

Rules Amending Title 17  
Hawaii Administrative Rules

October 10, 2013

1. Chapter 2020 of Title 17, Hawaii Administrative Rules, entitled "Eviction - Practice and Procedure" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

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

CHAPTER 2020

EVICTIION - PRACTICE AND PROCEDURE

Subchapter 1 General Provisions

§17-2020-1	Purpose
§17-2020-2	Definitions
§17-2020-3	Communications
§17-2020-4	Asset limits
§17-2020-5	Grounds for termination of tenancy and eviction

Subchapter 2 Hearing Procedure

§17-2020-11	Notice of cause for cases referred for eviction [prior to July 1, 2012]
[§17-2020-12	Notice of cause for cases referred for eviction on or after July 1, 2012]
§17-2020-[13] <u>12</u>	Notice of hearing
§17-2020-[14] <u>13</u>	Request for subpoenas

Subchapter 3 Hearings

A. Conditions

§17-2020-21 Counsel  
§17-2020-22 Motions  
§17-2020-23 Waiver of procedure  
§17-2020-24 Records

B. Hearings

§17-2020-31 Eviction Board  
§17-2020-32 Default  
§17-2020-33 Curable and Non-Curable Violations

Subchapter 4 Appeals

§17-2020-41 Appeals of contested case hearings

Subchapter 5 Miscellaneous Provisions

§17-2020-51 Severability  
§17-2020-52 Number

Historical Note: Chapter 17-2020, Hawaii Administrative Rules, is substantially based upon chapter 17-2020, Hawaii Administrative Rules, [Eff 8/6/04; am and comp ], chapter 17-501, Hawaii Administrative Rules, [Eff 1/1/81; am and comp 5/26/98; R 10/25/99], and Chapter 15-182, Hawaii Administrative Rules. [Eff 10/25/99; R 8/6/04]

## SUBCHAPTER 1

### GENERAL PROVISIONS

§17-2020-1 Purpose. These rules shall govern the practice and procedure for terminating the tenancy of persons using or occupying any unit in a project owned or operated by the [housing and community development corporation of Hawaii] Hawaii public housing authority except for rental housing projects governed by [chapter 15-173] chapter 356D-44, HRS. These rules afford tenants an opportunity for a hearing if a tenant disputes any action by the [corporation] authority to evict the tenant from the tenant's unit. These rules shall be liberally construed to ensure that the rights of the parties are preserved in a just and timely resolution of every hearing.

[Eff 8/6/04; am and comp ] (Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 CFR §966.4; HRS §356D-98)

§17-2020-2 Definitions. [As used in these rules, except otherwise required by context:] Whenever used in this chapter, unless specifically defined:

"Agreement" means any lease, rental agreement, permit, or license covering the use and occupation of any unit or other premises owned or controlled by the [corporation.] authority.

"Alcohol abuse" means a tenant or any member of the tenant's household has engaged in abuse or [a] pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, or furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

"Authority" means the Hawaii public housing authority.

"Board" or "eviction board" means the board appointed by the authority to conduct eviction hearings and terminate rental agreements in accordance with this chapter.

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

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

"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[:

- (1) the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug; or
- (2) any illegal 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;]

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.

"Document" means written decisions, orders, and notices issued for the purposes of this chapter.

"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.

["Examiner" means a trial examiner, hearing board or eviction board appointed by the corporation for the purposes of chapter 201G, HRS.]

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

"Grievance hearing" means the hearing prescribed in the grievance procedure set forth in rules of the [corporation] authority.

"HRS" means the Hawaii Revised Statutes.

"Hearing" means a quasi-judicial proceeding in which the [corporation] authority prepares to terminate an agreement.

"Hearings clerk" means the person responsible for receiving, recording, and preserving the records of the [examiner] eviction board.

"Hearings officer" means the person representing the [corporation] authority in a hearing.

"Party" means a person or agency as defined in section [201G-51,] 356D-91, HRS, as it existed on March 28, 2013.

