

**HAWAII PUBLIC HOUSING AUTHORITY
NOTICE OF MEETING
BOARD OF DIRECTORS MEETING
1002 North School Street, Building E
Honolulu, Hawaii 96817**

**March 20, 2014
9:00 a.m.**

AGENDA

I. CALL TO ORDER / ROLL CALL

II. APPROVAL OF MINUTES

- A. Meeting Minutes, February 20, 2014 (*Pages 1-9*)
- B. Executive Session Minutes, February 20, 2014 (not for public release)

III. PUBLIC TESTIMONY

Public testimony on any item relevant to this agenda shall be taken at this time. Pursuant to section 92-3, Hawaii Revised Statutes, and section 17-2000-18, Hawaii Administrative Rules, the Board may limit public testimony to three minutes per agenda item.

IV. FOR ACTION

- A. Motion: To Approve the Hawaii Public Housing Authority's Five-Year and Annual Public Housing Agency Plan for the Fiscal Years Beginning July 1, 2014 to June 30, 2019, and to Authorize the Executive Director to Take Required Actions to Submit the Approved Plan to the U.S. Department Of Housing and Urban Development (*Pages 10-48*)
- B. Motion: To Approve the Amendments to and Compilation of Chapter 17-2020 "Eviction - Practice and Procedure", Hawaii Administrative Rules and to Authorize the Executive Director to Take Required Actions to Submit the Approved Amendments to the Governor of the State of Hawaii for Adoption (*Pages 49-73*)
- C. Motion: To Approve the Amendments to and Compilation of Chapter 17-2028 "Federally - Assisted Housing Projects", Hawaii Administrative Rules and to Authorize the Executive Director to Take Required Actions to Submit the Approved Amendments to the Governor of the State of Hawaii for Adoption (*Pages 74-168*)

- D. Motion: To Authorize the Executive Director to Identify Potential Properties and to Enter Into Negotiations on Behalf of the Hawaii Public Housing Authority to Acquire Additional Low-Income or Affordable Housing Inventory. (**Page 169**)

The Board may go into executive session pursuant to Hawaii Revised Statutes sections 92-4, 92-5(a)(3) to deliberate concerning the authority of persons designated by the Board to negotiate the acquisition of public property, or during the conduct of such negotiations, and 92-5(a)(4) to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

V. REPORTS

- A. Executive Director's Report Highlights: (**Pages 170-209**)
- Property Management and Maintenance Services Branch occupancy and rent collection status
 - Update on Choice Neighborhood Initiative Planning Grant
 - Section 8 Lease up Status
 - Design and Construction Project Updates; Relocation Training
 - Contracts Executed During February 2014
 - Report on Consultant for Mayor Wright Homes

VI. FOR INFORMATION/DISCUSSION

- A. For Discussion: *Kolio, et al. v. State of Hawaii, Hawaii Public Housing Authority (Civil No. 11-1-0795-04)* (**Page 210**)

The Board may go into executive session pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(4) to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities as related to *Kolio, et al. v. State of Hawaii, Hawaii Public Housing Authority; Civil No. 11-1-0795-04*)

If any person requires special needs (i.e., large print, taped materials, sign language interpreter, etc.) please call Ms. Taryn Chikamori at (808) 832-4690 by close of business two days prior to the meeting date. Meals will be served to the Board and support staff as an integral part of the meeting.

HAWAII PUBLIC HOUSING AUTHORITY
MINUTES OF THE REGULAR MEETING
HELD AT 1002 NORTH SCHOOL STREET, BUILDING E
HONOLULU, HAWAII 96817
ON THURSDAY, FEBRUARY 20, 2014
IN THE COUNTY OF HONOLULU, STATE OF HAWAII

The Board of Directors of the Hawaii Public Housing Authority held a Regular Board Meeting at 1002 North School Street, on Thursday, February 20, 2014 at 9:00 a.m. Chairperson Gierlach called the meeting to order. Those present were as follows:

PRESENT: Director David Gierlach, Chairperson
Director Jason Espero, Secretary
Director Myoung Oh
Director Debbie Shimizu
Director Trevor Tokishi
Designee Barbara Yamashita

Deputy Attorney General, Jennifer Sugita

EXCUSED: Director Matilda Yoshioka, Vice-Chair

STAFF PRESENT: Hakim Ouansafi, Executive Director
Barbara Arashiro, Executive Assistant
Chong Gu, Chief Financial Management Advisor
Clarence Allen, Fiscal Officer
Kiriko Oishi, Chief Compliance Officer
Rick Sogawa, Contracts & Procurement Officer
Joanna Renken, Acting Public Housing Supervisor
Benjamin Park, Housing Planner
Stephanie Fo, Section 8 Branch Chief
Sahar Ibrahim, Engineer
Taryn Chikamori, Secretary to the Board

OTHERS: Pius Casiano, Puahala Homes resident
Merina Engino, public housing applicant
Klinda, son's a Section 8 applicant
Nerleen Kipe, public housing applicant
Doreen Matf, public housing applicant
Lorna Nedelec, public housing applicant
Korety Neset, public housing applicant
Rejame, public housing applicant

Dapita Rume, public housing applicant
Snopia Weinei, public housing applicant
Jesse Wu, U.S. Department of Housing and Urban Development

Proceedings:

Chairperson Gierlach declared a quorum present.

Approval of Minutes:

Director Espero moved,

To approve the Regular Meeting Minutes of December 19, 2013.

The minutes were unanimously approved.

Public Testimony:

Pius Casiano, Puahala Homes resident, stated he feels that Micronesians are being discriminated against because they have applied for housing but have not been offered housing. He also stated that he would interpret for some of the testifiers.

Merina Engino, public housing applicant, stated that she has been on the public housing waitlist for seven months. She stated that she is living with her sister, but the apartment they have is not good for her health. She said that there is a hole in the wall and water is dripping into the unit. She stated that she lives near Middle Street.

Lorna Nedelec, public housing applicant, stated that in 2010 she was living at the Family Promise Shelter. She moved out of the shelter in February of 2013, when the program ended. She is currently staying with her parents and her sister, but the landlord told her that she is not on the lease and cannot stay in the unit.

Kareti, a public housing applicant, spoke with Pius Casiano interpreting for her. She stated that she lived in a homeless shelter in Waipahu since 2010. Then she transferred to a different shelter in Kakaako and needs to move out in March. In 2011, she applied for the Section 8 program and was told that she qualifies for a three bedroom unit, but she did not receive an offer.

Chairperson Gierlach asked Ms. Kareti when she applied for Section 8. Ms. Kareti responded that she applied in 2011. Executive Director Ouansafi responded that it is likely that she applied for the City & County of Honolulu's section 8 program as the HPHA's Section 8 program's waitlist is closed.

Dorren Matf, public housing applicant, stated that she applied for public housing and the Section 8 program in 2010. In July 2013, she had an interview with James, but she is still on the waitlist.

Nerleen Kipe, public housing applicant, stated that she was living in Vancouver Transitional House, but her contract ended and she and her family are living in her car. She stated that she applied for public housing and section 8 in 2008.

Klarinda, reported that her son is a Section 8 applicant, stated that she is speaking on behalf of her son. She stated her son was called for an interview at Palolo Valley Homes Section 8 program. He was informed he didn't qualify because he did not have the necessary paperwork. She believes that he provided every document that was requested of him, but they still have not placed him.

Rejame, public housing applicant, stated she is living at the Lighthouse shelter in Waipahu, but needs to move out in March and she fears she will have no place to live. She stated that she applied for public housing in 2012 and was told that she had to wait for seven years.

Chairperson Gierlach stated that the Hawaii Public Housing Authority's (HPHA) is doing its best to fill units. He stated that the true issue is that there is a shortage of public housing units, not discrimination against particular groups.

Executive Director Ouansafi stated that the HPHA does not skip over anyone and by the end of the year the occupancy rate will be close to 99% which means that there will not be many vacant units available. Executive Director Ouansafi also stated that anyone who applied for Section 8 after 2006, likely applied with the City and County of Honolulu (C & C) because the HPHA waitlist has been closed since then. He also stated that Palolo is a project based voucher program with specific eligibility requirements.

For Action:

Director Tokishi moved,

To Appoint Joanne Luiz and to Reappoint Keith Biho to the Hilo Eviction Board, to Reappoint Arde Long-Yamashita to the Kauai Eviction Board and to Reappoint Robert Hill to the Maui Eviction Board for a new and additional Two-Year Term Expiring on February 28, 2016.

Director Oh asked why the neighbor island has more floating members than Oahu. Executive Director Ouansafi responded that Oahu has more members so it's easy to find volunteers willing to serve as a floating member, whereas; there are fewer members on the Big Island so there are more floating members.

The motion was unanimously approved.

For Action:

Director Tokishi moved,

To Extend the Amended Federal Public Housing Program's Admissions and Continued Occupancy Policy and the Section 8 Housing Choice Voucher Program's Administrative Plan Adopting Temporary Compliance Assistance Guidelines.

Executive Director Ouansafi stated that the guideline was created by the U.S. Department of Housing and Urban Development (HUD) and states that the HPHA does not need verify that a family has assets of less than \$5,000. In March the Board approved a similar motion, but in November HUD extended the guideline. HPHA is asking for approval to extend the implementation of the temporary compliance.

The motion was unanimously approved.

For Action:

Director Tokishi moved,

To Approve to Request from HUD to Rescind the "Undemo" Approval of January 7, 2009, Lanakila Homes, HA 1004, Hilo, Hawaii.

Executive Director Ouansafi stated that the HPHA went out for bid and the cost to repair the unit was approximately \$350,000 and to rebuild it will cost approximately \$50,000 more. Based on that cost analysis, it is more feasible to rebuild the units. The HPHA wants to ask HUD to demolish the units completely. He stated that the HPHA has federal funds that will expire and staff already put out a bid to demolish the units.

Chairperson Gierlach asked when the completion date of Lanakila Homes is. Executive Director Ouansafi responded that there is no date as of yet. Staff will come to the Board with ideas for the project.

The motion was unanimously approved.

Executive Director's Report:

- Executive Director Ouansafi introduced Mr. Chong Gu, Chief Financial Management Advisor. Mr. Gu is the former Administrative Services Officer of the Hawaii Community Development Authority (HCDA). Mr. Gu is also a Certified Public Accountant (CPA).

- Executive Director Ouansafi reported that staff had multiple consultants conduct training. All of the consultants were paid by HUD. Managers, Fiscal Management Office (FMO) staff, Property Management and Maintenance Services Branch (PMMSB) staff, and Section 8 staff received valuable training on program requirements.
- Executive Director Ouansafi reported that the occupancy rate is at 97%, but the “adjusted” occupancy rate is higher because the HPHA is not receiving credit for some of the units that are being renovated. He reported that the HPHA has only a couple dozen units that can be repaired right away; the remaining units are under long term contracts.
- Executive Director Ouansafi reported that staff closely monitors occupancy and when there was a deficiency on Maui, the special teams were sent for ten days and repaired multiple units which are now rent ready.
- Executive Director Ouansafi reported that the HPHA staff is working on a relocation manual.
- Executive Director Ouansafi requested that a financial task force be appointed by the Chair to review the budget and the single audit findings.
- Executive Director Ouansafi asked whether the Board was interested in scheduling a retreat to discuss strategic direction for the HPHA.
- Executive Director Ouansafi reported that in the near future staff will be presenting and asking for the Board’s approval to create a non-profit section of the HPHA.

Director Shimizu commented that there are concerns at the Legislature with the establishment of a non-profit to manage government services due to the problems with the healthcare non-profit system. Executive Director Ouansafi added that many PHAs nationwide have already established non-profit divisions or subsidiaries. The HPHA has requested approval from the Department of the Attorney General’s (AG) office to hire outside counsel that specializes in the establishment of a non-profit to further advise on this matter.

- Executive Director Ouansafi reported that the HPHA will bring before the Board the Annual Contributions Contract (ACC) units at Lanakila Homes on the Big Island and the possibility of developing additional public housing units at other sites.
- Executive Director Ouansafi reported that staff will also be presenting to the board the most current utility allowance study. Currently, the HPHA is over paying residents on the utility allowance. According to the current policies, the HPHA would need to give residents two months notice prior to the utility rate change. The HPHA could start the rate change on May 1, 2014, but staff will be asking that the residents be given one or two months of leeway.

- Executive Director Ouansafi reported that because the HPHA is required by State law to manage State properties at a break even, staff will be looking into for some kind of rent change in order to comply with the law. Presently, the minimum rent is \$150. The Board will be given options for discussion.

Director Espero asked if tenants are paying 30% of their income and if this increase would make it 35%-40% of their income. Executive Director Ouansafi stated that could be a possibility.

Executive Director Ouansafi clarified that 30% is the lowest and that the State law provides the HPHA the flexibility to change the rental rate, only federal projects must remain at 30%.

- Chairperson Gierlach asked why HUD cares if HPHA's State units are paid for. Executive Assistant Arashiro asked to go into Executive Session regarding this matter. Chairperson Gierlach stated that executive session will be deferred to later in the meeting.
- Director Shimizu asked for an update on page 78, Palolo Valley Homes water leak. Executive Director Ouansafi responded that the HPHA offered the six affected tenants \$200 per family, per night, or a hotel. All of the families choose the \$200. The next day the HPHA offered all families alternative housing, which was accepted. As a courtesy, the HPHA also paid for their bus passes. The building is slated for complete renovation in the next phase.

Director Shimizu asked if the federal funds will cover the \$200 and where are the funds coming from. Executive Director Ouansafi responded that the funds are coming from the Central Office Cost Center (COCC). The HPHA will most likely be submitting for relocation costs reimbursement.

- Director Shimizu asked if the Board is going to discuss the options recommended by the Choice Neighborhood Initiative consultant on page 80. Executive Director Ouansafi responded that the HPHA was appropriated \$600,000 from the State. Michaels Development submitted a budget that would use the entire \$600,000. About half way through the process Michaels Development informed the HPHA that they do not wish to be the lead applicant because of tax implications. He stated he stopped the use of the taxpayers' money until a lead applicant is identified. He added that in order to score high on the grant application, HPHA cannot be the lead applicant because one of the requirements is to have two projects completed. Michaels Development informed the HPHA that they are now willing to be a co-lead applicant. The HPHA then asked the Michaels Development to adjust the budget. The HPHA's plan is to move forward once the pre-development agreement is signed by Michaels Development.

Director Shimizu asked if the HPHA is on schedule to submit the application.

Executive Director Ouansafi responded that the HPHA is moving as expeditiously as possible and will assist the Michaels Development Company the lead applicant as soon as they agree to the pre-development loan. He added that the final application is due in October.

- Director Shimizu asked what are some of the 85 vacant positions are. Executive Director Ouansafi responded that every type of position is open. Some examples are Maintenance, Secretary, PHS I, and etc.

Director Shimizu asked if the HPHA is in the process of filling the positions otherwise the position may be abolished. Executive Assistant responded yes, but most of the positions are federally funded.

- Executive Director Ouansafi reported that the HPHA posted a request for proposals (RFP) for the Mayor Wright Homes project to secure a consultant. The HPHA received proposals and just sent a letter for the clarifications on the proposals.
- Director Espero asked whether the HPHA could look into doing outreach to educate the case workers and homeless residents what the process, procedures, and expectations of applying for public housing because many of the testifiers are living at homeless shelters. Executive Director Ouansafi reported that the HPHA sends Michi Kanoura-Hatae, Applications Services Supervisor, to do outreach, but the HPHA will look into increasing the outreach. Executive Assistant Arashiro stated that Ms. Kanoura-Hatae attends the continuum of care meetings and talks to the providers and HPHA relies on the providers to educate their residents. Executive Director Ouansafi reported that in the past few years the HPHA moved in over 2,000 adults and 837 children who were homeless. Chairperson Gierlach stated that during the retreat the Board should discuss if public housing should be lifetime.
- Director Shimizu asked if the HPHA is any closer to recommending a tenant Board member to the Governor. Executive Director Ouansafi responded that there are no names at this time.
- Executive Director Ouansafi stated that the Legislature introduced a no smoking bill on which the HPHA remained neutral. The HPHA submitted comments stating that the HPHA is in the process of changing the administrative rules and requested that if the Legislature passes the law, that it be made consistent with the HPHA's administrative rules.

Motion:

Director Tokishi moved,

To Add to the Agenda Discussion on State Public Housing Being Self-Sufficient.

The motion was unanimously approved.

Executive Session:

Director Tokishi moved at 10:16 a.m.,

To go into Executive Session pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(4) to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities as related to:

- 1. Executive Session Minutes of the October 10, 2013 and December 19, 2013 meeting;**
- 2. Kolio, et al. v. State of Hawaii, Hawaii Public Housing Authority (Civil No. 11-1-0795-04); and;**
- 3. State Public Housing Being Self Sufficient**

The motion was unanimously approved.

The Board reconvened from Executive Session at 10:35 a.m.

Chairperson Gierlach reported that the Board discussed the Kolio case, approval of the October 10, 2013 and December 19, 2013 Executive Session minutes, and State public housing being self sufficient.

Chairperson Gierlach stated that Director Tokishi, Director Oh, and Director Yamashita will be on the Financial task force which will review the budget and single audit.

Adjournment:

There was no further business to discuss, Chairperson Gierlach asked for a motion to adjourn the Regular Meeting.

Director Oh moved,

To adjourn the Regular Hawaii Public Housing Authority Board meeting.

The motion was unanimously approved.

The meeting was adjourned at 10:40 a.m.

MINUTES CERTIFICATION

Minutes Prepared by:


Taryn T. Chikamori
Secretary to the Board

MAR 20 2014
Date

Approved by the Hawaii Public Housing Authority Board of Directors at their Regular Meeting on March 20, 2014: [] As Presented [] As Amended


Jason Espero
Director/Board Secretary

MAR 20 2014
Date



SmokeFree Public Housing

Smoke-free housing is the wave of the future. Many other Housing Authorities across the country are choosing to go smokefree to protect the health of their staff and residents, especially children and the elderly. Below is a summary of how we are helping you implement this policy. We appreciate our ongoing partnership with you.

Who we are:

- Coalition for a Tobacco-Free Hawaii: a non-profit organization dedicated to building community health by reducing tobacco use.
- Hawaii State Department of Health/ Tobacco Prevention and Education Program

What we help with:

- **Information and Education-** We help with educational presentations to residents and staff about the benefits of smokefree housing and the dangers of secondhand smoke.
- **Trainings-** We can provide specific training opportunities and other technical assistance for managers and staff regarding implementation of a smokefree policy.
- **Enforcement Recommendations-**We provide recommendations and examples from other housing authorities across the country regarding best practices, tips and hints, and what works and doesn't work.
- **Cessation Assistance-** We can provide technical assistance with creating a unique cessation plan and program for specific properties and well as link you with nearby services. We can also provide quit information and materials, etc.
- **Signage Development-** We may also be able to help develop and create appropriate signage but will NOT be able to install them. Due to limited funding, installation will need to be the responsibility of the HPHA.

Community Partners:

- Hawaii State Department of Health/ Public Health Nursing
- American Lung Association- Debbie Odo
- And others.....

When: First announcement to tenants made January 2013

Where: All PROPERTIES

Why:

- Secondhand smoke is....
 - toxic and made up of many cancer-causing chemicals and poisons that cause serious disease and death

- Uncontrollable. It seeps through vents, outlets, and cracks. 65% of air in a unit is shared with neighboring units. Special advertised “filtering systems” are not enough.
- Costly. SHS causes “thirdhand smoke” which requires professional cleaning and repair.
- Especially harmful to children and pregnant women. SHS is linked with pre-term birth, SIDS, asthma and breast cancer.
- The U.S. Surgeon General declared that there is “no safe level of secondhand smoke”.
- World Health Organization states that implementing 100% smoke-free environments is the only way to protect the public from the harmful effects of secondhand smoke.

CONTACT INFORMATION

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Program Director

Coalition for a Tobacco Free Hawaii

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Hawaii State Department of Health

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FOR ACTION

MOTION: To Approve the Hawaii Public Housing Authority's Five-Year and Annual Public Housing Agency Plan for the Fiscal Years Beginning July 1, 2014 to June 30, 2019, and to Authorize the Executive Director to Take Required Actions to Submit the Approved Plan to the U.S. Department Of Housing and Urban Development

I. FACTS

- A. The Public Housing Agency (PHA) Five-Year and Annual Plan are a requirement of the Quality Housing and Work Responsibility Act of 1998 (QHWRA) and the Housing and Economic Recovery Act (HERA) of 2008. All public housing agencies administering federal public housing and Section 8 tenant-based Housing Choice Voucher (HCV) assistance programs must submit their plans to the U.S. Department of Housing and Urban Development (HUD) to be eligible to receive administrative, operating, Capital Fund Program, and Section 8 HCV assistance monies.
- B. Public notice of hearings on the draft PHA Five-Year and Annual Plan, required by 24 Code of Federal Regulations (C.F.R.), Part 903.17, was approved by the Board of Directors on December 19, 2013 and published in the Honolulu Star-Advertiser, The Garden Island (Kauai), The Maui News, West Hawaii Today (Kailua-Kona), and the Hawaii Tribune Herald (Hilo) on January 12, 2014. A notice of the public hearings was also sent to all public housing residents with the February 2014 rent bill.
- C. On December 19, 2013, the HPHA Board of Directors voted to accept the HPHA draft PHA Five-Year and Annual Plan for FY 2014 – 2019 as published, subject to comments at the public hearing. Public hearings were held in each county on February 28, 2014.
- D. Meetings with the Resident Advisory Board (RAB) on the draft PHA Five-Year and Annual Plan started in September 2013 and concluded on March 7, 2014.
- E. The HPHA must electronically submit the final proposed PHA Five-Year and Annual Plan and required attachments in the HUD-specified format no later than April 17, 2014, for review and subsequent approval by the local Honolulu HUD Office.

II. DISCUSSION

- A. HPHA staff reviewed and considered all testimony received prior to and at the public hearings, along with recommendations of the RAB, as required by 24 C.F.R. Section 903.19. Appropriate changes were made to the draft PHA Five-Year and Annual Plan. The changes made to the draft plan are non-substantial and therefore do not require additional public hearings. They are summarized in Attachment C.
- B. Discussion will continue with the RAB on the details and implementation of changes included in the PHA Five-Year and Annual Plan, once it is approved by the Board and HUD.
- F. Attachment A is the proposed final PHA Five-Year and Annual Plan for FY 2014-2019, subject to changes approved by the Board, and will be submitted to HUD upon approval. Also included is a summary of the proposed changes in Attachment B. A summary of the testimony received prior to and at the hearings (Attachment C) and a summary of the RAB's final recommendations and HPHA's responses was prepared. (Attachment D).

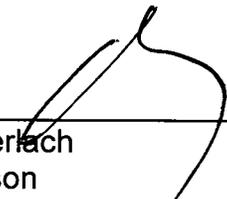
III. RECOMMENDATION

That the HPHA Board of Directors approves the HPHA's final Public Housing Agency (PHA) Five-Year and Annual Plan for FY 2014-2019, and authorizes the Executive Director to submit it along with required documents to the U.S. Department of Housing and Urban Development on or before April 17, 2014.

Attachment A: Final Proposed FY 2014-2019 PHA Five-Year and Annual Plan
Attachment B: Summary of Changes to the Draft PHA Five-Year and Annual Plan
Attachment C: Summary of Public Testimony
Attachment D: RAB Recommendations and HPHA Response

Prepared by: Benjamin Park, Planner 

Approved by the HPHA Board of
Directors on the date set forth above



David Gierlach
Chairperson



Hawaii Public Housing Authority
 Annual and Five-Year Plan
 Fiscal Years 2014-2019

1. PHA 5-Year and Annual Plan		U.S. Department of Housing and Urban Development Office of Public and Indian Housing			OMB No. 2577-022 Expires 4/30/2011	
1.0	PHA Information PHA Name: Hawaii Public Housing Authority PHA Code: HI001 PHA Type: <input type="checkbox"/> Small <input type="checkbox"/> High Performing <input checked="" type="checkbox"/> Standard <input type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): 07/2014					
2.0	Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of Public Housing Units: 5,332 Number of Housing Choice Voucher units: 3,420					
3.0	Submission Type <input checked="" type="checkbox"/> 5-Year and Annual Plan <input type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only					
4.0	PHA Consortia <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)					
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program	
					PH	HCV
	PHA 1:					
	PHA 2:					
	PHA 3:					
5.0	5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.					
5.1	Mission. The Hawaii Public Housing Authority (HPHA) is committed to promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.					



Hawaii Public Housing Authority
Annual and Five-Year Plan
Fiscal Years 2014-2019

5.2 Goals and Objectives

A. Expand the supply of assisted housing:

1. Apply for and lease up additional rental vouchers if available.
2. Public housing vacancies: Not to exceed 5% vacancy rate.
3. Leverage private or other public funds to create additional housing opportunities: Assess the feasibility of mixed-use public/private partnerships in the redevelopment for all properties.
4. Assess the feasibility of acquiring or developing more properties to create additional housing opportunities on all islands.
5. Pursue inclusion in rental assistance demonstration (RAD) for select public housing properties to convert to the housing choice voucher program.
6. Pursue VASH development opportunities and additional funding.

B. Improve the quality of assisted housing:

1. Improve public housing management: (PHAS score)
 - PHAS Physical Condition (REAC) – Achieving an above average score of 75 out of 100 points for each property.
 - PHAS Financial Condition – Maintain rent collection rate of 95% or better at all properties.
 - PHAS Management Operations – Vacant Unit Turnaround Time: Less than or equal to 20 days; Work Orders: Complete or abate 100% of emergency work orders within 24 hours and complete non-emergency work orders within an average of 25 days; Annual Inspections: Inspected 100% of its units and systems using the Uniform Physical Condition Standard (UPCS); Form Processing: Complete all forms in an expeditious manner.
 - Continue to implement upgrades of PHA computer software to increase the efficiency of programs agency-wide.
 - Continue to improve the tenant rent collection system through timely evictions for non-payment of rents.
2. Improve voucher management: (SEMAP score)
 - Maintain “High Performer” status.
 - Maintain lease-up to 95% of budget utilization.
 - Maintain an effective reporting system to improve operational efficiency.
 - Continue to develop relationships with more partners in the recruitment and retention of landlords.
 - Increase efforts to lease up VASH vouchers for qualifying veterans by pursuing operational efficiencies.
3. Increase customer satisfaction:
 - Automate more functions to provide increased quality of service such as web-based applications, increase web capabilities, and interactive voice response systems.



5.2 Goals and Objectives

4. Concentrate on efforts to improve specific management functions:
 - Revise and implement plan to have Tenant Monitors or other resident participation programs to address issues when managers are not available.
 5. Continue to renovate or modernize public housing units.
 6. Demolish or dispose of obsolete public housing and provide replacement housing.
 7. Provide replacement vouchers.
 8. Leverage Capital Funds to accelerate modernization projects, study the feasibility of utilizing public/ private partnerships for the redevelopment of public housing and pursue mixed finance redevelopment opportunities with various HUD programs such as RAD and CNI.
 9. Continue to refer criminal cases to the eviction board in an expeditious manner to maintain the health and safety of the public housing community.
- C. Increase assisted housing choices:
1. Conduct outreach efforts to potential voucher landlords.
 2. Provide Section 8 voucher mobility counseling.
 3. Assess voucher payment standards.
 4. Maintain voucher homeownership program.
 5. Maintain public housing or other homeownership programs.
 6. Utilize Geographical Wait Lists.
 7. Pursue designated housing for elderly-only project(s).
- D. Provide an improved living environment:
1. Implement measures to de-concentrate poverty by bringing higher income public housing households into lower income developments.
 2. Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments.
 3. Implement public housing security improvements, such as increased lighting, resident identification cards, utilizing after hour quiet time, and crime prevention through environmental design features.
 4. Designate developments or buildings for particular resident groups (e.g., elderly or persons with disabilities) and/or pursue designated housing under HUD's definition of designated housing.
 5. Pursuing a due process determination from HUD to expedite criminal activity cases that involve assault, terroristic threatening, firearms, dangerous weapons, harassment, kidnapping, sexual assault, extortion, forgery, burglary, unauthorized entry into a dwelling, unauthorized entry into a motor vehicle, criminal property damage, criminal trespass on HPHA property, disorderly conduct, child pornography, and consuming liquor on HPHA property, which is considered as reasonably likely to adversely affect the health, safety, right to peaceful enjoyment of the premises by other tenants, the HPHA and its staff.
 6. Installing adaptable design elements to allow elderly tenants to age in place.
 7. De-Concentration Summary reveals 1 AMP site is below the 85% threshold and 1 AMP site is above 115% threshold. Applicants will be placed accordingly.



