who served honorably in an active duty status under the command of the United States Armed Forces in the Far East (USAFFE), or within the Philippine Army, the Philippine Scouts, or recognized guerilla units. The Filipino World War II veterans must have: served at any time between September 1, 1939, and December 31, 1946; been born in the Philippines; and resided in the Philippines prior to the military service.

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

[Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, 356D-6.5, [201G] 356D-41, 356D-42, 515-2)

§[15-193-3] 17-2034-3 Income limits. (a) The income limit for admission to a public housing project is based on the applicant's annual household income which shall not exceed the very low-income limits as most recently determined by [the calculation using the method set forth in exhibit A, which is incorporated by reference and attached.] HUD.

(b) The income limit for continued occupancy in a housing project is based on the tenant's annual household income which shall not exceed the low income limits as most recently determined by the calculation using the method set forth in exhibit A, which is incorporated by reference and attached. [Eff] (Auth: HRS [201G] 356D-4,356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42)

§[15-193-4] 17-2034-4 Asset limits. (a) The asset limit for admission to a housing project shall not exceed the applicable income limit for admission.

(b) The asset limit for continued occupancy in a housing project shall not exceed the applicable income limit for continued occupancy. [Eff] (Auth: HRS [201G] 356D-4,356D-44) (Imp: HRS §[201G] 356D-42)

§[15-193-5] 17-2034-5 Asset transfers. (a) All assets transferred or assigned from an applicant or tenant to another person, within a [twenty-four month] two year period prior to submitting an application for the program or reexamination, shall be included in determining an applicant's assets.

(b) [The value of the assets shall be based on the fair market value.] 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] (Auth: HRS §[201G] 356D-4,356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42)

§[15-193-6] 17-2034-6 Occupancy standards. [Applicant and tenant] The authority and families shall abide by the occupancy standards for the admission and continued occupancy in housing projects as prescribed by exhibit B, which is incorporated by reference and attached. [Eff] (Auth: HRS §[201G] 356D-4,356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42)

§[15-193-7] 17-2034-7 [Interim utility] Utility allowances. [for the tenants in the Hauiki project.] (a) [Until meters are installed for individual units in the Hauiki project, the monthly rent for a tenant shall include utility allowances.] The monthly rent for a family residing in a state-aided public housing project shall include utility allowances established in accordance with subsection (b) only until meters are installed for individual units. Utility allowances shall not be included in rent for individually metered units.

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

(c) A tenant receiving utility allowance shall pay for utility usage in excess of the applicable utility allowance[.] where:

(1) A checkmeter has been installed, the family must pay the excess 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] (Auth: HRS §[201G] 356D-4,356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-44)

§[15-193-8] 17-2034-8 Verification of information. An applicant or tenant shall provide documentation to verify information upon request of the staff.

[Eff] (Auth: HRS §[201G] 356D-4,356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42)

§[15-193-9] 17-2034-9 Misrepresentation. An applicant may be denied admission to a housing project or a tenant's rental agreement may be terminated if the applicant or tenant has submitted false information, withheld information, or made [willful] wilful misstatements.
[Eff] (Auth: HRS §[201G] 356D-4,356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42)

§17-2034-10 through 17-2034-19 Reserved

SUBCHAPTER 2

ELIGIBILITY

§[15-193-20] 17-2034-20 Applicants. (a) A person seeking admission to a [housing] project shall[:] submit a completed pre-application form prescribed by the authority. The applicant may file at any of the authority's in-take offices and apply for one of the geographic waiting list areas prescribed in section 17-2034-33.

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

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

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

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

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

(b) The applicant shall be preliminarily placed on a waiting list upon submission of a completed pre-application form. Placement on a waiting list shall not be deemed a determination on eligibility or admission.

(c) An applicant who has misrepresented material information in an application for any of the authority's programs shall not be eligible to file an application with the [corporation] authority for twelve months from the date of written notification from the [corporation] authority.

[Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §[201G] 356D-42)

§[15-193-21] 17-2034-21 Eligibility for admission and participation. (a) To be eligible for admission to a housing project, an applicant and household members shall meet the requirements [set forth in section 17-2034-20, and shall:] of the pre-application and final application phases as set forth below:

(1) During the pre-application phase, the applicant and adult household members shall:

[(1)] (A) Qualify as a family;

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

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

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

[(4)] (E) Not own a majority interest in fee simple or leasehold lands suitable for dwelling purposes, or a majority interest in lands under any trust agreement or other fiduciary arrangement in which another person holds the legal title to such land on or after December 13, 2001;

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

(G) 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 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 have been convicted of drug-related criminal activity for the manufacture, production, or distribution of methamphetamines;

(J) Not subject to lifetime registration requirements under any state sex offender's registration program;

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

(6)] (K) Not have a recent history of criminal activity involving crimes to persons or property or other criminal acts that may adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents. For purposes of this subsection, in determining eligibility, the [corporation] authority shall consider whether a person convicted for such a crime has successfully completed a rehabilitation program approved by the [corporation] authority, or whether the circumstances leading to the criminal conviction no longer exists;

[(7)] (L) Not have been evicted from [any of the corporation's] assisted housing [programs for] by reason of drug-related criminal activity for a three [years.] year period beginning on the date of the eviction unless the evicted tenant successfully completes a supervised drug [For the purposes of this subsection, in determining eligibility, the corporation shall consider whether the evicted applicant or household member has successfully completed a] rehabilitation program approved by the [corporation] authority.[, or whether the

circumstances leading to eviction no longer exist.] This subsection does not apply to an applicant or household member ineligible under section [15-193-20(a)(2);] 17-2034-21(a)(1)(G);

[(8)] (M) Not [engage] currently or during a three year period preceding the date when the applicant household would otherwise be selected for admission be engaged in any drug-related criminal activity or violent criminal activity[. For the purposes of this subsection, "violent criminal activity" means any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another;] 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, 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;

[(9)] (N) Not [engage] currently engaging in the illegal use of a [controlled substance] drug or give the [corporation] authority reasonable cause to believe that [the] a household member's illegal use [of a controlled substance,] (or pattern of illegal use,) of a drug or abuse (or pattern of abuse) of alcohol[, or pattern of abuse] may interfere with the health, safety [of the residents,] or right to peaceful

enjoyment of the premises by other [residents;] tenants. For the purposes of this subsection:

[(A)] (i) [For the purposes of this subsection, "reasonable cause to believe" means by a preponderance of the evidence;] "Currently engaged in" means the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current; and

[(B)] (ii) [For the purposes of this subsection, in] In determining whether to deny eligibility based on a pattern of illegal use of a [controlled substance] drug or a pattern of abuse of alcohol, the [corporation] authority may consider rehabilitation as provided for under 42 U.S.C. §13661(b)(2)(A)-(C), [effective October 1, 1999, which is incorporated by reference and attached as exhibit C;] as it existed on June 25, 2013;

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

(P) Disclose incidence of tobacco use of all family members within the household.

(2) During the final application phase, the applicant and all adult household members shall meet the requirements as set forth in (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 racial epithets, or other language, written or oral, that is customarily used to intimidate; and

[(11)] (B) Furnish evidence that the applicant is a citizen of the United States or a resident alien[.];

(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 state-aided public housing program. [Eff] (Auth: HRS §[201G] 356D-4,356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42)

§[15-193-22] 17-2034-22 Notification of eligibility. (a) [An applicant shall be notified in writing by the staff as to the applicant's eligibility after a determination is made and the notification shall specifically state the reasons for determination.] Upon making a determination of eligibility, the authority shall mail or cause to be delivered a written notification to an applicant's last known address provided by the applicant. The notification shall specifically state the reasons for the determination.

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

[(c)](b) [An ineligible applicant may request an informal hearing within fourteen days after date of the written notification. The informal hearing shall be conducted by someone other than the person or the person's subordinates who made or approved the decision.] 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 17-2034-24. [Eff] (Auth: HRS §[201G] 356D-4,356D-44) (Imp: HRS §[201G] 356D-42)

§17-2034-23 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] (Auth: HRS §§356D-4,356D-44) (Imp: HRS §§356D-4, 356D-41)

§17-2034-24 through 17-2034-29 Reserved

SUBCHAPTER 3

TENANT SELECTION

§[15-193-30] 17-2034-30 Nondiscrimination. Tenant selection and assignment shall be made without regard to race, sex, color, religion, marital status, creed, national or ethnic origin, familial status, gender identity or expression, [ancestry] sexual orientation, handicap or disability, age, or HIV (human immunodeficiency virus) infection. [Eff] (Auth: HRS §[201G] 356D-4,356D-44) (Imp: HRS §§[201G] 356D-5, [201G] 356D-42, 515-3)

§[15-193-31] 17-2034-31 Preference. (a) Except for those units [design] designed for a specific purpose (such as units for [person] persons with disabilities), applicants for admission into state public housing projects shall be given preference for placement in a state-aided family housing project in the following order:

[(1) The elderly;
(2) The displaced;
(3) Disabled veterans with service connected disabilities;]
(1) Deceased veteran's widow or widower;
(2) Veterans with [service connected] permanent disabilities[;] of ten per cent or more, as certified by the United States Department of Veterans Affairs and their dependent parents, if any; provided that parents of veterans shall not use the veteran status of their adult child as a basis for preference; and
[(4) Families of deceased veterans whose death was determined to be service connected;
(5) Other veterans;
(6) Families residing in a transitional shelter for the homeless and who have successfully completed a social service plan; and]
(3) Then to the following preference groups with equal priority:
(A) Involuntarily displaced;
(B) Victims of domestic violence who are participating in a program with case

management through a domestic violence shelter, program, or clearinghouse; or

(C) 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.

[(7)] (D) Other families determined by the [staff.] authority.

(b) [Regardless of the date and time of application, an applicant who will be the sole occupant of a unit and who is not elderly, or displaced, or a person with disabilities, shall not have preference over elderly, displaced, or disabled families with up to two members.] An applicant shall not receive 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 or termination because of drug-related criminal activities unless the adult member has successfully completed a rehabilitation program approved by the authority. [Eff] (Auth: HRS §[201G] 356D-4,356D-44) (Imp: HRS §[201G] 356D-42)

§[15-193-32] 17-2034-32 Loss of preference. An applicant who declines an offer, without just cause, of a housing unit or who voluntarily requests cancellation of the application [after declining an offer] shall lose all preferences [and priorities] for a period of twelve months from the date the offer was declined or from the date of the request for cancellation. [Eff] (Auth: HRS [201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42)

§[15-193-33] 17-2034-33 Waiting lists. (a) The [corporation] authority shall maintain [a] five geographical waiting [list] lists of all apparently eligible applicants [for each of state-aided family housing projects.] as follows:

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

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

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

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

(e) An applicant [may continue to be on a waiting list even though applicant is a tenant in or receiving housing assistance from another housing program.] cannot remain on a waiting list if they are currently a tenant in any state or federal public housing program.

(f) An applicant may elect to change from one geographic waiting list to another geographic waiting list while maintaining the original date and time of their application upon proper written notice to the authority. [Eff] (Auth: HRS §[201G] 356D-4,356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42)

§[15-193-34] 17-2034-34 Removal from waiting lists. An applicant shall not be removed from a waiting list unless:

(1) The applicant requests that applicant's name be removed;

(2) The applicant fails to notify the [corporation] authority of applicant's continued interest for housing at least once every twelve months;

(3) The applicant no longer meets the eligibility criteria set forth in section 17-2034-21;

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

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

(6) The applicant misrepresents any material information to the [corporation] authority in the pre-application, application or otherwise. [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §[201G] 356D-42)

§[15-193-35] 17-2034-35 Closing the waiting lists. (a) The [corporation] authority, at its discretion, may restrict acceptance of applications, and close the waiting lists in whole or in part, when it determines that it will be unable to assist all the applicants on the waiting lists within a reasonable period of time.

(b) The [corporation] authority shall [publicly] announce any closure and reopening of the application process through notices posted in a conspicuous place at the authority's offices that accept applications.

(c) During periods when application acceptance is closed and until it is reopened, the [corporation] authority shall not maintain a list of persons to be

notified when application acceptance is reopened. [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42)

§[15-193-36] 17-2034-36 Offers. (a) An applicant shall be afforded only one offer to rent a suitable unit. The offer shall be based on what is available in a requested [housing] project on the day of the offer. If there is more than one suitable dwelling unit available on the day of the offer, the dwelling unit offered shall be the one with the earliest vacancy date.

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

(1) Size of dwelling unit required;

[(2) Type of project needed;

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

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

(5)](3) Preferences;

(4) Date and time the application was received.

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

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

(1) The unit is not of the proper size or type and the applicant would be able to reside there only temporarily (e.g., a specially designed unit that is awaiting a person with [disabilities] a disability [applicant] needing such a unit);

(2) The unit offered is unsuitable for health or safety reasons for the applicant;

(3) The applicant is unable to move at the time of the offer and presents clear evidence which substantiates this to the

[corporation's] authority's satisfaction, [such as] including, but not limited to:

(A) A doctor verifies that the applicant has just undergone major surgery and needs a period to recuperate;

(B) A court verifies that the applicant is serving on a jury which has been sequestered;

(C) A landlord verifies that the applicant has an existing [lease] rental agreement that cannot be [breach] 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 [corporation's] authority's satisfaction (e.g., [where current employment or day care facilities are inaccessible).] inaccessibility to source of current employment or day care facilities).

(e) Not less than fifty per cent of all available units shall be for applicants without preference and up to fifty per cent of available units shall be for applicants with preference. [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42)

§[15-193-37] 17-2034-37 Occupancy of accessible dwelling units. The [corporation] authority shall take the following nondiscriminatory steps to maximize the utilization of accessible units by eligible individuals whose disability requires the accessibility features of the particular unit.

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

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

vacant unit and occupying a unit not having such features, or, if no such occupant exists, then

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

(b) When an applicant [who is not disabled] accepts [a] an accessible unit, [with accessibility features] and the applicant does not have a disability that requires the accessibility features of the unit, the applicant shall [transfer to a non-accessible] be required to agree to move to a non-accessible unit when one becomes available. [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42)

§17-2034-38 through 17-2034-39 Reserved

SUBCHAPTER 4

OCCUPANCY AND RENTAL AGREEMENT

§[15-193-40] 17-2034-40 Rental agreement. (a) A tenant shall enter into a rental agreement with the [corporation] authority which 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 account.

