

Chapter 2

ELIGIBILITY FOR ADMISSION

[24 CFR 960.201]

INTRODUCTION

This Chapter defines both HUD's and the PHA 's criteria for admission and denial of admission to the program. The policy of this PHA is to strive for objectivity and consistency in applying these criteria to evaluate the qualifications of families who apply. The PHA staff will review all information provided by the family carefully and without regard to factors other than those defined in this Chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the PHA pertaining to their eligibility.

A. QUALIFICATION FOR ADMISSION

It is the PHA's policy to admit qualified applicants only. An applicant is qualified if he or she meets the following criteria:

- Is a family as defined in this Chapter;
- Heads a household where at least one member of the household is either a citizen or eligible non-citizen. (24 CFR Part 200 and Part 5, Subpart E);
- Has an Annual Income at the time of admission that does not exceed the low income limits for occupancy established by HUD and posted separately in the PHA offices:
 - The Quality Housing and Work Responsibility Act of 1998 authorizes PHAs to admit families whose income does not exceed the low-income limit (80% of median area income) once the PHA has met the annual 40% targeted income requirement of extremely low-income families (families whose income does not exceed 30% of median area income).
- Provides a Social Security number for all family members, age 6 or older, or will provide written certification that they do not have Social Security numbers;
- Meets or exceeds the tenant Selection and Suitability Criteria as set forth in this policy including the attendance and successful completion of the PHA's pre-occupancy class;
- Not have an outstanding debt owed to the PHA as a participant in any of its programs;
- Not have an outstanding liability for unpaid rent or damages incurred while previously participating in any Section 8 rental subsidy program;
- Not have been evicted since March 1, 1985 from a public housing program administered by the PHA or its predecessor, the Hawaii Housing Authority;

DAVID Y. IGE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

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BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

IN REPLY PLEASE REFER TO
16-OED-42

May 17, 2016

TO: The Honorable David Y. Ige
Governor of Hawaii

THRU: Rachael Wong, DrPH, Director
Department of Human Services 

FROM: Hakim Ouansafi, Executive Director
Hawaii Public Housing Authority 

SUBJECT: Approval to Conduct Public Hearings on the Adoption of Proposed Chapter 17-2028, "Federally-Assisted Public Housing Projects," Hawaii Administrative Rules

In accordance with Administrative Directive No. 09-01 (October 29, 2009), the Hawaii Public Housing Authority (HPHA) respectfully requests your approval to conduct public hearings on the proposed changes to Chapter 17-2028, Hawaii Administrative Rules (HAR), "Federally-Assisted Public Housing Projects."

The HPHA Federally Assisted Low-Income Public Housing (LIPH) projects are governed by a variety of federal, state, and agency statutes and rules, such as the United States Code, Code of Federal Regulations, and Chapter 356D, Hawaii Revised Statutes (HRS). Sections 356D-4 and 356D-13, HRS, authorize the HPHA to adopt administrative rules with the force and effect of law to govern its federal programs. The HPHA has consistently managed the federal LIPH projects in accordance with Chapter 17-2028, "Federally-Assisted Public Housing Projects," HAR.

Eligibility into the Hawaii Public Housing Authority's federally-assisted public housing program requires that the applicant shall not have been evicted since March 1, 1985, from a public housing program administered by the HPHA or any of its predecessors, the Housing and Community Development Corporation of Hawaii, or Hawaii Housing Authority.

This requirement applies to all cases of evictions, regardless of the reason for the eviction. However, this prohibition does not consider situations where the eviction was not based on volitional actions of the tenants, and it further penalizes families who were unable to pay rent because of unfortunate circumstances.

Families who recover from the financial situation existing at the time of the eviction may be looking for a fresh start. Therefore, the HPHA seeks to amend the prohibition to remove its application against families who were evicted solely for failing to pay the rent, and do not owe an outstanding debt to the HPHA or any US Department of Housing and Urban Development (HUD) rental assistance program.

I. Proposed HAR Changes

The proposed change to Chapter 17-2028, HAR, would make the following amendment:

Language in Section 17-2028-22(a)(1)(F), HAR, requiring applicants and household members to 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, will be limited by new language. The new language excludes the application of this eligibility requirement for 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.

II. Effect, Expected Result, Long and Short Term Impacts

This proposed amendment will positively affect the HPHA's ability to alleviate the state's homeless crisis by allowing the HPHA to serve families who may have been evicted from the HPHA's public housing programs in the past for financial difficulties, who may have recovered from these difficulties, and who are searching for housing options.

III. Financial Impacts

There are no anticipated financial impacts on the State upon the implementation of the proposed amendments.

IV. Effect on Small Business

There are no anticipated effects on small business by the proposed amendments.

V. Exhibits

The following exhibits are enclosed for your review:

- A. Exhibit A: A copy of the proposed draft rules in Standard form;
- B. Exhibit B: A copy of the proposed draft rules with proposed amendments in Ramseyer form; and
- C. Exhibit C: A copy of the For Action approved by the Hawaii Public Housing Authority Board of Directors on October 15, 2015, adopting the proposed amendments and

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May 17, 2016
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authorizing the Executive Director to undertake all actions necessary to implement the amendments.

Please contact Kiriko Oishi at 832-4680 or kiriko.u.oishi@hawaii.gov for any questions or concerns.

Thank you for your consideration of our request.

Approved as to Form:



Deputy Attorney General

THROUGH:



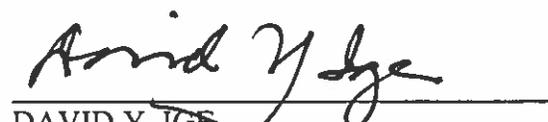
RACHAEL WONG, Director
Department of Human Services

5/17/16

DATE

APPROVED

DISAPPROVED



DAVID Y. IGE
Governor of Hawaii

6-13-16

DATE

Enclosures