Hawaii Public Housing Authority
Annual and Five-Year Plan
Fiscal Years 2014-2019

5.2 Goals and Objectives

8. With a public/private partnership and Master Development agreement with Michaels Development, income mixing is present at Kuhio Park Terrace.
- E. Promote self-sufficiency and asset development of assisted households:
1. Increase the number and percentage of employed persons in assisted families by conducting annual activities such as job fairs and job training events.
 2. Engage supportive service providers to improve assistance recipients' employability.
 3. Engage supportive service providers to increase independence for the elderly or families with disabilities by continually attracting and providing supportive services.
 4. Provide measures and opportunities to increase the income of residents to complement de-concentration and income targeting.
 5. Improve Section 3 plan to expand resident employment opportunities.
- F. Ensure equal opportunity and affirmatively further fair housing:
1. Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sexual orientation, gender identity, marital status, familial status, and disability.
 2. Undertake affirmative measures to provide a suitable living environment for families living in assisted housing regardless of race, color, religion, ancestry, national origin, age, sex, sexual orientation, gender identity, marital status, familial status, HIV/AIDS infection and disability.
 3. Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required.
 4. plan for applicants and residents of public housing and Section 8 programs.
 5. Continue on-going efforts to educate and provide information to the general population and to landlords.
 6. Conduct on-going training to educate staff.
 7. Continue to implement the Section 504 and ADA transition plans.
 8. Maintain the Limited English Proficiency (LEP) Provide training to non-English speaking and/or Limited English Proficiency speaking groups with an interpreter available on federal and state fair housing laws.
 9. Build community ties with private and non-profit organizations to affirmatively further fair housing.
 10. Update the Fair Housing Analysis of Impediments in 2015.
- G. Improve the housing delivery system through cost-effective management of federal government programs and resources:
1. Implement project based accounting and management for federal public housing.
 2. Improve the tenant rent collection system by updating policies and procedures, timely evictions for non-payment of rents, and timely write offs.
 3. Implement energy efficient cost saving measures in all properties.
 4. Work with the University of Hawaii including but not limited to the development of a database system to inventory all properties.
 5. Study the feasibility of creating energy farms to generate power for all properties.
 6. Pursue prosecution for criminal property damage.

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5.2 Goals and Objectives

7. Continue to automate major operation components of the PHA computer software such as work order processing and tracking, materials, inventory, and fixed assets to improve the efficiency and accuracy of financial accounting and reporting.
 8. Continue to upgrade the computer network infrastructure with faster, more reliable, and redundant connections to increase overall productivity.
 9. Upgrade computers and servers with newer models to provide faster response time for users, and standardize all versions of office software.
 10. Implement a content management system for more efficient retrieval of documents stored electronically on the HPHA network.
 11. Acquire video conferencing equipment to further better communication between all HPHA properties on all islands.
 12. Make available not less than fifty per cent of available federal and state low-income housing units for applicants without preference and up to fifty per cent of available federal and state low-income housing units for applicants with preference as mandated by ACT148 – 2013.
 13. Adopt proposed Hawaii Administrative Rule (HAR) revisions to prohibit smoking in public housing, and provide tenants with revised lease addenda outlining enforcement strategies for the “No Smoking” policy.
 14. Adopt changes to Admissions and Continued Occupancy Policy for the Federally Assisted Low-income Public Housing program to ensure compliance with HUD regulations and policies.
 15. Work with any and all departments and agencies to combat the community goal of homelessness.
- H. Evaluate the current administration of HPHA’s Section 8 Housing Choice Voucher Program (Due to the recent change in funding levels for the Section 8 HCV Program by HUD, HPHA will be exploring options to maximize the number of voucher participants within the current HUD funding level):
1. Increase the current number of active vouchers by leveraging HPHA’s “High Performer” status to participate in any current or future HUD programs and/or create and implement new programs in conjunction with the local HUD office.
 2. Maintaining current subsidy amounts and not open the wait list until HUD funding is increased.
- I. Comply with the Violence Against Women Act to support and assist victims of domestic violence, dating violence, sexual assault, or stalking. To protect certain victims as well as members of the victims’ immediate families – from losing their HUD-assisted housing as a consequence of the abuse of which they were the victim.



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6.0a PHA Plan Update

- (a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:
- Capital improvements: The HPHA will look into the feasibility of pursuing mixed finance and project based redevelopment projects and create public/private partnerships by utilizing various HUD programs including but not limited to Rental Assistance Demonstration and Choice Neighborhood Initiative, and will utilize various financing tools to rehabilitate federal and state low-income housing properties and pursue any and all means of financing including but not limited to federal grants, state appropriations and low-income housing tax credits.
 - Economic Self-Sufficiency:
 1. Evaluate the need and the feasibility of the HUD “Step Up” program to provide jobs and job training opportunities on HUD-assisted construction projects to residents of public housing and other low-income people.
 2. Pursue grant opportunities to fund self-sufficiency coordinator positions through HUD grants.
 - Housing Choice Voucher Administrative Plan and Admissions and Continued Occupancy Policy (ACOP):
 1. Update occupancy guidelines to allow two people per living space, and single person families shall be allocated a studio. (ACOP pg. 5-1 and Section 8 Admin Plan pg. 5-12)
 2. Update policy on additions to the household after admission into the Housing Choice Voucher program to deny additions of an additional family consisting of more than one member to the Housing Choice Voucher except by birth, adoption, or court-awarded custody, or marriage, when the addition would increase the subsidy to the family. (Section 8 Admin Plan pg. 9-4)
 3. Adopt policy on changes to household composition when a family member who is 18 and over remove themselves from the household; and to establish the following policies when such family members seek readmission to the household:
 - A. They are prohibited from readmission to the household.
 - B. They are required to apply as new applicants for placement on the waitlist.
 - C. The HPHA may consider medical hardship or other extenuating circumstances, and if determined necessary as a reasonable accommodation, may allow such family members to be added to the household as a live-in-aide (Section 8 Admin Plan pg. 9-4)
 4. Adopt policy regarding remaining members of assisted tenant families to allow only the original household members at the time of voucher issuance to retain the voucher where other members of the family have left the unit; and to provide for the return of the voucher to the HPHA once all original household members are no longer in the household; and to provide an exception for families where the original parents in the



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6.0a PHA Plan Update (cont.)

household are survived by minors who were subsequently added to the household, until the minors reach a certain age (e.g., 21 years of age). (Section 8 Admin Plan)

5. Close the Palolo Project Based Voucher wait list except for four bedroom units.
6. Adopt a policy to implement a lottery system to randomly choose families (excluding the elderly, disabled, and victims of domestic violence) to terminate from the Housing Choice Voucher Program if the HPHA must terminate Housing Assistance Payments contracts due to insufficient funding. (Section 8 Admin Plan pg. 12-6 and 12-7)
7. In determining income from assets for purposes of eligibility and subsidy determination in the Public Housing program and the Section 8 program, update the policy determining the value of a checking account to be consistent with the policy determining the value of a savings account, by using the current balance, or average monthly balance for the last six months, to reduce administrative burden and excessive paperwork and added expense for the applicant.
8. In determining the amount of allowances for purposes of rent and subsidy determination in the Housing Choice Voucher program, establish policy to cap the amount of child care expenses that can be claimed at the amount of the lower wage earned by working family members, unless the child care expenses incurred is obviously to enable another family member with higher wages to work.
9. Enter into a cooperative agreement with the State Department of Human Services and the State Department of Health to exchange program and client information to streamline operations and to combat fraud in the public housing and the Section 8 programs.
10. In the Housing Choice Voucher program, update policy regarding the designation of the head of household, spouse, and co-head of the family in the event of marriage of the head or co-head individuals who may not be related by blood, marriage, adoption, or other operation of law, subsequent to admission to the program, to clarify as follows:
 - A. If the head marries, head's spouse automatically replaces original co-head as spouse. The original co-head automatically becomes an authorized family member.
 - B. If the co-head marries, as a family can only have a spouse or co-head, but not both, the family determines whether the co-head's spouse will become the head of household, or an authorized household member.
11. Adopt policy requiring live-in aides to establish legal residency in the United States to receive subsidy for an additional bedroom in the Section 8 program, and to occupy an additional bedroom in the public housing program.
12. Adopt policy in the Section 8 program to determine which household will include a minor's unearned income into the household's income, in determining unit size, and eligible deductions where two households in the assisted housing programs share custody of minors.
13. Adopt revisions to the Section 8 policy in shortening the length of time for a temporary absence from, other than students and foster care.



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6.0a PHA Plan Update (cont.)

14. Update the Admissions and Continued Occupancy Policy to revise the “one-strike” admissions and termination policy to conform to the HUD Screening and Eviction Final Rule.
15. Extend the length of time an applicant may be denied admissions after drug-related criminal activity or convictions over the minimum of 3 years as required by the HUD regulations.
16. Update the Admissions and Continued Occupancy Policy to implement the requirements of Act 148, Session Laws of Hawaii 2013, restricting the number of available units that may be for applicants with preferences, and eliminating the elderly and disabled singles preference, which is considered obsolete.

- (b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan.

The PHA Plan and all supporting documents are available on the internet: www.hpha.hawaii.gov/

Hawaii Public Housing Authority
1002 North School Street, Bldg. E
Honolulu, Hawaii 96817

Lanakila Homes
600 Wailoa Street
Hilo, Hawaii 96720

Ka Hale Kahaluu
78-6725 Makolea Street
Kailua-Kona, Hawaii 96740

Kapaa
4726 Malu Road
Kapaa, Hawaii 96746

Kahekili Terrace
2015 Holowai Place
Wailuku, Hawaii 96793

THE FOLLOWING POLICIES ARE ALSO AVAILABLE AT THE LOCATIONS ABOVE:

Note: ACOP refers to the Admissions and Continued Occupancy Policy document

1. Eligibility, Selection and Admissions. and Wait List Policies: ACOP Chapters 2 and 3
2. De-concentration Policy
3. ACOP Chapter 4
4. Statement of Financial Resources
5. Rent Determination policy: ACOP Chapter 6
6. Operation and Management
7. Grievance Procedures: ACOP Chapter 13

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8. Designated Housing for Elderly and Disabled Families
9. Community Service and Self-Sufficiency
10. Safety and Crime Prevention
11. Pets Policy: ACOP Chapter 10
12. Civil Rights Certification
13. Fiscal Year Audit
14. Asset Management
15. Violence Against Women Act (VAWA) activities



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Section 7.0

The Housing Choice Voucher (Section 8) Administrative Plan and the Hawaii Administrative Rules § 17-2000, et. al., governing the HPHA's federal housing programs, as well as any amendments thereto, are available at the HPHA School Street location, Bldg. E, and on the HPHA's website. They are hereby incorporated by reference.

Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.

• **Mayor Wright Homes Redevelopment**

HPHA is planning a Request for Qualifications or Request for Information or Request for Proposals for a developer/partner to complete a mixed income/mixed finance/mixed use-redevelopment project at Mayor Wright Homes in the near future, and the inclusion of mixed uses pursuant to ACT 90, SLH 2011.

• **Kuhio Park Terrace, Kuhio Homes and Kuhio Park Terrace Low-Rise Redevelopment**

HPHA received a \$300,000 Choice Neighborhoods Initiative (CNI) planning grant in 2012 and is developing a comprehensive Transformation Plan with input from community members, stakeholders and partners to revitalize the Kuhio Park Terrace, Kuhio Homes, Kuhio Park Terrace Low-Rise and Kalihi neighborhood area. The HPHA will explore options to either seek a Choice Neighborhoods Initiative (CNI) implementation grant and invest into realizing a future Transformation Plan due to HUD in October 2014, or progress through the approved redevelopment plan for the community which involves the construction of new mid/high-rise dwelling structures for low-income family and elderly public housing tenants, and the inclusion of mixed uses pursuant to Act 90, SLH 2011.

• **Mixed Finance Redevelopment**

HPHA will evaluate and identify additional properties, on all islands, in its portfolio that have potential for public-private, mixed finance, mixed income redevelopment opportunities through Section 18 of the Housing Act of 1937 and various HUD programs including but not limited to the Rental Assistance Demonstration program, Choice Neighborhoods Initiative, VASH and any other federal, state, or local source such as the issuance of PHA bonds pursuant to Chapter 356D, Hawaii Revised Statutes.

• **Homeownership Programs:**

1. Waimanalo Homes (HI10P001025) approved 1/10/2000; 28 units affected. Only 9 residents qualified to purchase units, and the period for application is closed. HPHA will investigate the possibility of reopening this program and committing Section 8 vouchers through SHOP.



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Section 7.0 (cont.)

2. HPHA will research opportunities to increase home ownership for residents of public housing. Programs in other jurisdictions are being reviewed and HPHA plans to hold information sessions with residents and the community in general.

Project-based Vouchers.

1. HPHA plans to evaluate the property inventory for potential sites that might benefit from the use of project-based vouchers in addition to the properties listed below. The agency will also evaluate potential application for participation in the new HUD Rental Assistance Demonstration program.
2. 150 Project-based vouchers are part of the Kuhio Park Terrace Towers redevelopment, and the HPHA will be looking to add additional Project-based vouchers for the Kuhio Homes and Kuhio Park Terrace Low-Rise redevelopment. (HPHA is seeking additional replacement housing vouchers for public housing units that will be temporarily removed from inventory while the Kuhio Homes and Kuhio Park Terrace Low-Rise are redeveloped. Those units will be restored in future phases when redevelopment has been completed.)
3. 305 units at Palolo Homes I and II. The Palolo Homes I and II site-based waiting list shall be closed by the Section 8 Branch upon approval of this plan in order to better serve the current families in the program and reduce application processing costs except for 4 bedroom units. The list may be reopened at a later date upon notice by the HPHA.

**Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.
(continued)**

1. Consistent with the HPHA's efforts to sustain and increase the availability of decent, safe, and affordable housing, HPHA plans to continue its utilization of rent subsidy vouchers through the Federal Project-Based Certificate/Voucher Program. The HPHA will earmark up to the maximum allowable vouchers as specified in 24 CFR 983 and will utilize project basing on the counties of Oahu, Kauai, Maui, and Hawaii in accordance with program guidelines and objectives.
2. To maximize utilization and to encourage tenant development, HPHA applied for and received HUD approval on August 8, 2001 to exceed the 25 percent cap for dwelling units in any building to be assisted under a housing assistance payment (HAP) by requiring owners to offer supportive services. To minimize the loss of existing housing inventories, HPHA applied for and received HUD approval on October 4, 2001 to attach Project Based Assistance to State-owned public housing projects in areas, which exceed the 20 percent poverty rate limitation.



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8.0	<p>Capital Improvements.</p> <p>HPHA is focusing capital improvements funding on protecting residents and the physical housing assets. In addition to the annual federal Capital Funding Program (CFP) grant, we are seeking state Capital Improvements Program (CIP) funds from the State Legislature in order to make needed repairs and modernize existing housing stock. In planning the use of funds, priority is being given to those needs that protect the health and safety of residents, such as ADA/Section 504 modifications, hot water systems and repairing sidewalks; and those that prevent further deterioration of housing, such as roof and spalling repairs, termite treatment and repairs, and other site repairs.</p> <p>Further, due to recent changes in PHAS Scoring factors, priority is also given to capital projects that restore previously vacant, uninhabitable units to rentable status. Due to the unpredictability of such capital projects, such as locations of such units and cause of un-inhabitability, the HPHA will be unable to maintain complete advance plans regarding these projects. This will result in slight modifications to the Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual State/Performance and Evaluation Reports; any such deviation shall not be considered by the HPHA to be a Substantial Deviation or Significant Amendment/Modification necessitating amendment of the HUD Approved PHA 5-Year and Annual Plan unless the amount of funds being required exceeds \$10 Million, comprises more than 15% of a developments ACC unit count, or requires the relocation of more than two neighboring occupied units in accordance with the HPHA's definition section in 10.0 infra.</p> <p>For the Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual State/Performance and Evaluation Reports, where work is not specifically budgeted, monetary placeholders will be provided in lieu of specific development language, subject to Section 10.0 infra.</p>
8.1	<p>Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i>, form HUD-50075.1, for each current and open CFP grant and CFFP financing.</p> <p>SEE ATTACHED</p>
8.2	<p>Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i>, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.</p> <p>SEE ATTACHED</p>
8.3	<p>Capital Fund Financing Program (CFFP).</p> <p><input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.</p> <p>NOT APPLICABLE</p>



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9.0

Housing Needs.

Housing Needs of Families on the Public Housing Waiting List as of July 1, 2013

Total Families on Waiting List = 6,905		
	# of families	% of total families
Income Levels		
Extremely low income <=30% AMI	6,500	94.13%
Very low income (>30% but <=50% AMI)	342	4.95%
Low income (>50% but <80% AMI)	34	0.49%
Families with children	3,267	47.31%
Elderly families	1,729	25.04%
Families with Disabilities	1,621	23.48%
Racial Distribution		
Asian/Pacific Islander/Other	5,607	81.20%
White	1,476	21.38%
Hispanic	582	8.43%
Black	244	3.53%
American Indian, etc.	127	1.84%
Bedrooms Needed		
1BR and Studio	3,461	50.12%
2 BR	2,320	33.60%
3 BR	1,079	15.63%
4 BR	291	4.21%
5 BR	30	0.43%



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Housing Needs (continued)		
Housing Needs of Families on the Section 8 Waiting List as of July 1, 2013		
Total Families on Waiting List = 2,547	# of families	% of total families
Income Levels		
Extremely low income <=30% AMI	2,406	94.46%
Very low income (>30% but <=50% AMI)	105	4.12%
Low income (>50% but <80% AMI)	16	0.63%
Families with children	1,361	53.44%
Elderly families	301	11.82%
Families with Disabilities	483	18.96%
Racial Distribution		
Asian/Pacific Islander/Other	2,903	82.18%
White	391	15.35%
Hispanic	191	7.50%
Black	88	3.46%
American Indian, etc.	32	1.26%
Bedrooms Needed		
1BR and Studio	1,394	54.73%
2 BR	608	23.87%
3 BR	451	17.71%
4 BR	113	4.44%
5 BR	21	0.43%
5+ BR	1	0.04%

9.0

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Housing Needs (continued)

Source: Consolidated Plan 2010 – 2014

Table III-3. Projected Housing Need by Income Group, 2015

% of HUD Median Income	Honolulu	Maui	Hawaii	Kauai	State
<30 %	3.922	1.093	1.287	414	6.716
30-50%	1.573	696	514	174	2.957
50-80%	5.397	732	1.186	409	7.724
80-120%	3.842	724	603	350	5.519
120-140%	831	106	119	207	1.263
140-180%	1.986	485	410	60	2.941
>180%	1.629	305	695	175	2.804
Total	19.180	4.141	4.814	1.789	29.924

9.0



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Housing Needs (continued)

The following data is drawn from the Hawaii Housing Policy Study, 2011, by SMS Research for Hawaii Housing Finance and Development Corporation (HHFDC):

Table 11. Needed Housing Units by HUD Income Classification, Counties and State of Hawai'i, 2012-2016

	Total Units Needed, 2012 through 2016							
	HUD Income Classification							Total
	LT 30	30 to 50	50 to 80	80 to 120	120 to 140	140 to 180	180+	
State of Hawai'i	8,136	4,891	6,221	2,857	1,944	1,320	2,768	28,137
Ownership Units	2,248	1,149	2,833	1,364	1,297	886	1,961	11,738
Single-Family	1,225	674	2,207	1,014	994	828	1,383	8,325
Multi-Family	1,023	475	626	350	303	58	578	3,413
Rental Units	5,888	3,742	3,388	1,493	647	434	807	16,399
Single-Family	559	337	422	83	40	135	282	1,858
Multi-Family	5,329	3,405	2,966	1,410	607	299	525	14,541
City and County of Honolulu	6,006	3,549	4,268	1,976	1,561	632	1,865	19,857
Ownership Units	1,850	669	2,038	929	1,046	364	1,344	8,240
Single-Family	887	277	1,499	643	752	364	779	5,201
Multi-Family	963	392	539	286	294	0	565	3,039
Rental Units	4,156	2,880	2,230	1,047	515	268	521	11,617
Single-Family	134	69	183	0	0	92	195	673
Multi-Family	4,022	2,811	2,047	1,047	515	176	326	10,944
County of Maui	803	690	924	374	101	302	260	3,454
Ownership Units	130	249	380	131	10	261	199	1,360
Single-Family	88	212	331	117	10	203	190	1,151
Multi-Family	42	37	49	14	0	58	9	209
Rental Units	673	441	544	243	91	41	61	2,094
Single-Family	83	90	104	49	15	0	31	372
Multi-Family	590	351	440	194	76	41	30	1,722
County of Hawai'i	1,013	493	577	339	237	316	539	3,514
Ownership Units	243	184	286	224	201	236	387	1,761
Single-Family	225	172	277	179	192	236	387	1,668
Multi-Family	18	12	9	45	9	0	0	93
Rental Units	770	309	291	115	36	80	152	1,753
Single-Family	231	145	32	12	24	29	52	525
Multi-Family	539	164	259	103	12	51	100	1,228
County of Kaua'i	315	159	451	167	45	71	104	1,312
Ownership Units	26	46	128	79	40	26	31	376
Single-Family	26	13	99	74	40	26	26	304
Multi-Family	0	33	29	5	0	0	5	72
Rental Units	289	113	323	88	5	45	73	936
Single-Family	111	34	102	22	0	15	4	288
Multi-Family	178	79	221	66	5	30	69	648

9.0

Sources: Housing Demand Survey, 2011 and Hawai'i Housing Model, 2011.

Note. The sum of the needed units for the four counties may not equal the total number of needed units for the State due to rounding. Needed units are those housing units needed to eliminate pent-up demand and accommodate new household formation between 2012 and 2016 for the State of Hawai'i and its four counties, by preferred tenancy and unit type.

Shelter to Income Ratio by County, 2011

Table 5: Shelter-to-Income Ratio by County, 2011

Shelter payment as % of HH income	State of Hawai'i	City & County of Honolulu	County of Hawai'i	County of Maui	County of Kaua'i
Less than 30	51.4%	54.1%	49.1%	40.8%	46.0%
30 to 40	10.4%	8.2%	12.5%	18.0%	17.3%
Over 40	27.7%	28.0%	25.1%	30.2%	24.2%

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Housing Needs (continued)

Table A-1. Characteristics of Housing Units, 1992, 1997, 2003, 2006, and 2011

County	Year	Tenancy		Unit Size (Bedrooms)			
		Own	Rent	Studio or 1 Bedroom	2 Bedrooms	3 Bedrooms	4+ Bedrooms
Honolulu	1992	48%	52%	20%	32%	30%	19%
	1997	54%	46%	16%	27%	36%	21%
	2003	61%	39%	15%	25%	35%	25%
	2006	59%	41%	18%	25%	37%	20%
	2011	56%	44%	15%	21%	37%	26%
Maui	1992	61%	39%	14%	26%	46%	15%
	1997	65%	35%	12%	23%	46%	19%
	2003	61%	40%	13%	28%	42%	17%
	2006	60%	40%	15%	27%	43%	17%
	2011	54%	46%	17%	26%	37%	20%
Hawai'i	1992	68%	32%	7%	25%	53%	14%
	1997	72%	28%	8%	21%	54%	17%
	2003	70%	30%	12%	19%	50%	19%
	2006	69%	31%	11%	22%	49%	18%
	2011	67%	33%	13%	21%	47%	19%
Kaua'i	1992	60%	40%	12%	19%	53%	15%
	1997	67%	33%	8%	19%	57%	15%
	2003	66%	34%	11%	20%	53%	17%
	2006	66%	34%	10%	21%	51%	18%
	2011	59%	41%	12%	19%	51%	18%
State	1992	52%	48%	17%	30%	35%	18%
	1997	58%	42%	14%	25%	40%	20%
	2003	62%	38%	14%	24%	39%	23%
	2006	61%	39%	17%	24%	39%	20%
	2011	57%	43%	15%	22%	39%	24%

Source: Housing Demand Survey, 1992, 1997, 2003, 2006, and 2011

Note: Sum of County figures may not equal the State total due to rounding

Table A-2. Household Income Data, 1992, 1997, 2003, 2006, and 2011

County	Year	Total Households	Household Income						Median HH Income
			Less than \$15,000	\$15,000 to \$24,999	\$25,000 to \$49,999	\$50,000 to \$74,999	\$75,000 to \$99,999	\$100,000 or more	
Honolulu	1992	247,349	N/A	24%	29%	12%	6%	7%	\$36,974
	1997	272,234	9%	9%	28%	15%	9%	6%	\$42,234
	2003	292,003	8%	10%	36%	18%	11%	17%	\$47,917
	2006	303,149	13%	7%	26%	22%	12%		\$58,385
	2011	310,882	12%	7%	25%	22%	9%	25%	\$59,076
Maui	1992	34,266	N/A	20%	36%	11%	2%	3%	\$35,843
	1997	39,252	10%	8%	33%	15%	7%	6%	\$38,908
	2003	43,687	9%	13%	34%	19%	14%	11%	\$44,297
	2006	49,484	11%	8%	29%	20%	15%	17%	\$49,795
	2011	54,132	12%	10%	27%	19%	11%	21%	\$58,424
Hawai'i	1992	39,789	N/A	24%	39%	11%	3%	4%	\$34,063
	1997	46,271	14%	14%	30%	12%	4%	4%	\$31,831
	2003	54,644	14%	12%	39%	17%	9%	9%	\$36,905
	2006	61,213	13%	10%	29%	22%	10%	16%	\$51,920
	2011	67,096	18%	13%	25%	17%	10%	17%	\$44,696
Kaua'i	1992	16,981	N/A	20%	36%	10%	5%	3%	\$36,966
	1997	18,817	11%	13%	30%	15%	5%	3%	\$34,891
	2003	20,460	13%	12%	37%	18%	9%	12%	\$42,205
	2006	21,971	10%	10%	27%	23%	11%	19%	\$53,116
	2011	23,201	13%	11%	25%	19%	9%	19%	\$49,730
State	1992	338,385	N/A	24%	31%	12%	5%	6%	\$36,289
	1997	376,574	10%	10%	29%	15%	8%	6%	\$39,883
	2003	410,794	10%	10%	36%	19%	10%	15%	\$46,086
	2006	435,818	13%	7%	27%	21%	12%	20%	\$58,393
	2011	455,311	13%	8%	26%	21%	10%	23%	\$58,700

Source: Housing Demand Survey, 1992, 1997, 2003, 2006, and 2011

Note: The number of total households for the Housing Demand survey represents an SNS estimate developed using ACS 2009 data prior to the release of Census 2010. The total number of households for each county differs by less than one percent from Census 2010 figures presented in Table 4.

Note: Sum of County figures may not equal the State total due to rounding.