(b) No tenant shall be permitted to remain in a [housing] project without a valid rental agreement.

(c) Except as provided in this chapter and in the rental agreement entered into pursuant to (a) above, tenancy in a state-aided public housing unit shall be governed by chapter 521, Hawaii Revised Statutes.

[Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42, [201G] 356D-43, 356D-44)

§[15-193-41] 17-2034-41 Eligibility for continued occupancy.

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

(1) Qualify as a family;

(2) Conform to the occupancy standards;

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

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

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

(6) Abide by smoking prohibitions pursuant to section 17-2034-49;

(7) Maintain continued and uninterrupted utility services; and

(8) Not have acquired a majority interest in fee simple or leasehold lands suitable for dwelling purposes, or a majority interest in lands under any trust agreement or other fiduciary agreement in which another person holds legal title to such land.

(9) 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 racial epithets, or other language, written or oral, that is customarily used to intimidate; or

(10) Not cause any harm or damage to the authority, its staff, agents, representatives, or programs.

(b) Except for a newborn child, [a] no person, including a live-in aide, shall [not] be permitted to join or rejoin the family until [it is verified] the authority verifies that the person meets the eligibility requirements set forth in section 17-2034-21[.], and approves of the family's request to add a family member as an occupant of the dwelling unit. The authority will not approve the addition of family members other than by marriage, birth, adoption, or court-awarded custody where the occupancy standards would require a larger size unit.

[(b)](c) Addition of a newborn or adopted child, or court-award custody of a child, and all other changes to household composition must be reported to the authority within ten business days.

[Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42, [201G] 356D-43)

§17-2034-41.1 Continued Occupancy of Remaining Members of Tenant Families. (a) If the head of household is declared permanently absent, upon request of the remaining members of the family, the authority will determine the eligibility of a remaining member of

the tenant family to continue to occupy the unit pursuant to section 17-2034-41; provided that no remaining member of the family who has occupied the unit for less than 12 months at the time the head of household becomes permanent absent, is eligible to become the new head or co-head of household.

(b) For remaining members of tenant families who are minors, where an appropriate agency has determined that another adult is to be brought into the unit to care for the children for an indefinite period, the authority will treat that adult as a visitor for the first twenty one calendar days. If court-awarded custody or legal guardianship is awarded to the caretaker, the authority may transfer the rental agreement to the caretaker until the oldest minor in the household reaches the age of majority, provided that the authority verifies that the caretaker meets the eligibility requirements set forth in section 17-2034-21; and provided further that the authority will not approve the inclusion of a caretaker where the occupancy standard would require a larger unit than the current unit size or the unit size appropriate for the family, if the family is currently in a unit size that is too small for its household composition. [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42, [201G] 356D-43)

§[15-193-42] 17-2034-42 Reexamination. At least once every twelve months, the [corporation] authority shall reexamine a tenant's annual income, assets, family composition, and any other matter necessary to determine a tenant's rent and eligibility for continued occupancy. [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42, [201G] 356D-43)

§[15-193-43] 17-2034-43 Reexamination results. (a) A [tenant] family shall be given written notification within a reasonable time, after determination by the staff, of both the [tenant's]

family's eligibility for continued occupancy and rent schedule.

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

[(c) A tenant aggrieved by the reexamination results may request a hearing pursuant to the corporation's grievance procedure as provided in section 17-2021, HAR.] [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42)

§[15-193-44] 17-2034-44 Special reexamination. If at the time of admission or reexamination, a family's income cannot be reasonably determined for the next twelve months, the authority may schedule a special reexamination [shall be scheduled within three months] at any time prior to the next annual reexamination when deemed necessary. [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42)

§[15-193-45] 17-2034-45 Interim rent adjustment. (a) [If applicable, the] The [corporation] authority may adjust a [tenant's] 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 wefare sanctions for noncompliance with welfare self-sufficiency and work activity requirements.

(b) 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.

(c) 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 the

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.

(d) A tenant who fails to report any increase in income after obtaining a decrease in rent under this section shall be subject to a back rent charge retroactive to the month in which the rent increase should have been made[.] pursuant to section 17-2034-47.

(e) 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] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42, [201G] 356D-43)

§[15-193-46] 17-2034-46 Tenant transfers. (a) Tenant transfers will be made without regard to race, sex, color, creed, religion, marital status, gender identity or expression, sexual orientation, national or ethnic origin, familial status, ancestry, disability, age, or HIV (human immunodeficiency virus) infection.

(b) The [corporation] authority may transfer a [tenant] family to another dwelling unit:

(1) To prevent overcrowding or under utilization of a dwelling unit as determined by the [corporation] authority at the time of the annual or interim reexamination;

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

(3) [To meet a verifiable health or safety need; or] 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 [corporation.] authority;

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

(6) When the family no longer requires the accessible features of an accessible unit and the authority had identified another family who requires the accessible features of the unit; or

[(6)] (7) As a reasonable accommodation.

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

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

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

(f) A [Tenant] 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 [corporation] authority.

(g) The [corporation] authority may terminate the rental agreement of a tenant who refuses to transfer as required by the [corporation] authority. [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42)

§[15-193-47] 17-2034-47 Backcharges. (a) A [tenant] family shall pay in full any backcharges within [one hundred eighty] sixty days [after being notified by the staff of the backcharge] from the date of notification of the backcharge; provided that where the family timely reports a change in income to the authority and a backcharge results from an increase in income, payment for any backcharges shall not be due until sixty 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 [for non-payment of rent].

(b) The authority may, in its discretion, negotiate a reasonable payment arrangement, not to exceed 180 calendar days, with a family to ensure payment in full of any backcharges. When the authority determines not to exercise this discretion, the family shall be responsible for the full balance of backcharges as stated in subsection (a). [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-42, [201G] 356D-43)

§[15-193-48] 17-2034-48 Rental agreement termination. (a) A [tenant] family shall give the [corporation] authority at least twenty-eight days written notice that the [tenant] family will vacate the [tenant's] family's unit prior to the vacate date.

(b) The [corporation] authority may terminate a rental agreement when [a] 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 [corporation] 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:

(i) 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;

(ii) 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;

(iii) Family no longer conforms to the occupancy limits as established by the authority for the unit occupied by the family and the family refuses to move to the first appropriate size unit offered;

(iv) When requested by the authority due to health and safety, repair, abatement, construction, renovation or redevelopment of the dwelling unit and the family refuses to move;

(v) Family is ineligible for continued occupancy;

(vi) 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 wilful misstatements; and

(vii) Family fails to accept the authority's offer of a revision to the existing rental agreement.

(2) Engages in the illegal use of a [controlled substance;] drug or gives the authority reasonable cause to believe that the illegal use (or pattern of illegal use) of a drug or abuse (or pattern of abuse) of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants;

[(3) Whose illegal use of a controlled substance, or abuse of alcohol, is determined by the

corporation to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents;

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

[(5)] (4) Who the [corporation] authority determines engages in any drug-related criminal activity on or near the [corporation's] authority's [property] premises;[.]

(5) Threatens the health or safety of an employee, contractor or agent of the authority or State;

(6) Violates the smoking prohibitions pursuant to section 17-2034-49 on more than two occasions and receives written notice of said violations; provided that a guest who is visiting a resident, or any member of the tenant's household, who violates the smoking prohibition shall be deemed a violation by the tenant, and shall be counted toward the tenant's violations; provided further that failure to respond to management's request will result in a separate Notice of Violation being issued to the Tenant(s) for the refusal to respond to management's request; provided further 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 17-2034-49 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;

(8) Fails to maintain utility services;

(9) 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. This subsection does not apply to tenant's guest or other person under tenant's control;

(10) Flees to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;

(11) Violates a condition of probation or parole imposed under federal or state law; or

(12) Engages in wilful damage to the authority's property.

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

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

(2) A reasonable time commensurate with the exigencies of the situation in the case of creation or maintenance of a threat to the health or safety of other tenants or project employees; or

(3) Thirty days in all other cases.

(d) The [corporation] authority shall terminate a rental agreement in accordance with chapter [201G,] 521, HRS. [Eff] (Auth: HRS §§ [201G] 356D-4, 356D-6.5, 356D-44) (Imp: HRS §356D-6.5, [201G] 356D-42, 356D-44)

§17-2034-49 Smoking prohibited. (a) Smoking is prohibited in all public housing projects, or portions of public housing projects, including inside dwelling units, except where marked by the authority as a designated smoking area, including:

(1) Each individual housing unit;

(2) In all common areas and community facilities in and around the authority's public housing projects. The authority may designate additional common areas; and

(3) Within a presumptively reasonable minimum distance of twenty feet from each individual building of the housing project, and from any 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) One or more permissible designated smoking areas may be designated by the authority at least twenty feet away from any residential or other building, or any greater distance away as may ensure that the secondhand smoke does not infiltrate any dwelling unit, if such an area can be identified on the property, as authorized by Act 91, Session Laws of Hawaii 2014.

(c) Tenants, members of the tenant's household, and guests and visitors of the household shall promptly discontinue smoking upon management's request when observed smoking outside of a designated smoking area, if any. [Eff] (Auth: HRS §§356D-4, 356D-6.5, 356D-44) (Imp: HRS §§356D-6.5)

§17-2034-50 through 17-2034-59 Reserved

SUBCHAPTER 5

RENTS, [AND] SECURITY DEPOSITS, and OTHER CHARGES

§[15-193-60] 17-2034-60 Security deposits. (a) A tenant shall pay a security deposit, prior to admission to a housing project, in an amount not to exceed one month's rent. The security deposit may be applied to rent or used to repay charges owed to the [corporation] authority upon the termination of the rental agreement. [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-42, [201G] 356D-43, 521-44)

§[15-193-61] 17-2034-61 Minimum rents. (a) The minimum rent shall be based upon the number of bedrooms in the dwelling unit.

(b) The minimum rents for state-aided family projects are set forth in exhibit [D,] C, which is incorporated by reference and attached. [Eff] (Auth: HRS §§[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-4, [201G] 356D-44)

§[15-193-62] 17-2034-62 Rent. A tenant shall pay thirty percent of adjusted annual income for rent or a minimum rent, as set forth in 17-2034-61, whichever is greater. [Eff] (Auth: HRS §§[201G] 356D-4, 356D-44), (Imp: HRS §§[201G] 356D-4, [201G] 356D-43, 356D-44)

§[15-193-63] 17-2034-63 Determining net earned income. The net earned income for a [tenant] family shall be determined by the following process:

1. From the gross annual earned income of each adult household member, deduct a standard deduction of twenty per cent; and if applicable,
2. After the twenty per cent standard deduction, deduct from the remainder an education credit for a household member that is a full-time

student seeking a post-secondary education. The education credit, which is provided for a tenant family and not individual family members, is calculated as:

A. The actual amount received from scholarship(s) to attain a post-secondary education degree; or

B. One thousand dollars ($1,000) per year; whichever is less. [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-42, [201G] 356D-43, 356D-44)

§[15-193-64] 17-2034-64 Determining net unearned income. The net unearned income for a [tenant] family shall be determined by the following process:

1. If applicable, from the gross annual unearned income of each adult household member, deduct Medicare premiums that are actually deducted from social security benefits; and

2. If a household member is a full-time student seeking a post-secondary education, deduct an education credit, which is provided for a [tenant] family and not individual family members. The education credit is calculated as:

A. The actual amount received from scholarship(s) to attain a post-secondary education degree; or

B. One thousand dollars ($1,000) per year; whichever is less. [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-42, [201G] 356D-43, 356D-44)

§[15-193-65] 17-2034-65 Determining adjusted annual income. Adjusted annual income is determined by adding the net earned income, as set forth in 17-2034-63, to the net unearned income, as set forth in 17-2034-64. [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-42, [201G] 356D-43, 356D-44)

§17-2034-66 Other Charges. The authority may charge a family, in addition to monthly rent and applicable utility charges, the following:

(a) A late fee of $25.00 if the monthly rent is paid after the seventh business day of that month;

(b) A dishonored check fee of $25.00 for every check made payable to the authority that is returned for insufficient funds; and

(c) 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. [Eff] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §§[201G] 356D-42, [201G] 356D-43, 356D-44)

§17-2034-67 Delinquent accounts. The authority may assign delinquent accounts to a collection agency. [Eff] (Auth: HRS §356D-4, 356D-44) (Imp: HRS §356D-42, 356D-45.5)

§17-2034-68 through 17-2034-69 Reserved

SUBCHAPTER 6

SPECIAL PROGRAMS

§17-2028-70 Special programs. The authority may administer programs that are created for special or specific purposes to benefit specific categories of persons as determined by the authority. 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] (Auth: HRS §§356D-4, 356D-44, 356D-13) (Imp: 24 C.F.R. 960.505; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-71 Occupancy by police officers. For the purpose of increasing security for tenants of a public housing project, the authority may enter into an agreement with police officers to allow occupancy of police officers who would not otherwise be eligible for occupancy in public housing, to reside in a public housing dwelling unit; provided that the police officer shall pay a security deposit and the monthly minimum rent as provided in section 17-2034-61. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-44, 356D-13) (Imp: 24 C.F.R. §960.505; HRS §§356D-4, 356D-13, 356D-31)

§17-2034-72 through 17-2034-79 Reserved.

SUBCHAPTER [6] 7

MISCELLANEOUS PROVISIONS

§[15-193-70] 17-2034-80 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] (Auth: HRS §[201G] 356D-4, 356D-44) (Imp: HRS §1-23)

§17-2034-81 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] (Auth: HRS §356D-4, 356D-44) (Imp: HRS §1-17)

3. Material, except sources notes, to be repealed is bracketed. New material is underscored.

4. Additions to source notes to reflect these amendments and compilation are not underscored.

5. These amendments to and compilation of chapter 17-2034, Hawaii Administrative Rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

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

_____
PONO SHIM,
Chairperson
Board of Directors
Hawaii Public Housing Authority

APPROVED AS TO FORM:

_____
Deputy Attorney General

METHODOLOGY FOR CALCULATING INCOME LIMITS

Income limits are calculated using a set of formula relationships. The U.S. Department of Housing and Urban Development (HUD) estimates median family income based on the most recent census data estimates updated with a combination of local Bureau of Labor statistics data and census divisional data. Separate median family income estimates are calculated for all Metropolitan Statistical Areas, Primary Metropolitan Statistical Areas and Metropolitan Counties.

