

DEPARTMENT OF HUMAN SERVICES

Adoption of Amendment of the Hawaii
Public Housing Authority Emergency Rules
Relating to COVID-19 Emergency

June 9, 2021

SUMMARY

Hawaii Administrative Rules, entitled
"Hawaii Public Housing Authority Emergency Rules
Relating to COVID-19 Emergency"

Hawaii Public Housing Authority Emergency Rules Relating to
COVID-19 Emergency

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§1 Findings. The authority finds that:

(a) The Governor of the State of Hawaii has determined and proclaimed that COVID-19 is an emergency in the State of Hawaii as contemplated by section 127A-2 and 127A-14, Hawaii Revised

Statutes ("HRS"), and that this emergency continues, as evidenced by his Proclamation dated March 4, 2020, and Supplementary Proclamations dated March 16, 2020, March 21, 2020, March 23, 2020, March 31, 2020, April 16, 2020, April 25, 2020, May 5, 2020, May 18, 2020, June 10, 2020, and July 17, 2020 ("Emergency Proclamations");

(b) Section 127A-2, HRS, defines "emergency" as "any occurrence, or imminent threat thereof, which results or may likely result in substantial injury or harm to the population or substantial damage to or loss of property";

(c) There is an occurrence of a severe and extraordinary event that constitutes a public health emergency which continues to evolve and spread around the globe and is now spreading by record daily amounts to a total of 1,989 positive cases in the community as of July 30, 2020, which has caused 26 deaths, damages, losses and suffering of such character and magnitude to affect the health, welfare, and living conditions of a substantial number of persons, and is anticipated to affect the economy of the State of Hawaii as the Governor declared through his Emergency Proclamations;

(d) The authority agrees with the Governor that the ongoing COVID-19 pandemic is of such magnitude to warrant protective action by the authority to prevent the spread of COVID-19 as COVID-19 continues to endanger the health, safety, and welfare of the people;

(e) On July 31, 2020, the authority staff reported:

(1) A sudden and significant increase of COVID-19 cases among the residents at the following properties:

- (A) Kuhio Park Terrace Low Rise - 1 active case
- (B) The Towers at Kuhio Park (KPT Towers) - 16 new active cases (this property is privately owned and managed, however, it is a contiguous property with Kuhio Park Terrace Low Rise and Kuhio Homes)
- (C) Kalihi Valley Homes - 5 positive cases; 2 are recovered (not active); 3 are active; 2 new cases pending confirmation
- (D) Puahala Homes - 1 recovered case
- (E) Hauiki - 1 active case (hospitalized)
- (F) Mayor Wright Homes - 2 active cases
- (G) Kaahumanu Homes - 1 active case
- (H) Punchbowl Homes - 1 positive case that has recovered (not active)
- (I) Hookipa Kahaluu - 1 positive case
- (J) Palolo Homes - 1 positive case that has recovered (not active) (this property is

privately owned and managed, however, it is near Palolo Valley Homes Federal Public Housing)

- (K) Palolo Valley Homes - 1 new case pending confirmation
 - (L) Puuwai Momi - 5 positive cases, under isolation/quarantine in Waikiki (all from one household); 4 people from that same household awaiting test results;
- (2) Numerous residents at the public housing properties are not physical distancing or wearing facial coverings (e.g. masks), are congregating in groups, and have allowed friends and family to perform their travel quarantine in their public housing unit.

(f) These emergency rules protect the health, safety, and welfare of the public, all participants in the authority's programs, and authority staff by setting forth physical distancing requirements to control the spread of COVID-19, mandating the wearing of facial coverings and practicing six feet minimum physical distancing at all times in all common areas of public housing properties, restricting visitors at all public housing properties, restricting gatherings at all public housing properties, mandating the wearing of facial coverings and vacating the unit or isolating in an area at least six feet away when authority staff are conducting repairs or other official business in a tenant's unit, and establishing penalties for non-compliance with the emergency rules, waiving minimum rent for qualified families participating in the authority's state-aided elderly, state-aided family, and federally-assisted public housing programs, and providing the authority shall not terminate a public housing rental agreement for nonpayment of rent and other charges related to rent, or impose fees and charges related to nonpayment of rent pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136 (March 27, 2020);

