

HAWAII PUBLIC HOUSING AUTHORITY

SECTION 8 HOUSING CHOICE VOUCHER LANDLORD INCENTIVE PROGRAM  
RULES

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**§§8-1 Landlord incentive program.** The landlord incentive program under Act 215, Session Laws of Hawaii 2019, section 1, provides reimbursement to a landlord participating in the tenant-based assistance housing choice voucher program under Section 8 of the United States Housing Act of 1937 (42 U.S.C. § 1437f) for costs to repair tenant-caused property damage to the dwelling unit when repair costs exceed the tenant's security deposit. This program incentivizes landlords to participate in the Section 8 program by providing financial protection for the landlord. [Eff ] (Auth: HRS §356D-13, SLH 2019, Act 215, §1) (Imp: SLH 2019, Act 215, §1)

**§§8-2 Purpose.** These rules are adopted pursuant to Act 215, Session Laws of Hawaii 2019, section 1, to implement the landlord incentive program and shall govern the administration of this program. [Eff ] (Auth: HRS §356D-13, SLH 2019, Act 215, §1) (Imp: SLH 2019, Act 215, §1)

**§§8-3 Definitions.** The definitions set forth section 15-185-3 of Chapter 15-185, Section 8 - Housing Choice Voucher Program, are incorporated by reference and attached as Exhibit A, and are made a part of these rules, subject to the following additional definitions and amendments:

- (1) "Authority" means the Hawaii public housing authority, the successor to the housing and community development corporation of Hawaii and the Hawaii housing authority.
- (2) The definition of "board" is amended to read: "Board" means the board of directors of the Hawaii public housing authority.
- (3) The definition of "hanai children" is amended to read: "Hanai children" means a person or persons under eighteen years of age who is or are taken permanently to reside, be educated, and reared by someone other than the natural parents, traditionally a grandparent or other relative, with the written or unwritten permission of the natural parents.
- (4) The definition of "landlord" is amended to read: "Landlord" means the owner of the dwelling unit or agent of the landlord.
- (5) The definition of "participant" or "tenant" is amended to read: "Participant" or "tenant" means a family that has been admitted to the program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the authority for the family (first day of initial lease term).
- (6) The definition of "resident" is amended to read: "Resident" means a United States citizen or national, or an eligible immigrant under one of the categories set forth in 42 U.S.C. §1436a(a) (also known as "noncitizen") who is able to demonstrate his or her intent to reside in Hawaii. Under one of these categories, an eligible immigrant is an alien who is lawfully residing in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the government of the Republic of the Marshall Islands, the Federal States of Micronesia (48 U.S.C. 18901 note), and the Republic of Palau (48 U.S.C. 1931 note) while the applicable section is in effect, also known as "COFA" resident. Intent to reside in Hawaii may be demonstrated by the following: length of time spent in Hawaii; leasing or renting of a home in Hawaii; filing of personal Hawaii income tax returns; registering to vote in Hawaii; Hawaii driver's license; record of Hawaii motor vehicle registration; notification of hire to work in Hawaii; records of employment in Hawaii; military records substantiating Hawaii residency; 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.

- (7) "Tenant" or "participant" means a family that has been admitted to the program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the authority for the family (first day of initial lease term). [Eff \_\_\_\_\_] (Auth: HRS §356D-13, SLH 2019, Act 215, §1) (Imp: SLH 2019, Act 215, §1)

**§§8-4 Eligibility.** A landlord is eligible to participate in the landlord incentive program provided the landlord submits a claim to the authority within thirty calendar days of the tenant vacating the dwelling unit. [Eff \_\_\_\_\_] (Auth: HRS §356D-13, SLH 2019, Act 215, §1) (Imp: SLH 2019, Act 215, §1)

**§§8-5 Eligible expenses.** (a) After the tenant has vacated the dwelling unit, the authority may reimburse the landlord up to \$3,000 for verified costs to repair the tenant-caused property damage beyond normal wear and tear provided such costs exceed the security deposit.