Very Low-Income Limits:
Low-income limits are calculated using a set of formula relationships. The first step is to calculate the very-low income limits based on 50 percent of the estimated area median income for a four-person family as determined by HUD. Adjustments are then made if the 50 percent number is outside of formula constraints.

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

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

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

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

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

lower income limits; and in no instance are income limits less than if based on the State non-metropolitan median family income level.

Low-Income Limits:
The next step is to calculate the low-income limits. Most four-person low-income limits are the higher of 80 percent of the area median family income or 80 percent of the State nonmetropolitan median family income level. Because the very low-income limits are not always based on 50 percent of median, calculating low-income limits as 80 percent of median would produce anomalies inconsistent with statutory intent (e.g., very low-income limits could be higher than low-income limits). The calculation normally used, therefore, is to set the four-person low-income limit at 1.6 (i.e., 80%/50%) times the relevant four-person very low-income limit. The only exception is that the resulting income limit may not exceed the U.S. median family income level except when justified by high housing costs. Use of very low-income limits as a starting point for calculating other income limits has the effect of adjusting low-income limits in areas where the very low-income limits have been adjusted because of unusually high or low housing-cost-to-income relationships.

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

Number of Persons in Family and Percentage Adjustments

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

Income limits for families with more than eight persons are not included in the printed lists because of space

limitations. For each person in excess of eight, 8 percent of the four-person base should be added to the eight-person income limit. (For example, the nine-person limit equals 140 percent [132 + 8] of the relevant four-person income limit.) All income limits are rounded to the nearest $50 to reduce administrative burden.

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

Income and Asset Limits for Admission
(Effective [March 29, 2001]December 1, 2014)

County	1 Person	2 Persons	3 Persons	4 Persons
Honolulu	$[22,600]33,550	$[25,850]38,350	$[29,050]43,150	$[32,300]47,900
Hawaii	[18,100] 23,900	[20,700] 27,300	[23,250] 30,700	[25,850] 34,100
Kauai	[22,600] 30,250	[25,850] 34,550	[29,050] 38,850	[32,300] 43,150
Maui	[23,750] 26,850	[27,150] 30,700	[30,550] 34,550	[33,950] 38,350

County	5 Persons	6 Persons	7 Persons	8 Persons
Honolulu	$[34,900]51,750	$[37,450]55,600	$[40,050]59,400	$[42,650]63,250
Hawaii	[27,800] 36,850	[30,000] 39,600	[32,050] 42,300	[34,100] 45,050

Kauai	[34,900] 46,650	[37,450] 50,100	[40,050] 53,550	[42,650] 57,000
Maui	[36,650] 41,450	[39,400] 44,500	[42,100] 47,600	[44,800] 50,650

Income and Asset Limits for Continued Occupancy
(Effective [March 29, 2001]December 1, 2014)

County	1 Person	2 Persons	3 Persons	4 Persons
Honolulu	$[36,200]53,700	$[41,350]61,350	$[46,500]69,000	$[51,700]76,650
Hawaii	[28,950] 38,200	[33,100] 43,650	[37,200] 49,100	[41,350] 54,550
Kauai	[36,200] 48,300	[41,350] 55,200	[46,500] 62,100	[51,700] 69,000
Maui	[38,000] 43,000	[43,450] 49,150	[48,900] 55,300	[54,300] 61,400

County	5 Persons	6 Persons	7 Persons	8 Persons
Honolulu	$[55,800]82,800	$[59,950]88,950	$[64,100]95,050	$[68,200]101,200
Hawaii	[44,650] 58,950	[48,000] 63,300	[51,300] 67,650	[54,600] 72,050
Kauai	[55,800] 74,550	[59,950] 80,050	[64,100] 85,600	[68,200] 91,100
Maui	[58,650] 66,350	[63,000] 71,250	[67,350] 76,150	[71,700] 81,050

OCCUPANCY STANDARDS
2001

Unit allotment is based in accordance with the prevailing zoning and county building, health and fire codes. In determining the appropriate dwelling unit size for assistance, the following criteria shall be applied:

1. A family shall be assigned to the smallest unit suitable for its needs and each bedroom shall be occupied by at least one person.

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

3. Every member of the household, regardless of age, shall be counted as a person. Children expected to be born by pregnant household members will also be counted as a person.

4. At the written request of the applicant, the [HCDCH] HPHA shall take into consideration in determining unit allotment, factors that include but are not limited to the following:

   a. In the case of single parents and dependent(s), separate bedrooms may be allotted to the parent and to the child/children; or

   b. Children of opposite sexes may be allotted separate bedrooms for each gender; or

   c. A person with valid medical ailments may be allotted a separate bedroom, provided the necessity for the separate bedroom is verified by a signed statement from a medical doctor and other supporting data; or

   d. A live-in care attendant of necessity may be allotted a separated bedroom.

e. Children who are in the process of being adopted, or whose legal custody is being obtained by a household will be included as members of the household for the purpose of determining unit size.

f. One person, the remaining member of a tenant family, may with prior consent of the [HCDCH,] HPHA, be permitted to continue to occupy the smallest size unit. The remaining member, may, with prior consent of the [HCDCH,] HPHA, add another person to the household, provided the new household qualifies as a family for continued occupancy and a larger dwelling is not required to accommodate the enlarged household.

MINIMUM RENTS FOR
STATE-AIDED FAMILY PUBLIC HOUSING PROJECTS
(Effective December 13, 2001)

The Minimum Monthly rents for all tenants of State-aided family public housing projects are as follows:

No. of Bedrooms	Monthly Minimum Rent
1	$108
2	128
3	152
4	180
5	212

Approved by the Executive Director
January 21, 2016

FOR INFORMATION

SUBJECT: The Hawaii Public Housing Authority's Fiscal Year 2014-2015 Annual Report to the Governor and Legislature, Required Pursuant to Section 356D-20, Hawaii Revised Statutes and Distributed in Accordance with Section 32-57.5 Hawaii Revised Statutes

I. FACTS

A. The Hawaii Public Housing Authority (HPHA) is required to submit an Annual Report to the Legislature no later than 20 days prior to the start of the legislative session.

B. A copy of the Annual Report is filed with external stakeholders including the U.S. Department of Housing and Urban Development and other State departments.

C. The Annual Report is submitted to the Governor's Policy Office for review and transmission to the Legislature, the Annual Report is posted for public viewing on the HPHA's website.

II. DISCUSSION

A. HPHA staff developed an Annual Report detailing Branch and Support Office activities and accomplishments over the period July 1, 2014 through June 30, 2015 (Attachment). The Annual Report provides a synopsis of the activities of each major program.

B. This year's report contains reports required under HRS Section 356D-2, relating to the employment of exempt personnel, HRS Section 90-5, relating to the use of volunteers, and HRS Section 356D-20, relating to a financial audit and recommended legislation.

Attachment: HPHA Annual Report, Fiscal Year 2015 (forthcoming)

Prepared by: Dawn Takeuchi Apuna, Chief Planner DTA

Hawaii Public Housing Authority
Report for the Month of December 2015

I. Planning

A. Wellness & Public Health

Hawaii Public Housing Authority (HPHA) continues to work with representatives from the Public Health Nursing Branch and Tobacco Prevention and Education Program of the Department of Health (DOH), and Hawaii Public Health Institute (HPHI) (*collectively* the "Wellness Team") to determine approaches to address public health concerns in public housing. HPHA arranged for representatives from the Federal Bureau of Investigations to discuss with HPHA managers criminal activity at HPHA public housing properties.

HPHA attended the State Council on Mental Health monthly meeting.

B. Redevelopment Activities

HPHA continues to work with the Hunt Development Group on a master developer agreement and related contracts for the redevelopment of Mayor Wright Homes.

HPHA held conference calls with the Retirement Housing Foundation (RHF) on the redevelopment of the HPHA North School Street administrative offices.

The HPHA North School Street project was selected to receive EPA technical assistance, including a Phase I and II Environmental Assessment.

C. Legislation

HPHA continues to hold discussions with legislators in preparation for the upcoming legislative session. HPHA met with the Senate Housing Committee Chair on December 9, 2015, to discuss proposed housing legislation for the upcoming session.

D. Administrative Rules

HPHA continues to update the following Hawaii Administrative Rules: Rent Supplement, Section 8, Section 8 Homeownership and Resident Advisory Board.

II. Fiscal Management

A. Variance Report for November 2015

1. Revenue for the Month of November

CFP Grant Income $246,706 less than budget

The Public Housing Capital Fund Program (CFP) is a HUD grant for capital and management activities, including the modernization and development of public housing. By HUD rule, a PHA has two years to obligate and two years to spend it after CFP grant is made available annually.

CFP is drawn through HUD's Electronic Line of Credit System (eLOCCS) based on Budget Line Items (BLI). BLIs are further grouped into *soft cost* (BLI Numbers 1406, 1408 and 1410) for management activities, and *hard cost* (BLI Numbers greater than 1430) for capital projects.

CFP drawings and expenditures that are not capitalized are reported on this line as operating income.

Out of the hard cost drawings totaling $1,574,293 in November, none is for R & M and therefore no income is recognized under this line.

State CIP Fund $96,438 less than budget

State Legislature appropriates Capital Improvement Project (CIP). Spending agency has two or three years to encumber the appropriation before it lapses.

CIP expenditures that are not capitalized are reported on this line as operating income.

Out of November CIP expenditure of $1,875,114, $17,362 is for R & M and recognized as income under this line, causing $96,438 variance.

Other Income $78,857 less than budget

The variance consists of unfavorable variances of: $29,373 less tenant payment not directly related to dwelling units rent; $5,167 less FSS coordination fee; $5,951 less front line services fee; $46,701 less fee revenue from central maintenance crew, and $67,457 less misc. income. The unfavorable variance are offset by the favorable variances of: $1,716 more investment revenue; $2,462 more fraud recovery; $796 more admin fee earned on port-in accounts; and $70,819 more fees charged by special team crew to program.

2. Expenses for the Month of November

Administrative $341,553 less than budget, a favorable variance

Due to position in recruitment the $341,553 variance consists of favorable variances of: $192,324 less admin salaries and fringe benefits of HPHA employees, of which $130,058 and $34,401 contributable to COCC and FLRP, respectively; $659 less managing agent fees from privately managed AMPs; $28,420 less auditing fees; $16,006 less office expense; $43,975 less admin furniture and equipment; $5,951 less front line service fee; $44,402 less legal expense; $6,176 less travel expense, and $16,191 less other admin expense.

The favorable variance is offset by budget overrun of $12,552 more admin salaries and fringe benefits of private management companies.

Tenant Services $34,880 less than budget, a favorable variance

Tenant Services include Relocation Costs, resident participation program costs and tenant service costs for any services directly related to meeting tenant needs.

The $34,880 variance consists of $6,977 less relocation costs; $6,736 less resident participation program cost; and $21,166 less tenant service cost.

Utilities $134,961 less than budget, a favorable variance

Utilities include water, sewer, electricity and gas expenses.

The variance consists of budget savings of $141,096 on electricity and $38,896 on gas, offset by budget overruns of $21,178 on water and $23,853 on sewer expenses.

Maintenance $196,754 less than budget, a favorable variance

The $196,754 favorable variance consists of: $46,396 less salaries and fringe benefits for HPHA maintenance employees; $159,761 less furniture, appliance and equipment; $100,803 less repair and maintenance services provided for refuse collection, sewer and plumbing, pest control, building, tree trimming, vehicle and equipment, janitorial, elevator, fire extinguisher, appliance, electric, HVAC, etc.

The favorable variances are offset by the following budget overruns: $30,532 more salary and benefit for maintenance employees of private management companies, and $1,653 more materials and supplies for building, ground, safety, painting, electric, janitorial maintenances, etc., and $78,021 more repair work done by central maintenance crew and special team members.

Protective Services $21,176 less than budget

The variance mainly because of $21,176 less protective services, of which $21,037 contributable to FLRP.

Insurance $10,153 less than budget

The $10,153 variance consists of favorable variances: $1,356 less for property insurance; $2,152 less for general liability; $5,997 less for workers compensation insurance, and $648 less for other insurance

Bad Debt Expense $1,743 less than budget

The variance mainly because of $1,662 less bad debt for FLRP than budget.

General Expenses $214,615 more than budget

The $214,615 unfavorable variance is a combination of budget savings of $12,472 other general expense and $5,460 severance expense, offset by $468 budget overrun for motor pool vehicle rental expense and $232,079 undistributed expense of Pcard charges not coded and booked into proper expense accounts because lack of details.

3 Revenue YTD

CFP Grant Income $850,689 more than budget

The Public Housing Capital Fund Program (CFP) is a HUD grant for capital and management activities, including the modernization and development of public housing. By HUD rule, a PHA has two years to obligate and two years to spend it after CFP grant is made available annually.

CFP is drawn through HUD's Electronic Line of Credit System (eLOCCS) based on Budget Line Items (BLI). BLIs are further grouped into soft cost (BLI Numbers 1406, 1408 and 1410) for management activities, and hard cost (BLI Numbers greater than 1430) for capital projects.

CFP drawings and expenditures that are not capitalized are reported on this line as operating income.

The $850,689 variance is mainly because of timing as operating budget spreads out the annual revenue projection among 12 months, whereas there were sizable soft costs drawings in November as explained above.

YTD soft costs drawings of $1,040,435 (BLI 1406) and $906,697 (BLI 1410) totaling $1,947,132 are recognized under this line. Also included under this line is $137,087 for R & M expenditure out of YTD hard costs drawings of $2,480,666.

State CIP Fund $362,981 less than budget

State Legislature appropriates Capital Improvement Project (CIP). Spending agency has two or three years to encumber the appropriation before it is lapsing.

CIP expenditures that are not capitalized are reported on this line as operating income.