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Housing Needs (continued)

Table 11. Needed Housing Units by HUD Income Classification, Counties and State of Hawai'i, 2012-2016

	Total Units Needed, 2012 through 2016							
	HUD Income Classification							
	LT 30	30 to 50	50 to 80	80 to 120	120 to 140	140 to 180	180+	Total
State of Hawai'i	8,136	4,891	6,221	2,857	1,944	1,320	2,768	28,137
Ownership Units	2,248	1,149	2,833	1,364	1,297	886	1,961	11,738
Single-Family	1,225	674	2,207	1,014	994	828	1,383	8,325
Multi-Family	1,023	475	626	350	303	58	578	3,413
Rental Units	5,888	3,742	3,388	1,493	647	434	807	16,399
Single-Family	559	337	422	83	40	135	282	1,858
Multi-Family	5,329	3,405	2,966	1,410	607	299	525	14,541
City and County of Honolulu	6,006	3,549	4,268	1,976	1,561	632	1,865	19,857
Ownership Units	1,850	669	2,038	929	1,046	364	1,344	8,240
Single-Family	887	277	1,499	643	752	364	779	5,201
Multi-Family	963	392	539	286	294	0	565	3,039
Rental Units	4,156	2,880	2,230	1,047	515	268	521	11,617
Single-Family	134	69	183	0	0	92	195	673
Multi-Family	4,022	2,811	2,047	1,047	515	176	326	10,944
County of Maui	803	690	924	374	101	302	260	3,454
Ownership Units	130	249	380	131	10	261	199	1,360
Single-Family	88	212	331	117	10	203	190	1,151
Multi-Family	42	37	49	14	0	58	9	209
Rental Units	673	441	544	243	91	41	61	2,094
Single-Family	83	90	104	49	15	0	31	372
Multi-Family	590	351	440	194	76	41	30	1,722
County of Hawai'i	1,013	493	577	339	237	316	539	3,514
Ownership Units	243	184	286	224	201	236	387	1,761
Single-Family	225	172	277	179	192	236	387	1,668
Multi-Family	18	12	9	45	9	0	0	93
Rental Units	770	309	291	115	36	80	152	1,753
Single-Family	231	145	32	12	24	29	52	525
Multi-Family	539	164	259	103	12	51	100	1,228
County of Kaua'i	315	159	451	167	45	71	104	1,312
Ownership Units	26	46	128	79	40	26	31	376
Single-Family	26	13	99	74	40	26	26	304
Multi-Family	0	33	29	5	0	0	5	72
Rental Units	289	113	323	88	5	45	73	936
Single-Family	111	34	102	22	0	15	4	288
Multi-Family	178	79	221	66	5	30	69	648

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Sources: Housing Demand Survey, 2011 and Hawai'i Housing Model, 2011.

Note. The sum of the needed units for the four counties may not equal the total number of needed units for the State due to rounding. Needed units are those housing units needed to eliminate pent-up demand and accommodate new household formation between 2012 and 2016 for the State of Hawai'i and its four counties, by preferred tenancy and unit type.

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Housing Needs (continued)

Table A-5: Average Monthly Housing Cost, 1992, 1997, 2003, 2006, and 2011

County	Year	Total Households	Average Monthly Mortgage Payment			Average Monthly Rent	
			Total	Single-family	Multi-family	Total	2-bedroom apartment
Honolulu	1992	247,349	\$821	\$915	\$832	\$864	
	1997	272,234	\$1,430	\$1,369	\$1,335	\$928	\$923
	2003	292,003	\$1,546	\$1,650	\$1,239	\$1,014	\$1,072
	2006	303,149	\$1,142	\$1,173	\$1,029	\$1,300	\$1,393
	2011	310,882	\$1,415	\$1,393	\$1,510	\$1,502	\$1,487
Maui	1992	34,266	\$776	\$831	\$719	\$730	
	1997	39,252	\$1,210	\$1,664	\$789	\$850	\$1,138
	2003	43,687	\$1,310	\$1,346	\$1,104	\$979	\$1,072
	2006	49,484	\$1,461	\$1,451	\$1,458	\$1,256	\$1,253
	2011	54,132	\$1,461	\$1,468	\$1,411	\$1,280	\$1,303
Hawai'i	1992	39,789	\$651	\$691	\$579	\$556	
	1997	46,271	\$954	\$1,069	\$840	\$697	\$644
	2003	54,644	\$1,072	\$1,078	\$919	\$859	\$843
	2006	61,213	\$1,057	\$1,039	\$1,407	\$1,146	\$1,152
	2011	67,096	\$1,106	\$1,102	\$1,389	\$1,121	\$986
Kaua'i	1992	16,981	\$726	\$773	\$612	\$807	
	1997	18,817	\$1,151	\$1,290	\$881	\$830	\$860
	2003	20,460	\$1,284	\$1,306	\$1,014	\$983	\$885
	2006	21,971	\$1,165	\$1,178	\$974	\$1,230	\$1,271
	2011	23,201	\$1,273	\$1,254	\$983	\$1,311	\$1,292
State	1992	338,385	\$800	\$863	\$813	\$793	
	1997	376,574	\$1,319	\$1,330	\$1,286	\$897	
	2003	410,794	\$1,433	\$1,488	\$1,213	\$992	\$1,037
	2006	435,818	\$1,167	\$1,183	\$1,081	\$1,274	\$1,346
	2011	455,311	\$1,355	\$1,332	\$1,495	\$1,421	\$1,398

Source: Housing Demand Survey, 1992, 1997, 2003, 2006, and 2011

Note: Sum of County figures may not equal the State total due to rounding.

Table A-9: Shelter-to-Income Ratios, 1992, 1997, 2003, 2006, and 2011

County	Year	Total Households	Monthly Shelter Payment as a Percent of Monthly Household Income			
			Under 30 percent	30 to 40 percent	Over 40 percent	Not enough information
Honolulu	1992	247,349	55.7%	14.1%	20.2%	10.0%
	1997	272,234	55.1%	18.9%	18.4%	7.5%
	2003	292,003	55.7%	18.5%	18.0%	7.8%
	2006	303,149	54.8%	10.9%	22.0%	12.0%
	2011	310,882	54.1%	8.2%	28.0%	9.7%
Maui	1992	34,266	59.3%	18.1%	15.8%	6.7%
	1997	39,252	47.9%	16.0%	19.8%	16.4%
	2003	43,687	52.2%	18.3%	15.7%	15.9%
	2006	49,484	49.1%	14.3%	27.1%	9.4%
	2011	54,132	40.8%	18.0%	30.2%	11.0%
Hawai'i	1992	39,789	70.2%	12.4%	11.5%	5.9%
	1997	46,271	51.8%	18.1%	20.4%	9.7%
	2003	54,644	52.5%	19.1%	15.9%	12.4%
	2006	61,213	54.9%	11.1%	22.0%	12.0%
	2011	67,096	49.1%	12.5%	25.1%	13.3%
Kaua'i	1992	16,981	60.3%	17.7%	13.7%	8.1%
	1997	18,817	44.9%	18.7%	24.7%	11.7%
	2003	20,460	51.8%	16.8%	18.0%	13.3%
	2006	21,971	57.6%	10.8%	21.6%	10.0%
	2011	23,201	46.0%	17.3%	24.2%	12.6%
State	1992	338,385	58.0%	14.5%	18.4%	9.1%
	1997	376,574	53.5%	18.5%	19.1%	8.9%
	2003	410,794	54.7%	18.5%	17.5%	9.5%
	2006	435,818	54.2%	11.3%	22.7%	11.8%
	2011	455,311	51.4%	10.4%	27.7%	10.5%

Source: Housing Demand Survey, 1992, 1997, 2003, 2006, and 2011

Note: "Not enough information" households include those with no shelter payment and those that did not provide sufficient information to calculate a shelter-to-income ratio.

Note: Sum of County figures may not equal the State total due to rounding.

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9.0 Strategy for Addressing Housing Needs.

A. Need: Shortage of affordable housing for all eligible populations

Strategy 1. Maximize the number of affordable units available to the PHA within its current resources:

- Employ effective maintenance and management policies to minimize the number of public housing units off-line.
- Reduce turnover time for vacated public housing units by outsourcing where appropriate.
- Seek replacement of public housing units lost to the inventory through mixed finance development on all islands, including rural areas.
- Maintain or increase section 8 lease-up rates by maintaining payment standards that will enable families to rent throughout the jurisdiction.
- Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required.
- Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration.
- Participate in the Consolidated Plan development process to ensure coordination with broader community strategies.
- Seek additional Federal grant funds and State Capital Improvement Project funding.

Strategy 2: Increase the number of affordable housing units:

- Apply for additional section 8 units should they become available.
- Leverage affordable housing resources in the community through the creation of mixed - finance housing.
- Pursue housing resources other than public housing or Section 8 tenant-based assistance.

B. Need: Specific Family Types: Families at or below 30% of median

Strategy: Target available assistance to families at or below 30 % of AMI

- Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing.
- Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance.
- Adopt rent policies and assess any programs that support and encourage work.

C. Need: Specific Family Types: Families at or below 50% of median

Strategy: Target available assistance to families at or below 50% of AMI

- Adopt rent policies and assess any programs that support and encourage work.



9.0 Strategy for Addressing Housing Needs. (cont.)

D. Need: Specific Family Types: The Elderly

Strategy: Target available assistance to the elderly:

- Seek designation of public housing for the elderly.
- Apply for special-purpose vouchers targeted to the elderly, should they become available.

E. Need: Specific Family Types: Families with Disabilities

Strategy: Target available assistance to Families with Disabilities:

- Carry out the modifications needed in public housing based on the Needs Assessment for public Housing.
- Apply for special-purpose vouchers targeted to families with disabilities, should they become available.
- Affirmatively market to local non-profit agencies that assist families with disabilities.

F. Need: Specific Family Types: Races or ethnicities with disproportionate housing needs

Strategy: Conduct activities to affirmatively further fair housing

- Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units.
- Market the section 8 program to owners outside of areas of poverty /minority concentrations.
- Provide training of fair housing laws to housing providers and to tenants with limited English proficiency.

Reasons for Selecting Strategies

- Funding constraints
- Staffing constraints
- Limited availability of sites for assisted housing
- Evidence of housing needs as demonstrated in the Consolidated Plan and the 2011 Hawaii Housing Policy Study and other information available to the PHA.
- Influence of the housing market on PHA programs.
- Community priorities regarding housing assistance.
- Results of consultation with local or state government.
- Results of consultation with residents and the Resident Advisory Board.
- Results of consultation with advocacy groups.



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10.0 Additional Information

Additional Information. (a) Progress in Meeting Mission and Goals in the previous 5- Year Plan (FY 2009-2014)

1. PHA Goal: Expand the supply of assisted housing

- Apply for additional rental subsidies: Applications for HUD Specific Section 8 Housing Choice Vouchers will be submitted provided that HUD specific funding is available and HPHA meets the criteria for the specific funding.
- Reduce public housing vacancies, not to exceed 5% vacancy rate.
- As of June 30, 2012, there were 372 vacant units. As of October 31, 2013, there are 174 vacant units.
- Of those 66 are scheduled for demo.*11/14/13*
- HPHA will aim to maintain this 5% vacancy rate into the future.
- Current occupancy rate is 97%.

2. PHA Goal: Improve the quality of assisted housing

- Improve public housing management: (PHAS score) HPHA currently maintains a 97% rent collection rate. HPHA completes 100% of emergency work orders within 24 hours and has met its goal to inspect 100% of units and systems using the Uniform Physical Condition Standard (UPCS). HPHA has completed system-wide upgrades to its network and computer software to increase the efficiency of administered programs. Additionally, HPHA's staff received HUD-provided training on rent calculation and internal PHAS training.
- Improve voucher management: Attained a perfect SEMAP score of 100%: The 2012-2013 final assessment SEMAP score ranks HPHA as a "High Performer."
- Increase customer satisfaction: HPHA has begun the development process to automate certain functions geared at enhancing customer service delivery and customer satisfaction including the redesign of the agency website and development of web-based applications. HPHA has implemented a no-smoking policy throughout all public housing properties.
- Renovate or modernize public housing units: As of June 30, 2013, HPHA has federal dollars in the amount of \$57,285,440 CFP funds and \$134,728,830 State CIP funds appropriated and budgeted for a total of \$192,014,270. HPHA has expended \$29,452,316 in CFP and \$35,231,516 in State CIP for a total of \$64,683,832. Additionally, HPHA partnered with HUD to offer a workshop on federal relocation requirements for staff and local partners.
- 7/20/12-Kapa`a-Type C Vacant Unit; Des: \$13,567 CIP, Const: \$90,457 CFP
- 7/31/12-Kawailehua-Site & Bldg. Impr; Des: \$510,449 CIP, Const: \$2,476,702 CFP, \$1,026,732 CIP

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- 8/15/12-Kahekili Terrace-Type C Units; Des: in-house, Const: \$1,023,581 CFP

10.0 Additional Information (cont.)

- 8/30/12-Noelani I-Type C Vacant Units; Des: \$38,877 CIP, Const.: \$528,725 CFP
- 8/30/12-Noelani II-Type C Vacant Units; Des: \$19,438 CIP, Const: \$87,135 CFP
- 8/30/2012-Kekaha Ha`aheo-LCCC; Des: \$172,838 CIP, Const: \$909,825 CFP & \$722,175 EPA
- 8/30/12-Ke Kumu Ekolu-Type C Units; Des: \$38,877 CIP, Const: \$157,515 CFP
- 8/31/12-KPT low rise-Type C Vacant Units; Des: \$33,953 CIP, Const: \$302,579 CFP
- 8/31/12-Kuhio Homes-Type C Vacant Units; Des: \$11,318 CIP, Const: \$64,657 CFP
- 9/5/12-Palolo Valley Homes-Type C Units; Des: \$13,570 CIP, Const. \$81,898 CFP
- 9/6/12-Hale Ho`okipa-Type C Vacant Units; Des: \$19,438 CIP, Const. \$90,752 CFP
- 9/26/12-Mayor Wright Homes-Type C Vacant Units; Des: \$67,860 CIP, Const: \$407,016 CFP
- 10/1/12-Mayor Wright Homes-Re-roof; Des: \$54,945 CIP; Const: \$715,266 CFP
- 10/1/13-Wahiawa Terrace-Re-roof; Des: \$151,979 CIP, Const: \$827,999 CFP
- 1/15/12-Paoakalani-Type C Vacant Units; Des: in-house, Const: \$77,339 CFP
- 1/26/13-Makua Ali`I-Ph.2 Structural Repairs; Des: n/a, Const: \$3,128,453 CFP
- 3/22/13-Kalaheo Homes-LCCC; Des: \$85,478 CIP, Const: \$366,052 CIP
- 1/22/13-Pu`uwai Momi-Type C Units; Des: in-house/DAGS, Const: \$315,371 CIP
- 5/10/13-Wahiawa Terrace-Type C Units; Des: in-house/DAGS, Const: \$45,766 CIP
- Leverage capital funds to accelerate modernization projects. HPHA leveraged State funding, through the use of state CIP funds, in order to offset decreases in federal program funding.
- Provide replacement public housing: Under the Master Development Agreement, HPHA will redevelop Kuhio Homes and Kuhio Park Terrace Low-Rise with Michaels Development with an estimated 400 units.



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3. PHA Goal: Increase assisted housing choices

- Geographical Wait List: Administrative rules implemented in December 2001.
- Conduct ongoing outreach efforts to potential voucher landlords: Outreach activities to attract new voucher landlords began in March, 2005, including owners of accessible units, and is ongoing on an annual basis.

10.0 Additional Information (cont.)

4. PHA Goal: Provide an improved living environment

- Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments.
- HPHA added increased lighting, surveillance cameras and 24-hour security patrols at properties with high crime activity. Efforts at Mayor Wright Homes have reduced overall crime by half.

5. PHA Goal: Promote self-sufficiency and asset development of assisted households

- HPHA continues to operate the Tenant Aide Program for federal public housing residents.
- HPHA continues to fill vacant positions in the Property Management and Maintenance Services Branch to assist tenants in accessing resident services and case management.

6. PHA Goal: Asset Management

- HPHA has a HUD Technical Assistance consultant team reviewing the current AMP structure. When their report is final, AMP structure changes might be made based on the findings.

7. PHA Goal: Evaluate the current administration of HPHA's Section 8 Housing Choice Voucher Program

- 2012 and 2013 – rated as “High Performer”.
- 2013 - Perfect SEMAP score.
- Began the process of removing local preferences to lease up people off the waitlist by date and time to ensure fairness.
- Purged waitlist to remove non-responsive applicants
- Adopted temporary compliance measures proposed by HUD
- Completing re-certifications, inspections and disbursing timely payments to landlords.

8. PHA Goal: Ensure equal opportunity and affirmatively further fair housing

- HPHA evaluated agency-specific limited English proficiency (LEP) needs in order to supplement the HPHA's LEP plan and update procedures accordingly.
- HPHA provided training to staff on applicable laws, regulations, policies and procedures on the following topics: reasonable accommodations, assistance animals, limited English proficiency, and fair housing.



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- HPHA offered a full day fair housing training for all employees and residents.
- HPHA evaluated the proposed rule on affirmatively furthering fair housing to identify changes to the analysis of fair housing impediments planning process.
- HPHA continues to participate in the fair housing consortium with Hawaii Civil Rights Commission, Legal Aid Society of Hawaii, Department of Hawaiian Home Lands, local county fair housing coordinators, and HUD FHEO to discuss impediments to fair housing.

10.0 Additional Information (cont.)

9. PHA Goal: Improve the housing delivery system through cost-effective management of federal and State government programs and resources:

- Continue to automate major operation components of the PHA computer software such as work order processing and tracking, materials, inventory, and fixed assets. Section 8, Low income public housing, wait list and financial modules were recently upgraded.
- Continue to upgrade the computer network infrastructure with faster, more reliable, and redundant connections to increase overall productivity. Upgrade computers with newer models, to provide faster response time for users, and standardize versions of office software.
- Ongoing SEMAP and PHAS training is being provided to HPHA staff.

Additional Information. (b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"

In accordance with 24 CFR §903.7(r)(2) which requires public housing authorities to identify the basic criteria the agency will use to determine a substantial deviation from its 5-Year Plan and significant amendments or modification to the 5-Year Plan and Annual Plan, the following definitions are used:

Substantial Deviation: A substantial change in the goals identified in the Five-Year Plan. For example, making a formal decision not to pursue a listed goal; or substituting an entirely different set of activities to achieve the goal.

Significant Amendment/Modification: Adding or eliminating major strategies to address housing needs and to major policies (e.g., policies governing eligibility, selection or admissions and rent determination) or programs (e.g., demolition or disposition, designation, homeownership programs or conversion activities); or modifying a strategy such that a substantial transfer of resources away from others is necessary in order to carry it out.

For Capital Fund Program projects that deviate from the Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual State/Performance and Evaluation Reports, only projects that meet the following criteria shall require 5-Year and Annual Plan Amendment: the



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amount of funds being required exceeds \$10 Million; number of units being worked on comprises more than 15% of a developments ACC unit count; or work requires the relocation of more than two neighboring occupied units. Where work is not specifically budgeted, monetary placeholders will be provided in lieu of specific development language.



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11.0 Required Submission for HUD Field Office Review.

In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. **Note:** Faxed copies of these documents will not be accepted by the Field Office.

(a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations* (which includes all certifications relating to Civil Rights)

(b) Form HUD-50070, *Certification for a Drug-Free Workplace* (PHAs receiving CFP grants only)

(c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions* (PHAs receiving CFP grants only)

(d) Form SF-LLL, *Disclosure of Lobbying Activities* (PHAs receiving CFP grants only)

(e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet* (PHAs receiving CFP grants only)

(f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA

Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations.

(g) Challenged Elements

(h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (PHAs receiving CFP grants only)

(i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* (PHAs receiving CFP grants only)



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SUMMARY OF PROPOSED CHANGES TO THE FY 2014 PHA ANNUAL PLAN

The Hawaii Public Housing Authority staff recommends that the following changes be made to the draft PHA Annual Plan. The changes are stylistic or linguistically clarifying in nature and do not represent any substantial deviation or significant amendments/modifications.

Section 5.2(D) Goals and Objectives

3. Provide an improved living environment: Implement public housing security improvements, such as increased lighting, resident identification cards, utilizing after hour quiet time, and crime prevention through environmental design features.
4. Designate developments or buildings for particular resident groups (e.g., elderly or persons with disabilities) and/or pursue designated housing under HUD's definition of designated housing.

Section 6.0(a) PHA Plan Update

7. In determining income from assets for purposes of eligibility and subsidy determination in the Public Housing program and the Section 8 program, update the policy determining the value of a savings account, by using the current balance, ~~[instead of]~~ or average monthly balance for the last six months, to reduce administrative burden and excessive paperwork and added expense for the applicant.
10. In the Housing Choice Voucher program, update policy regarding the designation of the head of household, spouse, and co-head of the family in the event of marriage of the head or co-head individuals who may not be related by blood marriage, adoption, or other operation of law, subsequent to admission to the program, to clarify as follows:
 - A. If the head marries, the head's spouse automatically replaces the original co-head as the spouse. The original co-head automatically becomes an authorized family member.
 - B. If the co-head marries, ~~[as]~~ since a family can only have a spouse or co-head, but not both, the family determines whether the co-head's spouse will become the head of household, or an authorized household member.



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11. Adopt policy requiring live-in aides to establish legal residency in the United States to receive subsidy for an additional bedroom in the Section 8 program, and to occupy an additional bedroom in the public housing program.

Aside from these clarifying modifications, all the items in the PHA Five-Year and Annual Plan are important to the financial viability of the HPHA, or will result in better living conditions for residents. Many of the items will be discussed further with the RAB, and implementation will be done in consultation with residents and the HPHA Board of Directors.



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SUMMARY OF PUBLIC TESTIMONY

Public hearings on the FY 2014 - 2019 PHA Five-Year and Annual Plan were held February 28, 2014 on Oahu, Kauai, Maui, and at two locations on Hawaii Island. One person submitted written comments and several people provided oral testimony that did not relate to the draft PHA Five-Year and Annual Plan. The following is a summary of testimony on provisions of the draft PHA Five-Year and Annual Plan.

Goals and Objectives – Provide Improved Living Environment

One person commented that many illegal things were happening in the low-income public housing program, and nothing is being done to stop it.

Goals and Objectives – Overall

One person commented that they would like to see the Hawaii Public Housing Authority receive training to carry out its goals and objectives.

PHA Plan as a Whole

One person commented that the Hawaii Public Housing Authority does not have a plan for the low-income public housing program, believes that not enough is being done to prevent drug use, tenants are allowing their friends to stay in their units illegally, and would like to see tenants with talent and skills that are facing eviction to instead be made to work for the State of Hawaii.

Two people commented that they did not receive notice about the PHA Five-Year and Annual Plan, and is therefore against it.

One person commented that they did not see any section in the PHA Five-Year and Annual Plan that pertained to the “No Smoking” policy.



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**RAB Comments and HPHA Response
Proposed 2014 PHA 5 Year and Annual Plan Revisions
(FY 2014-2019)**

1. **Proposed Revision: Mixed Finance Redevelopment** – The HPHA will look into the feasibility of pursuing mixed finance redevelopment projects and create public/private partnerships with redevelopment partners utilizing various U.S. Department of Housing and Urban Development programs such as the Resident Assistance Demonstration program and the Choice Neighborhoods Initiative. The HPHA will also utilize various financing tools to rehabilitate federal and state low-income public housing properties, and pursue any and all means of financing including but not limited to federal grants, state appropriations and low income housing tax credits.

RAB comment: “The RAB supports any type of investments for bettering HPHA and the communities as well as increasing HPHA’s budget.”

HPHA Response: The HPHA appreciates the support of the RAB and will continue to consult with the RAB on future policy changes.

2. **Proposed Revision:** Evaluate the need for and the feasibility of the U.S. Department of Housing and Urban Development’s (HUD) “Step Up” program which provide jobs and job training opportunities on HUD-assisted construction to residents of public housing and other low income people.

RAB comment: “The RAB supports HUD's recommends to encourage, providing residents of Public Low Income Housing the opportunity for gainful employment. Income Housing the opportunity for gainful employment.”

HPHA Response: The HPHA appreciates the support of the RAB and will continue to consult with the RAB on future policy changes. The HPHA continues to promote its section 3 requirement will all contractors receiving federal funds.



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3. **Proposed Revision:** ACOP and Housing Choice Voucher – Update occupancy guidelines for low-income public housing and the Housing Choice Voucher program – 2 per living space and single person families shall be allocated a studio. (ACOP pg. 5-1 and Section 8 Admin Plan pg. 5-12)

RAB comment: “The RAB Supports Comment: The RAB noted that not every family would appreciate having family members sleeping in their living room due to the loss of privacy. Other concerns would be by the transferring families to satisfy the occupancy guidelines, families could be moved away from area where they are already established in the community with their children going to the schools in the area, transportation issues and health care facilities.

- A. RAB stands by the stated concerns listed above.
- B. We appreciate the intent to increase occupancy but not at the cost of acceptable quality of life.
- C. Loss of privacy and cramped living condition. Just creates more family discord. Lower quality of life.”

HPHA Response: The HPHA notes the concerns of the RAB regarding the proposed update in occupancy guidelines for low-income public housing and the Housing Choice Voucher program. However, this change will allow the HPHA to provide housing assistance to more families and children, and this will assure the full utilization of the unit which is consistent with HUD guidelines. The HPHA does not dictate where family members will sleep and the unit size standard would be discussed with the family, if they qualify for more than one unit size. The HPHA will continue to work with the public housing communities in determining a process when transferring and placing families according to the proposed changes of the occupancy guidelines.

With the homeless population ever present in Hawaii, it is incumbent on us to work together to house as many families, individuals and children as possible without compromising the safe, decent, and sanitary requirements imposed on public housing.

4. **Proposed Revision:** Housing Choice Voucher – The PHA will not approve adding an additional family consisting of more than one member to the Housing Choice Voucher. (Section 8 Admin Plan pg. 9-4)



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RAB comment: "RAB No Comment at this time. However HPHA & RAB need to seek Section 8 Representative to the table."

HPHA Response: The HPHA will continue to consult with the RAB on future policy changes. The goal of this proposed change is to prevent individuals from essentially circumventing the waitlist.

5. **Proposed Revision:** Housing Choice Voucher – Family members age 18 years and over who remove themselves from the household shall be removed from the voucher. These individuals shall not be readmitted to the household and must apply as a new applicant for placement on the waiting list. The PHA in making determinations under this paragraph will consider medical hardship or other extenuating circumstances and may only be allowed back into the household as a live-in aide. (Section 8 Admin Plan pg. 9-4)

RAB comment: "RAB – OK"

HPHA Response: The HPHA appreciates the support of the RAB and will continue to consult with the RAB on future policy changes. The purpose of this proposed change is to prevent individuals from essentially circumventing the waitlist once they exit from the section 8 program.

6. **Proposed Revision:** Housing Choice Voucher – Only original household members at the time of voucher issuance can retain the voucher. Once all original household members are no longer in the household, the voucher shall be returned to the HPHA.

RAB comment: "RAB – OK"

HPHA response: The HPHA appreciates the support of the RAB and will continue to consult with the RAB on future policy changes.

7. **Proposed Revision:** Housing Choice Voucher – If the HPHA must terminate Housing Assistance Payments contracts due to insufficient funding, the PHA will do so in accordance with the following criteria and instruction: Lottery System. Under this option the HPHA will randomly choose families to terminate from the Housing Choice Voucher Program. (Section 8 Admin Plan pg. 12-6 and 12-7)



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RAB comment: "The RAB recommends additional exemption from the: Family of disabled (Child/Children)."

HPHA Response: The HPHA appreciates the concerns of the RAB and will consider exemptions from the lottery process when the HPHA must terminate Housing Assistance Payments contracts due to insufficient funding.