"Presiding officer" means the [trial examiner, a member of the hearing board, or a] member of the eviction board duly elected by a majority of the board members to serve as its chairman where the eviction board is comprised of more than one member.

"Project manager" means the [corporation's] authority's representative assigned to manage projects in a management area or any other employee of the [corporation] authority specifically designated by position description.

"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.

"Tenant" means [a person] the person or persons who enter into a rental agreement with the authority to reside in a dwelling unit and who [is] are subject to eviction proceedings under this chapter.

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

"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 8/6/04; am and comp ] (Auth: 24 CFR §966.4; HRS §§92-6, 356D-4, 356D-13, 356D-98) (Imp: HRS §§356D-92, 356D-93, 356D-94, 356D-98)

§17-2020-3 [Examiner.] Communications. (a) Communications to the [examiner] eviction board may be mailed or delivered to the [corporation's] authority's hearings office [in the respective county in care of the hearings clerk].

(b) [When the examiner is a hearing board, or an eviction board, a] A quorum [of members] of the eviction board, consisting of at least one, but not

more than three members, shall be present to validate any action taken.

(c) No employee of the [corporation] authority shall be [an examiner] an eviction board member, unless specifically designated by the [corporation] authority.

(d) All documents issued by the [examiner] eviction board may be executed by facsimile signature. [Eff 8/6/04; am and comp ] (Auth: 24 CFR §966.4; HRS §§92-15, 356D-4, 356D-13, 356D-98) (Imp: 24 CFR §966.4; HRS §§356D-92, 356D-93, 356D-98)

§17-2020-4 Process service. (a) All documents issued for the purposes of this chapter shall be served either:

- (1) Personally to the tenant or adult household member by [a law enforcement officer] any person who is not a party and is not less than 18 years of age of the State [or county, or an officer appointed by the corporation]; or
- (2) By certified mail return receipt requested; or
- (3) If personal service or service by certified mail cannot be effectuated, the document or documents may be served:
  - (i) By posting the document or documents on the unit occupied by the tenant and by first class mail to the party's last known address; or
  - (ii) By publication in a newspaper of general circulation and by first class mail.
- (b) Service upon a party shall be complete if:
  - (1) The party or the party's attorney is personally served;
  - (2) The party signs the receipt for certified mail;
  - (3) The document or documents are posted on the unit occupied by the tenant and mailed to the party's last known address by first-class mail;
  - (4) Upon publication in a newspaper of general circulation; or

- (5) By special order of the [examiner,] eviction board, upon a finding that service by other means is not practicable, a document is posted on the unit occupied by the party.  
[Eff 8/6/04; am and comp ]  
(Auth: HRS §§356D-4, 356D-13, 356D-98) (Imp: HRS §§356D-92, 356D-93, 356D-98)

§17-2020-5 Grounds for termination of tenancy and eviction. (a) The [examiner] eviction board shall determine whether there are sufficient grounds for termination of the rental agreement.

(b) The [following constitutes] grounds for termination of the rental agreement are set forth in section 356D-92, HRS, and section 17-2028-59.[:

- (1) Serious or repeated violation of material terms of the rental agreement, including, but not limited to:
- (A) Failure to make payments due under the rental agreement;
  - (B) Failure to fulfill household obligations as defined in the rental agreement.
- (2) Other good cause, including, but not limited to, the following:
- (A) Criminal activity or alcohol abuse;
  - (B) Discovery after admission of facts that made the tenant ineligible;
  - (C) Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with reexamination of income; and
  - (D) Failure of a family member to comply with service requirement provisions of 24 C.F.R. part 960, subpart F; and
  - (E) Failure to accept the corporation's offer of a revision to the existing rental agreement, subject to the requirements of 24 C.F.R. 966.4(l).]