The $362,981 variance is mainly because of timing, as the budgeted State CIP Fund revenue spreads out among 12 months. $206,019 out of YTD $6,551,015 CIP expenditure is not capitalized therefore reported on this line as revenue.

Grant Income $1,071,834 less than budget

The variance mainly caused by $1,168,747 less transfer in from State CIP appropriation to COCC to reimburse associated costs of administering State CIP projects that did not happen. A request still pending under review with State Budget and Finance.

Other Income $479,987 less than budget

The $479,987 variance consists of unfavorable variances of: $52,769 less tenant payments not directly related to dwelling unit rent, of which $45,201 contributable to FLRP; $5,000 less FSS coordination fee; $24,218 less front line services fee; $233,505 less work order revenue by central maintenance crew, and $342,179 less miscellaneous income.

The unfavorable variances are offset by favorable variances of: $8,866 more investment income; $4,245 more fraud recovery; $3,726 more revenue of admin fee earned on port-in, and $160,848 more work order revenue by Special Team members.

4 Expenses YTD

Administrative $963,104 less than budget, a favorable variance

The $963,104 variance consists of favorable variances of: $747,326 less administrative salaries and fringe benefits of HPHA employees, of which $510,286 and $157,088 contributable to COCC and FLRP, respectively; $80,472 less office expenses; $196,686 less furniture and equipment; $24,218 less front line services; $33,725 less legal expense; $10,636 less travel expense, and $14,448 less other admin costs.

The favorable variances are offset budget overruns of: $26,749 for administrative salaries and fringe benefits of private management companies; $59,932 managing agent fee charged by private management companies, and $57,728 auditing fees.

Tenant Services $287,244 less than budget, a favorable variance

Tenant Services include Relocation Costs, resident participation program costs and tenant service costs for any services directly related to meeting tenant needs.

The $287,244 variance consists of $131,574 less relocation costs; $33,682 less resident participation program cost, and $121,988 less tenant service cost.

Utilities $656,317 less than budget, a favorable variance

Utilities include water, sewer, and electricity and gas expenses.

The $656,317 favorable variance consists of; $568,922 less electricity expense of which $422,699 contributable to FLRP, and $193,892 less gas expense of which $177,230 contributable to FLRP.

The favorable variances are offset by $51,600 more water expense of which $54,992 contributable to FLRP, and $54,897 more sewer expense.

Maintenance $1,312,232 less than budget, a favorable variance

The $1,312,232 favorable variance consists of: $103,884 less salaries and fringe benefits for HPHA maintenance employees; $94,838 less materials and supplies for building, ground, safety, painting, electric, janitorial maintenances, etc.; $794,602 less furniture, appliance and equipment; and $709,910 less repair and maintenance services provided for refuse collection, sewer and plumbing, pest control, building, tree trimming, vehicle and equipment, janitorial, elevator, fire extinguisher, appliance, electric, HVAC, etc.

The favorable variances are offset by the following budget overruns: $201,638 more salary and benefit for maintenance employees of private management companies, and $189,364 more repair work done by central maintenance crew and special team members.

Insurance $43,821 less than budget, a favorable variance

The $43,821 variance consists of favorable variances of: $12,965 less for property insurance; $6,045 less for general liability, and $28,638 less for workers compensation insurance.

The favorable variance is offset by budget overrun of $3,826 for other insurance.

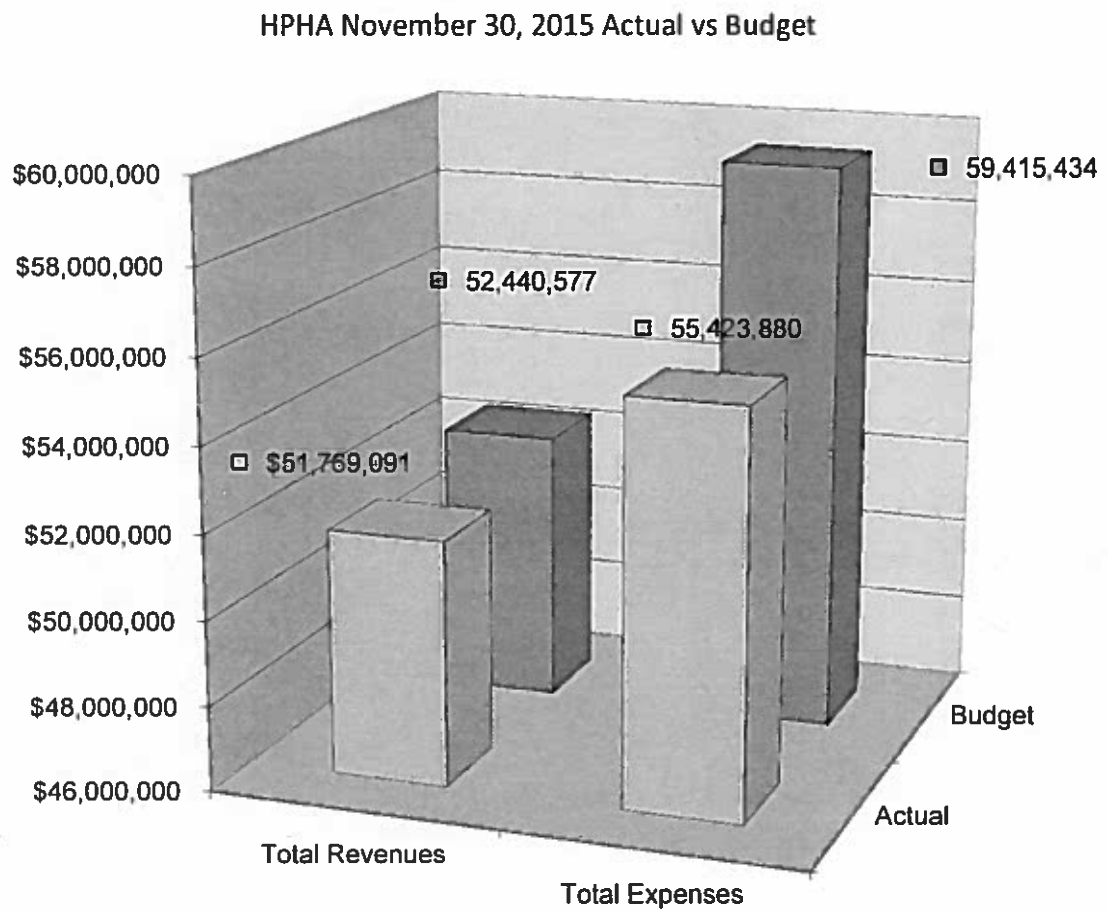
General Expenses $169,050 more than budget

The $169,050 unfavorable variance is a combination of $57,305 and $8,364 budget savings for other general expense for severance expense,

respectively, and $2,640 budget overruns for motor pool vehicle rental expense, and $232,079 undistributed expense of Pcard charges not coded and booked into proper expense account because lack of details.

HAWAII PUBLIC HOUSING AUTHORITY
Agency Total
Actual vs Budget Comparison
For the Month of November 2015, and the 5 Months ended November 30, 2015
(Amounts in Full Dollars)

Month of November 2015					Year to Date ended November 30, 2015						
		Variance					Variance			Variance	
Actual	Budget	Amount	%		Actual	Budget	Amount	%	Prior Year	Amount	%
				REVENUES							
1,548,853	1,439,484	109,369	8%	Dwelling Rental Income	7,652,028	7,204,297	447,731	6%	7,187,285	464,743	6%
6,929,692	6,984,487	(54,795)	-1%	HUD Operating Subsidies	34,987,988	34,912,090	75,897	0%	32,647,287	2,340,700	7%
-	246,706	(246,706)	-100%	CFP Grant Income	2,084,219	1,233,530	850,689	69%	19,739	2,064,480	10459%
373,681	399,425	(25,744)	-6%	COCC Fee Income	1,866,124	1,997,125	(131,001)	-7%	1,889,043	(22,919)	-1%
17,362	113,800	(96,438)	-85%	State CIP Fund	206,019	569,000	(362,981)	-64%	543,310	(337,291)	-62%
827,630	696,461	131,169	19%	Grant Income	3,579,217	4,651,050	(1,071,834)	-23%	1,887,880	1,691,337	90%
291,618	370,475	(78,857)	-21%	Other Income	1,393,497	1,873,484	(479,987)	-26%	1,479,442	(85,945)	-6%
$ 9,988,834	10,250,838	(262,003)	-3%	Total Revenues	$ 51,769,091	52,440,577	(671,486)	-1%	45,653,987	6,115,105	13%
				EXPENSES							
1,290,321	1,631,874	341,553	21%	Administrative	6,957,493	7,920,597	963,104	12%	6,445,846	(511,647)	-8%
-	-	-	0%	Asset Management Fees	-	-	-	0%	-	-	0%
318,364	344,242	25,878	8%	Management Fees	1,590,591	1,718,959	128,369	7%	1,907,619	317,029	17%
55,317	55,396	78	0%	Bookkeeping Fees	275,533	276,708	1,175	0%	273,253	(2,280)	-1%
4,813,534	5,029,469	215,935	4%	Housing Assistance Payments	24,456,118	25,147,345	691,227	3%	22,290,143	(2,165,976)	-10%
18,778	53,657	34,880	65%	Tenant Services	99,936	387,180	287,244	74%	336,760	236,823	70%
1,019,374	1,154,335	134,961	12%	Utilities	5,114,260	5,770,577	656,317	11%	5,870,401	756,141	13%
1,708,946	1,905,699	196,754	10%	Maintenance	8,224,888	9,537,120	1,312,232	14%	7,417,913	(806,975)	-11%
176,773	197,949	21,176	11%	Protective Services	930,081	989,745	59,664	6%	862,372	(67,709)	-8%
69,606	79,759	10,153	13%	Insurance	354,840	398,660	43,821	11%	391,436	36,597	9%
1,438,948	1,412,463	(26,485)	-2%	Depreciation Expense	7,050,010	7,062,315	12,305	0%	6,512,730	(537,280)	-8%
14,816	16,559	1,743	11%	Bad Debt Expense	67,295	72,443	5,148	7%	92,391	25,096	27%
236,252	21,637	(214,615)	-992%	General Expenses	302,835	133,785	(169,050)	-126%	377,632	74,796	20%
11,161,028	11,903,039	742,011	6%	Total Expenses	55,423,880	59,415,434	3,991,554	7%	52,778,496	(2,645,384)	-5%
$ (1,172,193)	(1,652,201)	480,008	29%	Net Income(Loss)	$ (3,654,789)	(6,974,857)	3,320,068	48%	(7,124,509)	3,469,720	49%
				CASH BASIS:							
(1,172,193)	(1,652,201)	480,008	29%	Net Income(loss) per Above	(3,654,789)	(6,974,857)	3,320,068	48%	(7,124,509)	3,469,720	49%
				Add back non cash items:							
1,438,948	1,412,463	26,485	2%	Depreciation Expense	7,050,010	7,062,315	(12,305)	0%	6,512,730	537,280	8%
14,816	16,559	(1,743)	-11%	Bad Debt Expense	67,295	72,443	(5,148)	-7%	92,391	(25,096)	-27%
$ 281,571	(223,180)	504,751	226%	TOTAL CASH BASIS	$ 3,462,516	159,901	3,302,615	2065%	(519,388)	3,981,904	767%



	Total Revenues	Total Expenses
Actual	$51,769,091	55,423,880
Budget	52,440,577	59,415,434

HAWAII PUBLIC HOUSING AUTHORITY
Consolidated Balance Sheet
Agency Total (Funds 130 To 150, 007, 020, 024, 181, 265, 318 & 337)
As of November 30, 2015 and October 31, 2015

	As of November 30 2015	As of October 31 2015	Increase (Decrease)
ASSETS:			
Cash	71,779,152	71,026,633	752,518
Receivables:			
Tenant Receivables	1,164,524	1,137,096	27,427
Other	1,149,858	1,125,970	23,889
Less Allowance for Doubtful Accounts	(997,122)	(978,780)	(18,342)
Total receivables	1,317,260	1,284,286	32,974
Accrued Interest	4,082	2,152	1,930
Prepaid Expenses	2,809,350	2,848,812	(39,462)
Inventories	536,402	538,426	(2,024)
Interprogram Due From	1,895,024	1,163,582	731,442
Total Current Assets	**78,341,270**	**76,863,891**	**1,477,378**
Property, Plant & Equipment:			
Land	23,824,737	23,824,737	-
Buildings	596,235,620	590,734,245	5,501,376
Furniture & Equipment	5,623,644	5,623,644	-
Motor vehicles	1,691,849	1,691,849	-
Construction in Progress	39,218,394	41,314,901	(2,096,507)
Less: Accumulated Depreciation	(367,754,593)	(366,315,645)	(1,438,948)
Notes, Loans & Mortgage Receivable-Non Current	8,716,630	8,716,630	-
Other Long term assets	-	-	
Deferred Outflows of Resources	-	3,137,321	
Total Assets & Deferred Outflow of Resources	**$ 385,897,550**	**$ 385,591,572**	**3,443,299**
LIABILITIES AND NET POSITION			
Accounts Payable	3,730,477	3,003,791	726,686
Accrued Expenses	-	-	-
Accrued Salaries & Wages	806,694	806,694	-
Accrued Vacation	1,486,739	1,486,739	-
Tenant Security Deposits	757,011	757,997	(986)
Other Liabilities & Deferred Income	2,723,399	2,119,671	603,727
Total Current Liabilities	**9,504,319**	**8,174,892**	**1,329,428**
Accrued Liabilities	17,323,690	17,323,690	-
Net Pension Liability	-	23,355,937	
Deferred Inflows of Resources	-	2,903,051	(2,903,051)
Net Assets			
Investment in capital assets	298,839,651	296,873,731	1,965,921
Restricted Net Assets	432,024	432,024	-
Unrestricted Net Assets	63,452,654	39,010,843	24,441,812
Net Income Year to Date	(3,654,789)	(2,482,596)	(1,172,193)
Total Net Assets	**359,069,541**	**333,834,002**	**25,235,539**
Total Liabilities, Deferred Inflow of Resources & Net Position	**$ 385,897,550**	**385,591,572**	**23,661,915**