(g) These emergency rules also enable the authority to delay or suspend program requirements as allowed under HUD Notice PIH 2020-05 regarding COVID-19 Statutory and Regulatory Waivers for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant Programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program dated April 10, 2020, issued by HUD to public housing agencies ("PIH Notice 2020-05"). In PIH Notice 2020-05, HUD waived and established alternative requirements for numerous statutory and regulatory requirements for the Housing Choice Voucher program, pursuant to

the authority provided to HUD under the Coronavirus Aid, Relief and Economic Security (CARES) Act, Public Law 116-136 (March 27, 2020);

(h) Based on the above, there is an imminent peril to the public's health, safety and morals, caused by the COVID-19 in the State of Hawaii requiring immediate adoption of these emergency rules upon less than thirty days' notice of hearing; and

(i) These findings are based on the authority's Board of Directors' personal knowledge and professional experiences.

§2 Purpose. These emergency rules are adopted based on the findings in section 1 to respond to the COVID-19 emergency declared by the Governor and enable the authority to perform its duties while protecting the health, safety, and welfare of the public, all participants in the authority's programs, and authority staff by setting forth physical distancing requirements to control the spread of COVID-19, mandating the wearing of face coverings in all public housing common areas, restricting visitors at all public housing properties, restricting gatherings at all public housing properties, mandating the wearing of face coverings and practicing six-foot (6') minimum physical distancing when staff are conducting repairs or other official business in a tenant's unit, establishing penalties for noncompliance of the emergency rules, waiving minimum rent for qualified families participating in the authority's state-aided elderly, state-aided family, and federally-assisted public housing programs, delaying or suspending program requirements as allowed under PIH Notice PIH 2020-05 so the authority may utilize HUD's waivers of, and alternative requirements for numerous statutory and regulatory requirements to keep the authority's federal public housing program operational, and providing the authority shall not terminate a public housing rental agreement for nonpayment of rent and other charges related to rent, or impose fees and charges related to nonpayment of rent pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136 (March 27, 2020) which is attached as Exhibit A.

§3 Authority. These rules are adopted pursuant to section 91-3, HRS.

§4 Applicability. Notwithstanding Chapter 15-185 Section 8 - Housing Choice Voucher Program, Chapter 15-186 State-Aided

Elderly Public Housing Projects, Chapter 15-193 State-Aided Family Public Housing Projects, Chapter 17-2000 Rules of Practice and Procedure, Chapter 17-2020 Eviction - Practice and Procedure, Chapter 17-2021 Grievance Procedure, Chapter 17-2028 Federally-Assisted Public Housing Projects, Chapter 17-2032 Resident Advisory Board, Chapter 17-2033 Rent Supplement Program, Chapter 17-2036 Section 8 Homeownership Option Program, and Chapter 17-2038 State Eviction - Practice and Procedure, and any subsequent repeal or revisions, these rules shall apply to all aforementioned administrative rule chapters; provided that upon expiration of these emergency rules, these rules shall terminate.

§5 Definitions. (a) All definitions provided in these rules shall be the same as those provided in chapter 356D, HRS or Chapter 15-185 Section 8 - Housing Choice Voucher Program, Chapter 15-186 State-Aided Elderly Public Housing Projects, Chapter 15-193 State-Aided Family Public Housing Projects, Chapter 17-2000 Rules of Practice and Procedure, Chapter 17-2020 Eviction - Practice and Procedure, Chapter 17-2021 Grievance Procedure, Chapter 17-2028 Federally-Assisted Public Housing Projects, Chapter 17-2032 Resident Advisory Board, Chapter 17-2033 Rent Supplement Program, Chapter 17-2036 Section 8 Homeownership Option Program and Chapter 17-2038 State Eviction - Practice and Procedure.