[Eff 8/6/04; am and comp ] (Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 CFR §966.4; HRS §§356D-92, 356D-98)

SUBCHAPTER 2

[PRE-] HEARING PROCEDURE

[\$17-2020-11 Notice of cause for cases referred for eviction prior to June 28, 2002.] (a) Any violation under section 201G-52, HRS, shall constitute cause for the project managers within each county to initiate eviction proceedings. The tenant shall be notified in writing and the document shall state the reason for and the date of the proposed termination of the agreement. The document shall also inform the tenant of the tenant's rights to reply to the corporation's staff and to request a grievance hearing.

(b) The tenant shall be notified in accordance with the terms of the agreement.

(c) If the tenant fails to respond within the time period prescribed by the notice of proposed termination; the project manager shall submit a written request to the examiner that the tenant be evicted.]

[[Eff: 8/6/04; R ] (Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 CFR §966.4; HRS §356D-98)]

[\$17-2020-12 Notice of cause for cases referred for eviction on or after June 28, 2002.] (a) Any violation under section 201G-52, HRS, shall constitute cause for the project managers within each county to initiate eviction proceedings. The tenant shall be notified in writing and the document shall state the reason for and the date of the proposed termination of the agreement. The document shall also inform the tenant of the tenant's rights to reply to the corporation's staff and to request a grievance hearing.

(b) The tenant shall be notified in accordance with the terms of the agreement.

(c) If the tenant fails to respond within the time period prescribed by the notice of proposed termination, the project manager shall submit a written request to the examiner that the tenant be evicted.

(d) If the violation is for delinquent payment in rent,

- (1) The written notice shall conform to the requirements of section 201G-52(b), HRS; and
- (2) The corporation shall schedule a meeting with the tenant to discuss the delinquency.
- (3) If the tenant fails to attend the meeting and does not contact the corporation or the corporation's agents to reschedule the meeting, the corporation shall provide the tenant with a second written notice conforming to the requirements of section 201G-52(e), HRS.

(e) At the meeting, the corporation or its agent and the tenant shall complete, sign, and date a checklist conforming to the requirements of section 201G-52(c), HRS, to memorialize the meeting.

(f) If the tenant appears at the meeting, the corporation will consider whether the tenant's situation is appropriate for a reasonable payment plan. The corporation or its agent may consider but is not limited to considering the following factors to determine whether the tenant's situation is appropriate for a reasonable payment plan:

- (1) The amount of the delinquent balance;
- (2) The amount of tenant's monthly rent charge;
- (3) The tenant's household income;
- (4) Any other sources of income of the tenant;
- (5) The history of rent payment by the tenant;
- (6) Any history of other violations of the rental agreement by the tenant;
- (7) The cause of the delinquency; and
- (8) Any mitigating factors.

(g) The corporation or its agent may consider, but is not limited to considering, the following factors to determine if the payment plan is reasonable:

- (1) The tenant's household income;
- (2) Any other sources of income of the tenant;
- (3) Any other debts of the tenant;
- (4) Whether the tenant can clear the delinquent balance within six months; and
- (5) Any hardship on the tenant.

(h) If the corporation or its agent determines that the tenant will be unable to clear the delinquent

balance within a six-month period, the tenant's situation is not appropriate for a reasonable payment plan.

(i) If the corporation or its agent determines that the tenant's situation is appropriate for a reasonable payment plan, one may be offered as agreed upon between the corporation or its agent and the tenant. A reasonable payment plan shall not exceed a period of six months.

(j) The corporation shall inform the tenant of its decision in writing. The written notice shall further notify the tenant of the tenant's right to request a grievance hearing within thirty days of receipt of the notice.

(k) In the event the tenant breaches the reasonable payment plan, the corporation or its agent shall proceed to terminate the tenant's tenancy by referring the matter to the hearings office to schedule a hearing before the eviction board.] [[Eff: 8/6/04; am and ren ] (Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 CFR §966.4; HRS §§356D-92, 356D-98)]

§17-2020-11 Notice of cause for cases referred for eviction. (a) Project managers within each county may initiate eviction proceedings for any of the reasons set forth in section 356D-92, HRS, as it existed on March 28, 2013, and section 17-2028-59. The tenant shall be notified in writing and the document shall state the reason for and the date of the proposed termination of the agreement. The document shall also inform the tenant of the tenant's rights to reply to the authority's staff and to request a grievance hearing.