(b) The authority may reduce the maximum possible reimbursement, suspend, or terminate the landlord incentive program based on the amount of funding available for this program. [Eff \_\_\_\_\_] (Auth: HRS §356D-13, SLH 2019, Act 215, §1) (Imp: SLH 2019, Act 215, §1)

**§§8-6 Submitting a claim.** (a) A landlord must submit a claim to the authority within thirty days following the date the tenant vacates the dwelling unit.

(b) A claim must include the following documentation:

- (1) Verification of initial security deposit received, including itemized deduction of costs for previous repairs, if any.
- (2) Statement reflecting tenant-caused damages beyond normal wear and tear, including a description of the damage;

- (3) Walk through check-list and time dated photographs taken at the time the tenant moved into the dwelling unit;
- (4) Walk through check-list and time dated photographs taken at the time the tenant vacated the dwelling unit;
- (5) Receipts, invoices, or other documentation that shows nature, extent, and cost of repairs; and
- (6) Statement by the landlord certifying that all damages to be reimbursed by the authority were caused by the tenant and are not the result of previously unrepaired dwelling unit deficiencies or normal wear and tear.

(c) Claims that exceed \$1,500 shall include an estimate from a licensed contractor setting forth the costs to repair the tenant-caused damages to the dwelling unit. If the landlord performs the repairs, the authority may provide reimbursements for only the materials used to repair the dwelling unit.

[Eff ] (Auth: HRS §356D-13, SLH 2019, Act 215, §1) (Imp: SLH 2019, Act 215, §1)

**§§8-7 Claim review and approval.** (a) The authority shall review all claims submitted by landlord on a case-by-case basis.

(b) Claims that exceed the security deposit but are \$1,500 or less may require an inspection of damages to the dwelling unit by the authority.

(c) For claims that exceed the security deposit and are in excess of \$1,500:

- (1) The authority shall schedule an inspection of the dwelling unit with the landlord to inspect reported damages and confirm the estimated cost of repairs;
- (2) The landlord shall schedule a follow-up inspection by the authority to show completion of the repairs and adherence to housing quality standards; and
- (3) The landlord must submit to the authority the final invoices to repair the dwelling unit within thirty days of completion of the work. Invoices must be submitted before a claim determination will be made.

(a) The authority shall provide the landlord with a copy of the inspection report.

(b) If the landlord requesting reimbursement has either not completed the repairs or has not followed up with the authority regarding the status of repairs within 90 days of submitting the claim, the claim will be denied.

(c) A claim or portion of a claim that cannot be verified by documentation or inspection will be denied.

(d) A claim that is completed and approved by the authority shall be paid within 30 days of approval.  
[Eff \_\_\_\_\_] (Auth: HRS §356D-13, SLH 2019, Act 215, §1) (Imp: SLH 2019, Act 215, §1)

**§§8-8 Continued tenant participation.** Following claim approval, the landlord shall allow applicants an opportunity to apply for the dwelling unit by first advertising the unit vacancy with the authority before advertising to the public for a minimum of 7 days. [Eff \_\_\_\_\_] (Auth: HRS §356D-13, SLH 2019, Act 215, §1) (Imp: SLH 2019, Act 215, §1)

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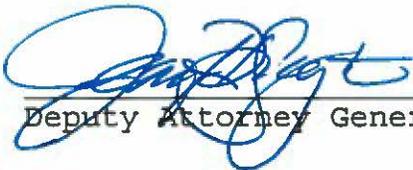
Section 8 Housing Choice Voucher Landlord Incentive Program Rules were adopted on February 20, 2020, by the Hawaii Public Housing Authority Board of Directors, and shall take effect immediately pursuant to Act 215, Session Laws of Hawaii 2019.



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ROBERT J. HALL, Chairperson  
Board of Directors  
Hawaii Public Housing  
Authority

APPROVED AS TO FORM:



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Deputy Attorney General