(b) As used in these rules:

"Face covering" means a tightly woven fabric without holes that is secured to the head with either ties or straps, or simply wrapped and tied around the wear wearer's nose and mouth. It can be made of a variety of fabrics such as cotton, silk, or linen and may be factory-made, sewn by hand, or made from household items such as handkerchiefs, scarfs, or shirts.

"Physical distancing" means the practice of maintaining a minimum of six feet (6') of physical separation between two or more people and decreasing the frequency of contact to reduce the spread of illness or disease. Social distancing shall mean the same as "physical distancing".

§6 Physical Distancing. The authority shall comply with state and county proclamations, orders, and rules relating to implementing physical distancing strategies to reduce the spread of COVID-19 and take every reasonable precaution to perform the authority's in compliance with physical distancing recommendations and guidelines relating to COVID-19 issued by the United States Centers for Disease Control and Prevention,

the Governor of the State of Hawaii, Hawaii Emergency Management Agency, and Hawaii Department of Health throughout the COVID-19 emergency period.

§7 Communications and Interactions Utilizing Electronic Means. All face-to-face communications or interactions required by Chapter 15-185 Section 8 - Housing Choice Voucher Program, Chapter 15-186 State-Aided Elderly Public Housing Projects, Chapter 15-193 State-Aided Family Public Housing Projects, Chapter 17-2000 Rules of Practice and Procedure, Chapter 17-2020 Eviction - Practice and Procedure, Chapter 17-2021 Grievance Procedure, Chapter 17-2028 Federally-Assisted Public Housing Projects, Chapter 17-2032 Resident Advisory Board, Chapter 17-2033 Rent Supplement Program, Chapter 17-2036 Section 8 Homeownership Option Program, and Chapter 17-2038 State Eviction - Practice and Procedure, are suspended and shall be conducted through alternative electronic means, including but not limited to U.S. mail, telephone, e-mail, or video conferencing.

§8 Rental Agreement Termination. (a) A family participating in the following authority housing programs, section 15-186-48 State-Aided Elderly Public Housing Projects, section 15-193-48 State-Aided Family Public Housing Projects, or section 17-2028-59 Federally-Assisted Public Housing Projects, shall give the authority at least twenty-eight days written notice that the family will vacate the family's dwelling unit prior to the vacate date.

(b) The authority shall not terminate any rental agreement for nonpayment of rent or other fees or charges until the ~~{120-~~ day] temporary moratorium on eviction filings has passed pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136 (March 27, 2020) and the Centers for Disease Control and Prevention, Order Under Section 361 of the Public Health Services Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2 Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 [which is- attached as Exhibit A.]

§9 Minimum Rents. (a) Notwithstanding the minimum monthly rent required by section 15-186-61 State-Aided Elderly Public Housing Projects, section 15-193-61 State-Aided Family Public Housing Projects, and section 17-2028-61 Federally-Assisted Public Housing Projects, the minimum rent for an individual or family participating in these programs shall be

\$0.00 (zero dollars) if any of the following conditions exist:
(1) The income of the family has decreased because of changed circumstances, including loss of employment or contributions;
(2) A death has occurred in the family which affects income; or
(3) Other circumstances determined by the authority or HUD.
(b) The authority shall reinstate minimum rents 30 calendar days after the ~~[120-day]~~ moratorium required by the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136 (March 27, 2020) and the Centers for Disease Control and Prevention, Order Under Section 361 of the Public Health Services Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2 Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 ~~[which is attached as Exhibit A.]~~ has passed.

§10 Other Charges. (a) The authority shall not charge the tenant fees, penalties, or other charges related to nonpayment of rent until the ~~[120-day]~~ temporary moratorium on eviction filings has passed pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136 (March 27, 2020) and the Centers for Disease Control and Prevention, Order Under Section 361 of the Public Health Services Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2 Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19. ~~[which is attached as Exhibit A.]~~ This rule applies to Chapter 15-186 State-Aided Elderly Public Housing Projects, Chapter 15-193 State-Aided Family Public Housing Projects, and section 17-2028-64 Federally-Assisted Public Housing Projects.
(b) The authority may charge a family, in addition to monthly rent and applicable utility charges, maintenance costs such as costs to repair tenant-caused damages to the dwelling unit, including appliances or equipment furnished by the authority, that are in excess of ordinary wear and tear, and costs to repair to project buildings, facilities, or common areas damaged by the action of, or negligence of the family or the family's guest or visitor.