(b) If the violation is for delinquent payment of rent, the authority may negotiate a reasonable payment arrangement with a family in accordance with section 17-2028-58.

(c) The tenant shall be notified in accordance with 24 C.F.R. §966.4(k) and (l)(3) and section 356D-93(a), HRS, as they existed on March 28, 2013.

(d) If the tenant fails to respond within the time period prescribed by the notice of proposed

termination, the project manager shall submit a written request to the eviction board that the tenant be evicted. [Eff and comp ] (Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 CFR §966.4; HRS §356D-92, 356D-98)

§17-2020-[13]12 Notice of hearing. Notice of hearing shall meet the requirements of [chapter 201G, HRS.] 24 C.F.R. §966.4(k), (l)(3), (m) and section 356D-93(a), HRS, as they existed on March 28, 2013. [Eff: 8/6/04; am and comp ] (Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 CFR §966.4; HRS §§356D-92, 356D-93, 356D-98)

§17-2020-[14]13 Request for subpoena. (a) Only [an examiner or] the parties to the hearing may request the issuance of a subpoena, [provided that] subject to subsection (b) [shall be complied with]. The [examiner or the examiner's] eviction board or its designated representative shall issue the subpoena.

(b) The request for issuance of a subpoena of a witness shall be in writing and shall state the name and address of the desired witness and the reasons why the testimony of the witness is material and relevant to the issues in the hearing. The party requesting the subpoena shall pay to the witness the same fees and mileage as prescribed in chapter 607, HRS. The request for issuance of a subpoena duces tecum for documents and records shall be in writing. The party requesting the subpoena duces tecum for documents and records shall pay all copying costs. The request shall specify the particular document or record, or part thereof sought, and shall state the reasons why the document or record is material and relevant to the issues of the hearing. [Eff 8/6/04; am and comp ] (Auth: 24 CFR §966.4; HRS §§92-16, 356D-4, 356D-13, 356D-98, 607-12) (Imp: 24 CFR §966.4; HRS §§356D-92, 356D-98)

SUBCHAPTER 3

[HEARING PROCEDURE] HEARINGS

A. Conditions

§17-2020-21 Counsel. (a) Unless otherwise directed by the [presiding officer] eviction board, one counsel for each party represented shall be permitted to conduct direct and cross examination of a witness, state and argue an objection or motion, and make opening or closing argument.

(b) A tenant may appear [in] on the tenant's own behalf or with another person as the tenant may authorize. [Eff 8/6/04; am and comp ]  
(Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-98)  
(Imp: 24 CFR §966.4; HRS §§356D-93, 356D-98)

§17-2020-22 Motions. (a) All motions shall state the grounds and shall set forth the relief or order sought. Motions need not be in writing.

(b) All motions shall be presented to the [examiner] eviction board at the commencement of the hearing. If a written motion is presented, a copy shall be provided to the opposing party.

(c) The opposing party may state opposition to any motion presented to the [examiner] eviction board. The [examiner] eviction board may consider all motions and opposing motions [in executive session] and shall rule on each motion when appropriate. [Eff 8/6/04; am and comp ] (Auth: HRS §§356D-4, 356D-13, 356D-98) (Imp: HRS §§356D-93, 356D-98)

§17-2020-23 Waiver of procedure. Upon agreement of the parties, any procedure in a hearing may be modified or waived and informal disposition may be made of any case by agreed settlement, consent order, or default. [Eff 8/6/04; comp ] (Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 CFR §966.4; HRS §§356D-93, 356D-98)

§17-2020-24 Records. (a) The hearings clerk shall keep written summaries of all hearings. Neither a full transcript nor recording of the hearing shall be required.