8. **Proposed Revision:** Project Based Housing Choice Voucher – Close the Palolo Project Based Housing Choice Voucher waitlist except for 4 bedroom units until the waitlist is a reasonable size and waitlist applicants have an opportunity to be served in a reasonable time.

RAB comment: "RAB – OK"

HPHA Response: The HPHA appreciates the support of the RAB and will continue to consult with the RAB on future policy changes.

9. **Proposed Revision:** Housing Choice Voucher Administrative Plan and Admissions and Continued Occupancy Policy (ACOP) – Update policy in determining income from assets for purposes of eligibility and subsidy determination by using the current balance for verification purposes which will reduce administrative burden and added expense for the applicant.

RAB comment: "RAB – OK"

HPHA Response: The HPHA appreciates the support of the RAB and will continue to consult with the RAB on future policy changes.

10. **Proposed Revision:** Housing Choice Voucher Administrative Plan and Admissions and Continued Occupancy Policy (ACOP) – Establish policy to cap the amount of child care expenses that can be claimed at the amount of the lower wage earned by working family members, unless the child care expenses incurred is to enable another family member with higher wages to work.

RAB comment: "RAB - No Comment or discussion."

HPHA Response: The HPHA will continue to consult with the RAB on future policy changes.



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11. **Proposed Revision:** Housing Choice Voucher Administrative Plan and Admissions and Continued Occupancy Policy (ACOP) – Enter into a cooperative agreement with the State Department of Human Services and the State Department of Health to exchange program and client information to combat fraud in the public housing and the Section 8 programs.

RAB comment: “RAB - No Comment or discussion.”

HPHA Response: The HPHA will continue to consult with the RAB on future policy changes. The purpose of this proposed change is to ensure that eligible tenants receive benefits and that program participants who are fraudulently receiving more benefits than they are entitled to are sanctioned timely.

12. **Proposed Revision:** Housing Choice Voucher Administrative Plan and Admissions and Continued Occupancy Policy (ACOP) – Update policy regarding the designation of the head of household, spouse, and co-head of the family in the event of marriage.

RAB comment: “RAB - Needs more clarification on the updated policy on the ACOP, in the event of marriage.”

HPHA Response: This revision to the Housing Choice Voucher Administrative Plan and to the Admissions and Continued Occupancy Policy will address household situations in regards to divorce and temporary restraining orders that will change the dynamics of the household. The purpose of this change is to provide clear policies that govern the designation of the head of household, spouse, and co-head of the family in the event of marriage. These are important distinctions because only the designated head of household and co-head of household can make changes to the rental agreement. The HPHA will continue to consult with the RAB on future policy changes.

13. **Proposed Revision:** Housing Choice Voucher Administrative Plan and Admissions and Continued Occupancy Policy (ACOP) – Adopt policy requiring live-in aides to establish legal residency in the United States to



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receive subsidy, and to occupy an additional bedroom, in the Section 8 program.

RAB comment: "RAB – OK"

HPHA Response: The HPHA appreciates the support of the RAB and will continue to consult with the RAB on future policy changes.

14. **Proposed Revision:** Housing Choice Voucher Administrative Plan and Admissions and Continued Occupancy Policy (ACOP) – Adopt policy to determine which household will include a minor's unearned income into the household's income, in determining unit size, and eligible deductions where two households in the assisted housing programs share custody of minors.

RAB comment: "RAB - No Comment or discussion."

HPHA Response: The HPHA will continue to consult with the RAB on future policy changes. The purpose of this proposed change is to ensure that the federal program is not providing more than its fair share in deductions per child.

15. **Proposed Revision:** Housing Choice Voucher Administrative Plan and Admissions and Continued Occupancy Policy (ACOP) – Adopt revisions to the Section 8 policy in shortening the length of time for a temporary absence, other than students and foster care.

RAB comment: "RAB - No clarification of Question from RAB to HPHA."

HPHA Response: The HPHA met with the RAB on October 11, 2013, January 10, 2014, and March 7, 2014 and will continue to consult with the RAB on future policy changes. As discussed with the RAB, the purpose of this proposed change is to ensure that scarce federal resources are not used to subsidize an unoccupied unit when those resources can be used to actually house another family.

16. **Proposed Revision:** Housing Choice Voucher Administrative Plan and Admissions and Continued Occupancy Policy (ACOP) – Update the ACOP to revise the "one-strike" admissions and termination policy to conform to the HUD Screening and Eviction Final Rule.



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RAB comment: "RAB - No Comment or discussion."

HPHA Response: The HPHA will continue to consult with the RAB on future policy changes.

17. **Proposed Revision:** Housing Choice Voucher Administrative Plan and Admissions and Continued Occupancy Policy (ACOP) – Extend the length of time an applicant may be denied admissions after drug-related criminal activity or convictions over the minimum of 3 years as required by the HUD regulations.

RAB comment: "RAB - No Comment or discussion."

HPHA Response: The HPHA will continue to consult with the RAB on future policy changes.

18. **Proposed Revision:** Housing Choice Voucher Administrative Plan and Admissions and Continued Occupancy Policy (ACOP) – Update the ACOP to implement the requirements of Act 148, Session Laws of Hawaii 2013, restricting the number of available units that may be for applicants with preferences, and eliminating the elderly and disabled singles preference, which is considered obsolete.

RAB comment: "RAB - No Comment or discussion."

HPHA Response: The HPHA will continue to consult with the RAB on future policy changes.

March 20, 2014

FOR ACTION

SUBJECT: To Approve the Amendments to and Compilation of Chapter 17-2020 "Eviction - Practice and Procedure", Hawaii Administrative Rules and to Authorize the Executive Director to Take Required Actions to Submit the Approved Amendments to the Governor of the State of Hawaii for Adoption

I. FACTS

- A. The Hawaii Public Housing Authority (HPHA) Federal Low Income Public Housing (LIPH) inventory is governed by a variety of federal, state, and agency statutes and rules, such as the Code of Federal Regulations and Chapter 356D, Hawaii Revised Statutes (HRS).
- B. Act 196, Session Laws of Hawaii (SLH) 2005, as amended by Act 180, SLH 2006, separated the housing financing and development functions from the Housing and Community Development Corporation of Hawaii (HCDCH) and created the Hawaii Housing Finance and Development Corporation (HHFDC), and the Hawaii Public Housing Authority (HPHA). Act 196 became effective on July 1, 2006. Act 196 provided that all HCDCH administrative rules would remain in effect until amended.
- C. Act 160, SLH 2012 required the HPHA to conform all grievance and eviction practices to federal standards, reduced the required number of board members required to hear an eviction, and authorized the use of video teleconferencing technology for the conduct of hearings.
- D. The HPHA has consistently managed the federal LIPH evictions in accordance with Chapter 17-2020 "Eviction - Practice and Procedure", Hawaii Administrative Rules (HAR).
- E. Proposed amendments to Chapter 17-2020 "Eviction - Practice and Procedure", HAR have been developed for adoption and compilation, which are necessary to effectuate the current statutory framework. Proposed amendments are also necessary to make housekeeping amendments to the Rules, such as updating the agency's name and the statutory references within the Rules.

- F. On September 20, 2012, and October 10, 2013, the HPHA Board of Directors voted to adopt amendments to and compilation of Chapter 17-2020 "Eviction – Practice and Procedure", HAR. Approval from the Governor was received to conduct public hearings on the adoption of the proposed changes to Chapter 17-2020 "Eviction – Practice and Procedure", HAR.
- G. Notices of public hearings on the draft proposed amendments were published in the Honolulu Star-Advertiser, The Garden Island (Kauai), The Maui News, West Hawaii Today (Kailua-Kona), and the Hawaii Tribune Herald (Hilo) on January 28, 2014. A notice of the public hearings was also sent to all public housing residents with the February 2014 rent bill.
- H. Public hearings on the draft proposed amendments to Chapter 17-2020 "Eviction – Practice and Procedure", HAR, were held in each county on February 28, 2014. A summary of the testimony received prior to and at the hearings are attached as Attachment A.

II. DISCUSSION

- A. HPHA staff reviewed and considered all testimony received prior to and at the public hearings, and there were no changes made to the proposed rules, and do not require additional public hearings.
- B. Discussion will continue with the Resident Advisory Board (RAB) on the details and implementation of changes included in the proposed amendments, once it is approved by the Board and the Governor.
- C. Attachment B is the proposed final Chapter 17-2020 "Eviction - Practice and Procedure", HAR, subject to changes approved by the Board, and will be submitted to the Governor upon approval by the Board, in accordance with Chapter 91, Hawaii Revised Statutes, and Administrative Director No. 09-01.

III. RECOMMENDATION

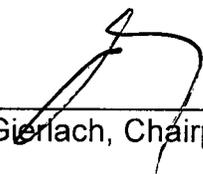
That the HPHA Board of Directors approves the amendments to and compilation of the final Chapter 17-2020 "Eviction - Practice and Procedure", Hawaii Administrative Rules, and authorizes the Executive Director to submit the approved amendments to the Governor of the State of Hawaii for adoption.

Attachment A: Summary of Public Testimony

Attachment B: Final Chapter 17-2020 "Eviction - Practice and Procedure", HAR

Prepared by: Kiriko Oishi, Chief Compliance Officer 

Adopted by the HPHA Board of Directors
on the date set forth above:



David Gierlach, Chairperson



Hawaii Public Housing Authority
Chapter 17-2020 – Evictions - Practice and Procedure
Hawaii Administrative Rules

SUMMARY OF PUBLIC TESTIMONY

Public hearings on the draft amendments to Chapter 17-2020 – “Evictions – Practice and Procedure”, Hawaii Administrative Rules, were held on February 28, 2014 on Oahu, Kauai, Maui, and at two locations on Hawaii Island, and two people provided oral comments.

One testifier commented that there are a lot of illegal things that are happening in public housing, and the Hawaii Public Housing Authority has done nothing about this. The management also picks and chooses who to harass and does not deal with everyone with the same level of respect.

One testifier commented that the Hawaii Public Housing Authority needs to evict people in public housing that constantly harass their neighbors with obscene gestures, looking into units, and management is not doing their job of controlling people with mentally disturbed people. The people are afraid and are living in an unsafe environment that affects their right to peaceful enjoyment of their unit.

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] 12 Notice of hearing
§17-2020-[14] 13 Request for subpoenas

Attachment B

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

Attachment B

- (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(1).]

[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)

Attachment B

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)

Attachment B

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)

Attachment B

§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

[\S17-2020-41 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)

Attachment B

2020-18

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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)]

2. Material, except source notes, to be repealed is bracketed. New material is underscored.

3. Additions to source notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of chapter 17-2020, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

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

Attachment B

2020-20

073

March 20, 2014

FOR ACTION

SUBJECT: To Approve the Amendments to and Compilation of Chapter 17-2028 "Federally - Assisted Housing Projects", Hawaii Administrative Rules and to Authorize the Executive Director to Take Required Actions to Submit the Approved Amendments to the Governor of the State of Hawaii for Adoption

I. FACTS

- A. The Hawaii Public Housing Authority (HPHA) Federal Low Income Public Housing (LIPH) inventory is governed by a variety of federal, state, and agency statutes and rules, such as the Code of Federal Regulations and Chapter 356D, Hawaii Revised Statutes (HRS).
- B. Act 196, Session Laws of Hawaii (SLH) 2005, as amended by Act 180, SLH 2006, separated the housing financing and development functions from the Housing and Community Development Corporation of Hawaii (HCDCH) and created the Hawaii Housing Finance and Development Corporation (HHFDC), and the Hawaii Public Housing Authority (HPHA). Act 196 became effective on July 1, 2006. Act 196 provided that all HCDCH administrative rules would remain in effect until amended.
- C. The HPHA has consistently managed the federal LIPH inventory in accordance with Chapter 17-2028 "Federally - Assisted Housing Projects", Hawaii Administrative Rules (HAR).
- D. In order to implement a number of changes to policies, procedures, and initiatives to improve service delivery and program administration, amendments to Chapter 17-2028 "Federally - Assisted Housing Projects, HAR, have been developed for adoption and compilation.
- E. On September 20, 2012, February 21, 2013, April 18, 2013, and October 10, 2013, the HPHA Board of Directors voted to adopt amendments to and compilation of Chapter 17-2028 "Federally-Assisted Housing Projects", HAR. Approval from the Governor was received to conduct public hearings on the adoption of the proposed changes to Chapter 17-2028 "Federally-Assisted Housing Project", HAR.
- F. Notices of public hearings on the draft proposed amendments were published in the Honolulu Star-Advertiser, The Garden Island (Kauai), The

Maui News, West Hawaii Today (Kailua-Kona), and the Hawaii Tribune Herald (Hilo) on January 28, 2014, at least thirty days prior to the public hearing, in accordance with Chapter 91, HRS. A notice of the public hearings was also sent to all public housing residents with the February 2014 rent bill.

- G. Public hearings on the draft proposed amendments to Chapter 17-2028 "Federally-Assisted Housing Projects", HAR, were held in each county on February 28, 2014. A summary of the testimony received prior to and at the hearings, and all written testimony received by the HPHA are attached as Attachment A.

II. DISCUSSION

- A. HPHA staff reviewed and considered all testimony received prior to and at the public hearings, and there were no changes made to the proposed rules, and do not require additional public hearings.
- B. Discussion will continue with the Resident Advisory Board (RAB) on the details and implementation of changes included in the proposed amendments, once it is approved by the Board and the Governor.
- C. Attachment B is the proposed final Chapter 17-2028 "Federally-Assisted Housing Projects", HAR, subject to changes approved by the Board, and will be submitted to the Governor upon approval by the Board, in accordance with Chapter 91, Hawaii Revised Statutes, and Administrative Director No. 09-01.

III. RECOMMENDATION

That the HPHA Board of Directors approves the amendments to and compilation of the final Chapter 17-2028 "Federally - Assisted Housing Projects", Hawaii Administrative Rules, and authorizes the Executive Director to submit the approved amendments to the Governor of the State of Hawaii for adoption.

Attachment A: Summary of Public Testimony

Attachment B: Final Chapter 17-2028 "Federally-Assisted Housing Projects", HAR

Prepared by: Kiriko Oishi, Chief Compliance Officer 

Adopted by the HPHA Board of Directors on
the date set forth above:



David Gerlach, Chairperson



Hawaii Public Housing Authority
Chapter 17-2028 – Federally – Assisted Public Housing Projects
Hawaii Administrative Rules

SUMMARY OF PUBLIC TESTIMONY

Public hearings on the proposed draft amendments to Chapter 17 – 2028 – “Federally Assisted Public Housing Projects”, Hawaii Administrative Rules (HAR), were held on February 28, 2014 on Oahu, Kauai, Maui, and at two locations on Hawaii Island.

The following is a summary of written and oral testimony on the proposed draft amendments to Chapter 17-2028 – “Federally Assisted Public Housing Projects”, HAR. All written testimony received by the Hawaii Public Housing Authority (HPHA) is also attached for the record.

§17-2028-60 Smoking prohibited

Written testimony received from five testifiers in favor of the proposed draft amendments, suggested the following changes:

- Remove the cessation program forgiveness section
- Have no smoking anywhere in the property, including marijuana – even if its use is pursuant to a lawful prescription
- Change the number of violations allowed before eviction to three
- Remove the monetary deposit section and not allow smoking anywhere in the property
- Remove any ability to have a smoking unit due to the granting of a reasonable accommodation

Written testimony received from four testifiers, and oral testimony given by six individuals who were opposed to the proposed draft amendments commented that:

- The smoking prohibition violates tenants’ civil rights
- The smoking prohibition violates tenants’ right to privacy
- Tenants have the right to be able to smoke in their units
- Designated smoking areas were requested
- Federal and State taxes from tobacco should be used to clean up smoke-damaged units
- The no smoking policy is unfair, discriminatory, and unenforceable
- Tenants should have the right to move away from tenants who smoke in their units
- A unit was inspected and no damage from smoking was found



Hawaii Public Housing Authority
Chapter 17-2028 – Federally – Assisted Public Housing Projects
Hawaii Administrative Rules

Proposed Draft Amendments to Chapter 17-2028, HAR, as a Whole

One testifier submitted written testimony that disagreed with all proposed draft amendments except for the sections regarding types of criminal activity, prior rental history and use of drugs, HPHA approval of the inclusion of family members, rental agreement termination, and minimum rent.

One testifier commented that they did not receive notice of the public hearing, and would fax their testimony at a future date.

One testifier submitted written testimony that questioned and opposed sections regarding eligibility and participation criteria, types of criminal activity, prior rental history and use of drugs, no smoking policy, and the community service requirements.

One testifier did not agree with the section on community service requirements and requested that the manager at the property where this person resides communicate more effectively and work more collaboratively with tenants.

One testifier was concerned about drug use in public housing, maintenance of the properties, would like to see volunteering at a church to be allowed for the community service requirement, and requested that the HPHA administration understand cultural diversity and to bring the community together.



To: Executive Director Hakim Ouansafi
Board of Directors, Hawaii Public Housing Authority

From: Valerie Chang, JD, Executive Director, Hawaii COPD Coalition

Date: February 26, 2014

RE: **Letter Commenting on Hawaii Administrative Rules (HAR) concerning Federally-Assisted Housing Projects (Chapter 17-2028)**

Thank you for the opportunity to provide comment on the Hawaii Administrative Rules (HAR) concerning Federally-Assisted Housing Projects (Chapter 17-2028). These rules are urgently needed so that people living in public housing can enjoy the very important health benefits in living without being forced to suffer from second-hand tobacco smoke.

The Hawaii COPD Coalition commends the Hawaii Public Housing Authority (HPHA) for initiating a comprehensive smoke-free policy in all 85 properties in the State, however our organization is concerned about language that will dismantle the effect of the policy.

That Hawaii COPD Coalition is the only organization in Hawaii solely devoted to improving treatment of those with Chronic Obstructive Pulmonary Disease (COPD--lung conditions including emphysema and chronic bronchitis), through early diagnosis, education, treatment, research and support. Free lung testing has been conducted in clinics throughout the state from 2008. Over 40 clinics were held in 2011 on five islands, with lung function testing to over 1500 people. Support group meetings have been held monthly since 2007, as well an annual education day. Our organization is a small nonprofit partnering with dozens of organizations. Most people with COPD are current or former tobacco users or adults with significant second-hand exposure. Many of these sufferers and other people are extremely sensitive to tobacco smoke, which can easily send them to the hospital and/or urgent care for treatment of asthma, COPD exacerbations, heart problems, and other health complications due to second-hand smoke exposure.

Secondhand smoke is dangerous and can be deadly. **The U.S. Surgeon General has stated that ANY level of exposure to second hand smoke is dangerous and can be harmful. It greatly aggravates the breathing of people who already have lung conditions including asthma and COPD, and can send these fragile patients to the ER or hospital.** Secondhand smoke often migrates between units in multifamily housing, increasing respiratory illness, heart disease, cancer, and other adverse health effects in neighboring families. The Housing and Urban Development (HUD) office is strongly encouraging Public Housing Authorities (PHA) to adopt smoke-free policies—this bill will further HUD’s recommendations. Smoking in the property also increases the risk of fire and fire-related deaths and injuries in the property.

The Burden of COPD in Hawaii 2010 Report http://hawaii.gov/health/family-child-health/chronic-disease/copd/COPD_BurdenReport.pdf, shows that COPD is highest among those unemployed or unable to work. It is likely that many of these patients live in public housing. COPD prevalence in Hawaii as 2-3 times higher for adults subsisting below the federal poverty level compared to middle and high income levels combined!

The three main concerns the Hawaii COPD Coalition has involve the following (along with explanations):

Public Testimony
Attachment A
Page 3 of 31

1. **Section 17-2028-59 Rental Agreement termination.** The Hawaii COPD Coalition recommends deleting the smoking cessation service program exception

Explanation: The Hawaii COPD Coalition strongly supports smoking cessation but does not believe this is necessary to be written into the administrative rules and do NOT believe that this should allow violations to be erased. It's important that exceptions are NOT allowed to swallow up the rules and render them ineffective.

2. **Section 17-2028-60 Smoking Prohibition.** The Hawaii COPD Coalition recommends removing any exemption or feest hat allow smoking in units or places where smoking is prohibited.

Explanation. Smoking is NOT a Constitutional right and any exemption defeats the purpose of the policy, which is to provide a safer, healthy environment for ALL residents. Second hand smokine travels between units through the walls, floors, and vents, affective everyone. Any exemption allowing for second hand smoking is a health risk to all in the building. It also confuses people into believing it's perfectly fine to smoke as long as you pay minimal fees. Keeping the rules as SIMPLE and straight-forward as possible will make it easier for ALL residents to understand and follow them and make it easier for management to enforce them without confusion.

3. **Section 17-2028-63 Security Deposits.** The Hawaii COPD Coalition recommends removing any option of a smoking deposit.

Explanation. Allowing for a smoking deposit defeats the purpose of the policy, which is to reduce the costs for maintenance and repair. Allowing people to smoke does NOT protect the rights of those living in public housing to clean air and good health, which is the underlying purpose of these rules and regulations.

Our personal experience with multi-dwelling housing was with neighbors who smoked somewhere in the apartment building we lived in. It bothered us greatly but we were in no position at the time to move and had to bear it silently. Recently, our son was renting a lovely condo unit in Virginia. Though the *unit* he lives in is smoke-free, the smoke from somewhere else in the building causes him to cough and wheeze. He tried unsuccessfully to seal the unit he was renting to prevent the smoke from entering but ultimately is being forced to relocate only a few months after moving across the country to this unit, at great expense and inconvenience to him and his landlord. Even when he visits our home, if a neighbor goes into his backyard to smoke, it immediately sets off our son's asthma even if he's in the farthest bedroom from the smoking neighbor.

All families deserve to live free of secondhand smoke, but especially those who have very limited housing options due to income and asset limitations. The best way to ensure this is to prohibit smoking in public housing, as this bill does so well. At our annual COPD Education Days and support group meetings, many patients and their caregivers ask about smoke-free housing, as smoke is extremely bad for their health.

733 Bishop Street, Suite 1550 * Honolulu, HI 96813 * (808)699-9839 * www.hawaiiicopd.org *
copd.hawaii@yahoo.com

Notice of Public Hearing on the PHA Five-Year and Annual Plan

(February 28, 2014, Friday at 6:00 p.m.)

My name is Theresa L. Cummings, I am a Widow and mother of 15 children. As a resident of public housing for the last 64 years, I have a few comments pertaining to the Five-Year and Annual Plan.

First of all I pay my rent and follow the rules and guidelines that HUD sets up for all residents to keep us safe, healthy and the right to peaceful enjoyment. We also have rights as residents to live in a unit without HPHA dictating how we should live, what we can and cannot do, within the privacy of our home. Some of these proposals involve my right to privacy and the abuse of my Civil Rights as well as Profiling.

I have questions and comments on five of your proposals:

2. Authorize the HPHA to deny eligibility for admission and participation in the program if they have an outstanding liability with any HUD rental assistance program.

-There should be a time line on this proposal. (3, 6 to/or 10 years?)

-People and/or family situations do change within the years.

-A chance should be given to correct outstanding liabilities.

3. Require for eligibility that no member of the tenant's family have history of the listed types of criminal activity considered as reasonably likely to adversely affect the health, safety, or right to peaceful enjoyment of the premises by other tenants, the HPHA or staff, for the past three years.

-Does this pertain to adults only or do you mean children under 18 as well?

-It should read, "...that no adult member of the tenant's family..."

4. Prohibit applications based on prior rental history and use of drugs.

-What about people who has changed and are now working or have been through a rehabilitation program?

-Do they not deserve a second chance?

-After admission a probation period can be given to prove stability.

10. Establish a non-smoking policy on the HPHA's public housing properties, to provide a clean, healthy environment for tenants and staff, enforced by rental agreement termination for violating non-smoking requirements on more than three occasions. Smoking will be prohibited in all common areas, within twenty feet of entrances, exits, windows that open, and ventilation intakes, and in all dwelling units unless specifically designated otherwise by the HPHA. An incentive for participating in a smoking cessation program is provided. If smoking is permitted in a development, the family will be charged a non-refundable deposit and additional fees per month due to the increased wear and tear.

-I know the mainland has such laws in affect. But they have a large body of land.

We are in the middle of the Pacific Ocean with trade winds throughout the Islands.
-The State Attorney General has not pushed for this law. It is also considered an Unenforceable Law.
- This could also be called Profiling: Because only people in public housing are being banned for smoking.
-My civil rights to privacy within my home are in jeopardy. What is next? Will they tell me how to raise my children and what to wear or how to eat?
-I am being told I cannot drink alcohol or smoke a cigarette within the house that I pay rent for. Again what is next?

12. Provide for lease termination for noncompliance with the community service requirements.

-The community service requirements are forcing residents to become slaves.
-Slavery is against the law.
-The translation of a slave is a person who is forced to work without pay and is threatened if refused.
-HPHA require residents to volunteer 8 hours community service for 12 months, if the 96 hours are not completed by your next re-certification interview, you will be in-eligible to live in public housing.

Thank You for receiving and accepting my comments.

Theresa L. Cummings
811 Kaiwila St. #5D
Hon. HI 96817

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RECEIVED
HAWAII PUBLIC
HOUSING AUTHORITY

February 21, 2014
Executive Director Hakim Ouansafi
Board of Directors, Hawai'i Public Housing Authority
Hawaii Public Housing Authority
Attn: Planning
1002 North School Street
Honolulu, HI 96817

Halehale circa 1940
'Imi Hale
Native Hawaiian Cancer Awareness
Research & Training Network
A Program of Papa Ola Lōkahi

894 Queen Street
Honolulu, HI 96813
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Fax: (808) 597-6552
Email: imihale@yahoo.com

Re: Chapter 17-2028, Hawai'i Administrative Rules (HAR), "Federally-Assisted Housing Projects"

Aloha Mr. Ouansafi,

Thank you for the opportunity to provide comment on the Hawai'i Administrative Rules (HAR) concerning Federally-Assisted Housing Projects (Chapter 17-2028). We commend the Hawai'i Public Housing Authority (HPHA) for initiating a comprehensive smoke-free policy in all 85 properties in the State, however we are concerned about language that will dismantle the effect of the policy.

The three main concerns we have involve the following along with explanation:

- 1) **Section 17-2028-59 Rental Agreement Termination** - We recommend deleting the smoking cessation service program exception.
Explanation: We strongly support smoking cessation but do not believe this is necessary to be written into the administrative rules and do not believe that this should allow violations to be erased.
- 2) **Section 17-2028-60 Smoking Prohibited**- We recommend removing any exemption or fees that allow smoking in units or in places where smoking is prohibited.
Explanation: Smoking is not a Constitutional right and any exemption defeats the purpose of the policy, which is to provide a safer, healthy environment for all residents. Secondhand smoke travels between units through the walls and floors and affects everyone. Any exemption allows for secondhand smoke to remain a health risk within the building.
- 3) **Section 17-2028-63 Security Deposits** – We recommend removing any option of a smoking deposit.
Explanation: Allowing for a smoking deposit defeats the purpose of the policy, which is to reduce the costs for maintenance and repair.

Mahalo for the opportunity to provide comments regarding concerns in the HAR.

Aloha,

Public Testimony
May Rose Dela Cruz, MPH Attachment A

Community Health Educator Page 7 of 31

*Halehale, in Hilo, Hawaii, was the family home of Hawaiian composer Helen Desha Beamer. It was a gathering place for family, friendship and music.
'Imi Hale is supported by a grant from the National Cancer Institute.



