

DEPARTMENT OF HUMAN SERVICES

Amendment to Chapter 17-2028
Hawaii Administrative Rules

May 18, 2017

SUMMARY

1. §17-2028-22 is amended.

§17-2028-22 Eligibility for admission and participation. (a) To be eligible for participation in the program, applicant and household members shall meet all of the requirements 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:
 - (A) Qualify as a family;
 - (B) Be income eligible as determined under section 17-2028-3;
 - (C) Not have an outstanding debt owed to the authority as a participant in any of its programs;
 - (D) Not have an outstanding liability for unpaid rent or damages incurred while previously participating in any section 8 rental subsidy program or any HUD rental assistance program;
 - (E) Provide a social security number for all family members or certify that the person does not have a social security number;
 - (F) Not have been evicted since March 1, 1985, from a public housing program administered by the authority or any of its predecessors, the housing and community development corporation of Hawaii or Hawaii housing authority with the exception of evictions solely due to failure to pay rent, in which case, the applicant can be admitted upon payment in full of the unpaid amounts due to the agency;
 - (G) Not have been evicted from assisted housing by reason of drug-related criminal activity for a three-year period beginning on the date of the eviction unless the evicted tenant successfully completes a supervised drug rehabilitation program approved by the authority;

- (H) Not have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal or state housing program;
- (I) Not be currently engaging in illegal use of a drug or give the authority reasonable cause to believe that a household member's 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. For the purposes of this subsection:
 - (i) "Currently engaged in" means the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current; and
 - (ii) In determining whether to deny eligibility based on a pattern of illegal use of a drug or a pattern of abuse of alcohol by a household member, the authority may consider rehabilitation as provided for under 42 U.S.C. §13661(b)(2)(A)-(C) as it existed on March 28, 2013.
- (J) Not 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 or other criminal activity involving assault, terroristic threatening, firearms, dangerous weapons, harassment, kidnapping, sexual assault, extortion, forgery, burglary, unauthorized entry into a dwelling, unauthorized entry into motor vehicle, criminal property damage, criminal trespass on public

- housing property, disorderly conduct, child pornography, and consuming liquor on public housing property, 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;
- (K) Not have been convicted of drug-related criminal activity for the manufacture, production, or distribution of methamphetamines;
 - (L) Not subject to lifetime registration requirements under any state sex offender's registration program;
 - (M) Disclose tobacco use of all family members within the household.
- (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 use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate; and
 - (B) Furnish evidence of citizenship or eligible immigrant status as provided for in 24 C.F.R. §5.508 as it existed on March 28, 2013.
- (b) An applicant's past performance in meeting financial obligations, especially rent, may be considered by the authority in its selection of

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families for admission into its federally-assisted public housing program.

(c) An applicant who is continuously assisted under the United States Housing Act of 1937, as amended, shall be admitted to the program as though the applicant was already a program participant. [Eff 7/21/05; am and comp 9/4/07; am and comp 5/24/2014; am **MAR 15 2019**] (Auth: HRS §§356D-4, 356D-13) (Imp: 42 U.S.C. §13661; 24 C.F.R. §§5.216, 960.201, 960.202, 960.203, 960.204, 960.205; HRS §§356D-4, 356D-13, 356D-31)

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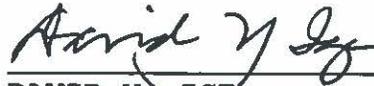
The amendment of chapter 17-2028-22, Hawaii Administrative Rules on the Summary Page dated May 18, 2017 were adopted on May 18, 2017, following public hearings held on Oahu, Maui, Hawaii, and Kauai on November 30, 2016, after public notice was given in the Honolulu Star Advertiser, the Hawaii Tribune, West Hawaii Today, The Garden Isle, and The Maui News on October 26, 2016.

The amendment to chapter 17-2028-22, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.



PONO SHIM
Chairperson
Board of Directors
Hawaii Public Housing Authority

APPROVED:



DAVID Y. IGE
Governor, State of Hawaii

Dated: 03-05-2019

APPROVED AS TO FORM:



Deputy Attorney General

Filed: _____

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LIEUTENANT GOVERNOR'S
OFFICE