(b) All records of a hearing shall be confidential pursuant to section 92F-13(2), HRS, and released only at the direction of the [examiner or] eviction board, by judicial order[.], upon request by a tenant who is a party to the hearing, or upon the filing of a notice of appeal pursuant to chapter 91, HRS, and section 356D-96, HRS. [Eff 8/6/04; am and comp ] (Auth: 24 CFR §966.4; HRS §§91, 92F-13(2), 356D-4, 356D-13, 356D-96, 356D-98) (Imp: 24 CFR §966.4; HRS §§356D-93, 356D-98)

## B. Hearings

§17-2020-31 [Hearings.] Eviction Board. (a) In all hearings where the eviction board consists of more than one member, the presiding officer shall preside. [The vice-chairman of a hearing board or an eviction board shall preside at a hearing in the absence of the presiding officer.]

(b) The [presiding officer] eviction board shall determine the order of appearance of the parties to a hearing and shall administer the oath to all witnesses as prescribed by section 621-12, HRS. The [presiding officer] eviction board may limit the time of each witness giving testimony upon a particular issue.

(c) The eviction board shall consist of not less than one and no more than three members, of which one member shall be a tenant.

[(c)](d) Hearings shall be conducted in an informal manner unless otherwise required by law.

[(d)](e) The [examiner] eviction board may remove any person who disrupts a hearing.

[(e)](f) If a tenant, the tenant's attorney, or the tenant's representative is removed for disruptive conduct, the hearing may continue and a determination made based upon the available evidence and testimony presented.

~~[(f)]~~(g) All hearings shall be confidential and closed to the public unless the tenant agrees otherwise.

(h) The hearing may be conducted through the use of video conferencing technology in accordance with section 356D-93(b), HRS, as it existed on March 28, 2013. The authority shall notify the tenant, the tenant's attorney, or the tenant's representative in writing prior to the scheduled hearing date that the hearing shall be conducted using video conferencing technology. [Eff 8/6/04; am and comp ] (Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 CFR §966.4; HRS §§356D-93, 356D-98)

§17-2020-32 Default. A tenant who fails to appear at a hearing after being duly notified may be found in default and the [examiner] eviction board may proceed with the hearing. [Eff 8/6/04; am and comp ] (Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 CFR §966.4; HRS §§356D-93, 356D-98)

§17-2020-33 Curable and Non-Curable Violations.

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

(b) Non-curable violations include:

- (1) Chronic or consistent violations of any material term of the rental agreement;
- (2) A history of chronic or consistent rent delinquency;
- (3) Violations of any material term of the rental agreement subsequent to a finding of violation of said term by a hearing or an eviction board;
- (4)] (1) Any violations that threaten the health or safety of the other residents or the [corporation's] authority's employees or representatives;

- [ (5) ] (2) Any drug-related criminal activity [occurring on or near the project premises;] or violent criminal activity;
- [ (6) ] (3) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the other residents or the [corporation's] authority's employees or representatives;
- [ (7) ] (4) Where the tenant has received notice from the United States Department of Housing and Urban Development that the tenant is no longer eligible to remain in the unit[.];
- (5) Where any member of the family has been convicted of a felony during the term of the tenancy, 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; and
- (6) Where 24 C.F.R. §966.4 as it existed on March 28, 2013 requires termination of the rental agreement and eviction.

(c) Where, after considering the circumstances of the case, the eviction board finds the violation is curable, the eviction board may issue a decision and order which stays the issuance of a writ of possession on the condition that the tenant and if applicable, member(s) of tenant's family, comply with certain conditions related to occupancy for a period of time as established by the eviction board.