Testimony for Administrative Rules Public Hearing

Daria Fand

to:

hpha

02/26/2014 06:59 PM

Hide Details

From: Daria Fand <daria@hawaiiintel.net>

To: <hpha@hawaii.gov>

'14 FEB 27 A7:47

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HAWAII PUBLIC
HOUSING AUTHORITY

1 Attachment



AdminRulesObjectiond2[e1].docx

To whom it may concern:

I was confused about the time of submission deadline today, Wednesday, 2/26, for my written testimony on the Administrative Rules hearings. This is the language that was sent to me by the Coalition for a Tobacco-Free Hawaii:

The submission deadline for all written comments not being submitted at the hearing is: **Wednesday, Feb. 26, 2014 at 4:30 pm.**

This language was confusing to me because it suggests that testimony CAN be submitted at the hearing on Friday.

I hope that given this miscommunication/misunderstanding, you will accept my testimony herein, in the attached document as late testimony, if this would be considered so.

Please let me know that this was received and is accepted.

Thank you.

Sincerely,
Daria A. Fand

Testimony submitted by: Daria Fand, Kalakaua Homes
For: Administrative Rules Public Hearing, Friday, February 28, 2014

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I object to the stipulations below in the proposed draft Administrative Rules, and propose amendments accordingly, as follows:

Objectionable portions excerpted from Hawaii Public Housing Authority's No-Smoking Policy (red is errant policy language, black enumerated items are objections):

§17-2028-59 Rental agreement termination.

(6) Violates the smoking prohibitions pursuant to section 17-2028-60 on more than three occasions and receives written notice of said violations; provided that if tenant, any member of the tenant's household, or any guest or other person under the tenant's control receives only one violation of section 17-2028-60 in one year, and participates in and completes a smoking cessation service program within the same year, the authority will clear the one violation and shall not deem the incident as a violation for the following year;

1. To minimize chronic violation, the number of violations allowed before eviction should be TWO (2), with the THIRD violation resulting in eviction notice. **This is a common standard for smoke-free multi-unit dwellings, known as the "3 strikes" policy.** HPHA language above allows for more violations before eviction (on the FOURTH violation.)
2. These rules allow any resident to clear their violations record if they (the resident, which includes anyone they're responsible for) only violate once in a given year and attend a cessation program; while this sounds reasonable on paper, the reality in public housing is that it's extremely hard to document violations in general, especially when they are happening after management operation hours, when few witnesses are present, etc., compounded by staff inefficiency. Smoking can be done so secretively, people could be violating chronically, literally hundreds of times, without ever being officially caught/cited and if they *are* cited once and go through a cessation program, they will be allowed to start on a *fresh slate* and indefinitely be able to go through a revolving door of undocumented violations, and smoking cessation programs; *tenants need to know that if they violate the policy or if their household members/guests do, these violations WILL be accumulative with no caveats.*

3. These rules hold residents liable for the behavior of members of their household and guests, which is appropriate, and accords with other Mainland public housing and multi-unit housing smoke-free policies; however, with the ill-conceived caveat that the resident is responsible for these folks to go through smoking cessation programs if they violate, there is no way to ensure that anyone who is not a resident will go through such a program, and if they do, that this ensures they have quit smoking; NO ONE CAN FORCE AN UNWILLING/DEFIANT GUEST TO GO TO A SMOKING CESSATION PROGRAM, LET ALONE PROVE IT WILL STOP FUTURE VIOLATIONS OF THE POLICY; but according to these rules, if they go to such a program, the violation will be stricken off the record, and the problem will just recur.
4. GUESTS HAVE A LOT LESS MOTIVATION TO COMPLY, SINCE IT'S NOT THEIR PROPERTY, NOT THEIR LEASE — therefore, they will be much less likely to be motivated to learn anything from a mandated cessation program.

§17-2028-60 Smoking prohibited. (a) Smoking is prohibited in all public housing projects, or portions of public housing projects, including inside dwelling units, unless specifically exempted by the authority in the ACOP

(c) Where smoking is not prohibited in a dwelling unit pursuant to subsection (a) and the household includes a person who smokes as disclosed pursuant to section 17-2028-22, the family shall pay a non-refundable monthly fee of \$5.00.

(d) The authority may discontinue the monthly fee required in subsection (c) when a family can demonstrate to the authority reasonable cause to believe that no member of the household continues to smoke. For the purposes of this subsection:

(1) "Reasonable cause to believe" means by a preponderance of the evidence; and

(2) In determining whether to discontinue charging the monthly fee, the authority may consider completion of a smoking cessation program.

5. Remove this language. "EXEMPTIONS" TO BE ALLOWED TO SMOKE INDOORS CANNOT BE MADE, because to do so requires a resident invoke the

REASONABLE ACCOMODATION REQUEST (RAR) PROCESS, PER THE FAIR HOUSING ACT. However, this RAR process can **ONLY** be used in the case of a disability, and under Fair Housing Law and the ADA, addiction to nicotine (smoking) **IS NOT A DISABLITY; because a housing provider CANNOT grant an RAR EXCEPT FOR A DISABILITY, and because smoking is not classified as one, HPHA IS MISUSING THE USE OF FAIR HOUSING LAW**

6. **ALLOWING ANY EXEMPTIONS FOR PEOPLE TO SMOKE INDOORS NEGATES THE PURPOSE OF THE NO-SMOKING POLICY, PER THE ENGINEERING SCIENCE THAT STATES SMOKING ANYWHERE IN A BUILDING WILL CAUSE OTHERS TO BE EXPOSED, AND "THERE IS NO SAFE LEVEL OF SECONDHAND SMOKE" (SURGEON GENERAL); SO ONE PERSON WHO IS "EXEMPTED" CAN CONTAMINATE AN ENTIRE BUILDING.**
7. The provision that HPHA would determine whether a smoker has quit in certain cases is DISCRIMINATORY; A HOUSING PROVIDER CANNOT AND SHOULD NOT ASK ANY RESIDENT TO PROVE THAT THEY ARE A NON-SMOKER; RATHER, THE RESIDENT MUST ONLY OBEY THE NO-SMOKING POLICY; a smoker's status is private, unless they violate the policy.

(b) Where smoking is not prohibited in a dwelling unit pursuant to section 17-2028-60(c) and the household includes a person who smokes as disclosed pursuant to section 17-2028-22, the family shall pay an initial refundable smoking deposit of \$75.00.

§17-2028-22 Eligibility for admission and participation.

(M) Disclose tobacco use of all family members within the household.

8. Remove this language. All of the above language is DISCRIMINATORY, because again, the status of a resident as smoking or non-smoking should not be inquired into, as long as the resident complies with the no-smoking policy. Furthermore:

-- The term, "tobacco use" is overly-broad: there are smokeless tobacco products (such as chewing tobacco, snuff, etc.) that a resident may use that are not relevant to and do not violate the no-smoking policy

-- Why would the initial \$75.00 "smoking deposit" be "refundable"?

General:

9. ALL THESE RULES PRESUME THAT A COMPULSORY CESSATION PROGRAM SIGNIFIES QUITTING SMOKING — this is erroneous and unprovable
10. ALL THESE RULES PRESUME THAT THERE IS ANY RELIABLE WAY TO DETERMINE A RESIDENT, INCLUDING THEIR HOUSEHOLD MEMBERS AND THEIR GUESTS (WHICH MAY EVEN INCLUDE NON-RESIDENTS), HAVE QUIT SMOKING, VIA CESSATION PROGRAM OR OTHERWISE -- again, erroneous and unprovable
11. The \$5 monthly fee to smoke indoors, as well as the initial refundable smoking deposit of \$75, trivialize and condone smoking behavior, providing little incentive or motivation to respect smoking hazards (and so, undermine educational efforts), and grossly misrepresent the financial cost to the public of allowing smoking in units (\$3,000+ for refurbishment, not including fire damage)

PHA 2014 TO 2019 ADMINISTRATIVE RULES COMENTS:

We the Kaahumanu Resident Association and Residents oppose to the following the following Hawaii Administrative Rules.

- Clarify the application process and require applicants to select one geographic waitlist to replace the current practice of allowing applicants to submit applications to any and all geographic_ waitlists. Applicants may change geographical selections while maintaining the original date and time of their application. **(Disagree)**
- Authorize the HPHA to deny eligibility for admission and participation in the program if they have an outstanding liability with any HUD rental assistance program. **(Disagree)**
- Require for eligibility that no member of the tenants family have history of the listed types of criminal activity considered as reasonably likely to adversely affect the health, safety, or right to peaceful enjoyment of the premises by other tenants, the HPHA, or staff, for the past three years. **(Agree)**
- Prohibit applications based on prior rental history and use of drugs **(Agree)**
- Revise the time frame for requesting and scheduling informal hearings for ineligibility determinations by using calendar instead of working days. **(Disagree)**
- Update the HPHA, nondiscrimination policy in tenant selection, assignment, transfers, and selection to the family self-sufficiency program to include gender identity and sexual orientation, as protected under state law. **(Disagree)**
- Enable the HPHA to paid tenants based-on DE concentration and income mixing goals by allowing non-preference holders to be placed prior to preference holders, to effectuate DE concentration objectives. **(Disagree)**
- Clarity that the homeless preference is provided only to those participating in a federally or state funded homeless transitional shelter or program. **(Disagree)**

- Clarify the need for the HPHA to approve any inclusion of additional family members into the household. **(Agree)**
- Clarify the need for the HPHA to approve any inclusion of additional family members into the household.- Establish a non-smoking policy on the HPHA public housing properties, to provide a clean, healthy environment for tenant and staff, enforced by rental agreement termination for violating non-smoking requirements on more than three occasions. Smoking will be prohibited in all common areas, within twenty feet of entrances, exit windows that open and ventilation intakes end in dwelling units unless specifically designated otherwise by the HPHA. An incentive for participating in a smoking cessation program is provided. If smoking is permitted in a development; the family would be charged a non-refundable deposit and additional fees per month due to the increased wear and tear. **(Disagree) Due to the fact that only a hand full of residents smoke in there units. Recently we had an inspection, the units that smoke in their units has past and there was no residue in the unit with no damage.**
- Streamline the rule governing utility allowances. **(Disagree)**
- Provide for lease termination for noncompliance with the community service requirements. **(Disagree)**
- Require tenants who have obtained an interim rent decrease adjustment to report income increases within ten business days from the date they became aware of the income increase, and provide that no rent adjustment would be processed if the HPHA confirms the decrease in income will last less than thirty calendar days. **(Disagree)**
- Change the current policy requiring that all tenant transfers take priority over new applicants, to allow only transfers to accessible dwelling units for reasonable accommodations to have priority, and clarify the circumstances under which a tenant would not be transferred due to the initiation of eviction proceedings. **(Disagree)**
- Reduce the amount of time allowed to families in repaying back charges, from one hundred eighty days to ninety days, and clarify the right of the HPHA to negotiate payment plans. **(Disagree)**

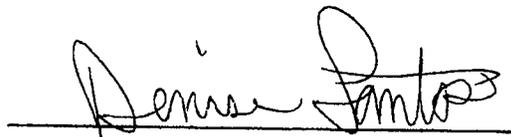
- Allow rental agreement termination for failure to maintain utility services, willful damage to HPHA property, felony convictions, and fugitive felons and parole violators to maintain a safe environment for tenants. **(Agree)**
- Establish a minimum rent of \$50 per month, provide for exemptions from the minimum rent due to hardships, and reasonable payment arrangements for exemptions from the minimum rent determined to be temporary. **(Agree)**
- Authorize late and dishonored check fees and charging of security deposits for community facility rental. **(Disagree)**

Thank you for your time and allowing us to respond.

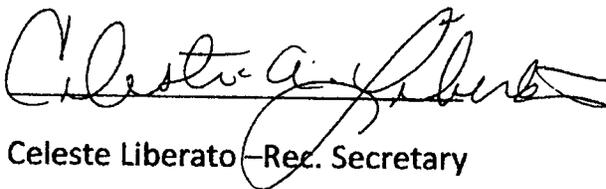
Sincerely,



Rose Ayala-Switzer - President



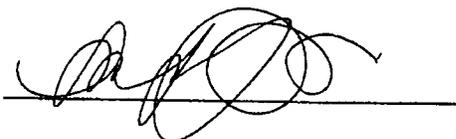
Denise Santos – Vice President



Celeste Liberato – Rec. Secretary



Jill Saito – Corresponding Secretary



Mahogany Johnson – Treasurer



Diane Penna – Sargent at Arms



comments from Hilo tenant on smoking ban in public housing for hearing

Kaleimcdonald

to:

hpha

02/19/2014 12:20 PM

Hide Details

From: Kaleimcdonald@aol.com

To: hpha@hawaii.gov

14 FEB 19 P3:33

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HOUSING AUTHORITY

Dear HPHA,

Smoking kills people! Smoking is a bad habit that often turns into an addiction causing serious health problems in our society. When it starts to affect other people's health & safety, when it starts to cause others distress, it's time to stop it. Furthermore, second-hand smoke, also known as Environmental Tobacco Smoke (ETS), is more dangerous than the first-hand smoke. Smoke is the number one cause of different cancers and other diseases of the organs. The ETS is especially harmful to non-smoker's health. The idea of 20-25 feet away is a failed notion as cigarette smoke can be smelt as far as 100 feet. People as well as non-smokers frequent the outside too, continually having to inconveniently dodge the smoke or wait till the air is clear to proceed. There is a relatively new concept called third-hand smoke derived from the Harvard Cancer Center research team in 2010. It implies that the carcinogens from the butts and settled smoke are left as residue, still emitting toxins that are potentially dangerous. There are cigarette butts on the ground outside of units and all over public housing property. I get smoke on my car and my laundry hanging outside on the line. The Big Island Housing Foundation has already implemented a non-smoking policy on their premises and they have posted visible "No Smoking" signs (and security cameras), which was conceivable when prior to moving into Hilo public housing under Hawaii Public Housing Authority in March of 2013, I was informed of a smoking ban that smoking is to be conducted off of the housing property. Being a non-smoker and having both my children clinically diagnosed with asthma was definitely a deciding factor for me to accept.

I was alarmed when after a few months new tenants moved in across of me (about 25 feet), smokers of course who allow their guests to smoke anywhere. Only after great persistence and a series of complaints on my part with the housing office did I notice a slight decrease in the smoke. I still smell their smoke on occasion and more so often in the parking lot where we need to get to and from our vehicle and going to the dumpster to dispose our trash. Currently in January of this year, more cigarette smoking tenants moved in the immediate unit right next to us. Every day we are being exposed to ETS, even as I sit and write this. It is distressing to my children and me. I've submitted a few written complaints of second-hand smoke coming into our unit through the windows and upon being outside again getting to and from our vehicle. I enjoy fresh air and always keep my windows open. Daily I experience anxieties, headaches, and respiratory issues as a result of this. My

Public Testimony
Attachment A
Page 16 of 31

children are on medications, constantly sick and going to the doctors. There are people in need of housing willing to abide by a non-smoking policy. We are surrounded by smokers in housing that was deemed to be smoke-free. This is where we live. It is bad enough being exposed to ETS out in the general public, much less literally forced exposure in our little corner of the world we call 'our home', 'our sanctuary'. It is our right to a smoke free living environment. Smokers are not protected under fair housing laws. A designated smoking area is counter-productive for the obvious reasons. Smoke off the property, elsewhere. What about the other innocent children who have no say in the matter? Who will protect them? Not their smoking guardians that's for sure! It's up to us to make it happen. I never thought that fighting for children's health and safety in public housing would be like pulling teeth and exhausting. I am not willing to compromise our health because of other people's desire to smoke! I am very passionate about living on smoke-free grounds and counting on the leaders to make it happen and enforce to the fullest!

Mahalo !

Feb. 28, 2013

We have equal rights we do pay taxes. at least
give us a smoking area within ten feet. its not
safe to smoke outside. And some of them have
walkers.

Margaret Nakamura

PUBLIC FUTURE PLANS

President John F. Kennedy addressed the Nations (is not what I can do for my country – is what you can do for your country.) This statement built America. In Hawaii we have citizens who have doubts and uncertainty for Hawaii's future. When there is a Project Plan like Agriculture and Aquaculture for Public Housings Residents and to have a Post Exchange or a Base Exchange for tenants to work.

We need to use every available area, to put into a self-supporting use for the future. We need a fiscal five years Project planning trial or test. To allow residents to join hands to build there Projects along with the Universities or people with know how experience help in Hawaii to be a part off. With projects all over Hawaii the homeless residents can be a part of this major project plans for their future as well.

Many senior citizens who are on fix income should have there own project plans for their future. There are many residents in Hawaii do not earn \$24,000.00 a year and these residents and only to have a huge tax break in their income. We are having a high cost in electricity's/water/food/sewer/Hospital/fuel and all other cost in Hawaii. The most important thing is we all do not want to be priced out. Living in Hawaii or only to be homeless for poor residents.

Roy Nakamura

NO SMOKING BAN

On every beach should have a designated area for smokers to light up everywhere? The tax dollars of alcohol and tobacco is to clean up and to have employment at a minimum wages to clean up the area.

The tobacco companies pay huge amount of Federal and State Taxes can be used to clean up. This alcohol and tobacco companies should help us only because we are there customers.

Our alcohol and tobacco taxes went in the General Funds; from the first day it was sold. Now we need these funds to clean up the mess.

The Alcohol and tobacco company's is so very rich. Everybody should ask for help to clean up the mess. It is a responsibility for all of us, to have all butts in one area to clean it up and easy to manage this problem.

Roy Nakamura

OUR SMOKERS RIGHTS

Subject: Ban for Smokers

- 1 – *The alcohol and tobacco companies pay big taxes into the Federal and States government in sales and pay income and property taxes.*
- 2 – *The bars, restaurants, big and small stores and distributors pay taxes and income, property taxes for some smokers and drinkers or for both.*
- 3 – *We as customers of these items also pay big taxes and rents and property taxes for those who own their home and land.*
- 4 – *This is a huge amount of taxes that we all pay into our governments, so why can't we have our rights in where we live and to have our rights in our own homes and for our own privacy.*
- 5 – *With the help of the entire American Tobacco Companies and all the Liquor companies we can have our own buildings because of the big taxes for all of us and to live and farm and grow our own foods to live.*
- 6 – *Why must we have a ban on smoking and only to take our rights away from us? The huge taxes can pay for our own destiny and future for all to follow in our way.*
- 7 – *Our grandfathers rights also been taken away from us, only because of taxes they paid into the tax systems for us who drink and smoke.*
- 8 – *At the present time, we can smoke in our rooms and 20 feet away from the main entrance door, which is the state law.*
- 9 – *Is the state legislature going to change the smoking laws for all of us or for the entire general public and public housing? This is very unfair for many of us who smoke and drink and pay huge taxes.*
- 10 – *Those of you in public housing who wants to move to another unit and why these tenants can't have the right to move away from smokers and drinkers. The former director for public housing said in a big meeting here in Kalakaua Homes that we can smoke in our rooms and twenty (20) feet away from the building main entrances.*

ROY NAKAMURA
Roy Nakamura

H.P.H.A.

To All Those Who Wants This Smoking Ban Put On Us!

The diesel and gasoline fumes that burn from vehicles are worst than second hand smoking, because if you breathe enough of it you can die. So for those citizens who don't smoke are you going to stop the vehicles who uses fuel that burns deadly fumes which is harmful to us from running? This is a complete discrimination towards all smokers like us, if you don't smoke and do not blame only smokers and second hand smoking.

For those who ride the buses, when it stops you are breathing the bus fumes and car fumes which is more harmful for your health, To all of you non-smokers are you going to stop everything that is harmful to your health? There is a lot of chemicals out there that is harmful for your health and for the general party too. You have asbestos and many more harmful items that are being sold on the market today. Are you going to stop them from selling these harmful products? For all of you who want clean air should put a stop to everything that is harmful to your health, not just the smokers.

Realistically you have no control over banning smoking. You have to stop selling cigarettes to make this law legitimate, if you can stop them from selling it. If not you could be sued for invading our privacy act. Like smoking in our room when we are paying our rent. Whenever you pay my rent is when we will stop smoking in our rooms. There should be designated areas for smokers like in the back courtyard, twenty feet from any entrance way. Also bus stops should have a designated area for smokers.

For the general public concern there should be designated smoking areas at all public parks and beaches. Banning cigarette smoking on the beach and in the parks could hurt Hawaii's tourism cash flow. People will start to go to other countries where smoking is allowed. Hawaii depends on tourism and yet they put bans like this in affect. It will affect out economy without the flow of tourism. Which is more important the flow of tour or smoke banning.

C - Copy

**TENANT ORGANIZATION
24 CFR PART 245 GROUP ONE**

Subject: Stop The Smoking Ban!

REASON:

1 – The State of Hawaii already has a smoking law stating you can smoke within 10 to 20 feet from any business establishment or private buildings and public sidewalks. Here in our public house we are smoking away from the buildings and we do follow the rules. So why are we being punish in the (ban), what is the reason.

2 – The present policy is we can smoke in our rooms and this is our right. Because we pay our rent and what is the reason for changing it now.

3 – Ms. Rosa Park rode the bus and she paid her fare to go to her destination. The bus driver told her to move to the back of the bus and she refused to do so. She knew her independent rights was being violated. Why can't we have the same rights?

4 – Can we all smoke in Hawaii Public Parks and on the beaches? The answer is yes, because the parks are public land. Can we all smoke in public housing, the answer is yes. Public housing sits on public land like the public parks. Why not have the same rules to follow for smokers.

5 – Is the smoking law going to be changed for the business establishments or private sectors home owners and Hawaii Public Housing or just the public housing? We should not have this ban while smokers pay high cigarette taxes and income taxes.

6 – Do you all have a Constitutional/Civil or Independence Rights? We the residents in public housing have the same rights and as well across America.

7 – Some of us who had our grandfather come here to start a family that he had paid into the Hawaii Tax System when they started working for a living and as time went by for the tax systems, some of you cannot say our father our father was born here and this means, you do not have the grandfathers rights. We do have grandfathers right for his time and fathers time and our time in paying our taxes. We do not want a ban for smokes in public housing or the general public.

8 – Does management understands the smoking laws and sent us a questionnaire for smoking. Does management understand all the rights that we have in front of us? If not we need new management and of these rights listed are in our rights we should be allowed to smoke in these housing complexes.

1

9 – All of you who is against us for smoking (know) the smoking law first, before you speak and do not discriminate us smokers because we have our rights.

10 – We should not have a ban for a tenant who wants to move to another unit in public housing. It is the tenant choice to move. Why? For convenience to get to the bottom floor/noise complaints/mentally ill persons/ a very sick person that the tenant want to move away from that person. When a tenant moves out that is the time to move tenants to the open units. Before new tenants come in here and this are every body's rights.

C – Copy

**TENANT ORGANIZATION
24 CFR PART 245 GROUP ONE
MULTI-FAMILY/NON-TENANT/TENANT**

SMOKERS RIGHTS:

The present laws are that smokers can smoke 20 feet away from any or all buildings in Hawaii. We want our rights to smoke in our rooms, because we pay rent for our rooms. We also want our grandfather rights forever. This is our independence rights in public housings and if this rule changes, does the new rules going to be the rest of all the homes/private/rentals and all business establishments in Hawaii. Let's keep the same policy for everyone and we are big tax payers too.

Please print clearly, thank you.

1. Roy NAKAMURA 1583 KALAKAUA AVE #630
2. John E. Leanni 1583 Kalakaua Ave #828
3. Ibrahim M. Mady 1583 Kalakaua Ave #931
4. Sherryan Yan 1583 Kalakaua Ave Apt 1129
5. Vicky Gibson 1583 Kalakaua 229
6. Joseph Padilla Kalakaua 1228
7. Ray Sasaki 1583 Kalakaua Ave #826
8. CHARLES DELACRUZ 1583 Kalakaua Ave 924
9. KALANI KANEALII 1583 KALAKAUA AVE 924
10. Kim Gels 1583 Kalakaua Ave 1230
11. Runga Macarost NAKAMURA - 1583 KALAKAUA AVE #826
12. Virion Miyasato #129 1583 Kalakaua Ave
13. Zia Finley #30 1583 Kalakaua
14. Thomas Ladakua 825 1583 KALAKAUA AVE
15. William M. Huiant 1583 KALAKAUA AVE #1785/88 489-9741
16. Midori Anne Lisenberg 1583 KALAKAUA AVE #623
17. Catalina Lopez 1583 Kalakaua Ave #527 Hon. HI. 96846
18. MONICA DI NINNO 1583 KALAKAUA AVE #1022
19. Eleanor D. BARBERA 1583 KALAKAUA AVE #927
20. John M. Lee 1583 Kalakaua Ave Apt #629

TENANT ORGANIZATION

We the tenants of Paoakalani and Mid Rise Building in Kalakaua Homes have measured the distance from the two building and it is more than 20 feet away. The second hand smoking that non – smokers is complaining that is bad. We feel that the car, truck, and buses fumes and all others that is harmful for your health. Are all of you going to stop all these vehicles as well? We the smokers feel it is our choice to smoke because we pay taxes for the cost of alcohol and tobacco for our economy.

Second hand smoking is not the only cause for cancer and if H.P.H.A. put a ban for smokers can the security guard open the back entrance for us to smoke and for the protection for the senior citizens after hours from 8:00 P.M. to 5:30 A.M. For the handi – cap tenants who smoke can they smoke in there room because at night it is very dangerous for these handi – cap tenants or move to the floor where other tenants who smoke to end this problems is to relocate the tenants who want to move away from the smokers.

My name is Kalani and I just moved from Paoakalani Building to Makua Alii building on May 08, 2013 and I am being accused of smoking in my new room. I feel that I am being treated unfairly, by a tenant who lives below me and because I don't smoke. I feel there is problem here by this tenant. I am wondering why this tenant would bring up such accusation. They should have real sufficient evidence to say such a thing. The main question is; How come a lot of people who did not smoke and had cancer? There is other ways to get cancer not only from only smoking.

To: The Legislatures

City Council

H. P. H. A.

CC

19 JAN -7 19:44

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Public Testimony

Attachment A
Page 26 of 31

NAME

ADDRESS

1. ROY NAKAMURA 1583 KALAKAUA AVE 631
2. Kalani Kaneahe 1541 Kalakaua Ave 501
3. ~~Gerardine Mender~~ 1583 Kalakaua Ave 906
4. Roy Sasaki 1583 Kalakaua Ave 526
5. Margaret Nakamura 1583 Kalakaua Ave. apt 1876
6. Rodney & Clark J. 1583 Kalakaua Ave. Apt 428
7. Midori Omine Jensenberg 1583 Kalakaua Ave Apt 623
8. Lawrence Palma 1583 Palakou Apt # 350
9. Vivian Miyasato 1583 Kalakaua Apt. 729
10. ~~Joseph~~ Nelly 1125
11. J. C. Lion 1583 " " #828
12. Andre E. Guilla 1583 " " 723
13. FIA #430 KALAKAUA AVE
14. Tomoko Takahara 1583 " " #825
15. Catalina & de la Cruz " " #527
16. Sawitrona Singarat 1583 " " #725
17. Luis McQueen 1541 Kalakaua Ave. - 9076
18. Lita M. Hunt #725
19. Julia Kaiwi 1545 Kalakaua Ave
20. Joseph Lee 1583 KALAKAUA #1630
21. Jimmy Kama 1583 Kalakaua 1026
22. Waiwani Budge #622 1583 Palakouli

HIU OFFICE RECEIVED JAN 17 1994



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Hawaii Public Housing Authority

Hawaii Administrative Rules (HAR), and Chapter 17-2028, "Federally-Assisted Housing Projects"

Comments of David Sakamoto, MD, MBA
Deputy Director, Health Resources Administration

February 28, 2014
6:30pm, HPHA Bldg. A

1 **Department's Position:** The Department of Health (DOH) is providing comments along with
2 suggestions regarding the Hawaii Administrative Rules (HAR), Chap 17-2028 [smoking prohibitions at
3 Hawaii Public Housing Authority properties]. These comments address the concerns the Department
4 has in the HAR that may negatively impact the ability of the Hawaii Public Housing Authority (HPHA)
5 to protect residents from exposure to secondhand smoke (SHS) and to enforce the proposed rules.