HAWAII PUBLIC HOUSING AUTHORITY
Federal Low Rent Program
Actual vs Budget Comparison
For the Month of November 2015, and the 5 Months ended November 30, 2015
(Amounts in Full Dollars)

Month of November 2015					Year to Date ended November 30, 2015						
		Variance					Variance			Variance	
Actual	Budget	Amount	%		Actual	Budget	Amount	%	Prior Year	Amount	%
				REVENUES							
1,284,438	1,178,064	106,374	9%	Dwelling Rental Income	6,333,005	5,897,197	435,808	7%	5,919,562	413,443	7%
1,943,673	1,789,503	154,170	9%	HUD Operating Subsidies	9,710,151	8,937,174	772,977	9%	9,013,839	696,311	8%
-	78,309	(78,309)	-100%	CFP Grant Income	1,177,522	391,546	785,976	201%	19,739	1,157,783	5865%
-	-	-	0%	COCC Fee Income	-	-	-	0%	-	-	0%
14,186	105,500	(91,314)	-87%	State CIP Fund	184,151	527,500	(343,349)	-65%	496,178	(312,027)	-63%
151,866	358,466	(206,599)	-58%	Grant Income	770,818	1,792,328	(1,021,511)	-57%	-	770,818	100%
24,895	43,113	(18,218)	-42%	Other Income	166,601	215,234	(48,633)	-23%	1,067,667	(901,066)	-84%
$ 3,419,058	3,552,955	(133,897)	-4%	**Total Revenues**	$ 18,342,248	17,760,980	581,268	3%	16,516,986	1,825,262	11%
				EXPENSES							
458,218	534,843	76,626	14%	Administrative	2,369,042	2,667,855	298,813	11%	2,301,748	(67,294)	-3%
-	-	-	0%	Asset Management Fees	-	-	-	0%	-	-	0%
241,781	253,468	11,687	5%	Management Fees	1,211,033	1,265,089	54,056	4%	1,241,242	30,209	2%
33,023	34,808	1,785	5%	Bookkeeping Fees	165,465	173,768	8,303	5%	168,810	3,345	2%
2,112	115	(1,997)	-1737%	Housing Assistance Payments	9,407	575	(8,832)	-1536%	3,789	(5,618)	-148%
5,176	33,162	27,987	84%	Tenant Services	44,488	284,705	240,217	84%	254,984	210,496	83%
858,992	945,672	86,679	9%	Utilities	4,234,536	4,727,262	492,727	10%	4,859,107	624,572	13%
1,202,859	1,474,145	271,286	18%	Maintenance	6,253,759	7,360,609	1,106,850	15%	5,467,197	(786,562)	-14%
175,492	196,529	21,037	11%	Protective Services	924,913	982,647	57,734	6%	857,872	(67,041)	-8%
55,551	62,787	7,237	12%	Insurance	278,899	313,799	34,901	11%	314,255	35,356	11%
1,239,741	1,213,257	(26,484)	-2%	Depreciation Expense	6,053,975	6,066,285	12,310	0%	5,528,610	(525,365)	-10%
13,297	14,959	1,662	11%	Bad Debt Expense	59,700	64,443	4,743	7%	92,391	32,691	35%
134,688	7,605	(127,083)	-1671%	General Expenses	146,213	38,025	(108,189)	-285%	104,913	(41,300)	-39%
4,420,929	4,771,350	350,422	7%	**Total Expenses**	21,751,429	23,945,062	2,193,633	9%	21,194,919	(556,510)	-3%
$ (1,001,870)	(1,218,395)	216,525	18%	**Net Income(Loss)**	$ (3,409,181)	(6,184,083)	2,774,901	45%	(4,677,933)	1,268,752	27%
				CASH BASIS:							
(1,001,870)	(1,218,395)	216,525	18%	Net Income(loss) per Above	(3,409,181)	(6,184,083)	2,774,901	45%	(4,677,933)	1,268,752	27%
				Add back non cash items:							
1,239,741	1,213,257	26,484	2%	Depreciation Expense	6,053,975	6,066,285	(12,310)	0%	5,528,610	525,365	10%
13,297	14,959	(1,662)	-11%	Bad Debt Expense	59,700	64,443	(4,743)	-7%	92,391	(32,691)	-35%
$ 251,168	9,821	241,347	2458%	**TOTAL CASH BASIS**	$ 2,704,494	(53,355)	2,757,848	5169%	943,068	1,761,425	187%

HAWAII PUBLIC HOUSING AUTHORITY
Federal Low Rent Program by AMPs
Actual vs Budget Comparison
For the Month of November 2015, and the 5 Months ended November 30, 2015
(Amounts in Full Dollars)

Month of November 2015				ACCRUAL BASIS	Year to Date ended November 30, 2015						
		Variance					Variance			Variance	
Actual	Budget	Amount	%		Actual	Budget	Amount	%	Prior Year	Amount	%
				REVENUES							
286,072	304,301	(18,230)	-6%	Asset Management Project - 30	1,477,106	1,521,505	(44,399)	-3%	1,694,440	(217,334)	-13%
339,969	310,393	29,577	10%	Asset Management Project - 31	2,196,403	1,559,824	636,579	41%	1,493,174	703,229	47%
361,912	353,045	8,867	3%	Asset Management Project - 32	1,996,660	1,763,533	233,127	13%	1,591,380	405,280	25%
261,458	236,397	25,060	11%	Asset Management Project - 33	1,593,417	1,180,619	412,798	35%	1,171,440	421,976	36%
357,585	382,213	(24,628)	-6%	Asset Management Project - 34	1,824,336	1,900,082	(75,746)	-4%	1,829,085	(4,749)	0%
394,388	441,484	(47,096)	-11%	Asset Management Project - 35	2,048,329	2,207,422	(159,093)	-7%	2,034,206	14,124	1%
182,137	224,903	(42,766)	-19%	Asset Management Project - 37	942,946	1,124,516	(181,570)	-16%	883,749	59,197	7%
210,463	210,235	228	0%	Asset Management Project - 38	1,070,142	1,051,458	18,685	2%	974,267	95,876	10%
140,798	169,465	(28,667)	-17%	Asset Management Project - 39	749,453	846,479	(97,026)	-11%	707,805	41,648	6%
167,290	172,889	(5,599)	-3%	Asset Management Project - 40	865,539	864,445	1,094	0%	683,282	182,257	27%
123,550	147,446	(23,896)	-16%	Asset Management Project - 43	648,836	737,231	(88,395)	-12%	623,429	25,407	4%
186,158	178,474	7,683	4%	Asset Management Project - 44	899,505	897,148	2,357	0%	942,960	(43,455)	-5%
151,050	140,603	10,447	7%	Asset Management Project - 45	751,630	702,411	49,219	7%	654,200	97,430	15%
65,120	74,156	(9,036)	-12%	Asset Management Project - 46	325,021	369,553	(44,531)	-12%	298,882	26,139	9%
104,951	117,608	(12,657)	-11%	Asset Management Project - 49	528,365	588,040	(59,675)	-10%	493,726	34,639	7%
86,159	89,343	(3,184)	-4%	Asset Management Project - 50	424,559	446,714	(22,154)	-5%	440,960	(16,401)	-4%
$ 3,419,058	3,552,955	(133,897)	-4%	Total Revenues	$ 18,342,248	17,760,980	581,268	3%	16,516,986	1,825,262	11%
				NET INCOME(LOSS)							
(190,367)	(126,619)	(63,748)	-50%	Asset Management Project - 30	(407,921)	(525,967)	118,046	22%	(416,352)	8,431	2%
(115,849)	(182,741)	66,893	37%	Asset Management Project - 31	(87,470)	(937,802)	850,332	91%	(883,350)	795,880	90%
(13,744)	(34,315)	20,571	60%	Asset Management Project - 32	181,748	(146,664)	328,411	224%	(443,045)	624,793	141%
(14,183)	(63,044)	48,861	78%	Asset Management Project - 33	39,990	(313,178)	353,167	113%	(368,938)	408,927	111%
(15,606)	(45,716)	30,111	66%	Asset Management Project - 34	(160,943)	(305,528)	144,585	47%	13,474	(174,417)	-1294%
(69,487)	(82,681)	13,194	16%	Asset Management Project - 35	(111,439)	(397,400)	285,962	72%	11,745	(123,183)	-1049%
(167,909)	(195,894)	27,985	14%	Asset Management Project - 37	(716,491)	(993,063)	276,571	28%	(612,706)	(103,785)	-17%
(79,456)	(63,075)	(16,381)	-26%	Asset Management Project - 38	(332,819)	(346,436)	13,616	4%	(221,301)	(111,518)	-50%
(44,300)	(71,559)	27,258	38%	Asset Management Project - 39	(223,548)	(351,021)	127,474	36%	(273,615)	50,067	18%
15,905	(349)	16,254	4657%	Asset Management Project - 40	(16,859)	(1,333)	(15,525)	-1165%	(128,603)	111,745	87%
(95,623)	(71,763)	(23,860)	-33%	Asset Management Project - 43	(369,187)	(354,772)	(14,416)	-4%	(374,334)	5,147	1%
(72,352)	(96,302)	23,949	25%	Asset Management Project - 44	(378,501)	(491,202)	112,701	23%	(304,517)	(73,984)	-24%
(29,090)	(50,617)	21,528	43%	Asset Management Project - 45	(225,841)	(291,820)	65,980	23%	(272,456)	46,615	17%
(51,328)	(40,849)	(10,479)	-26%	Asset Management Project - 46	(260,086)	(261,635)	1,549	1%	(256,240)	(3,846)	-2%
(49,056)	(68,738)	19,682	29%	Asset Management Project - 49	(284,386)	(344,038)	59,652	17%	(256,927)	(27,459)	-11%
(9,425)	(24,133)	14,708	61%	Asset Management Project - 50	(55,428)	(122,225)	66,797	55%	109,231	(164,660)	-151%
$ (1,001,870)	(1,218,395)	216,525	18%	Total Net Income(Loss)	$ (3,409,181)	(6,184,083)	2,774,901	45%	(4,677,933)	1,268,752	27%

HAWAII PUBLIC HOUSING AUTHORITY
Federal Low Rent Program by AMPs
Actual vs Budget Comparison
For the Month of November 2015, and the 5 Months ended November 30, 2015
(Amounts in Full Dollars)

Month of November 2015				CASH BASIS	Year to Date ended November 30, 2015						
		Variance					Variance			Variance	
Actual	Budget	Amount	%		Actual	Budget	Amount	%	Prior Year	Amount	%
				REVENUES							
286,072	304,301	(18,230)	-6%	Asset Management Project - 30	1,477,106	1,521,505	(44,399)	-3%	1,694,440	(217,334)	-13%
339,969	310,393	29,577	10%	Asset Management Project - 31	2,196,403	1,559,824	636,579	41%	1,493,174	703,229	47%
361,912	353,045	8,867	3%	Asset Management Project - 32	1,996,660	1,763,533	233,127	13%	1,591,380	405,280	25%
261,458	236,397	25,060	11%	Asset Management Project - 33	1,593,417	1,180,619	412,798	35%	1,171,440	421,976	36%
357,585	382,213	(24,628)	-6%	Asset Management Project - 34	1,824,336	1,900,082	(75,746)	-4%	1,829,085	(4,749)	0%
394,388	441,484	(47,096)	-11%	Asset Management Project - 35	2,048,329	2,207,422	(159,093)	-7%	2,034,206	14,124	1%
182,137	224,903	(42,766)	-19%	Asset Management Project - 37	942,946	1,124,516	(181,570)	-16%	883,749	59,197	7%
210,463	210,235	228	0%	Asset Management Project - 38	1,070,142	1,051,458	18,685	2%	974,267	95,876	10%
140,798	169,465	(28,667)	-17%	Asset Management Project - 39	749,453	846,479	(97,026)	-11%	707,805	41,648	6%
167,290	172,889	(5,599)	-3%	Asset Management Project - 40	865,539	864,445	1,094	0%	683,282	182,257	27%
123,550	147,446	(23,896)	-16%	Asset Management Project - 43	648,836	737,231	(88,395)	-12%	623,429	25,407	4%
186,158	178,474	7,683	4%	Asset Management Project - 44	899,505	897,148	2,357	0%	942,960	(43,455)	-5%
151,050	140,603	10,447	7%	Asset Management Project - 45	751,630	702,411	49,219	7%	654,200	97,430	15%
65,120	74,156	(9,036)	-12%	Asset Management Project - 46	325,021	369,553	(44,531)	-12%	298,882	26,139	9%
104,951	117,608	(12,657)	-11%	Asset Management Project - 49	528,365	588,040	(59,675)	-10%	493,726	34,639	7%
86,159	89,343	(3,184)	-4%	Asset Management Project - 50	424,559	446,714	(22,154)	-5%	440,960	(16,401)	-4%
$ 3,419,058	3,552,955	(133,897)	-4%	Total Revenues	$ 18,342,248	17,760,980	581,268	3%	16,516,986	1,825,262	11%
				NET INCOME(LOSS)							
(78,654)	(15,404)	(63,250)	-411%	Asset Management Project - 30	148,931	30,108	118,823	395%	79,218	69,713	88%
75,416	9,223	66,193	718%	Asset Management Project - 31	865,351	16,018	849,332	5302%	6,120	859,230	14039%
12,242	(8,329)	20,571	247%	Asset Management Project - 32	311,678	(16,734)	328,411	1963%	(318,096)	629,774	198%
48,763	(85)	48,848	57780%	Asset Management Project - 33	354,720	1,620	353,099	21793%	(50,013)	404,732	809%
58,487	24,679	33,809	137%	Asset Management Project - 34	207,443	46,447	160,996	347%	327,378	(119,935)	-37%
13,501	166	13,336	8056%	Asset Management Project - 35	296,253	10,663	285,590	2678%	420,845	(124,592)	-30%
1,565	(18,838)	20,403	108%	Asset Management Project - 37	130,879	(107,783)	238,661	221%	125,601	5,278	4%
19,439	5,223	14,216	272%	Asset Management Project - 38	37,464	(4,946)	42,409	858%	74,288	(36,824)	-50%
12,565	(13,778)	26,342	191%	Asset Management Project - 39	64,441	(62,116)	126,558	204%	15,290	49,151	321%
18,143	1,835	16,308	889%	Asset Management Project - 40	(5,669)	9,587	(15,255)	-159%	(117,683)	112,015	95%
(20,769)	3,191	(23,960)	-751%	Asset Management Project - 43	1,238	15,954	(14,717)	-92%	6,366	(5,128)	-81%
23,749	(145)	23,893	16527%	Asset Management Project - 44	101,999	(10,417)	112,416	1079%	199,964	(97,965)	-49%
35,340	13,764	21,577	157%	Asset Management Project - 45	98,093	32,381	65,713	203%	56,338	41,756	74%
(2,057)	8,422	(10,479)	-124%	Asset Management Project - 46	(14,069)	(15,280)	1,211	8%	(9,885)	(4,184)	-42%
8,889	(4,135)	13,024	315%	Asset Management Project - 49	6,831	(19,453)	26,284	135%	4,802	2,029	42%
24,549	4,031	20,518	509%	Asset Management Project - 50	98,912	20,595	78,317	380%	122,536	(23,625)	-19%
$ 251,168	9,821	241,347	2458%	Total Net Income(Loss)	$ 2,704,494	(53,355)	2,757,848	5169%	943,068	1,761,425	187%