§11 Annual Reexaminations. Pursuant to PIH Notice 2020-05, annual reexaminations required at least once every twelve months under section 17-2028-53 Federally-Assisted Public Housing Projects, section 15-185-32 Section 8 - Housing Choice Voucher Program, section 15-186-42 State-Aided Elderly Public Housing Projects, section 15-193-42 State-Aided Family Public Housing Projects may be delayed beyond the twelve-month

requirement.

§12 Income verification. Pursuant to PIH Notice 2020-05, authority may forgo third party income verification requirement for interim reexaminations, annual reexaminations, or special reexaminations, including the use of the Enterprise Income Verification System. Self- certification by a family may be considered as the highest form of income verification to process a reexamination. Families will be held responsible for any material discrepancies discovered and the authority shall take enforcement action consistent with its policies.

§13 Enterprise. Income Verification Monitoring. Pursuant to PIH Notice 2020-05, monitoring of the EIV reports are required on a monthly basis. The authority may elect not to perform monthly monitoring during the period of availability under PIH Notice 2020-05.

§14 Community Service and Self-Sufficiency Requirement. Pursuant to PIH Notice 2020-05, the community service and self-sufficiency requirement which mandates that each adult resident of public housing, except for exempt family member and required to be annually reexamined under section 17-2025-53, Federally-Assisted Public Housing Projects, is suspended for the period of availability under PIH Notice 2020-05.

§15 Over Income Families. Pursuant to PIH Notice 2020-05, families whose income exceeds the program maximum income level for two consecutive years may be allowed to remain in their units and continue to pay the same rental amount until the next annual income recertification.

§16 Utility Allowances. Pursuant to PIH Notice 2020-05, the review of utility allowances required under section 17-2028-7, Federally-Assisted Public Housing Projects, may be suspended so long as it is completed by the deadline allowed under PIH Notice 2020-05.

§17 Mandatory Facial Coverings. (a) All individuals when in common areas within an authority property shall wear face coverings as described and recommended by the CDC (see Exhibit B) while maintaining a physical distance of a minimum of six (6)

feet from persons who are not members of the same residence.

(b) Face coverings shall not be required only under the following circumstances:

- (1) By an individual with a medical condition or disability where the wearing of a face covering may pose a health or safety risk to the individual and the individual provides written verification from a licensed medical professional to the authority that verifies the existence of a medical condition or disability and risk;
- (2) By children under the age of 5; and
- (3) By first responders and law enforcement officers (Hawaii State Sheriff Division, Honolulu Police Department, Honolulu Fire Department, Honolulu Emergency Services Department) to the extent that wearing non-medical grade face coverings may impair or impede the safety of the first responder or law enforcement officer in the performance of his/her duty.
- (4) In common areas where there is no overhead roof, eave, patio, lanai, or structure designed to provide shade or cover, such as an open-air parking lot or yard.

§18 Visitor Restrictions. (a) No guest passes will be issued except as follows:

- (1) Delivery of food or other supplies; whereby the person delivering the food or supplies must leave immediately after the delivery has been completed.
- (2) Personal care or medical care for elderly or disabled individuals;
- (3) Home health aides;
- (4) Chore service providers; and
- (5) To care for a family member or pet in another household.

(b) No tenant shall allow any person, who is not a household member, to use their unit or unit address to quarantine, such as a travel quarantine lodging or residence for a person who has traveled from another state or country to Hawaii.

§19 Gatherings Restricted. There shall be no gatherings of individuals while in common areas within an authority property or in a tenant's dwelling unit, unless they are all from the same household unit.

§20 Entering a Tenant's Unit. (a) Prior to entering a tenant's unit to perform maintenance, repairs or to conduct other business (e.g, inspections), residents will be asked questions regarding their current health condition. When asked, residents are required to disclose whether they are exhibiting flu like symptoms, whether they have been exposed to someone who has tested positive for COVID-19 or whether they are under a mandatory travel or health quarantine.