6 **Fiscal Implications:** No appropriations requested.

7 **Purpose and Justification:** The draft amendments to the HAR related to HPHA smoke-free policy
8 contain language that may render the policy ineffective. The DOH proposes three revisions as listed
9 below.

10 1) **Section 17-2028-59 (b6), Rental Agreement Termination** - The DOH proposes the following
11 revisions:

12 **Recommended language:** Recommend striking part of section (b) to read as follows:

13 "(6) Violates the smoking prohibitions pursuant to section 17-2028-60 upon three occasions and
14 receives written notice of said violations."

1 **Explanation:** The DOH will assist the HPHA with support for cessation services to tenants as well as
2 staff. Cessation services; however, as a means of clearing someone’s record, may have the unintended
3 consequence of wiping a violator’s slate clean while still potentially engaging in the act of smoking.

4 2) **Section 17-2028-60 (c), (d), (d1), (d2) Smoking Prohibited** - The DOH proposes the following
5 revisions:

6 **Recommended language:** Recommend striking entire sections (c), (d), (d1), and (d2) to read as
7 follows:

8 “(a) Smoking is prohibited in all public housing projects, or portions of public housing projects,
9 including inside dwelling units, unless specifically exempted by the authority in the ACOP, including:

10 (1) In all common areas and community facilities in and around the authorities public
11 housing projects. The authority may designate additional common areas in the ACOP;
12 and

13 (2) Within a presumptively reasonable minimum distance of twenty feet from entrances,
14 exits, and windows that open to common areas, community facilities, and dwelling
15 units, and ventilation intakes that serve common areas, community facilities, and
16 dwelling units, including enclosed or partially enclosed areas where smoking is
17 prohibited.

18 (b) This prohibition applies to the use of marijuana, even if its use is pursuant to a lawful
19 prescription under part IX of the Hawaii uniform controlled substances act as it existed on March 28,
20 2013 that was given subsequent to tenant placement in the dwelling unit.”

21 **Explanation:** According to the United States Surgeon General, there is no safe level of SHS. Even
22 small amounts can cause serious harm to health. When smoking occurs indoors, containing the smoke
23 to one room is nearly impossible. The Center for Energy and the Environment, a Minnesota nonprofit
24 organization dedicated to finding energy solutions for homes, businesses, and government, states that

1 approximately 65% of air in apartments is shared between units. Closing windows or sealing off doors
2 proves inadequate when air and the particles within air such as those from SHS can seep through
3 electrical outlets, wiring, vents and other cracks in walls, etc. Attempting to contain smoke by human
4 effort simply does not work. Sophisticated filtration systems also fail to contain exposure. The
5 American Society of Heating, Refrigerating, and Air-conditioning stated that, "the only means of
6 effectively eliminating health risks associated with indoor SHS exposure is to ban smoking activity."
7 Providing for a monthly fee in the HAR enables smoking to continue indoors thereby rendering the
8 policy ineffective.

9 3) **Section 17-2028-63 (b) Security Deposits** - The DOH proposes the following revisions.

10 **Recommended language:** Recommend striking entire section (b) to read as follows:

11 "(a) Prior to admission to a housing project, a [tenant] family shall pay a security deposit in an
12 amount not to exceed one month's rent. The security deposit may be applied to rent or used to repay
13 charges owed to the authority upon the termination of the rental agreement.

14 [Strike (b)]

15 (c) The authority may charge a non-refundable community facilities maintenance fee of not less
16 than one percent of the community facilities expenses for rental and use for private functions. Resident
17 associations that are duly recognized by the authority shall be exempt from the payment of this deposit."

18 **Explanation:** The DOH has concern that the phrase "security deposit" suggests permissiveness and
19 would cause confusion rather than provide clarity. Also, for the same reasons listed in item number two
20 above, allowing smoking to occur anywhere indoors defeats the entire purpose of the policy.

21 Thank you for your commitment to protect the health of over 13,000 residents in public housing
22 in the State of Hawaii. This policy is on the cusp of a larger national movement to create smoke-free
23 environments not only where we work and play, but also where we live. We appreciate the HPHA's

- 1 willingness to consider the opinions of key stakeholders in smoke-free housing and we are motivated to
- 2 join in your efforts to impact the lives of those served by the HPHA.
- 3 Thank you for the opportunity to provide comment on the HAR.

Valerie Sandi

Rules Amending Title 17
Hawaii Administrative Rules

October 10, 2013

1. Chapter 2028 of Title 17, Hawaii Administrative Rules, entitled "Federally-Assisted Public Housing Projects" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER 2028

FEDERALLY-ASSISTED PUBLIC HOUSING PROJECTS

Subchapter 1 General Provisions

§17-2028-1	Purpose
§17-2028-2	Definitions
§17-2028-3	Income limits
§17-2028-4	Asset transfers
§17-2028-5	Occupancy guidelines
§17-2028-6	Occupancy standards
§17-2028-7	Utility allowance
§17-2028-8	Verification of information
§17-2028-9	Misrepresentation

Attachment B

Subchapter 2 Eligibility

§17-2028-21	Applicants
§17-2028-22	Eligibility for admission and participation
§17-2028-23	Notification of eligibility
§17-2028-24	Informal hearing for applicants determined to be ineligible for admission

Subchapter 3 Tenant Selection

§17-2028-31	Nondiscrimination
§17-2028-32	Income targeting
§17-2028-33	Deconcentration
§17-2028-34	Local preferences
§17-2028-35	Loss of preference
§17-2028-36	Waiting list
§17-2028-37	Removal from waiting list
§17-2028-38	Closing the waiting list
§17-2028-39	Offers
§17-2028-40	Occupancy of accessible dwelling units

Subchapter 4 Occupancy and Rental Agreement

§17-2028-51	Rental agreement
§17-2028-52	Eligibility for continued occupancy
§17-2028-53	Reexamination
§17-2028-54	Reexamination results
§17-2028-55	Special reexamination
§17-2028-56	Interim rent adjustment
§17-2028-57	Tenant transfers
§17-2028-58	Backcharges
§17-2028-59	Rental agreement termination
<u>§17-2028-60</u>	<u>Smoking prohibited</u>

Subchapter 5 Rents [and], Security
Deposits, and Other Charges

§17-2028-61	Minimum rents
§17-2028-62	Choice of rent
§17-2028-63	Security deposits
<u>§17-2028-64</u>	<u>Other Charges</u>

Subchapter 6 Family Self-Sufficiency
Program

§17-2028-71	Family self-sufficiency program
§17-2028-72	Eligibility
§17-2028-73	Recruitment and outreach
§17-2028-74	Selection
§17-2028-75	Termination or withholding of service

Subchapter 7 Special Programs

§17-2028-81	Special programs
§17-2028-82	Occupancy by police officers
§17-2028-83	Designated housing

Subchapter 8 Household Pets

§17-2028-91	Pet ownership
§17-2028-92	Conditions of pet ownership

Subchapter 9 Miscellaneous Provisions

§17-2028-101	Severability
§17-2028-102	Number and gender

Historical Note: Chapter 2028 of Title 17,
Hawaii Administrative Rules, is substantially based
upon Chapter 17-2028, Hawaii Administrative Rules,
[Eff 7/21/05; am and comp 9/4/07;

am and comp], Chapter 17-535, Hawaii Administrative Rules, [Eff 1/1/81; am and comp 2/11/85; am and comp 5/26/98; R 12/03/01], and Chapter 15-190, Hawaii Administrative Rules [Eff 12/03/01; R 9/04/07]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-2028-1 Purpose. These rules are adopted under chapter 91, HRS, and shall govern the administration of federal public housing programs designated to be carried out by a public housing agency, including admission to and the continued occupancy of federally-assisted public housing projects owned or operated by the authority. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Parts 5, 903, 960, 965, 966; HRS §§356D-4, 356D-13)

§17-2028-2 Definitions. [As used in these rules, except as otherwise required by context:] Whenever used in this chapter, unless specifically defined:

"Accessible dwelling unit" means [an apartment] a dwelling unit that is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical [handicaps] disabilities or [an apartment] a dwelling unit being made accessible as a result of alterations and is intended for use by a specific qualified individual with disabilities which meets the requirements of applicable standards that address the particular disability or impairment of an individual.

"Adjusted income" means "annual income" of the members of the family residing or intending to reside in the dwelling unit minus any HUD allowable expenses and deductions as defined in 24 C.F.R. §5.611[, which is incorporated by reference and attached as exhibit A.] as it existed on March 28, 2013.

"Admissions and Continued Occupancy Policy" or "ACOP" means the regulatory document governing the policies by which the authority determines eligibility for admission, prospective tenant selection, dwelling unit assignment, fair and nondiscriminatory transfers, rental agreement terminations, pet policies, and other property-specific guidelines as required pursuant to these rules.

"Annual income" means the gross amount of income anticipated to be received by the family during the twelve months after [certification] admission or [recertification.] reexamination. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income which has been excluded by HUD, as defined in 24 C.F.R. §5.609[, which is incorporated by reference and attached as exhibit B.] as it existed on March 28, 2013.

"Applicant" means an individual or family that submits an application for admission to the program but is not yet a participant in the program.

"Assets" or "net family assets" means net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment as defined in 24 C.F.R. §5.603[, which is incorporated by reference and attached as exhibit C.] as it existed on March 28, 2013, and excludes the value of necessary items of personal property such as furniture and automobiles.

"Assisted housing" means [housing assisted under the United States Housing Act of 1937.] the same as "federally-assisted housing".

"Authority" means the Hawaii public housing authority.

"Backcharge" means the amount of arrears in rent or other charges owed to the authority.

["Broad range of income" means attaining a tenant population in a project with a broad range of income that is generally representative of the range of income and the rent paying ability of lower income families.]

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

"Common areas" means areas which are available for use by more than one family including lobbies, corridors, hallways, stairways, parking lots, spots, ramps, washing machine or laundry room, rooftops, elevators, washrooms and lobby areas, driveways, storerooms, and shared ventilation ducts that service more than one dwelling unit.

"Community facilities" means real and personal property; buildings, equipment, lands, and grounds for recreational or social assemblies, and for educational, health, or welfare purposes; and necessary or convenient utilities, when designed primarily for the benefit and use of the authority or the occupants of the dwelling units.

"Community service" means the performance of voluntary work or duties that are a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

"Community wide" means inclusive of any location that is under the jurisdiction of the authority.

"Continuously assisted" means that the applicant is currently receiving assistance under any program of the United States Housing Act of 1937, as amended, and there is no break in assistance to the family.

"Covered families" means families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

"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 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.

"Designated housing" or "designated project" means a [project (or projects),] property (or properties), or a portion [of a project (or projects)] thereof that has been designated for occupancy by disabled families, elderly families, or mixed populations of disabled families and elderly families.

"Disabled family" means a family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

"Domestic violence" means the actual or threatened physical violence directed against a family member by a spouse, former spouse, or other [household] member of the family who [lives in the unit] is living or has lived with the family.

"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 [a controlled substance as defined in 21 U.S.C. 802 and which activity is conducted on or near the premises of the assisted dwelling unit.] the drug.

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

"Economic self-sufficiency program" means any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families.

"Elderly" or "elderly family" means a family whose head, spouse, or sole member is a person who is at least sixty-two years of age; or two or more persons who are at least sixty-two years of age living together; or one or more persons who are at least sixty-two years of age living with one or more live-in aides.

"Eligible family" means a family that meets the qualifications and requirements of the program[.] for admission into federally-assisted public housing.

"Enclosed or partially enclosed" means closed in by a roof or overhang and at least one wall. Enclosed or partially enclosed areas include but are not limited to areas commonly described as public lobbies, lanais, interior courtyards, patios, and covered walkways.

"Exempt individual" means an individual who is exempt from complying with community service or self-sufficiency activities and which is further defined in 24 C.F.R. §960.601(b) [, which is incorporated by reference and attached as exhibit D.] as it existed on March 28, 2013.

"Extremely low-income family" means a family whose annual income does not exceed thirty per cent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than thirty per cent of the median income for the area [may be established] if HUD finds that such variations are necessary because of unusually high or low family incomes.

"Family" means[:] regardless of actual or perceived sexual orientation, gender identity, or marital status:

- (1) Two or more persons who live or intend to live together as a unit and whose income and resources are available to meet the family's needs and who may be related by blood,

marriage, or operation of law and whose head of family has reached the age of majority. Family may include foster children and hanai children;

- (2) An elderly family;
- (3) A disabled family;
- (4) A displaced family;
- (5) The remaining member of a tenant family who is recorded as an authorized occupant on the current list of household members and who has reached the age of majority; or
- (6) A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

"Family self-sufficiency program" or "FSS program" means the program [establish] established by the authority in accordance with 24 C.F.R. Part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services.

"Federally-assisted housing [projects]" means [the low-income federal assisted public housing projects as established by the United States Housing Act of 1937, as amended.] housing assisted under any of the following HUD programs:

- (1) Public housing;
- (2) Housing receiving project-based or tenant-based assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C. §1437f) as it existed on March 28, 2013;
- (3) Housing that is assisted under section 202 of the Housing Act of 1959, as amended by section 801 of the National Affordable Housing Act (12 U.S.C. §1701q) as it existed on March 28, 2013;
- (4) Housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act as it existed on March 28, 2013;

- (5) Housing that is assisted under section 811 of the National Affordable Housing Act (42 U.S.C. §8013) as it existed on March 28, 2013;
- (6) Housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act (12 U.S.C. §17151(d)(3)) that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act (12 U.S.C. §17151(d)(5)) as it existed on March 28, 2013;
- (7) Housing insured, assisted, or held by HUD or by a State or local agency under section 236 of the National Housing Act (12 U.S.C. §1715z-1) as it existed on March 28, 2013;
or
- (8) Housing assisted by the Rural Development Administration under section 514 or section 515 of the Housing Act of 1949 (42 U.S.C. §§1483, 1484) as it existed on March 28, 2013.

"Foster children" means a person or persons, under eighteen years of age who is or are not related to the foster parent by blood, marriage, or adoption and who is or are in need of parenting care.

"Foster parent" means any adult person who gives parenting care and maintenance to a foster child pursuant to placement by an authorized agency.

"Gender identity" means actual or perceived gender-related characteristics.

"Hanai children" means a person or persons, under eighteen years of age, for whom an applicant or [participant] tenant provides food, nourishment and support for a minimum period of at least a year or has been recognized in the household for support by the department of human services and who is acknowledged as the applicant's or [participant's] tenant's child among friends, relatives and the community.

["Handicapped" means the same as "disabled family".]

"HRS" means the Hawaii Revised Statutes.

"HUD" means the United States Department of Housing and Urban Development.

"Imputed welfare income" means the amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

"Involuntarily displaced" means an applicant who has vacated or will have to vacate the unit where the applicant lives because of one or more of the following:

- (1) Displacement by disaster;
- (2) Displacement by governmental action; or
- (3) Displacement by action of housing owner for reasons beyond the applicant's control and despite the applicant meeting all previously imposed conditions of occupancy. The action taken by the owner [is] shall be for reasons other than an increase in rent [increase].

"Live-in aide" means a person who resides with one or more elderly persons, or near elderly persons, or persons with disabilities, and who:

- (1) Is determined to be essential to the care and well-being of the persons;
- (2) Is not obligated for the support of the persons; [and]
- (3) Would not be living in the unit except to provide the necessary support services[.]; and
- (4) Is not a tenant.

"Location" means any site comprising a common geographic area undivided by natural or man-made barriers (such as rivers, highways, railroads, or other major obstructions) that block or impede normal pedestrian traffic and which may contain more than one project.

"Low-income family" means a family whose annual income does not exceed eighty per cent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than eighty per cent of the median income for the area

[may be established] if HUD finds that such variations are necessary because of unusually high or low family incomes.

"Multifamily dwelling" means a building containing more than two dwelling units.

"Near elderly family" means a family whose head, spouse, or sole member is at least fifty years of age but below the age of sixty two, or two or more persons, who are at least fifty years of age but below the age of sixty two, living with one or more live-in aides.

["Part-time resident aide" or "nineteen hour tenant aide" means a tenant of a housing project, employed by the authority, who works not more than nineteen hours a week.]

"PHA plan" means the authority's public housing agency plan that is prepared pursuant to 24 C.F.R. Part 903.

"[Housing] Projects" means those rental [projects] properties owned or operated by the authority.

"Public housing" or "federally-assisted public housing" means housing assisted under the United States Housing Act of 1937, other than under Section 8 of that Act, and includes dwelling units in a mixed finance project that are assisted by the authority with capital or operating assistance.

"Refusal of an offer" means an applicant declines an offer made by the authority for a specific unit from any waiting list or an applicant's failure to respond to a written offer from the authority for a specific unit within the time specified in the offer.

"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.

"Resident" means a United States citizen or a permanent United States resident who is able to demonstrate his or her intent to reside in Hawaii. 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; enrollment of minor children in Hawaii schools; 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 [of] to reside[.] in Hawaii.

"Security deposit" means a monetary deposit required [of each tenant] prior to admission [for] to federally-assisted public housing or use of community facilities that is applied against the cost of loss or damage [of] to the authority's property (reasonable wear and tear excepted) and non-payment of rent.

"Serviceman" means a person active in the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, and since July 29, 1945, the Commissioned Corps of the U.S. Public Health Service who has served therein at any time:

- (1) On or after April 6, 1917, and prior to November 11, 1918;
- (2) On or after September 16, 1940, and prior to July 26, 1947;
- (3) On or after June 27, 1950, and prior to February 1, 1955; or
- (4) On or after August 6, 1964 and prior to May 7, 1975.

"Sexual orientation" means homosexuality, heterosexuality, or bisexuality.

"Smoke" or "smoking" means inhaling or exhaling the fumes of tobacco or any other plant material, or burning or carrying any lighted smoking equipment for tobacco or any other plant material.

"Staff" means the employees or agents of the authority.

["Substandard housing" means a unit that:

- (1) Is dilapidated;
- (2) Does not have operable indoor plumbing;

- (3) Does not have a usable flush toilet inside the unit for the exclusive use of a family;
- (4) Does not have a usable bathtub or shower inside the unit for the exclusive use of a family;
- (5) Does not have electricity, or has inadequate or unsafe electrical service;
- (6) Does not have a safe or adequate source of heat;
- (7) Should, but does not, have kitchen; or
- (8) Has been declared unfit for habitation by an agency or unit of government.]

"Tenant" means the person or persons who enter into a rental agreement with the authority [for] to reside in a dwelling unit.

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

"Utility allowance" means the value of utilities such as electricity, gas, and water costs that are included in the gross rent of the [participant.] tenant. This does not include telephone or cable television services.

"Utility reimbursement" means the amount, if any, by which the utility allowance for the unit exceeds the total tenant payment of the family occupying the unit.

"Very low-income family" means a family whose annual income does not exceed fifty per cent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than fifty per cent of the median income for the area [may be established] if HUD finds that such variations are necessary because of unusually high or low family incomes.

"Veteran" means any person who served in the military or naval forces of the United States who has been discharged or released from active service under conditions other than dishonorable.

"Violent criminal activity" means any [illegal] criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force [against the person or property of another.]

substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.
 [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Parts 5, 903, 960, 965, 966; HRS §§356D-4, 356D-13)

§17-2028-3 Income limits. (a) Income limits for an applicant's admission to a public housing project shall be as prescribed by HUD annual income limit guidelines.

(b) The authority shall adjust the income limits as established and required by HUD.

(c) Because the HUD income limits are mandatory and the [Authority] authority has no discretion to amend or change the income limits, the income limits shall be established without a public hearing as provided in Chapter 91-3(d), HRS[.], as it existed on March 28, 2013. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §5.601; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-4 Asset transfers. (a) All assets transferred or assigned from an applicant or tenant to another person, within a [twenty-four month] two year period prior to submitting an application for the program or reexamination shall be included in determining an applicant's assets.

(b) [The value of the assets shall be based on the fair market value.] In determining assets, the authority shall include the value of any business or assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or a bankruptcy sale) during the two years preceding the date of the application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will

not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. [Eff

7/21/05; am and comp 9/4/07;

am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §5.603; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-5 Occupancy guidelines. (a) The authority shall establish occupancy guidelines to maintain the maximum usefulness of the dwelling units, while preventing excessive wear and tear or underutilization. The occupancy guidelines are incorporated by reference and attached as exhibit [F] A.

(b) The occupancy guidelines shall provide for minimum and maximum unit sizes depending on the number of persons in a household for purposes of determining unit size for the wait list. The occupancy guidelines are not to be confused with the authority's occupancy standards, which are based on prevailing county building codes. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 63 Fed. Reg. 70982-70987; 63 Fed. Reg. 70256-70257; HRS §§356D-4, 356D-13, 356D-31).

§17-2028-6 Occupancy standards. [Applicant and tenant] The authority and families shall abide by the occupancy standards for the admission and continued occupancy in housing projects as prescribed by the [occupancy standards which are incorporated by reference and attached as exhibit G. The standards follow the occupancy] housing codes of the county in which the units are located. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 63 Fed. Reg. 70982 - 70987; 63 Fed. Reg. 70256-70257; HRS §§356D-4, 356D-13, 356D-31).

§17-2028-7 Utility allowances. (a) The monthly rent for a [tenant] family residing in a federally-assisted public housing project shall include utility allowances established in accordance with HUD's standards for utility allowances[.] as described in 24 C.F.R. §965.505 as it existed on March 28, 2013.

(b) Utility allowances shall be calculated by determining the utility rate then multiplying it by the applicable quantity allowance. A schedule of applicable quantity allowances for lighting, electric domestic hot water heaters, miscellaneous electrical, gas domestic hot water heaters [is incorporated by reference and attached as exhibit H.] shall be developed annually and shall take into account relevant factors affecting consumption requirements, including:

- (1) The equipment and functions intended to be covered by the allowance for which the utility will be used;
- (2) The size of the dwelling units and the number of occupants per dwelling unit;
- (3) Type of construction and design of the housing project;
- (4) The energy efficiency of authority-supplied appliances and equipment;
- (5) The utility consumption requirements of appliances and equipment whose reasonable consumption is intended to be covered by the total tenant payment; and
- (6) Temperature of domestic hot water.

(c) The authority shall conduct a review of utility rates in January of each year[.] as required by 24 C.F.R. §965.507 as it existed on March 28, 2013. Electric and gas rate schedules for all providers shall be collected and reviewed for each month from the preceding January through December of the calendar year prior to the fiscal year beginning July 1. These monthly rates shall be averaged over the year period.

(d) The new utility allowances shall be posted and noticed to [residents] tenants at least sixty [(60)] days prior to the implementation date, during which time [residents] tenants shall have the

opportunity to present written or oral comments. The applicable schedules shall be publicly posted in a conspicuous manner at the authority's project offices and shall be furnished upon request. The implementation date for new allowances shall be July 1.

(e) Implementation of all new allowances or components of allowances, by utility, shall be required when there is more than a ten per cent change in [rates.]the resulting allowance due to a rate change since the last change was effective. In cases when a utility is granted a substantial rate increase in between the annual review, a mid-year allowance adjustment may be required.

(f) The authority may update the quantity allowances. To update the quantity allowance, units of various sizes in a sampling of different types of developments shall be surveyed to determine the types of existing equipment as well as to identify any factors affecting energy efficiency. If there is a variance in energy consumption factors [among] within housing projects, the worst case scenario shall be identified and utilized for calculating the quantity allowances. The authority may, at its option, develop property specific allowances for its properties.

- (1) Allowances for lighting shall be developed by conducting a field survey of [various] a representative sample of units to determine the number and type of fixtures. The following factors shall be used to determine the kilowatt hour per month allowance for each unit size:
 - (A) The number of fixtures;
 - (B) Watts per fixture; and
 - (C) [Hours] Estimated hours of use per day.
- (2) Allowances for miscellaneous electric equipment shall be based upon usage of a television, radio, miscellaneous small appliances, and a fan.

- (3) The allowance for refrigerators is based on [a new, but non-energy efficient model. For 0, 1, and 2 bedroom units a 14 cubic foot model utilizing 155 kilowatt hours per month is assumed. For a 3, 4 and 5 bedroom unit, a 16 cubic foot model utilizing 165 kilowatt hours per month is assumed.] the equipment in place at the time of survey.
- (4) Allowances for cooking shall be [930 kilowatt hours per year for 0, 1, and 2 bedroom units, and 1140 kilowatt hours per year for 3, 4, and 5 bedroom units, respectively.] based on the equipment in place at the time of survey.
- (5) Allowances for electric domestic hot water heating shall be based on engineering calculations for each bedroom size assuming a certain number of occupants. The data used in the calculations include estimated consumption per occupant per day, temperature of incoming water, temperature of hot water supply, efficiency of heater, and energy required to heat water to supply temperature.
- (6) Allowance for solar domestic hot water shall be based on a cost analysis of a domestic hot water heating system.
- (7) Gas consumption allowances shall be developed using the same methodology as the electric consumption allowance.
- (g) The authority shall provide medical disability allowances for [residents] tenants who have provided proof of medical necessity to the authority. The quantity allowances for medical equipment shall be [as follows:
 - (1) For window air conditioners, 229 kilowatt hours per month;
 - (2) For oxygen concentrators, 219 kilowatt hours per month;
 - (3) For nebulizers, 5 kilowatt hours per month;
 - (4) For electric hospital beds, 1 kilowatt hour per month;

- (5) For alternating pressure pads, 51 kilowatt hours per month;
- (6) For low air-loss mattresses, 88 kilowatt hours per month;
- (7) For power wheelchairs or scooters, 33 kilowatt hours per month;
- (8) For CPAP machines, 9 kilowatt hours per month; and
- (9) For any other medical equipment, the quantity allowance shall be determined by taking the equipment's average energy consumption multiplied by the normal frequency of usage.]

determined by taking the equipment's average energy consumption multiplied by the normal frequency of usage.

(h) A [tenant] family shall pay for utility usage in excess of the applicable utility allowance.

(i) A [tenant] family shall receive a utility reimbursement when the utility allowance exceeds the total [tenant] family payment [with the exception of tenants] except where:

- (1) The family is paying a flat rent[.];
- (2) The utility reimbursement would result in a rent due to the authority below the minimum rent as established in section 17-2028-61;
or
- (3) The family has received a financial hardship exemption pursuant to section 17-2028-61(b) from the minimum rent payment and reimbursement would result in a balance due from the authority to the household.

(j) If a family resides in a dwelling unit served by authority-furnished utilities and must pay for utility usage in excess of the applicable utility allowance pursuant to subsection (h), where:

- (1) A checkmeter has been installed, the family must pay the excess unit cost of the relevant utility amount based on the authority's average utility rate as described in subsection (b).

(2) A checkmeter has not been installed, the family must pay for excess usage resulting from estimated utility consumption attributable to tenant-owned major appliances or to optional functions of authority-furnished equipment according to the schedule described in subsection (b). [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.603, 5.632, 960.253, Part 965 Subpart E, §966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-8 Verification of information. An applicant or tenant shall provide documentation to verify information upon request of the staff. [Eff 7/21/05; am and comp 9/4/07; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 5, Subpart B; 24 C.F.R. §§960.203, 960.259; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-9 Misrepresentation. An applicant may be denied admission to a housing project if the applicant has submitted false information, withheld information, or made [willful] wilful misstatements. A tenant who does the same may be denied continued eligibility and have the rental agreement terminated. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

SUBCHAPTER 2

ELIGIBILITY

§17-2028-21 Applicants. (a) A person seeking admission to a housing project shall submit a completed pre-application form prepared by the authority. The applicant may file at any of the authority's in-take offices and apply for [any and all] one of the geographic waiting list areas prescribed in section 17-2028-36.

(b) The applicant shall be preliminarily placed on a waiting list upon submission of a completed pre-application form. Placement on a waiting list shall not be deemed a determination on eligibility or admission.