HAWAII PUBLIC HOUSING AUTHORITY
Housing Choice Voucher Program
Actual vs Budget Comparison
For the Month of November 2015, and the 5 Months ended November 30, 2015
(Amounts in Full Dollars)

Month of November 2015					Year to Date ended November 30, 2015						
		Variance					Variance			Variance	
Actual	Budget	Amount	%		Actual	Budget	Amount	%	Prior Year	Amount	%
				REVENUES							
-	-	-	0%	Dwelling Rental Income	-	-	-	0%	-	-	0%
2,343,218	2,621,919	(278,701)	-11%	HUD Operating Subsidies	11,914,824	13,109,597	(1,194,773)	-9%	10,791,504	1,123,320	10%
-	-	-	0%	CFP Grant Income	-	-	-	0%	-	-	0%
-	-	-	0%	COCC Fee Income	-	-	-	0%	-	-	0%
-	-	-	0%	Grant Income	-	-	-	0%	-	-	0%
6,525	57,606	(51,081)	-89%	Other Income	48,081	288,030	(239,949)	-83%	44,164	3,917	9%
$ 2,349,743	2,679,525	(329,782)	-12%	**Total Revenues**	$ 11,962,905	13,397,627	(1,434,721)	-11%	10,835,668	1,127,237	10%
				EXPENSES							
86,186	160,637	74,451	46%	Administrative	517,201	692,571	175,369	25%	441,972	(75,230)	-17%
-	-	-	0%	Asset Management Fees	-	-	-	0%	-	-	0%
25,440	23,270	(2,170)	-9%	Management Fees	125,556	116,350	(9,206)	-8%	115,404	(10,152)	-9%
15,900	14,550	(1,350)	-9%	Bookkeeping Fees	78,473	72,750	(5,723)	-8%	72,128	(6,345)	-9%
2,233,991	2,487,654	253,663	10%	Housing Assistance Payments	11,422,830	12,438,270	1,015,440	8%	9,822,975	(1,599,854)	-16%
13,029	19,155	6,126	32%	Tenant Services	54,712	95,775	41,063	43%	81,429	26,718	33%
1,157	4,300	3,143	73%	Utilities	7,109	21,500	14,391	67%	21,979	14,869	68%
-	1,710	1,710	100%	Maintenance	2,783	7,950	5,167	65%	4,667	1,884	40%
67	60	(7)	-12%	Protective Services	336	300	(36)	-12%	269	(67)	-25%
257	420	163	39%	Insurance	1,300	2,100	800	38%	2,066	766	37%
3,305	8,300	4,995	60%	General Expenses	26,373	41,500	15,127	36%	36,731	10,358	28%
2,379,332	2,720,056	340,724	13%	**Total Expenses**	12,236,673	13,489,066	1,252,393	9%	10,599,620	(1,637,053)	-15%
$ (29,589)	(40,530)	10,941	27%	**Net Income(Loss)**	$ (273,767)	(91,439)	(182,328)	-199%	236,049	(509,816)	-216%
				CASH BASIS:							
(29,589)	(40,530)	10,941	27%	Net Income(loss) per Above	(273,767)	(91,439)	(182,328)	-199%	236,049	(509,816)	-216%
				Add back non cash items:							
-	-	-	0%	Depreciation Expense	-	-	-	0%	-	-	0%
-	-	-	0%	Bad Debt Expense	-	-	-	0%	-	-	0%
$ (29,589)	(40,530)	10,941	27%	**TOTAL CASH BASIS**	$ (273,767)	(91,439)	(182,328)	-199%	236,049	(509,816)	-216%

HAWAII PUBLIC HOUSING AUTHORITY
State Low Rent
Actual vs Budget Comparison
For the Month of November 2015, and the 5 Months ended November 30, 2015
(Amounts in Full Dollars)

Month of November 2015					Year to Date ended November 30, 2015						
		Variance					Variance			Variance	
Actual	Budget	Amount	%		Actual	Budget	Amount	%	Prior Year	Amount	%
				REVENUES							
92,466	92,175	291	0%	Dwelling Rental Income	467,144	460,875	$ 6,269	1%	421,659	$ 45,485	11%
-	-	-	0%	HUD Operating Subsidies	-	-	-	0%	-	-	0%
-	-	-	0%	CFP Grant Income	-	-	-	0%	-	-	0%
-	-	-	0%	COCC Fee Income	-	-	-	0%	-	-	0%
-	3,700	(3,700)	-100%	State CIP Fund	-	18,500	(18,500)	-100%	44,020	(44,020)	-100%
190,990	100,001	90,989	91%	Grant Income	623,056	500,005	123,051	25%	-	623,056	100%
(819)	4,090	(4,909)	-120%	Other Income	18,124	20,590	(2,466)	-12%	76,896	(58,772)	-76%
$ 282,637	**199,966**	**82,671**	**41%**	**Total Revenues**	**$ 1,108,324**	**999,970**	**108,354**	**11%**	**542,575**	**565,749**	**104%**
				EXPENSES							
23,204	30,429	7,225	24%	Administrative	125,620	142,256	16,635	12%	123,688	(1,933)	-2%
-	-	-	0%	Asset Management Fees	-	-	-	0%	-	-	0%
15,252	16,123	871	5%	Management Fees	75,575	80,615	5,040	6%	79,513	3,938	5%
1,830	1,936	106	5%	Bookkeeping Fees	9,068	9,680	613	6%	9,540	473	5%
-	-	-	0%	Housing Assistance Payments	-	-	-	0%	-	-	0%
440	-	(440)	-100%	Tenant Services	440	-	(440)	-100%	-	(440)	-100%
55,438	70,448	15,010	21%	Utilities	309,358	352,240	42,882	12%	334,447	25,090	8%
56,133	76,444	20,310	27%	Maintenance	262,257	391,274	129,017	33%	266,378	4,121	2%
-	-	-	0%	Protective Services	-	-	-	0%	241	241	100%
3,171	3,280	109	3%	Insurance	15,768	16,401	632	4%	14,091	(1,677)	-12%
76,880	76,879	(1)	0%	Depreciation Expense	384,400	384,395	(5)	0%	384,395	(5)	0%
760	800	40	5%	Bad Debt Expense	3,800	4,000	200	5%	-	(3,800)	-100%
-	-	-	0%	General Expenses	-	-	-	0%	-	-	0%
233,108	**276,339**	**43,230**	**16%**	**Total Expenses**	**1,186,285**	**1,380,860**	**194,575**	**14%**	**1,212,292**	**26,007**	**2%**
$ 49,529	**(76,373)**	**125,901**	**165%**	**Net Income(Loss)**	**$ (77,961)**	**(380,890)**	**302,929**	**80%**	**(669,717)**	**591,756**	**88%**
				CASH BASIS:							
49,529	**(76,373)**	**125,901**	**165%**	**Net Income(loss) per Above**	**(77,961)**	**(380,890)**	**302,929**	**80%**	**(669,717)**	**591,756**	**88%**
				Add back non cash items:							
76,880	76,879	1	0%	Depreciation Expense	384,400	384,395	5	0%	384,395	5	0%
760	800	(40)	-5%	Bad Debt Expense	3,800	4,000	(200)	-5%	-	3,800	100%
$ 127,169	**1,306**	**125,862**	**9636%**	**TOTAL CASH BASIS**	**$ 310,239**	**7,505**	**302,734**	**4034%**	**(285,322)**	**595,561**	**209%**

HAWAII PUBLIC HOUSING AUTHORITY
State Elderly Program
Actual vs Budget Comparison
For the Month of November 2015, and the 5 Months ended November 30, 2015
(Amounts in Full Dollars)

Month of November 2015					Year to Date ended November 30, 2015						
		Variance					Variance			Variance	
Actual	Budget	Amount	%		Actual	Budget	Amount	%	Prior Year	Amount	%
				REVENUES							
171,949	169,245	2,704	2%	Dwelling Rental Income	851,879	846,225	$ 5,654	1%	846,064	5,815	1%
-	-	-	0%	HUD Operating Subsidies	-	-	-	0%	-	-	0%
-	-	-	0%	CFP Grant Income	-	-	-	0%	-	-	0%
-	-	-	0%	COCC Fee Income	-	-	-	0%	-	-	0%
3,176	2,600	576	22%	State CIP Fund	12,271	13,000	(729)	-6%	3,112	9,159	294%
23,878	150,000	(126,122)	-84%	Grant Income	111,801	750,000	(638,199)	-85%	-	111,801	100%
1,569	7,465	(5,896)	-79%	Other Income	28,173	37,325	(9,152)	-25%	142,546	(114,373)	-80%
$ 200,573	329,310	(128,737)	-39%	Total Revenues	$ 1,004,124	1,646,550	(642,426)	-39%	991,722	12,402	1%
				EXPENSES							
43,086	50,500	7,414	15%	Administrative	214,344	252,500	38,156	15%	101,417	(112,928)	-111%
-	-	-	0%	Asset Management Fees	-	-	-	0%	-	-	0%
35,381	35,631	250	1%	Management Fees	176,216	178,155	1,939	1%	177,216	1,000	1%
4,245	2,227	(2,018)	-91%	Bookkeeping Fees	21,143	11,135	(10,008)	-90%	21,263	120	1%
-	-	-	0%	Housing Assistance Payments	-	-	-	0%	-	-	0%
-	700	700	100%	Tenant Services	-	3,500	3,500	100%	-	-	0%
95,132	121,185	26,053	21%	Utilities	511,945	605,925	93,980	16%	600,707	88,761	15%
65,900	97,181	31,281	32%	Maintenance	363,561	485,905	122,344	25%	485,109	121,547	25%
43	575	532	93%	Protective Services	215	2,875	2,660	93%	172	(43)	-25%
8,220	9,881	1,661	17%	Insurance	40,928	49,405	8,477	17%	43,039	2,111	5%
118,314	118,314	-	0%	Depreciation Expense	591,570	591,570	-	0%	591,570	-	0%
759	800	41	5%	Bad Debt Expense	3,795	4,000	205	5%	-	(3,795)	-100%
-	-	-	0%	General Expenses	-	-	-	0%	-	-	0%
371,079	436,994	65,915	15%	Total Expenses	1,923,716	2,184,970	261,253	12%	2,020,491	96,774	5%
$ (170,506)	(107,684)	(62,823)	-58%	Net Income(Loss)	$ (919,593)	(538,420)	(381,173)	-71%	(1,028,769)	109,176	11%
				CASH BASIS:							
(170,506)	(107,684)	(62,823)	-58%	Net Income(loss) per Above	(919,593)	(538,420)	(381,173)	-71%	(1,028,769)	109,176	11%
				Add back non cash items:							
118,314	118,314	-	0%	Depreciation Expense	591,570	591,570	-	0%	591,570	-	0%
759	800	(41)	-5%	Bad Debt Expense	3,795	4,000	(205)	-5%	-	3,795	100%
$ (51,433)	11,430	(62,864)	-550%	TOTAL CASH BASIS	$ (324,228)	57,150	(381,378)	-667%	(437,199)	112,971	26%

HAWAII PUBLIC HOUSING AUTHORITY
State Rent Supplement Program
Actual vs Budget Comparison
For the Month of November 2015, and the 5 Months ended November 30, 2015
(Amounts in Full Dollars)

Month of November 2015					Year to Date ended November 30, 2015						
		Variance					Variance			Variance	
Actual	Budget	Amount	%		Actual	Budget	Amount	%	Prior Year	Amount	%
				REVENUES							
-	-	-	0%	Dwelling Rental Income	-	-	-	0%	-	-	0%
-	-	-	0%	HUD Operating Subsidies	-	-	-	0%	-	-	0%
-	-	-	0%	CFP Grant Income	-	-	-	0%	-	-	0%
-	-	-	0%	COCC Fee Income	-	-	-	0%	-	-	0%
159,663	87,994	71,669	81%	Grant Income	399,158	439,970	(40,812)	-9%	274,797	124,361	45%
-	-	-	0%	Other Income	-	-	-	0%	-	-	0%
$ 159,663	87,994	71,669	81%	Total Revenues	$ 399,158	439,970	(40,812)	-9%	274,797	124,361	45%
				EXPENSES							
4,562	7,212	2,650	37%	Administrative	32,777	36,060	3,283	9%	30,196	(2,581)	-9%
-	-	-	0%	Asset Management Fees	-	-	-	0%	-	-	0%
510	-	(510)	-100%	Management Fees	2,211	-	(2,211)	-100%	2,415	204	8%
320	-	(320)	-100%	Bookkeeping Fees	1,386	-	(1,386)	-100%	1,513	128	8%
38,029	65,000	26,971	41%	Housing Assistance Payments	156,758	325,000	168,242	52%	195,902	39,144	20%
-	-	-	0%	Tenant Services	-	-	-	0%	-	-	0%
-	625	625	100%	Utilities	41	3,125	3,084	99%	3,226	3,184	99%
-	240	240	100%	Maintenance	227	1,320	1,093	83%	1,159	932	80%
-	-	-	0%	Protective Services	-	-	-	0%	-	-	0%
-	-	-	0%	Insurance	-	-	-	0%	-	-	0%
-	-	-	0%	General Expenses	-	-	-	0%	-	-	0%
43,421	73,077	29,656	41%	Total Expenses	193,399	365,505	172,106	47%	234,411	41,012	17%
$ 116,243	14,917	101,326	679%	Net Income(Loss)	$ 205,759	74,465	131,294	176%	40,386	165,373	409%
				CASH BASIS:							
116,243	14,917	101,326	679%	Net Income(loss) per Above	205,759	74,465	131,294	176%	40,386	165,373	409%
				Add back non cash items:							
-	-	-	0%	Depreciation Expense	-	-	-	0%	-	-	0%
-	-	-	0%	Bad Debt Expense	-	-	-	0%	-	-	0%
$ 116,243	14,917	101,326	679%	TOTAL CASH BASIS	$ 205,759	74,465	131,294	176%	40,386	165,373	409%