(b) All individuals must wear face coverings in their housing units when authority's employees are conducting repairs or official business in their units. Residents are required to maintain a minimum of six feet physical distance from the authority's employee and their work area. If residents are unable to maintain a minimum of six feet physical distance while the authority's employee is performing repairs or other business (e.g., inspections) in the unit, the residents shall be required to wait outside the unit until all work is completed.

(c) Residents who do not have face coverings may request them from the authority.

(d) Residents who fail to comply with requests to wear face coverings masks and maintain a minimum of six feet physical distance from the authority's employees shall be subject to applicable penalties. After repeated attempts to request that residents comply with requirements to wear face coverings and maintain a minimum of six feet physical distance, any maintenance, repairs, or other business will be terminated immediately until the tenants comply with the authority's employee's requests.

(e) Upon completing work in a tenant's unit, the authority will sanitize the area before leaving.

§21 Penalties. (a) All tenants, any member of the tenant's household, or any guest or other person under the tenant's control who violates these emergency rules may be subject to the following penalty schedule:

- (1) Verbal warning and a notice of violation;
- (2) Verbal warning and a notice of violation; and
- (3) Notice of eviction.

(b) All tenants, any member of the tenant's household, or any guest or other person under the tenant's control who is under mandatory quarantine orders and who fails to comply with such order shall be reported to the proper authorities.

§22 Findings to Extend Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency. The authority finds that:

(a) Governor David Y. Ige declared a state of emergency in the State of Hawaii due to COVID-19 by issuing an Emergency Proclamation on March 4, 2020, that was extended by Supplementary Proclamations, most recently on July 17, 2020, which extended the emergency through August 31, 2020;

(b) The HPHA staff reported a sudden and significant increase of COVID-19 cases among the residents at the following properties:

- (1) A sudden and significant increase of COVID-19 cases among the residents at the following properties:
 - (A) Kuhio Park Terrace Low Rise - 1 active case
 - (B) The Towers at Kuhio Park (KPT Towers) - 16 new active cases (this property is privately owned and managed, however, it is a contiguous property with Kuhio Park Terrace Low Rise and Kuhio Homes)
 - (C) Kalihi Valley Homes - 5 positive cases; 2 are recovered (not active); 3 are active; 2 new cases pending confirmation
 - (D) Puahala Homes - 1 recovered case
 - (E) Hauiki - 1 active case (hospitalized)
 - (F) Mayor Wright Homes - 2 active cases
 - (G) Kaahumanu Homes - 1 active case
 - (H) Punchbowl Homes - 1 positive case that has recovered (not active)
 - (I) Hookipa Kahaluu - 1 positive case
 - (J) Palolo Homes - 1 positive case that has recovered (not active) (this property is privately owned and managed, however, it is near Palolo Valley Homes Federal Public Housing)
 - (K) Palolo Valley Homes - 1 new case pending confirmation
 - (L) Puuwai Momi - 5 positive cases, under isolation/quarantine in Waikiki (all from one household); 4 people from that same household awaiting test results;

(c) The HPHA staff reported numerous residents at the HPHA properties are not physical distancing or wearing facial coverings (e.g. masks), are congregating in groups, and have allowed friends and family to perform their travel quarantine in their public housing unit;

§23 Extension. Based on the authority's findings set forth in section 22, the authority is renewing and extending Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency, adopted August 4, 2020, and filed with the Office of the Lieutenant Governor on August 20, 2020, for an additional 120 days after September 9, 2020.