~~[(b)]~~ (c) 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. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.202, 960.203; HRS §§356D-4, 356D-13, 356D-31)

§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 [who are at least six years of age] 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 [predecessor,] predecessors, the housing and community development corporation of Hawaii or Hawaii housing authority;
- (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 [illegally using a controlled substance] currently engaging in illegal use of a drug or give the authority [a] reasonable cause to believe that [the] a household member's illegal use (or pattern of illegal use) of a [controlled substance] drug or abuse [alcohol by a household member,] (or pattern of abuse) of alcohol may interfere with the health, safety, or right to peaceful enjoyment of [a rental] the premises by other [residents] tenants. For the purposes of this subsection:

- (i) [For the purposes of this subsection, "reasonable cause to believe" means by a preponderance of the evidence;] "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) [For the purposes of this subsection, in] In determining whether to deny eligibility based on a pattern of illegal use of a [controlled substance] 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) [effective October 1, 1999, which is incorporated by reference and attached as exhibit I;] 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 [would] adversely affect the health,

- safety, right to peaceful enjoyment of the premises by other [residents,] tenants, the [owner,] authority, or [authority employees;] staff;
- (K) Not have been convicted [in] of drug-related criminal activity for the manufacture, production, or distribution of methamphetamines; [and]
- (L) Not subject to lifetime registration requirements under any [State] 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 [engaged] engage in or [threatened] threaten abusive or violent behavior toward the authority's [personnel.] staff. For purposes of this subsection, ["threatened"] "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[, which is incorporated by reference and attached as exhibit J.] 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 families for admission into its federally-assisted public housing program.

(c) An applicant who is continuously assisted under the [U.S.] United States Housing Act of 1937 [Housing Act], 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] (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)

§17-2028-23 Notification of eligibility. (a) Upon making a determination of eligibility, the authority shall mail or cause to be delivered a written notification to an applicant. The notification shall specifically state the reasons for the determination.

[(b) An eligible applicant shall be placed on the waiting list.

(c)] (b) 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. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.208; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-24 Informal hearing for applicants determined to be ineligible for admission. (a) An applicant determined to be ineligible for admission or participation in the program may request an informal hearing by submitting a written request within fourteen [working] calendar days from the date of notification of ineligibility.

(b) The informal hearing shall be scheduled within twenty-one [working] calendar days from the

date the written request is received and shall be conducted by any person or persons designated by the authority, but shall not be a person who made or approved the determination of ineligibility or a subordinate of [this] such person.

(c) The applicant shall be given the opportunity to present evidence, which shall be considered by the hearing officer, along with the data compiled by the authority.

(d) A written notice of the hearing officer's decision shall be mailed to the applicant within twenty-one [working] calendar days after the hearing. The notice shall include an explanation of the reasons for decision. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.208; HRS §§356D-4, 356D-13, 356D-31)

SUBCHAPTER 3

TENANT SELECTION

§17-2028-31 Nondiscrimination. Tenant selection and assignment shall be made without regard to race, color, sex, religion, marital status, creed, national or ethnic origin, age, familial status, gender identity, sexual orientation, handicap or disability or HIV infection. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.103; HRS §§356D-4, 356D-13, 356D-31, 515-3)

§17-2028-32 Income targeting. (a) Not less than forty per cent of families admitted to the program during the fiscal year from the waiting list shall be extremely low income families.

(b) To the extent allowed by 24 C.F.R. § 960.202(b)(2) as it existed on September 5, 2013, admission of extremely low income families to the authority's Section 8 voucher program during the authority's fiscal year shall be credited against the targeting requirement in subsection (a). [Eff 7/21/05; am and comp 9/4/07; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.202; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-33 Deconcentration. (a) For federally-assisted public housing projects, the authority shall give priority to applicants to ensure that, to the maximum extent feasible[;], the housing projects will include families with a broad range of income generally representative of low income families in the authority's area of operation. The authority shall not allow dwelling units to remain vacant awaiting an applicant who meets the appropriate income range.

(b) The authority may not concentrate very low-income families in dwelling units in certain public

housing projects or certain buildings within projects. Additionally, the authority may not concentrate higher income families in dwelling units in certain housing projects or certain buildings within projects.

(c) In order to effectuate the policies stated in this section, the authority may reserve a certain percentage of units for applicant placement for applicants who do not qualify for a preference as described in section 17-2028-34. [Eff 7/21/05; am and comp 9/4/07; am and comp]

(Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.607, 903.1, 903.2, 960.204, 960.205, 960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-34 Local preferences. (a) Subject to section 17-2028-33(c), [Eligible] eligible applicants shall be given preference for admission in the program in the order of the dates of their applications if, at the time they are seeking housing assistance, they fall within the following preference [categories:] priority groups:

- (1) Involuntarily displaced;
- (2) Victims of domestic violence who are participating in [or graduated from] a program with case management [in] through a domestic violence shelter, program, or [clearance house] clearinghouse; or
- (3) Homeless persons who are participating [or graduating from] in a federally or state funded homeless transitional shelter or program [(which includes transitional shelters, supportive housing programs, and unsheltered homeless programs)], and who are in compliance with a social service plan.

(b) Subject to section 17-2028-33(c), [Each] each preference in each priority group is of equal weight and an applicant who qualifies for any of the preferences shall receive assistance before any other applicant who is not so qualified regardless of:

- (1) Place on the waiting list; or

(2) Date or time of submission of an application.

(c) A single applicant who is elderly, disabled or displaced shall be given preference over all other single applicants, regardless of the other single applicant's local preference.

(d) An applicant shall not receive preference if any adult member of the applicant family is a person who was evicted or terminated from any federally-assisted housing or state-aided public housing program operated by the authority for a three-year period beginning on the date of eviction because of drug-related criminal activities unless the adult member has successfully completed a rehabilitation program approved by the authority. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4; 356D-13) (Imp: 24 C.F.R. §960.204, 960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-35 Loss of preference. An applicant who declines one offer of a housing unit, without good cause, or who voluntarily requests cancellation of the application [after declining an offer], shall lose all preferences [and priorities] for a period of twelve months from the date the offer was declined or from the date of the request for cancellation. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: 24 C.F.R. §960.206; HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-36 Waiting list. (a) 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[(Red Hill to Palolo);] 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 [(Wahiawa to Waialua);] 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 [(Pearl City, Waipahu, Waianae, Nanakuli, Kapolei).] which is comprised of Hale Laulima, Kau'iokalani, Maili I & II, Nanakuli Homes, Waimaha - Sunflower, and Waipahu I & II.
- (2) County of Hawaii
- (A) [East Hawaii (Hilo, Honokaa to Ka'u);] Hilo waitlist which is comprised of Lanakila Homes, Punahale Homes, Pomaikai Homes, Hale Aloha O Puna, Hale Olaloa, Kauhale O'Hanakahi; [and
- (B) West Hawaii (Kona, Kohala, Waimea).]
- (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 [(Kahului to Wailuku);] which is comprised of Kahekili Terrace and Makani Kai Hale;

- (B) West Maui waitlist[(Lahaina);] 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[Hanamaulu to Kapaa, Kilauea);] which is comprised of Hui O Hanama'ulu, Kapa'a, Hale Nana Kai O Kea, and Hale Ho'olulu; and
 - (B) West Kauai waitlist[Koloa to Kekaha).] which is comprised of Ele'ele Homes, Hale Ho'onanea, Kalaheo Homes, Kekaha Ha'aheo, Kawailehua, and Home Nani.

(b) Applicants shall be notified of the opportunity to apply for and be placed on [any and all] one of the waiting lists through notices posted in a conspicuous place at the authority's offices that accept applications and printed statements in the authority's informational material on its application process.

(c) Placement of applications on the waiting list shall be based upon the following:

- [(1)] Geographic preference;
- [(2)] (1) Size of dwelling unit required based on occupancy standards;
- [(3)] (2) Type of dwelling unit required (e.g., accessible for persons with disabilities);
- [(4)] (3) Local preference[,] subject to income targeting and deconcentration policies and goals; and
- [(5)] (4) Date and time of receipt of application.

(d) [Applicant] An applicant cannot remain on a waiting list if they are currently [the lessee] a tenant in any federal public housing program.

(e) An applicant shall notify the authority of any change[,] which will affect 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, and current

residence. [An applicant may continue to be on the waiting list even though applicant is a tenant in or receiving housing assistance from another housing program.]

(f) An applicant may elect to change from one geographic waiting list to another geographic waiting list while maintaining the original date and time of their application upon proper written notice to the authority. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: 24 C.F.R. §§960.206; HRS §§356D-4; 356D-13) (Imp: 24 C.F.R. §960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-37 Removal from waiting list. [(a)] An applicant shall not be removed from the waiting list unless:

[(1)](a) The applicant requests that applicant's name be removed;

[(2)](b) The applicant fails to notify the authority of applicant's continued interest for housing at least once every twelve months;

[(3)](c) The applicant no longer meets the eligibility criteria set forth in section 17-2028-22;

[(4)](d) The applicant fails to respond to the authority's reasonable contact efforts.

Correspondence to the last known address will constitute reasonable effort to contact;

[(5)](e) The applicant fails without good cause to keep a scheduled interview or to provide requested information necessary to determine eligibility; or

[(6)](f) The applicant misrepresents any material information to the authority in the application or otherwise. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.206, 960.208; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-38 Closing the waiting list. (a) The authority, at its discretion, may restrict acceptance of applications, and close the waiting list in whole or in part, when it determines that it will be unable to assist all the applicants on the waiting list within a reasonable period of time.

(b) The authority shall announce any closure and reopening of the application process [by publishing notices in a newspaper of general circulation and minority newspapers, and notifying social service organizations.] through notices posted in a conspicuous place at the authority's offices that accept applications.

(c) During periods when application acceptance is closed and until it is reopened, the authority shall not maintain a list of persons to be notified when application acceptance is reopened.

[Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.202, 960.206; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-39 Offers. (a) An applicant shall be afforded one offer to [lease] rent a suitable unit.

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

- [(1) Geographical preference;
- (2)] (1) Size of dwelling unit required;
- [(3)] (2) Type of dwelling unit required (e.g. accessible units for the mobility, hearing or visually impaired);
- [(4) Factors affecting priorities and preferences as established by the authority;]
- (3) Local preferences, subject to income targeting and deconcentration policies and goals; and
- [(5) Broad range of income families in the area; and
- (6)] (4) Date and time the application was received.

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

(d) 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 [lease] 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., [where current employment or day care facilities are inaccessible].) inaccessibility to source of current employment or day care facilities). [Eff 7/21/05; am and comp 9/4/07; am and

comp] (Auth: HRS
§§356D-4, 356D-13) (Imp: 24 C.F.R.
§§960.202, 960.203, 960.206, 960.208; HRS
§§356D-4, 356D-13, 356D-31)

§17-2028-40 Occupancy of accessible dwelling units. (a) The authority shall take the following nondiscriminatory steps to maximize the utilization of accessible units by eligible individuals whose disability requires the accessibility features of the particular unit. When an accessible unit becomes vacant the authority shall, before offering such units to an applicant without a disability, offer such unit:

- (1) First, to a current occupant of another unit of the same project or other projects within the same housing program, having [handicaps] disabilities requiring the accessibility features of the vacant unit and occupying a unit not having such features, or, if no such occupant exists, then
- (2) To an eligible qualified applicant on the waiting list having a disability requiring the accessibility features of the vacant unit.

(b) When an applicant [without a disability requiring the accessibility features of the unit] accepts [such unit,] an accessible unit, and the applicant does not have a disability that requires the accessibility features of the unit, the applicant shall be required to agree to move to a non-accessible unit when one becomes available. [Eff 7/21/05; am and comp 9/4/07; am and comp]
(Auth: §§356D-4, 356D-13) (Imp: 24 C.F.R. §8.27, ;
HRS §§356D-4, 356D-13, 356D-31)

SUBCHAPTER 4

OCCUPANCY AND RENTAL AGREEMENT

§17-2028-51 Rental agreement. (a) A tenant shall enter into a rental agreement with the authority that sets forth the conditions of occupancy for the tenant including, but not limited to, the rental terms, security deposit, smoking prohibitions, eligibility reexaminations and rental adjustments, and for welfare recipients, authorization for the authority to draw rental payments directly from their EBT or bank accounts.

(b) No tenant shall be permitted to remain in a housing project without a valid rental agreement.
 [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-52 Eligibility for continued occupancy.

- (a) To be eligible for continued occupancy in a housing project, the tenant shall:
- (1) Qualify as a family;
 - (2) Conform to the occupancy standards;
 - (3) Abide by smoking prohibitions pursuant to section 17-2028-60;
 - (4) Not have a record of conduct or behavior which may be detrimental to the project, its tenants or employees[;] of the authority; and
 - (5) Except for an exempt individual, conform to the following community service and economic self-sufficiency requirements:
 - (A) Contribute eight hours per month of community service (not including political activities);
 - (B) Participate in an economic self-sufficiency program for eight hours per month; or

(C) Perform eight hours per month of combined activities as described in paragraphs (A) and (B), above.

(b) Except for a newborn child, a person shall not be permitted to join or rejoin the family until [it is verified] the authority verifies that the person meets the eligibility requirements set forth in section 17-2028-22[.], and approves of the family's request to add a family member as an occupant of the unit. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: C.F.R. §§960.603, 966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-53 Reexamination. (a) For [tenants] families who pay an income-based rent, the authority shall reexamine a tenant's annual income, assets, family composition, and any other matter necessary to determine a tenant's rent and eligibility for continued occupancy at least once every twelve months.

(b) For [tenants] families who pay a flat rent pursuant to section 17-2028-62, the authority shall conduct reexaminations as follows:

- (1) At least once every twelve months, the authority shall reexamine [a tenant's family] the family's composition and any other matter necessary to determine [a tenant's] the family's eligibility for continued occupancy; and
- (2) At least once every three years, the authority shall reexamine [a tenant's] the family's annual income, assets and any other matter necessary to determine [a tenant's] the family's eligibility for continued occupancy.

(c) For all [tenant] families who include non-exempt individuals, the authority shall also annually reexamine compliance with community service and economic self-sufficiency requirements. [Eff 7/21/05; am and comp 9/4/07; am and comp]

(Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.257, 966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-54 Reexamination results. (a) A [tenant] family shall be given written notification within a reasonable time, after determination by the staff, of both the [tenant's] family's eligibility for continued occupancy and rent schedule.

(b) A [tenant] family found ineligible for continued occupancy by the staff shall be required to vacate the dwelling unit[.] unless the ineligibility is due to noncompliance with community service requirements pursuant to 24 C.F.R. Part 960, Subpart F as it existed on March 28, 2013. In such cases of noncompliance with community service requirements, the rental agreement shall not be renewed at the end of the twelve month term unless:

- (1) The tenant, and any other noncompliant family member, enter into a written agreement with the authority, in the form and manner required by the authority, to cure such noncompliance in accordance with such agreement; or
- (2) The family provides written assurance satisfactory to the authority that the tenant or other noncompliant family member no longer resides in the unit.

(c) A [tenant] family aggrieved by the reexamination results may request a hearing pursuant to the authority's grievance procedure as provided in chapter 17-2021[, Hawaii administrative rules]. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.257, 960.607, 966.4, 966.51; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-55 Special reexamination. If at the time of admission or reexamination, a family's income cannot be reasonably anticipated for the next twelve-month period, the authority may schedule a special reexamination at any time prior to the next annual reexamination when deemed necessary.

[Eff 7/21/05; am and comp 9/4/07;
comp] (Auth: HRS §§356D-4,
356D-13) (Imp: 24 C.F.R. §5.609; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-56 Interim rent adjustment. (a) The authority may adjust a [tenant's] family's rent between reexamination if a tenant reports a change in family income. However, adjustments to rent shall not be made for covered families with reduced welfare benefit payments resulting from welfare sanctions for noncompliance with welfare self-sufficiency and work activity requirements. [(b)] Adjustments, reflecting a lower rent, shall be made effective on the first of the month following the month the report was made. The authority will not process the rent adjustment if it confirms that the decrease in income will last less than thirty calendar days.

[(c)](b) A tenant who has obtained a decrease in rent under this section[,] shall report all income increases to the authority which occur prior to the next reexamination within ten business days of when tenant knows the increase will occur, and rent shall be readjusted accordingly. Any increase in rent shall be effective on the first day of the second month following the month in which the change occurred.

[(d)](c) A tenant who fails to report any increase in income after obtaining a decrease in rent under this section shall be subject to a back rent charge retroactive to the month in which the rent increase should have been made[.] pursuant to section 17-2028-58.

(d) A tenant shall report to the authority any changes in family composition. Rent adjustment shall be made between reexaminations when a person with

income is added to the family and the rent adjustment shall be effective on the first of the second month following the approved inclusion. [Eff 7/21/05; am and comp 9/4/07; am and comp]
 (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.615, 960.257, 966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-57 Tenant transfers. (a) Tenant transfers shall be made without regard to race, sex, color, creed, age, religion, gender identity, sexual orientation, handicap, national origin, or familial status.

(b) The authority may transfer a [tenant] family to another dwelling unit:

- (1) To prevent overcrowding or under utilization of a dwelling unit as determined by the authority at the time of the annual or interim reexamination;
- (2) To preserve the purpose for which a project or unit was specifically developed or designed such as to meet the needs of the elderly or persons with disabilities;
- (3) [To meet a verifiable health or safety need;] Based on an emergency where conditions of the dwelling unit, building or project pose an immediate, verifiable threat to life, health or safety of the family;
- (4) For economic reasons affecting the tenant or the authority; [or]
- (5) For administrative reasons determined by the authority including, but not limited to, permitting modernization, renovation, or rehabilitation work and transferring eligible tenants with disabilities from State-aided public housing projects to federally-assisted public housing projects[.]; or
- (6) As a reasonable accommodation.

(c) Tenant transfers [shall] may take priority over new admissions.

(d) A [tenant] family shall be afforded one offer to transfer to a unit that meets the criteria set forth in (b) above within the same housing project in which the [tenant] family resides. If such unit is not available, [tenant] the family may then be offered a unit in another housing project under the control of the management unit. If such a unit is not available, [tenant] the family may then be offered a suitable unit on the island on which [tenant] the family resides. Declining an offer to transfer for good cause as determined by the authority shall not be considered a refusal.

(e) A [tenant] family requesting a transfer shall not be transferred during periods when eviction proceedings have been initiated or are in process against such [tenant] family, which includes the issuance of a notice of violation of the rental agreement by the authority for which the authority is seeking eviction, or scheduling a grievance hearing related to same or during any periods of conditional deferment of eviction action against such [tenant.] family.

(f) A [tenant] family requesting a transfer, who is not current with rent or other charges, and who does not have an approved payment arrangement shall not be transferred until the situation is resolved to the satisfaction of the authority.

(g) A [tenant] family shall not be transferred between any federally-assisted housing programs.

(h) The authority may terminate the rental agreement of a [tenant] family who refuses to transfer as required by the authority. [Eff 7/21/05; am and comp 9/4/07; am and comp]
 (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-58 Backcharges. (a) A [tenant] family shall pay in full any backcharges within [one hundred eighty] ninety days from the date of notification of the backcharge[.]; provided that where the family timely reports a change in income to the authority and a backcharge results from an increase in income, payment for any backcharges shall not be due until ninety days from the date of a completed reexamination or interim rent adjustment. Failure to do so shall result in the termination of the rental agreement.

(b) The authority may, in its discretion, elect to negotiate a reasonable payment arrangement with a family to ensure payment in full of any backcharges. When the authority determines not to exercise this discretion, the family shall be responsible for the full balance of backcharges as stated in subsection (a). [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-59 Rental agreement termination. (a) [Tenant] A family shall give the authority at least twenty-eight days written notice that the [tenant] family will vacate the [tenant's] family's unit prior to the vacate date.

(b) The authority may terminate a rental agreement when the tenant, any member of the tenant's household, or any guest or other person under the tenant's control:

- (1) Fails to observe or perform any covenant or obligation of the rental agreement, or rule of the authority [of] or housing project, or law or ordinance of a governmental agency that pertains to or establishes standards of occupancy[;]. This includes but is not limited to the following:

- (i) Serious or repeated violation of the material terms of the rental agreement, including failure to make payments due or fulfill household obligations set forth in the rental agreement;
- (ii) Failure to provide family income, assets, employment and composition information and documentation to enable the authority to determine the family's rental rate and eligibility for continued occupancy;
- (iii) Family no longer conforms to the occupancy limits as established by the authority for the unit occupied by the family and the family refuses to move to the first appropriate size unit offered;
- (iv) When requested by the authority due to health and safety, repair, abatement, construction or renovation of the dwelling unit, the family refuses to move;
- (v) Family is ineligible for continued occupancy;
- (vi) Failure of a family member to comply with community service requirement provisions of 24 C.F.R. part 960, subpart F as it existed March 28, 2013, provided that such failure shall result in non-renewal of rental agreement and termination of tenancy at the end of the twelve-month rental agreement term;
- (vii) At the time of admission, reexamination, interim or at any other time, the family has submitted false information or has withheld valuable information or has made wilful misstatements; and
- (viii) Family fails to accept the authority's offer of a revision to the existing rental agreement.

- (2) Engages in the illegal use of a [controlled substance] drug or gives the authority [a] reasonable cause to believe that the illegal use (or pattern of illegal use) of a [controlled substance] drug or abuse (or pattern of abuse) of alcohol may interfere with the health, safety, or right to peaceful enjoyment of [a rental] the premises by other [residents;] tenants;
- [(3) Whose illegal use of a controlled substance, or abuse of alcohol, is determined by the authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- (4)] (3) Who the authority determines engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other [residents;] tenants;
- [(5)] (4) Who the authority determines engages in any drug-related criminal activity on or near the authority's [property; or] premises;
- [(6) Tenant threatens or implies to threaten] (5) Threatens the health or safety of an employee[//], contractor or [agency] agent of the authority or State;
- (6) Violates the smoking prohibitions pursuant to section 17-2028-60 on more than three occasions and receives written notice of said violations; provided that if tenant, any member of the tenant's household, or any guest or other person under the tenant's control receives only one violation of section 17-2028-60 in one year, and participates in and completes a smoking cessation service program within the same year, the authority will clear the one violation and shall not deem the incident as a violation for the following year;
- (7) Fails to maintain utility services;

- (8) 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. This subsection does not apply to tenant's guest or other person under tenant's control;
- (9) Flees to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;
- (10) Violates a condition of probation or parole imposed under federal or state law; or
- (11) Engages in wilful damage to the authority's property.

(c) The authority shall give a tenant written notice of the proposed termination of the rental agreement [of not less than:] that conforms to 24 C.F.R. §966.4 as it existed on March 28, 2013, such as:

- (1) Fourteen days in the case of failure to pay rent[;] except for nonpayment of minimum rent during the 90-day period beginning the month following the family's request for a financial hardship exemption pursuant to section 17-2028-61(b);
- (2) A reasonable time commensurate with the exigencies of the situation in the case of creation or maintenance of a threat to the health or safety of other tenants or project employees; or
- (3) Thirty days in all other cases.

The authority shall terminate a rental agreement in accordance with chapter 356D[.], HRS.

(d) The authority may terminate a rental agreement if any member of the family engages in the

use of marijuana, even if pursuant to a lawful prescription under part IX of the Hawaii uniform controlled substances act as it existed on March 28, 2013. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: 24 C.F.R. §966.4; §§356D-4, 356D-13; 356D-98) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31, 356D-92)

§17-2028-60 Smoking prohibited. (a) Smoking is prohibited in all public housing projects, or portions of public housing projects, including inside dwelling units, unless specifically exempted by the authority in the ACOP, including:

- (1) In all common areas and community facilities in and around the authority's public housing projects. The authority may designate additional common areas in the ACOP; and
- (2) Within a presumptively reasonable minimum distance of twenty feet from entrances, exits, and windows that open to common areas, community facilities, and dwelling units, and ventilation intakes that serve common areas, community facilities, and dwelling units, including enclosed or partially enclosed areas where smoking is prohibited.

(b) This prohibition applies to the use of marijuana, even if its use is pursuant to a lawful prescription under part IX of the Hawaii uniform controlled substances act as it existed on March 28, 2013 that was given subsequent to tenant placement in the dwelling unit.

(c) Where smoking is not prohibited in a dwelling unit pursuant to subsection (a) and the household includes a person who smokes as disclosed pursuant to section 17-2028-22, the family shall pay a non-refundable monthly fee of \$5.00.

(d) The authority may discontinue the monthly fee required in subsection (c) when a family can demonstrate to the authority reasonable cause to

believe that no member of the household continues to smoke. For the purposes of this subsection:

- (1) "Reasonable cause to believe" means by a preponderance of the evidence; and
- (2) In determining whether to discontinue charging the monthly fee, the authority may consider completion of a smoking cessation program.

[Eff and comp .] (Auth: §§356D-4, 356D-13) (Imp: 24 C.F.R. §§903.7, 966.3; HRS §§356D-4, 356D-13, 356D-31)

SUBCHAPTER 5

RENTS [AND], SECURITY DEPOSITS, and OTHER CHARGES

§17-2028-61 Minimum rents. (a) There is established a minimum rent of [~~\$0.00~~] \$50.00 per month.

(b) The authority shall grant an exemption from payment of minimum rent if the family is unable to pay the minimum rent because of financial hardship attributable only to the following situations:

- (1) The family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program;
- (2) The family would be evicted because it is unable to pay the minimum rent;
- (3) The income of the family has decreased because of changed circumstances, including loss of employment;
- (4) A death has occurred in the family; and
- (5) Other circumstances determined by the authority or HUD.

(c) If a family requests a financial hardship exemption, the authority shall suspend the minimum rent requirement beginning the month following the family's request for a hardship exemption, and continuing until the authority determines whether

there is a qualifying financial hardship and whether it is temporary or long term.

(d) When the authority determines that a qualifying financial hardship is temporary, the authority shall reinstate the minimum rent from the beginning of the suspension of the minimum rent ninety days after receiving the exemption request. The authority shall offer a reasonable payment arrangement to the family to ensure payment in full of any backcharges.

(e) When the authority determines a qualifying financial hardship is long term, the authority shall exempt the family from the minimum rent requirements so long as such hardship continues. Such exemption shall apply from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying financial hardship.

(f) When the authority determines that there is no qualifying financial hardship exemption, the authority shall reinstate the minimum rent, including back rent owed from the beginning of the suspension. The family shall be responsible for backcharges as established in section 17-2028-58 and shall not be eligible for payment arrangements as provided under section 17-2028-58(b). [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. 5.630; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-62 Choice of rent. Once a year, the authority shall give each [tenant] family the opportunity to choose between two methods of determining the monthly tenant rent. The [tenant] family may choose to pay either a flat rent or income-based rent.

(a) The flat rent shall be the fair market rents ("FMRs") that are determined by HUD, at least annually, pursuant to 24 C.F.R. §888.113[.] as it existed on March 28, 2013. These [fair market rents,] FMRs, which include utilities (exclusive of telephone and cable television), are established for dwelling units of

various bedroom sizes[, and which are incorporated by reference and attached as exhibit K]. Because the FMRs are determined by HUD and the authority has no discretion to amend or change the FMRs, the FMRs shall be established without a public hearing as provided in Section 91-3(d), HRS.

(b) The income-based rent is based on thirty per cent of [tenant's] the family's monthly adjusted income or ten per cent of the family's monthly income, or the minimum rent set forth in section 17-2028-61, whichever is greater.