HAWAII PUBLIC HOUSING AUTHORITY
Section 8 Contract Administration
Actual vs Budget Comparison
For the Month of November 2015, and the 5 Months ended November 30, 2015
(Amounts in Full Dollars)

Month of November 2015					Year to Date ended November 30, 2015						
		Variance					Variance			Variance	
Actual	Budget	Amount	%		Actual	Budget	Amount	%	Prior Year	Amount	%
				REVENUES							
-	-	-	0%	Dwelling Rental Income	-	-	-	0%	-	-	0%
2,635,766	2,573,064	62,702	2%	HUD Operating Subsidies	13,348,944	12,865,320	483,624	4%	12,841,944	507,000	4%
-	-	-	0%	CFP Grant Income	-	-	-	0%	-	-	0%
-	-	-	0%	COCC Fee Income	-	-	-	0%	-	-	0%
-	-	-	0%	Grant Income	-	-	-	0%	-	-	0%
16	15	1	5%	Other Income	79	75	4	5%	(84,112)	84,191	100%
$ 2,635,782	2,573,079	62,703	2%	**Total Revenues**	$ 13,349,023	12,865,395	483,628	4%	12,757,832	591,191	5%
				EXPENSES							
73,237	76,959	3,722	5%	Administrative	452,496	384,795	(67,701)	-18%	50,808	(401,688)	-791%
-	-	-	0%	Asset Management Fees	-	-	-	0%	-	-	0%
-	15,750	15,750	100%	Management Fees	-	78,750	78,750	100%	291,829	291,829	100%
-	1,875	1,875	100%	Bookkeeping Fees	-	9,375	9,375	100%	-	-	0%
2,539,402	2,476,700	(62,702)	-3%	Housing Assistance Payments	12,867,124	12,383,500	(483,624)	-4%	12,267,476	(599,647)	-5%
-	-	-	0%	Tenant Services	-	-	-	0%	-	-	0%
-	-	-	0%	Utilities	-	-	-	0%	-	-	0%
-	791	791	100%	Maintenance	-	3,955	3,955	100%	-	-	0%
-	-	-	0%	Protective Services	-	-	-	0%	-	-	0%
-	-	-	0%	Insurance	-	-	-	0%	-	-	0%
-	450	450	100%	General Expenses	10,256	2,250	(8,006)	-356%	2,553	(7,703)	-302%
2,612,638	2,572,525	(40,113)	-2%	**Total Expenses**	13,329,875	12,862,625	(467,250)	-4%	12,612,667	(717,209)	-6%
$ 23,143	554	22,589	4077%	**Net Income(Loss)**	$ 19,147	2,770	16,377	591%	145,165	(126,018)	-87%
				CASH BASIS:							
23,143	554	22,589	4077%	Net Income(loss) per Above	19,147	2,770	16,377	591%	145,165	(126,018)	-87%
				Add back non cash items:							
-	-	-	0%	Depreciation Expense	-	-	-	0%	-	-	0%
-	-	-	0%	Bad Debt Expense	-	-	-	0%	-	-	0%
$ 23,143	554	22,589	4077%	**TOTAL CASH BASIS**	$ 19,147	2,770	16,377	591%	145,165	(126,018)	-87%

HAWAII PUBLIC HOUSING AUTHORITY
Central Office Cost Center
Actual vs Budget Comparison
For the Month of November 2015, and the 5 Months ended November 30, 2015
(Amounts in Full Dollars)

Month of November 2015					Year to Date ended November 30, 2015						
		Variance					Variance			Variance	
Actual	Budget	Amount	%		Actual	Budget	Amount	%	Prior Year	Amount	%
				REVENUES							
-	-	-	0%	Dwelling Rental Income	-	-	-	0%	-	-	0%
7,035	-	7,035	100%	Ongoing Admin Fee Earned	14,069	-	14,069	100%	-	14,069	100%
-	168,397	(168,397)	-100%	CFP Grant Income	906,697	841,984	64,713	8%	-	906,697	100%
373,681	399,425	(25,744)	-6%	COCC Fee Income	1,866,124	1,997,125	(131,001)	-7%	1,889,043	(22,919)	-1%
-	-	-	0%	Grant Income	64,205	1,168,747	(1,104,542)	-95%	-	64,205	100%
259,431	258,186	1,245	0%	Other Income	1,132,439	1,312,230	(179,791)	-14%	1,341,662	(209,223)	-16%
$ 640,147	826,008	(185,861)	-23%	**Total Revenues**	$ 3,983,534	5,320,086	(1,336,552)	-25%	3,230,705	752,829	23%
				EXPENSES							
601,830	771,294	169,464	22%	Administrative	3,191,208	3,744,561	553,352	15%	3,332,640	141,432	4%
-	-	-	0%	Asset Management Fees	-	-	-	0%	-	-	0%
-	-	-	0%	Management Fees	-	-	-	0%	-	-	0%
-	-	-	0%	Bookkeeping Fees	-	-	-	0%	-	-	0%
-	-	-	0%	Housing Assistance Payments	-	-	-	0%	-	-	0%
134	640	506	79%	Tenant Services	297	3,200	2,903	91%	346	50	14%
8,654	12,105	3,451	29%	Utilities	51,272	60,525	9,253	15%	50,936	(336)	-1%
384,053	255,188	(128,865)	-50%	Maintenance	1,342,301	1,286,107	(56,194)	-4%	1,193,404	(148,897)	-12%
1,170	785	(386)	-49%	Protective Services	4,617	3,923	(694)	-18%	3,818	(799)	-21%
2,407	3,391	984	29%	Insurance	17,945	16,955	(990)	-6%	17,986	40	0%
4,013	4,013	-	0%	Depreciation Expense	20,065	20,065	-	0%	8,155	(11,910)	-146%
98,259	5,282	(92,977)	-1760%	General Expenses	119,993	52,010	(67,983)	-131%	233,434	113,441	49%
1,100,521	1,052,698	(47,823)	-5%	**Total Expenses**	4,747,698	5,187,346	439,648	8%	4,840,719	93,020	2%
$ (460,374)	(226,690)	(233,683)	-103%	**Net Income(Loss)**	$ (764,164)	132,740	(896,904)	-676%	(1,610,013)	845,849	53%
				CASH BASIS:							
(460,374)	(226,690)	(233,683)	-103%	Net Income(loss) per Above	(764,164)	132,740	(896,904)	-676%	(1,610,013)	845,849	53%
				Add back non cash items:							
4,013	4,013	-	0%	Depreciation Expense	20,065	20,065	-	0%	8,155	11,910	146%
-	-	-	0%	Bad Debt Expense	-	-	-	0%	-	-	0%
$ (456,361)	(222,677)	(233,683)	-105%	**TOTAL CASH BASIS**	$ (744,099)	152,805	(896,904)	-587%	(1,601,858)	857,759	54%

III. Contract & Procurement Office

A. Solicitation(s) Issued in December 2015:

Solicitation No.	Title	Due Date
IFB PMB-2015-25	Furnish Laundry Services for Asset Management Project 34 on the Island of Oahu	January 7, 2016
RFP PMB-2015-22	Property Management, Maintenance, and Resident Services for Federal Low-Income Public Housing Properties Under Asset Management Project 43 on the Island of Hawaii	January 19, 2016
n/a	Notice to Providers of Professional Services for State Capital Improvement Program & Federal Capital Fund Program Projects for FY 2015-2016 *Notice will remain posted until June 30, 2016	January 25, 2016
RFP ITO-2015-05	Website Redesign Services for the Hawaii Public Housing Authority	February 4, 2016

B. Protest(s) Resolved in December 2015:

Solicitation No./Title	Protester	Status
IFB PMB-2015-11; Furnish Security Services at Various Public Housing Properties (Asset Management Projects 31, 32, 35) on the Island of Oahu	American Guard Services, Inc.	Protest Denied on December 29, 2015; Services to be Re-Solicited

C. Contract(s) Executed in December 2015:

Contract No.	Contractor & Description	Amount
CMS 15-22	**Lyon Associates, Inc.** Provide Design and Consultant Services for Sewer, Drainage, and Site Repairs at Maili II (AMP 44) on the Island of Oahu End Date: 680 Calendar Days from Notice to Proceed	Total Amount: $28,615.00

C. Contract(s) Executed in December 2015 (cont.):

Contract No.	Contractor & Description	Amount
CMS 15-15-SC02	**P&T Solar Company, Ltd. dba Poncho's Solar Service** No-Cost Extension of Time of 60 Calendar Days for Water Tank Replacement and Solar Hot Water Heating System Repair at Waipahu I (AMP 30) on the Island of Oahu Completion Date: February 15, 2016	Suppl Amount: n/a Total Amount: $158,500.00
CMS 14-34-SC01	**Kone, Inc.** Continue to Provide Preventive Maintenance Services to Elevators at Salt Lake Apartments (AMP 30), Kalakaua Homes, Makua Alii, and Paoakalani (AMP 34), Pumehana, Punchbowl Homes, Makamae and Kalanihuia (AMP 35) on the Island of Oahu Completion Date: June 16, 2016	Suppl Amount: $31,440.00 Total Amount: $93,332.00
CMS 14-30-CO05	**Diede Construction, Inc.** Provide Additional Labor, Material, and Equipment and Reduction in Scope of Services for Modernization at Mayor Wright Homes (AMP 32) on the Island of Oahu Completion Date: July 21, 2016	Suppl Amount: ($19,205.47) Credit Total Amount: $4,968,406.62
CMS 14-17-SC02	**Coastal Construction Co., Inc.** Amend the Compensation and Payment Schedule to Remove the Federal Funds and Replace with State Funds for the Replacement of Water Lines and Installation of Solar Hot Water Heating Systems at Noelani I and Noelani II (AMP 46) on the Island of Hawaii Completion Date: April 16, 2016	Suppl Amount: n/a Total Amount: $2,912,257.76
CMS 14-10-SC03	**Heartwood Pacific, LLC** Provide Additional Labor, Material, and Equipment for Site and Building Improvements at Pomaikai (AMP 37) on the Island of Hawaii Completion Date: January 26, 2016	Suppl Amount: $124,225.00 Total Amount: $3,362,869.00

C. Contract(s) Executed in December 2015 (cont.):

Contract No.	Contractor & Description	Amount
CMS 13-23-SC03	**Architects Hawaii, Ltd.** Provide Additional Design and Consultant Services for Accessibility and Site Improvements at Koolau Village, Hookipa Kahaluu, and Kauhale Ohana (AMP 45) on the Island of Oahu End Date: February 17, 2017	Suppl Amount: $33,420.37 Total Amount: $1,648,617.32
CMS 13-05-SC03	**The Limtiaco Consulting Group, Inc.** Provide Additional Design and Consultant Services for Sewer Improvements and Electrical Upgrades to Kapaa (AMP 38) on the Island of Kauai End Date: November 6, 2016	Suppl Amount: $8,542.93 Total Amount: $206,164.08
CMS 12-11-SC02	**INK ARCH, LLC** Provide Additional Design and Consultant Services for Fair Housing Renovations at Lanakila Homes (AMP 37) on the Island of Hawaii End Date: February 18, 2017	Suppl Amount: $23,760.00 Total Amount: $157,699.75
CMS 08-17-SC07	**Architects Pacific, Inc.** Provide Additional Design and Consultant Services for Building Improvements Hale Poai (MU 42) on the Island of Oahu End Date: August 15, 2016	Suppl Amount: $17,130.00 Total Amount: $578,997.00
ITO 15-01	**Emphasys Computer Solutions, Inc.** Provision of Emphasys Elite Software Maintenance, Technical and Training Support Services End Date: June 30, 2016	Total Amount: $87,857.50
PMB 14-10-SC02	**Pacific Waste, Inc.** Continue to Furnish Refuse Collection Services for AMP 37 and AMP 43on the Island of Hawaii End Date (AMP 37): June 30, 2016 End Date (AMP 43): March 31, 2016	Suppl Amount: $72,441.38 Total Amount: $328,181.76
PMB 12-12-SC04	**Lions' Cleaning & Maintenance, Inc.** Continue to Furnish Custodial Services for the HPHA's Administrative Offices on the Island of Oahu End Date: April 30, 2016	Suppl Amount: $21,507.84 Total Amount: $225,13.74

D. Planned Solicitation/Contract Activities for January/February 2016

Solicitation(s):

- Re-issue Invitation-for-Bids for Security Services for AMP 31, AMP 32, and AMP 35 on the Island of Oahu.

- Issue Invitation-for-Bids for Custodial Services for the HPHA's Administrative Offices.

- Issue Invitation-for-Bids for Laundry Services for AMP 38 on the Island of Kauai.

- Issue Invitation-for-Bids for New Maintenance Vehicles for the HPHA's Multi-Skilled Workers Pilot Program on the Island of Oahu and AMP 37 on the Island of Hawaii.

- Issue Request-for-Proposals for Property Management, Maintenance, and Resident Services for AMP 46 on the Island of Hawaii.

- Issue Request-for-Proposals for Property Management and Maintenance Services for Ke Kumu Ekahi on the Island of Hawaii.