§24 Findings to Extend Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency. The authority finds that:

(a) Governor David Y. Ige declared a state of emergency in the State of Hawaii due to COVID-19 by issuing an Emergency Proclamation on March 4, 2020, that was extended by Supplementary Proclamations, most recently on November 23, 2020, which extended the emergency through December 31, 2020;

(b) As of December 1, 2020, the recorded number of cases and deaths has continued to increase, with more than 18,186 documented cases of COVID-19 in the State and 246 deaths and numerous additional cases of patients with long lasting health complications attributed to this disease;

(c) COVID-19 continues to endanger the health, safety and welfare of the people of Hawaii and a response requires the serious attention, effort, and sacrifice of all people in the State to avert unmanageable strains on our healthcare system and other catastrophic impacts to the State; and

(d) The HPHA staff continues to report that several residents at the HPHA properties are not physical distancing or wearing facial coverings (e.g. masks), are congregating in groups, and have allowed friends and family to perform their travel quarantine in their public housing unit despite repeated and regular warning and educational outreach efforts;

§25 Extension. Based on the authority's findings set forth in section 24, the authority is renewing and extending Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency, adopted April 16, 2020, and filed with the Office of the Lieutenant Governor on May 12, 2020, and renewed and extended on August 20, 2020, and filed with the Office of the Lieutenant Governor on September 8, 2020 for an additional 120 days after December 31, 2020.

§26 Applicants. (a) Section 17-2028-21 and the authority's Admissions and Continued Occupancy Policy, Chapter

4, in part where applicable, are suspended. While Section 17-2028-21 and the applicable provisions of the Admissions and Continued Occupancy Policy, Chapter 4 are suspended, this section shall apply.

(b) A person seeking admission to a housing project shall electronically submit a pre-application form to the prescribed online application portal.

(c) Selection for placement on the waiting list shall not be deemed a determination on eligibility or admission.

(d) An applicant who has misrepresented material information shall not be eligible to file an application with the authority for twelve months from the date of written notification from the authority.

§27 Notification of eligibility. (a) Section 17-2028-23 and the authority's Admissions and Continued Occupancy Policy, Chapter 4, in part where applicable, are suspended. While Section 17-2028-23 and the applicable provisions of the Admissions and Continued Occupancy Policy, Chapter 4 are suspended, this section shall apply.

(b) Applicants who are selected for placement on the waiting list shall be notified by email at the email address provided in the application of their selection on the waiting list within ten business days of the date the lottery takes place. Applicants who are not selected by the lottery shall be informed by email at the email address provided in the application of their non-selection for placement on the waiting list within fifteen business days.

(c) Applicants who were either not selected to participate in the lottery, or whose application has expired, will not qualify for an informal hearing.

(d) All other determinations of eligibility shall be made in writing and shall state the reason for the determination.

(e) An applicant determined to be ineligible for admission or participation in the program shall be provided an opportunity for an informal hearing pursuant to section 17-2028-24.

§28 Waiting list. (a) Section 17-2028-36, and the authority's Admissions and Continued Occupancy Policy, Chapter 4, in part where applicable, are suspended. While Section 17-2028-36 and the applicable provisions of the Admissions and Continued Occupancy Policy, Chapter 4 are suspended, this section shall apply.

(b) The authority shall maintain fifteen geographical waiting lists, which are community wide in scope and consist of

all eligible applicants as follows:

- (1) City and County of Honolulu
 - (A) Honolulu waitlist which is comprised of Ka'ahumanu Homes, Kalakaua Homes, Kalihi Valley Homes, Kamehameha Homes, Kuhio Homes, Mayor Wright Homes, Palolo Valley Homes, Punchbowl Homes, Pu'uwai Momi, Salt Lake Apartments, Spencer House, Kalanihuia, Makamae, Makua Ali'i, Paoakalani, and Pumehana;
 - (B) Central Oahu waitlist which is comprised of Kauhale Nani, Wahiawa Terrace, and Kupuna Home O'Waialua;
 - (C) Windward Oahu waitlist which is comprised of Ho'okipa Kahalu'u, Kaneohe Apartments, Kauhale O'hana, Ko'olau Village, and Waimanalo Homes; and
 - (D) Leeward Oahu waitlist which is comprised of Hale Laulima, Kau'ioikalani, Maili I & II, Nanakuli Homes, Waimaha - Sunflower, and Waipahu I & II.
 - (2) County of Hawaii
 - (A) Hilo waitlist which is comprised of Lanakila Homes, Punahelu Homes, Pomaikai Homes, Hale Aloha O Puna, Hale Olaloa, Kauhale O'Hanakahi;
 - (B) Honoka'a waitlist which is comprised of Hale Hauoli;
 - (C) Ka'u waitlist which is comprised of Pahala;
 - (D) Kona waitlist which is comprised of Ka Hale Kahalu'u, Hale Ho'okipa, Kaimalino, Kealakehe, and Nani Olu;
 - (E) Waikoloa waitlist which is comprised of Ke Kumu 'Ekolu; and
 - (F) Waimea waitlist which is comprised of Noelani I & II.
 - (3) County of Maui
 - (A) East Maui waitlist which is comprised of Kahekili Terrace and Makani Kai Hale;
 - (B) West Maui waitlist which is comprised of Pi'ilani Homes and David Malo Circle; and
 - (C) Molokai waitlist which is comprised of Kahale Mua.
 - (4) County of Kauai
 - (A) East Kauai waitlist which is comprised of Hui O Hanama'ulu, Kapa'a, Hale Nana Kai O Kea, and Hale Ho'olulu; and
 - (B) West Kauai waitlist which is comprised of Ele'ele Homes, Hale Ho'onanea, Kalaheo Homes, Kekaha Ha'aheo, Kawailehua, and Home Nani.
- (c) Applicants shall be notified of the opportunity to

apply online to be placed on one of the waiting lists through notices posted in a conspicuous place at the authority's offices that accept applications, the authority's website, and printed statements in the authority's informational material on its application process.

(d) Placement on the waiting list may be based upon the following:

- (1) Size of dwelling unit required based on occupancy standards;
- (2) Type of dwelling unit required (e.g., accessible for persons with disabilities);
- (3) Local preference subject to income targeting and deconcentration policies and goals;
- (4) Date and time of receipt of application; or
- (5) Lottery selection, so long as all adopted preferences are considered.

(e) The notice to open the waiting list shall include information on what procedure shall be used to place applicants on the waiting list, how to apply, the date and time of the application and selection process and the number of applicants who will be selected by the lottery.

(f) The authority may accept applications from applicants with a preference, without a preference, or a combination of both which will be specified in the notice of opening of the wait list.

(g) Selection of applicants from the waiting list shall be based upon:

- (1) A randomly assigned number based on the number of applicants who were selected by the lottery; and
- (2) Applicable local preference.

(h) An applicant cannot remain on a waiting list if they are currently a tenant in any federal public housing program.

(i) An applicant shall update the portal electronically, at least once a year, of any change that may affect the applicant's place on the waiting list and the authority's ability to contact applicant. Changes include, but are not limited to, family status, financial status, preference status, mailing address, phone number, and current residence.

(j) Documents required to support an application and other related communications will be accepted electronically, or in-person at drive-through and drop off appointments, or as otherwise advertised by the authority.

§29 Removal from waiting list. (a) Section 17-2028-37(d) and the authority's Admissions and Continued Occupancy Policy, Chapter 4, in part, where applicable, are suspended. While

Section 17-2028-37(d) and the applicable provisions of the Admissions and Continued Occupancy Policy, Chapter 4 are suspended, this section shall apply.

(b) Applications for the public housing program placed on the waiting list during the period when these emergency rules are in effect will be active up to the expiration of these emergency rules, when all remaining applications will be purged from the waitlist.

(c) Should the authority open the waiting list for applicants with local preferences, any applicant who is unable to verify their qualifications for meeting the preference within seven business days may be removed from the waiting list.

(d) The applicant shall be removed from the waiting list if the applicant fails to respond to the authority's reasonable contact efforts. Correspondence to either the last known address or last known email address will constitute reasonable effort to contact.

(e) All other parts of section 17-2028-37 shall apply.

§30 Offers. (a) Section 17-2028-39 and the authority's Admissions and Continued Occupancy Policy, Chapter 4, in part, where applicable, are suspended. While Section 17-2028-39 and the applicable provisions of the Admissions and Continued Occupancy Policy, Chapter 4 are suspended, this section shall apply.