(d) In the event that the eviction board stays the issuance of the writ of possession subject to conditions as described in subsection (c), and the tenant or if applicable, family member(s), violate any term or condition imposed by the eviction board in its decision and order, the eviction board shall issue the writ of possession and the tenant shall be evicted forthwith provided that:

- (1) The authority sends a written notice to the tenant stating:

- (i) The grounds for requesting the issuance of a writ of possession;
- (ii) The condition of the eviction board's decision and order violated by tenant or if applicable, family member;
- (iii) The tenant is not entitled to a grievance hearing; and
- (iv) The date the hearing is scheduled before the eviction board to determine whether the tenant violated the board's decision and order;

and

- (2) At the hearing, the eviction board determines that its decision and order was violated.

If the tenant fails to appear at the hearing, the tenant shall be in default and the eviction board shall issue the writ of possession forthwith and the tenant shall be evicted. [Eff 8/6/04; am and comp ] (Auth: 24 CFR §966.4; HRS §§356D-4, 356D-13, 356D-94, 356D-98) (Imp: 24 CFR §5.100; 24 CFR §966.4; HRS §356D-94, 356D-98)

## SUBCHAPTER 4

### APPEALS

[§17-2020-41 Appeals of contested case hearings referred for eviction prior to June 28, 2002. (a) An appeal of the decision of the examiner may be taken to the corporation as provided in section 201G-54, HRS. The appeal shall be in writing and may be mailed or delivered to the corporation's office at 677 Queen Street, Suite 300, Honolulu, Hawaii, 96813, in care of the hearings clerk. The appeal may be heard and decided by the corporation or an appeals board appointed by the corporation.

(b) The corporation shall give written notice of the appeal hearing to the tenant fixing the date, time, and place of the appeal hearing. The notice shall be given at least five days before the date set for the appeal hearing.

(c) A tenant who fails to appear at an appeals hearing after being duly notified may be found in default and the corporation may proceed with the hearing.

(d) The corporation's decision shall be based solely on the record of the examiners which may be orally summarized by the hearings officer.

(e) Any person aggrieved by the final decision and order of the corporation may institute proceedings for review in the circuit court within thirty days after receipt of the decision as provided in section 201G-57, HRS.] [[Eff 8/6/04; R ] (Auth: HRS §§356D-4, 356D-13, 356D-98) (Imp: HRS §356D-98)]

§17-2020-[42] 41 Appeals of contested case  
hearings [referred for eviction on or after June 28,  
2002]. Any person aggrieved by the final decision and  
order of the [examiner] eviction board may institute  
proceedings for review in the circuit court within  
thirty days after receipt of the decision as provided  
in section [201G-57,] 356D-96, HRS. [Eff 8/6/04; am  
and ren ] (Auth: 24 CFR §966.4; HRS  
§§356D-4, 356D-13, 356D-98) (Imp: 24 CFR §966.4; HRS  
§§356D-96, 356D-98)

SUBCHAPTER 5

MISCELLANEOUS PROVISIONS

§17-2020-51 Severability. If any part, section, sentence, clause, or phrase of these rules or its application to any person or circumstance is for any reason held to be unconstitutional or invalid, the remaining parts, sections, sentences, clauses, and phrases or applications of these rules to other persons or circumstances shall not be affected.  
[Eff 8/6/04; comp \_\_\_\_\_ ] (Auth: HRS §§356D-4, 356D-13, 356D-98) (Imp: HRS §356D-98)

§17-2020-52 Number. The use of all words used in the singular shall extend to and include the plural.  
[Eff 8/6/04; comp \_\_\_\_\_ ] (Auth: HRS §§356D-4, 356D-13, 356D-98) (Imp: HRS §356D-98)

[§17-2020-53 Termination of rental agreement based on Public Law 104-120. The corporation may also terminate a rental agreement as provided for in section 15-190-59.]" [[Eff 8/6/04; R \_\_\_\_\_ ] (Auth: 42 U.S.C. §1437d; Pub. L. 104-120; HRS §§356D-4, 356D-13, 356D-98) (Imp: 24 CFR §966.4; HRS §§356D-92, 356D-98)]

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.

\_\_\_\_\_  
DAVID J. GIERLACH, Chairperson  
Board of Directors  
Hawaii Public Housing Authority

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy Attorney General