Contract(s)

- Execute Contract to Provide Tenant Re-Certification Services under the Federal Low Income Public Housing Program on the Island of Oahu.

- Execute Contract to Provide Laundry Services at AMP 39 on the Island of Molokai.

- Execute Supplemental Contracts to Continue Property Management, Maintenance and Resident Services for AMP 44, AMP 45 and MU 42 on the Island of Oahu.

- Execute Supplemental Contract to Continue Property Management and Maintenance Services for the Ka Hale O Kamehaikana Community Resource Center on the Island of Oahu.

- Execute Supplemental Contract to Continue Refuse Collection Services at AMP 46 on the Island of Hawaii.

Pages 237-239 were removed because they were duplicates.

IV. Property Management and Maintenance Services

A. Total Move Ins for December : 50 units
Vacancies: 51 units
Net gain/loss: -1 units

B. Formal Grievance Hearings

Island	Federal Public Housing (number of cases heard) for December	Type of Grievance Hearing Request
Oahu	6	Repeated incidents of domestic violence, grieve reasonable accommodation request denial, failure to attend 3 scheduled annual re-examination appointments, unauthorized guests, drinking on the project and miscalculation of rent.
Hilo	1	Physical violence towards staff

The formal grievance process continues to be essential in affording our tenants an opportunity for a fair hearing when the tenant disputes HPHA's action or failure to act, involving the tenant's rental agreement with the HPHA, or HPHA's regulations which adversely affects the individual tenant's rights, duties, welfare or status.

HPHA received 4 grievance hearing requests in the month of December 2015.

C. Hearings/Evictions

14 Eviction cases heard for the month of December 2015, for rent, non-rent, criminal activities and other violations.

D. Program Activities

1. PMMSB is continuing to focus on filling our vacant units to achieve HPHA's goal of 98% occupancy. PMMSB sent out letters to the first 331 applicants from the HPHA's public housing preference waitlist and conducted a mass qualification meeting on Tuesday, December 22, 2015. The applicants that were interviewed and qualify will be offered a unit based on their geographical choice.

70	Attended the meeting
39	Interviewed
59	Did not meet the preference, were in the wrong bedroom size or requested to change their geographical area (contact by phone/attendees)
20	Pending preference verification, called to reschedule
182	No response to contact letter sent

2. PMMSB staff is providing continuous technical support to AMP managers and residents to implement a resident association at each of their properties.

3. PMMSB and the AMP staff are encouraging residents to be safety conscious when using electricity such as not overloading wall outlets or power strips; replace worn, old or damaged extension cords; properly plug large or small appliances directly into its own outlet; and use light bulbs that match the recommended wattage on the lamp or fixture. A notice on the "dos and don'ts" of electrical fire safety tips are being distributed with the January monthly rent statement.

4. PMMSB sent notices to our residents on December 29, 2015, to solicit comments on the proposed changes to the new rental agreement. HPHA will review these comments at the end of the comment period prior to the adoption and implementation of a new rental agreement.

5. PMMSB is working closely with Personnel on our ongoing recruitment for Program Specialists to help strengthen and streamline our operations.

6. PMMSB is continuing to provide technical support with IT and EmPhasys with the setup of the Elite WebApp and Applicant Portal to allow easy access for potential future applicants.

7. The Family Self-Sufficiency (FSS) program has 18 Federal Low-Income Public Housing residents enrolled in the program, with only 11 active escrow accounts. A total escrow deposit for the month of November was $2,820.00.

8. The AMP staff continues to work hand-in-hand with Aloha Harvest and Ohana Produce Food Bank to provide food products to our residents to help supplement their monthly food supply. Toys for Tots and Habilitat provided toys and Christmas trees/wreaths to the Kalihi Valley Homes residents.

E. Planned Activities for January 2016

1. The Resident Advisory Board (RAB) is scheduled to meet on Friday, January 8, 2016. Topics for discussion will be the HPHA Public Housing Agency (PHA) FY 2016 Annual Plan, election of a Chairperson and proposed changes to the RAB Administrative Rules 15-181.

2. HPHA continues to focus on improving our REAC scores and Property Management Specialists have been diligently working with the AMP staff by providing guidance and technical support to minimize point deductions.

4. PMMSB staff will be participating in a Job Fair slated for Saturday, January 9, 2016. HPHA anticipates filling vacant positions in property management to better manage the program.

V. Construction Management Branch

A. Program Activities and Major Projects

1. Lanakila Homes

   a. Demolition of Phase IIIb (HA 1005) & IV (HA 1004) – The consultant has taken additional samples of the soil from the Phase IIIB site in order establishing the requirements for the soil mitigation plan per the Hazard Evaluation and Emergency Response (HEER) Office of the Department of Health (DOH). The laboratory testing of the samples have been completed and the results will be forwarded to the HEER Office for their review. The HEER Office will then determine the extent and requirements of the soil mitigation plan for Phase IIIB. The HEER Office may take several weeks to respond.

   b. Fair Housing Improvements at Lanakila Homes (HA 1004) – The plans and specifications have been completed and has been submitted for building permit review. The County of Hawaii has requested plot maps of the parking areas and the roadways before the transfer can take place from the County of Hawaii to the Hawaii Public Housing Authority (HPHA). HPHA is under consultant contract to provide the maps as requested. The consultant is in the process of surveying the site for the preparation of the plot maps needed for the transfer.

2. Palolo Valley Homes Major Modernization

a. A period of sunny weather allowed a major portion of the site work to be completed after heavy rains at Palolo Valley Homes continued to push back the construction schedule earlier in the month. Another delay occurred when HECO denied HPHA's request for power on Buildings 18 and 19 that were nearing connection. Even though the plans are the same as Building 16 and 17 (which is part of this current phase) and were previously approved by HECO, HECO is now stating that if there are less than 7 individual meters at a building, the main shut off box needs to be at the transformer vs the building. HECO stated that the wiring needs to be adjusted. The new consultant on board worked on a compromise solution that was just approved. A change order will be issued to address this change. This will however delay the completion of Building 18 and 19 to the middle of February. Work on Buildings 14 and 15 (12 units) will follow after completion of Buildings 18 and 19. The overall completion date is estimated at August 2016.

3. Mayor Wright Homes Exterior & Interior Repairs and Site Improvements

   a. 36 of 78 unit bathrooms have been renovated; exterior concrete spall repairs are close to complete; stairwell roof replacement is completed; selective sections of concrete walkways have been replaced; mailboxes have been installed in front of administrative building.

   b. Upcoming Work: Asphalt repaving of parking stalls; repair selective solar hot water systems; installation of playground.

4. Maintenance to Elevators

   a. <u>16 Federal Elevators Maintenance and Repairs (Kone, Inc.)-Contractor</u>:
      1. On November 23, 2015 two elevators at Punchbowl, one elevator at Pumehana and one elevator at Kalakaua were out of service because of the heavy rains and high humidity which caused moisture to build-up and damage the circuit boards and other electronic components at elevators' control cabinet. When contractor installed the spare part circuit boards they were damaged as well because of unseen moisture behind the board. All parts were ordered.

         - On November 25, 2015 morning, contractor was able to put one elevator Punchbowl and Pumehana back in service.
         - On December 3, 2015, contractor completed the repair to Kalakaua elevator and it was back in service.
         - On December 07, 2015, second car at Punchbowl was repaired and put back in service.

2. On December 11, 2015 one elevator at Pumehana was out of service because of another storm and high humidity. Contractor replaced damaged parts and elevator was back in service on December 24, 2015.

3. Maintenance service to all elevators is on schedule.

b. 10 State Elevators Maintenance and Repairs (Schindler)-Contractor:
   1. Maintenance service to all elevators is on schedule.

5. Vacant Units Undergoing Modernization:

a. On-going construction and design continues on vacant units undergoing modernization (requiring work beyond that of routine maintenance and repairs) totaling 248 units of which 21 are State units and 227 are Federal units.

b. 1 Construction Management Branch (CMB) controlled vacant unit was completed in the month of December as part of a larger modernization project.

c. Status by County of Vacant Units under construction or design:
   1. O`ahu: 135 units total
      a) Demo/dispo: 4
      b) Under Construction: 121
      c) In Design/About to go out to bid: 10

   2. Hawai`i: 90 units total
      a) Demolished: 56
      b) Under Construction: 14
      c) In Design/About to go out to bid: 14
      d) To be demolished: 6

   3. Maui: 4 units total
      a) Under Construction: 4

   4. Molokai: 19 units total
      a. In Design/About to go out to bid: 19

B. State Capital Improvement Projects (CIP) & Federal Capital Fund Program (CFP)

1. HPHA is on track and working diligently to meet all Federal CFP and State CIP deadlines.

2. The next Federal obligation deadline is May 12, 2016 for the 2014 Capital Fund Program (CFP 724). HUD requires 90% obligation by the deadline HPHA's goal is to be at 92% obligation by the obligation deadline. HPHA is currently at 26% obligation.

3. The next Federal expenditure deadline is April 17, 2016 for the 2011 and 2012 Capital Fund Program (CFP 721 and CFP 722). Currently HPHA is at 98% expenditure.

4. The next State encumbrance deadline is June 30, 2016 for the State BY2013-2015 CIP. HPHA currently is at 93% encumbrance.

5. HUD recently created an online reporting for Section 3 Performance Evaluation and Registry System (SPEARS) to report hiring efforts of the low income population and businesses. HPHA successfully completed and filed the online report by the December 17, 2015 deadline.

6. On December 31, 2015, the HPHA successfully submitted the Energy Policy Act State and Alternative Fuel Fleet Provider Standard Compliance Report for Model Year 2015 of Alternative Fuel Vehicle Purchases electronically as required.

VI. Section 8 Subsidy Programs

HPHA manages the Housing Choice Voucher Program, Project Based Voucher Program, Veteran's Affairs Supportive Housing, Non-Elderly Disabled Vouchers, Performance Based Contract Administration, and State Rent Supplement Program.

A. Program Activities

1. Voucher activity for December 2015:

- In support of management's direction to increase the voucher lease up count, HPHA expended a total of $2,227,856 (105% of eligible HUD funds received) in housing assistance payments to private landlords on behalf of 2166 voucher holders in December 2015.

- Six families who received a Housing Choice Voucher (HCV) from the waitlist found rental units and moved into the unit in December 2015.

- HPHA expended $35,062 on behalf of 169 families served under the rent supplement program statewide in December 2015.

- As of December 2015, 377 veterans were assisted with Veterans Administration Supportive Housing Vouchers (VASH). Monetary assistance

was $300,186. Twelve veterans who were searching for a home found a rental unit and leased up. Eight veterans received VASH vouchers in December 2015 and are currently in housing search.

2. Voucher lease up activity for December 2015:

	December 2015		
Voucher Type	# leased	# of vacancies	# in housing search
Housing Choice Vouchers	6		83
VASH	12		64
Kuhio Park Towers	0	0	
Palolo Homes Project Based Section 8	0	0	
Port In (from other PHA)	1		3

3. Inspections update:

	December 2015
Housing Quality Standards (HQS) Inspections	155
HQS Failed Inspections	93
Quality Control Inspections	45

4. Family Self Sufficiency (FSS) Program

- The Family Self Sufficiency (FSS) program assisted 52 Section 8 clients in December 2015. There were 36 active escrow accounts with a total deposit of $4780 in December 2015. There is currently one ownership application pending.
-

VII. Compliance

A. Program Activities for December

- Approximately 42 tenant requests for reasonable accommodations under Section 504 of the Rehabilitation Act and the Fair Housing Act were processed and approved requests were for:

    a. Installation of air conditioning (11);

    b. Transfers to accessible or ground floor units (13);

    c. Transfers of unit for other reasons (2);

    d. Approval of assistance animals (5);

    e. Approval of live-in aide (5); and

f. Grab bars and other minor accessibility modifications (4).

- Sent to the United States Department of Housing and Urban Development, revised releases and declarations of trust for 14 federally assisted public housing properties;
- Drafted proposed changes to the Administrative Rules for the State Family and State Elderly Housing Program;
- Completed inventory of accessible units in public housing programs; and
- Compliance Secretary began employment.

B. Planned activities for January/February

- Coordinate staff training on the Language Access Action Plan;
- Continue to work on declarations of trust project by reviewing releases and declarations of trust forms for additional federally-assisted public housing properties for submission to the United States Department of Housing and Urban Development for execution;
- Recommend changes to Section 8 briefing packet and Administrative Plan based on recent changes to federal regulations;
- Work with the Fair Housing Coordinators of the Counties and Hawaii Housing Finance and Development Corporation to administer the joint procurement contract for the update to the fair housing analysis of impediments for the State of Hawaii;
- Complete administration of the contract with National Center for Housing Management for HPHA Self-evaluation and Transition Plan, by working with staff to finalize draft transition plans, and providing to and reviewing draft transition plans from the consultant to finalize the transition plan; and
- Continue to discuss and draft revisions to the Admissions and Continued Occupancy Policy for the Federally Assisted Low-income Public Housing Program for the Federally Assisted Low-income Public Housing Program to implement the approved changes to the Hawaii Administrative Rules.

VIII. Personnel

A. Summary of Staffing:

Filled positions (FTE):	266
Positions budgeted (recruit and fill)	45
Other vacancies	57

B. Program Activities:

1. First quarter HPHA Career Fair on January 9, 2016 promoting for exempt and civil services positions. Networked with military personnel, other State Departments, unemployment office, staffing agencies, university and colleges to post and communicate with faculty, student and staff members. Linked with local TV stations for a HPHA commercial and notices.
2. To attend Job Fair at Neal Blaisdell Center on January 27, 2016.
3. On-going effort in developing a training curriculum plan for the Public Housing Supervisors and Specialists series. Linked with several out-of-state Housing Authorities for options and suggestions in type of courses needed.
4. The agency received over 200 hours of donated vacation from our employees to assist fellow employees during their absences due to medical conditions.
5. Invited and solicited Leave Share Donations from HPHA employees to assist fellow employees who are suffering from medical conditions.
6. Workers Compensation: no report of injury in the month of December.
7. Multi skilled labor continued recruitment.