(b) An applicant shall be afforded one offer to rent a suitable unit.

(c) The offer to eligible applicants shall be made in sequence based upon the following:

- (1) Size of dwelling unit required;
- (2) Type of dwelling unit required (e.g. accessible units for the mobility, hearing or visually impaired);
- (3) Local preferences, subject to income targeting and deconcentration policies and goals; and
- (4) Date and time the application was received.
- (5) Lottery selection, so long as all adopted preferences are considered.

(d) Upon refusal of one offer, without good cause, the applicant's name will be cancelled from the waiting list on which the applicant's name has been placed.

(e) 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 a disability 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 authority's satisfaction, 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; or
 - (C) A landlord verifies that the applicant has an existing rental agreement that cannot be breached without causing undue financial hardship.
- (4) The applicant's acceptance of the offer would result in undue hardship not related to consideration of race, color, national origin, or language and the applicant presents evidence which substantiates this to the authority's satisfaction (e.g., inaccessibility to source of current employment or day care facilities).

§31 Findings to Extend Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency. The authority finds that:

(a) Governor David Y. Ige declared a state of emergency in the State of Hawaii due to COVID-19 by issuing an Emergency Proclamation on March 4, 2020, that was extended by Supplementary Proclamations, most recently on April 9, 2021, which extended the emergency through June 8, 2021;

(b) There have been 31,991 cases reported since February 28, 2020, with 478 deaths, and 76 average daily new cases reported in the past 14 days, and 70 new cases reported on April 26, 2021 in the State of Hawaii clearly showing that there is an ongoing need to extend emergency measures to protect the HPHA's tenants and staff;

(c) COVID-19 continues to endanger the health, safety and welfare of the people of Hawaii and a response requires the serious attention, effort, and sacrifice of all people in the State to avert unmanageable strains on our healthcare system and other catastrophic impacts to the State; and

(d) The HPHA staff continues to report that several residents at the HPHA properties are not physical distancing or wearing facial coverings (e.g. masks), are congregating in

groups, and have allowed friends and family to perform their travel quarantine in their public housing unit despite repeated and regular warning and educational outreach efforts;

§32 Extension. Based on the authority's findings set forth in section 31, the authority is renewing and extending Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency, adopted April 16, 2020, and filed with the Office of the Lieutenant Governor on May 12, 2020, and renewed and extended on August 20, 2020, and filed with the Office of the Lieutenant Governor on September 8, 2020 for an additional 120 days after December 31, 2020, and renewed and extended on December 10, 2020, and filed with the Office of the Lieutenant Governor on December 22, 2020, for an additional 120 days after May 7, 2021.

Hawaii Public Housing Authority Emergency Rules
Relating to COVID-19 Emergency

Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency, Hawaii Administrative Rules, on the Summary Page dated June 9, 2021, which renewed and extended the Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency, Hawaii Administrative Rules, was adopted on June 9, 2021, by the Hawaii Public Housing Authority Board of Directors at an emergency board meeting held pursuant to section 92-8 and with abbreviated notice and hearing pursuant to section 91-3(b), Hawaii Revised Statutes.

These rules shall take effect upon filing with the Office of the Lieutenant Governor for a period of not longer than 87 days after June 9, 2021 unless extended in compliance with section 91-3(b), Hawaii Revised Statutes.



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

Pursuant to my Proclamation dated March 4, 2020, and Supplementary Proclamations dated March 16, 2020, March 21, 2020, March 23, 2020, March 31, 2020, April 16, 2020, April 25, 2020, May 5, 2020, May 18, 2020, June 10, 2020, July 17, 2020, August 6, 2020, August 20, 2020, September 22, 2020, October 13, 2020, November 16, 2020, November 23, 2020, December 16, 2020, February 12, 2021, April 9, 2021, May 7, 2021, and May 25, 2021 relating to COVID-19, I approve these rules.

APPROVED:



DAVID Y. IGE
Governor State of Hawaii
Dated: June 25, 2021

APPROVED AS TO FORM:



Deputy Attorney General

Filed

LIEUTENANT GOVERNOR'S
OFFICE