- (1) The income-based rent does not include charges for excess utility consumption or other charges.
- (2) The income-based rent shall not exceed the total tenant payment pursuant to 24 C.F.R. §5.628 as it existed on March 28, 2013, for the family minus any applicable utility allowance for tenant-paid utilities. If the utility allowance exceeds the total tenant payment, the authority shall pay such excess amount (the utility reimbursement) either to the family or directly to the utility supplier to pay the utility bill on behalf of the family. If the authority pays the utility supplier, the authority shall notify the family of the amount of the utility reimbursement paid to the supplier.
- (3) For purposes of establishing the income-based rent, the authority shall exclude from annual income the earned income of previously unemployed family members and increases in earnings of a family member during participation in any economic self-sufficiency or other job training program as provided for in 24 C.F.R. §960.255 as it existed on March 28, 2013 and the PHA plan.

(c) If a [tenant] family is unable to pay the flat rent because of financial hardship, the [tenant] family may at any time request a switch to payment of income-based rent prior to the next annual option to select the type of rent. [Eff 7/21/05; am and comp

9/4/07; am and comp] (Auth:
HRS §356D-15) (Imp: HRS §§356D-4, 356D-13; 24 C.F.R.
§§5.628, 960.253, 960.255; HRS §§356D-4, 356D-13, 356D-
31)

§17-2028-63 Security deposits. (a) Prior to admission to a housing project, a [tenant] family shall pay a security deposit in an amount not to exceed one month's rent. The security deposit may be applied to rent or used to repay charges owed to the authority upon the termination of the rental agreement.

(b) Where smoking is not prohibited in a dwelling unit pursuant to section 17-2028-60(c) and the household includes a person who smokes as disclosed pursuant to section 17-2028-22, the family shall pay an initial refundable smoking deposit of \$75.00.

(c) The authority may charge a non-refundable community facilities maintenance fee of not less than one per cent of the community facilities expenses for rental and use for private functions. Resident associations that are duly recognized by the authority shall be exempt from the payment of this deposit.

[Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31).

§17-2028-64 Other Charges. The authority may charge a family, in addition to monthly rent and applicable utility charges, the following:

(a) A late fee of \$25.00 if the monthly rent is paid after the seventh business day of that month;

(b) A dishonored check fee of \$25.00 for every check made payable to the authority that is returned for insufficient funds; and

(c) Maintenance costs which includes repair costs related to damages to the dwelling unit or appliances or equipment furnished by the authority, in excess of ordinary wear and tear, and for any repairs to project buildings, facilities, or common areas required because of the wrongful act or negligence of the family or the family's guest or visitor.

[Eff and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §966.4; HRS §§356D-4, 356D-13, 356D-31).

SUBCHAPTER 6

FAMILY SELF-SUFFICIENCY PROGRAM

§17-2028-71 Family self-sufficiency program.

The objective of the authority's family self-sufficiency (FSS) program is to reduce the dependency of low-income families on welfare assistance, section 8, public housing, or any federal, state, or local rent or homeownership subsidies. Under the family self-sufficiency program, low-income families are provided opportunities for education, job training, counseling, and other forms of social service assistance, while living in assisted housing, so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency. [Eff 7/21/05; am and comp 9/4/07; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-72 Eligibility. (a) Tenants in the authority's federal public housing program are eligible to participate in the family self-sufficiency program.

(b) Preference shall be given to applicants who already receive family self-sufficiency-related support services for fifty per cent or less of the allocations. [Eff 7/21/05; am and comp 9/4/07; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-73 Recruitment and outreach. (a) The authority shall conduct outreach programs to recruit participants for the family self-sufficiency program.

(b) Outreach efforts may include the following:

- (1) Sending informational brochures to each family participating in the authority federal public housing program;
- (2) Conducting orientation sessions for families who express an interest in participating in the family self-sufficiency program; and
- (3) Identifying and targeting potential families in the authority's caseloads.

[Eff 7/21/05; am and comp 9/4/07;
comp] (Auth: HRS
§§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984;
HRS §§356D-4, 356D-13, 356D-31)

§17-2028-74 Selection. (a) Families will be selected without regard to race, color, religion, sex, disability, gender identity, sexual orientation, familial status, or national origin.

(b) Families will be selected by date of receipt of the family self-sufficiency application.

(c) In the event there are more applicants than family self-sufficiency allocations available, the authority shall conduct a lottery to determine placement on the waiting list.

(d) Initially, up to twenty-five tenants may be selected to participate in the family self-sufficiency program. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-75 Termination or withholding of service. (a) The authority shall monitor and assess the family self-sufficiency participant's progress and compliance with the goals set forth in the contract of participation. When the authority determines that the family self-sufficiency participant is not making progress or complying with the goals of the contract of participation, the authority shall notify the family self-sufficiency participant of such determination and provide the family self-sufficiency

participant six months to demonstrate compliance with the plan of the contract of participation.

(b) If no progress has been made or the family self-sufficiency participant is still not complying with the contract of participation after the six-month period, the authority shall provide the family self-sufficiency participant with a written notice of intent to terminate or withhold services and of the opportunity to request an informal hearing.

[Eff 7/21/05; am and comp 9/4/07;

comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 984; HRS §§356D-4, 356D-13, 356D-31)

SUBCHAPTER 7

SPECIAL PROGRAMS

§17-2028-81 Special programs. The authority may administer programs that are created for special or specific purposes to benefit specific categories of persons pursuant to HUD regulations governing those programs. This may include selection from wait lists and lists of participants using criteria that are different from those provided in this chapter.

[Eff 7/21/05; am and comp 9/4/07;
comp] (Auth: HRS §§356D-4,
356D-13) (Imp: 24 C.F.R. 960.505; HRS §§356D-4, 356D-
13, 356D-31)

§17-2028-82 Occupancy by police officers. (a) For purposes of this section, "police officer" means a person determined by the authority to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a federal, State or local government or by any agency of these governments.

(b) For the purpose of increasing security for [residents] tenants of a public housing project, the authority may allow police officers that would not otherwise be eligible for occupancy in public housing, to reside in a public housing dwelling unit.

(c) The authority shall include in the PHA annual plan or supporting documents the number and location of the units to be occupied by police officers, and the terms and conditions of their tenancies; and a statement that such occupancy is needed to increase security for public housing [residents.] tenants.

(d) Occupancy by police officers shall be carried out pursuant to 24 C.F.R. [§960, subpart E.] 960.505, as it existed on March 28, 2013. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §960.505; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-83 Designated housing. (a) The authority may designate public housing projects, or portions of public housing projects, for occupancy by disabled families, elderly families, or mixed populations of disabled and elderly families.

(b) The authority shall designate public housing projects, or portions of public housing projects in accordance with 24 C.F.R. Part 945[.] as it existed on March 28, 2013. The authority shall also include a description of the designation activity in the PHA plan. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. Part 945; HRS §§356D-4, 356D-13, 356D-31)

SUBCHAPTER 8

HOUSEHOLD PETS

§17-2028-91 Pet ownership. (a) The authority may permit pet ownership by [residents] tenants of public housing, subject to compliance with the authority's pet policy established in the PHA plan.

(b) This subchapter does not apply to animals that assist, support or provide service to persons with disabilities. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§960.705, 960.707; HRS §§356D-4, 356D-13, 356D-31)

§17-2028-92 Conditions for pet ownership. (a)
A [resident] tenant shall comply with the authority's reasonable conditions for pet ownership that include, but are not limited to, the following:

- (1) Obtaining a permit from the authority to own a pet pursuant to the requirements set forth in the authority's pet policy established in the PHA plan; and
 - (2) Complying with the authority's rules for pet ownership.
- (b) The authority may revoke a pet permit for the following reasons:
- (1) The authority determines that the pet is not properly cared for;
 - (2) The pet presents a threat to the safety and security of other tenants, employees of the authority, contractors and others on the premises;
 - (3) The pet is destructive or causes an infestation;
 - (4) The pet disturbs other tenants for reasons including, but not limited to, noise, odor, cleanliness, sanitation, and allergic reactions;
 - (5) The pet owner fails to provide an annual update on the pet as required in the pet rules;
 - (6) The resident association or project pet committee, which consists of [residents] tenants with and without a pet, recommends to the authority that the pet permit be revoked due to a demonstrated lack of cooperation and responsibility in maintaining the pet; or
 - (7) Tenant fails to pay on a timely basis the following applicable pet fees:
 - (A) An initial pet deposit of \$75.00 or an amount equal to the total tenant payment, whichever is lower; and
 - (B) For owners of a dog or cat, a non-refundable monthly fee of \$5.00. This fee shall not apply to residents of

projects for the elderly and persons with disabilities. [Eff 7/21/05; am and comp 9/4/07; am and comp] (Auth: HRS §§356D-4, 356D-13) (Imp: 24 C.F.R. §§5.318, 960.705, 960.707; HRS §§356D-4, 356D-13, 356D-31)

SUBCHAPTER 9

MISCELLANEOUS PROVISIONS

§17-2028-101 Severability. If any part, section, sentence, clause, or phrase of this chapter, or its application to any person or transaction or other circumstances, is for any reason held to be unconstitutional or invalid, the remaining parts, sections, sentences, clauses, and phrases of this chapter, or the application of this chapter to other persons or transactions or circumstances, shall not be affected. [Eff 7/21/05; am and comp 9/4/07; comp] (Auth: HRS §§356D-4, 356D-13) (Imp: HRS §1-23)

§17-2028-102 Number and gender. Words in the singular or plural number and masculine gender shall have the same meaning as defined in section 1-17, HRS." [Eff 7/21/05; am and comp 9/4/07; comp] (Auth: HRS §356D-4, 356D-13) (Imp: HRS §1-17)

2. Material, except sources notes, to be repealed is bracketed. New material is underscored.

3. Additions to source notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of chapter 17-2028, Hawaii Administrative Rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

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

FOR ACTION

ITEM: IV. D.

MOTION: To Authorize the Executive Director to Identify Potential Properties and to Enter Into Negotiations on Behalf of the Hawaii Public Housing Authority and to Obtain Proposals to Acquire Additional Low-Income or Affordable Housing Inventory.

The Board may go into executive session pursuant to Hawaii Revised Statutes sections 92-4, 92-5(a)(3) to deliberate concerning the authority of persons designated by the Board to negotiate the acquisition of public property, or during the conduct of such negotiations, and 92-5(a)(4) to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

(There are no handout/packet materials for this item.)

Adopted by the HPHA Board of Directors on
the date set forth above:



David Gierlach, Chairperson

Property Management and Maintenance Services Branch (PMMSB)
 Report for the Month of February 2014

A. Occupancy (Goal 98%)

- Property Management's lease up activity consisted of the following:

	Federal Public Housing	State Public Housing	Reason for Transfer
New Move-ins from the Waitlist	26	6	
Internal Transfers	7	0	4 – RRA 3 - Relocation
Vacancy (tenants who vacated from the program)	23	9	

*Totals are as of February 28, 2014

**RRA – Request for Reasonable Accommodation

H&S – Health & Safety (unit deemed uninhabitable due to flooding, loss of electrical power, etc.).

VAWA – Violence Against Women Act

As of February 28, 2014, HPHA has a total of 108 approved RRA statewide (Oahu – 95, Maui – 2, Hilo – 9 & Kauai – 2). These approved internal RRA tenants are waiting for a transfer to a suitable unit.

B. Formal Grievance Hearings held:

February 2014 Grievance Hearings			
AMP	Property	Expedited	Reason for Grievance
34	Kalakaua Homes	Yes	Neighbors feel threatened by tenant's loud outbursts.
44	Nanakuli Homes	Yes	Unauthorized family member, use of marijuana, and assault off property that moved onto the public housing property.

Property Management scheduled and heard a total of two (2) formal grievance hearing cases due to tenants being in violation of their rental agreement. Management has the discretion to terminate the lease agreement by submitting an eviction referral to the Oahu Hearing Board.

C. Rent Collection (February 2014)

The HPHA will continue our efforts in rent collection. The agency reduced its tenant rent receivables from 854 families owing approximately \$493,874 in January 2014 to 459 families owing approximately \$285,179 in February 2014.

D. Program Activities

- Striving to reduce the vacated TARS which have an approximate balance owing of \$283,988 for 145 accounts.
- Coordinating with the AMP and Construction Management Branch (CMB) on future relocation of tenants for upcoming construction work.
- Completed public hearing on February 28, 2014 on the draft 2014-2019 PHA Five-Year and Annual Plan, and the amendments to Chapter 17-2020 Eviction – Practice and Procedure, HAR, and Chapter 17-2080 Federally-Assisted Housing Projects.

E. Planned Activities for March 2014

- Annual budget preparation for FY 2014 – 2015
- Revision/updates to Resolution No. 031, Policy on Official Recognition of a Resident Association.
- Updating the new tenant Utility Allowance Schedule for FY 2014 – 2015. Effective July 1, 2014, a new process will be followed whereby the implementation of the new amounts will be updated at the time of the tenant's annual recertification.

FEDERAL PUBLIC HOUSING

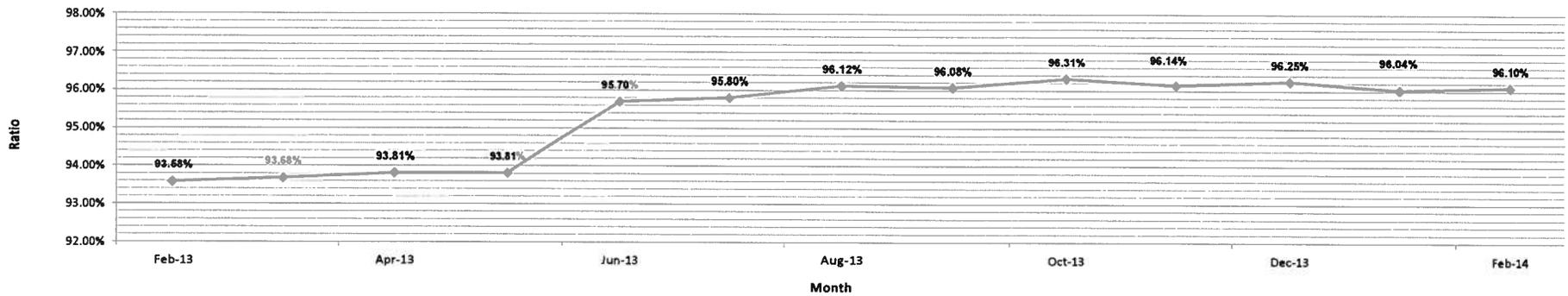
Occupancy from February 2013 to February 2014

	Feb-13			Mar-13			Apr-13			May-13			Jun-13			Jul-13		
	Total Units	Occ Units	Ratio															
Hawaii	627	587	93.62%	627	584	93.14%	627	588	93.78%	627	588	93.78%	627	594	94.74%	627	593	94.58%
Kauai	321	281	87.54%	321	290	90.34%	321	297	92.52%	321	297	92.52%	319	303	94.98%	319	306	95.92%
MauI	196	165	84.18%	196	162	82.65%	196	158	80.61%	196	158	80.61%	196	177	90.31%	196	171	87.24%
Oahu	3,574	3,382	94.63%	3,574	3,384	94.68%	3,576	3,385	94.66%	3,576	3,385	94.66%	3,576	3,441	96.22%	3,576	3,450	96.48%
Total	4,718	4,415	93.58%	4,718	4,420	93.68%	4,720	4,426	93.81%	4,720	4,426	93.81%	4,718	4,515	95.70%	4,718	4,520	95.80%

Cumulative (12 Months) 2/13 to 2/14	
Units	61,349
Tenants	58,491
Ratio	95.34%

	Aug-13			Sep-13			Oct-13			Nov-13			Dec-13			Jan-14			Feb-14		
	Total Units	Occ Units	Ratio																		
Hawaii	627	596	94.90%	627	592	94.42%	627	594	94.74%	627	591	94.26%	627	592	94.42%	627	593	94.58%	627	596	95.06%
Kauai	319	307	96.24%	320	307	95.94%	321	308	95.95%	321	306	95.33%	321	307	95.64%	321	307	95.64%	321	306	95.33%
MauI	196	172	87.76%	196	171	87.24%	196	172	87.76%	196	172	87.76%	196	174	88.78%	196	176	89.80%	196	180	91.84%
Oahu	3,576	3,461	96.78%	3,576	3,464	96.87%	3,576	3,472	97.09%	3,576	3,469	97.01%	3,576	3,470	97.04%	3,576	3,457	96.67%	3,576	3,454	96.59%
Total	4,718	4,535	96.12%	4,719	4,534	96.08%	4,720	4,546	96.31%	4,720	4,538	96.14%	4,720	4,543	96.25%	4,720	4,533	96.04%	4,720	4,536	96.10%

Occupancy Rate



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STATE PUBLIC HOUSING

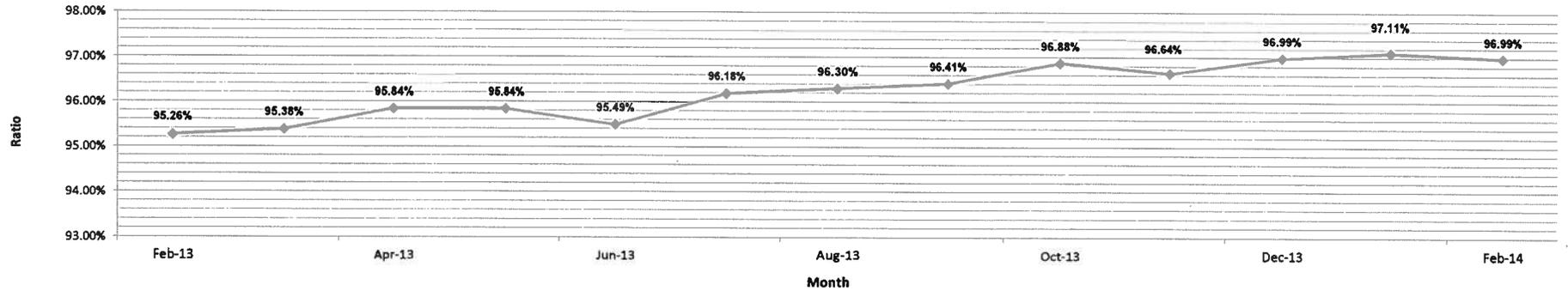
Occupancy from February 2013 to February 2014

	Feb-13			Mar-13			Apr-13			May-13			Jun-13			Jul-13		
	Total Units	Occ Units	Ratio															
Hawaii	56	49	87.50%	56	48	85.71%	56	48	85.71%	56	48	85.71%	56	48	85.71%	56	51	91.07%
Kauai	26	22	84.62%	26	22	84.62%	26	22	84.62%	26	22	84.62%	26	24	92.31%	26	24	92.31%
Maui	32	25	78.13%	32	26	81.25%	32	24	75.00%	32	24	75.00%	32	23	71.88%	32	24	75.00%
Oahu	751	728	96.94%	751	729	97.07%	751	735	97.87%	751	735	97.87%	750	730	97.33%	750	732	97.60%
Total	865	824	95.26%	865	825	95.38%	865	829	95.84%	865	829	95.84%	864	825	95.49%	864	831	96.18%

Cumulative (12 Months)	
2/13 to 2/14	
Units	11,236
Tenants	10,815
Ratio	96.25%

	Aug-13			Sep-13			Oct-13			Nov-13			Dec-13			Jan-14			Feb-14		
	Total Units	Occ Units	Ratio																		
Hawaii	56	50	89.29%	56	50	89.29%	56	50	89.29%	56	50	89.29%	56	53	94.64%	56	53	94.64%	56	52	92.86%
Kauai	26	24	92.31%	26	24	92.31%	26	25	96.15%	26	25	96.15%	26	25	96.15%	26	25	96.15%	26	26	100.00%
Maui	32	24	75.00%	32	24	75.00%	32	25	78.13%	32	24	75.00%	32	24	75.00%	32	24	75.00%	32	26	81.25%
Oahu	750	734	97.87%	750	735	98.00%	750	737	98.27%	750	736	98.13%	750	736	98.13%	750	737	98.27%	750	734	97.87%
Total	864	832	96.30%	864	833	96.41%	864	837	96.88%	864	835	96.64%	864	838	96.99%	864	836	97.11%	864	838	96.99%

Occupancy Rate



173

**Federal LIPH
HPHA Island Overview Report
as of 2/28/2014**

Island	Occupancy *								LIPH and Elderly Waiting List**				
	Total Available Units	Total Occupied Units	Total Vacant Units (excludes rent ready)	Occupancy Ratio	Move-Ins	Move-Outs	Transfers	Units Rent Ready	HUD Income Limit	# of HoH	% of WL	Avg Family Size	Avg Bedroom Size
Hawaii	627	596	27	95.06%	5	3	0	2	Average Income	35	0.46%	7.79	3.73
Kauai	321	306	7	95.33%	4	6	4	0	Low Income (80%)	43	0.56%	2.71	2.00
Maui	196	180	16	91.84%	6	0	0	0	Very Low Inc. (50%)	368	4.80%	2.74	1.87
Oahu	3,576	3,454	87	96.59%	16	20	2	24	Extremely Low Inc. (30%)	7,218	94.18%	2.46	1.67
Total	4,720	4,536	137	96.10%	31	29	6	26		7,664	100.00%	2.50	1.69

Island	Non Vacated Delinquencies***				Collection Rate ****		
	Count of Families	30-90 Days	Count of Families	Over 90 Days	Charges	Collected	Ratio
Hawaii	33	\$ 8,960.46	21	\$ 19,007.68	\$ 120,346.67	\$ 112,670.00	93.62%
Kauai	50	\$ 27,047.17	46	\$ 38,395.13	\$ 83,715.94	\$ 68,062.54	81.30%
Maui	32	\$ 9,771.25	23	\$ 27,437.88	\$ 62,132.00	\$ 49,630.52	79.88%
Oahu	152	\$ 54,481.67	102	\$ 100,078.41	\$ 936,898.59	\$ 879,250.43	93.85%
Total	267	\$ 100,260.55	192	\$ 184,919.10	\$ 1,203,093.20	\$ 1,109,613.49	92.23%

* Occupancy also counts Scheduled for Modernization Units.

* Occupancy reflects removal of KPT Units.

** Please notice WL Income Limits assumes 2010 HUD Family Income Limit for Hawaii.

*** Delinquencies and Collections reflect only Rents, Prepays and Payment Agreements (Bill Code 0001 and 0006).

**** Lower Collection rate due to mailing label errors.

**Federal LIPH
HPHA Project Overview Report
as of 2/28/2014**

AMP	Occupancy*							
	Total Available Units	Total Occupied Units	Total Vacant Units (excludes rent ready)	Occupancy Ratio	Move-Ins	Move-Outs	Transfers	Units Rent Ready
30P-Aiea	363	346	10	95.32%	1	2	0	6
31P-KVH	373	363	7	97.32%	0	2	1	2
32P-MWH	364	361	2	99.18%	1	1	0	1
33P-Kam/Kaamanu	373	369	1	98.93%	0	1	0	3
34P-Kalakaua	583	571	4	97.94%	4	5	0	8
35P-Kalaniihuia	587	586	0	99.83%	4	3	1	1
37P-Hilo	322	295	26	91.61%	2	3	0	0
38P-Kauai	321	306	7	95.33%	4	6	4	0
39P-Maui	196	180	16	91.84%	6	0	0	0
40P-KPT	170	166	4	97.65%	1	0	0	0
43P-Kona	202	199	1	98.51%	3	0	0	2
44P-Leeward Oahu	260	248	12	95.38%	4	4	0	0
45P-Windward Oahu	235	225	1	95.74%	0	0	0	0
46P-Kamuela	103	102	0	99.03%	0	0	0	0
49P-Central Oahu	150	132	17	88.00%	1	0	0	1
50P-Palolo	118	87	29	73.73%	0	2	0	2
Total	4,720	4,536	137	96.10%	31	29	6	26

AMP	Non Vacated Delinquencies**				Collection Rate		
	Count of Families	30-90 Days	Count of Families	Over 90 Days	Charges	Collected	Ratio
30P-Aiea	13	5,400.71	8	10,003.11	\$ 135,148.97	\$ 124,762.32	92.31%
31P-KVH	12	12,364.16	12	20,029.14	\$ 97,745.69	\$ 90,143.61	92.22%
32P-MWH	5	1,325.00	3	631.64	\$ 101,890.16	\$ 98,442.11	96.62%
33P-Kam/Kaamanu	5	1,040.50	4	5,839.00	\$ 78,998.00	\$ 75,624.00	95.73%
34P-Kalakaua	22	7,173.00	13	33,404.20	\$ 139,628.82	\$ 134,446.04	96.29%
35P-Kalaniihuia	11	4,887.66	6	7,441.32	\$ 154,199.61	\$ 151,219.28	98.07%
37P-Hilo	9	2,157.00	3	-81.00	\$ 64,040.50	\$ 59,678.50	93.19%
38P-Kauai	50	27,047.17	46	38,395.13	\$ 83,715.94	\$ 68,062.54	81.30%
39P-Maui	32	9,771.25	23	27,437.88	\$ 62,132.00	\$ 49,630.52	79.88%
40P-KPT	9	2,560.00	2	461.00	\$ 63,235.69	\$ 59,570.30	94.20%
43P-Kona	18	4,626.00	11	4,738.48	\$ 36,759.36	\$ 34,083.69	92.72%
44P-Leeward Oahu	69	14,829.64	47	20,421.00	\$ 53,042.00	\$ 36,655.29	69.11%
45P-Windward Oahu	0	-1.00	1	1,371.00	\$ 53,826.65	\$ 53,068.98	98.59%
46P-Kamuela	6	2,177.46	7	14,350.20	\$ 19,546.81	\$ 18,907.81	96.73%
49P-Central Oahu	7	4,902.00	7	477.00	\$ 38,343.00	\$ 35,023.00	91.34%
50P-Palolo	0	0.00	0	0.00	\$ 20,840.00	\$ 20,295.50	97.39%
Total	267	\$ 100,260.55	192	\$ 184,919.10	\$ 1,203,093.20	\$ 1,109,613.49	92.23%

* Occupancy also counts Scheduled for Modernization Units.

** Occupancy reflects removal of KPT Units.

*** Delinquencies and Collections reflect only Rents, Prepays and Payment Agreements (Bill Code 0001 and 0006).

**State LIPH
HPHA Island Overview Report
as of 2/28/2014**

Island	Occupancy*								LIPH and Elderly Waiting List**				
	Total Available Units	Total Occupied Units	Total Vacant Units (excludes rent ready)	Occupancy Ratio	Move-Ins	Move-Outs	Transfers	Units Rent Ready	HUD Income Limit	# of HoH	% of WL	Avg Family Size	Avg Bedroom Size
Hawaii	56	52	1	92.86%	0	0	0	1	Average Income	22	0.41%	7.96	3.78
Kauai	26	26	0	100.00%	1	0	0	0	Low Income (80%)	28	0.52%	2.29	1.54
Maui	32	26	6	81.25%	2	0	0	0	Very Low Inc. (50%)	297	5.55%	2.44	1.45
Oahu	750	734	6	97.87%	3	9	0	4	Extrmly Low Inc. (30%)	5,002	93.51%	2.31	1.45
Total	864	838	13	96.99%	6	9	0	5		5,349	100.00%	2.34	1.46

Island	Non Vacated Delinquencies***				Collection Rate		
	Count of Families	30-90 Days	Count of Families	Over 90 Days	Charges	Collected	Ratio
Hawaii	6	\$ 3,489.00	5	\$ 15,264.00	\$ 19,709.00	\$ 16,180.67	82.10%
Kauai	2	\$ 872.00	2	\$ 336.00	\$ 5,761.00	\$ 5,138.00	89.19%
Maui	5	\$ 1,589.00	1	\$ 10,450.00	\$ 4,560.00	\$ 3,284.00	72.02%
Oahu	17	\$ 9,720.79	14	\$ 35,101.78	\$ 242,957.16	\$ 235,769.08	97.04%
Total	30	\$ 15,670.79	22	\$ 61,151.78	\$ 272,987.16	\$ 260,371.75	95.38%

* Occupancy also counts Scheduled for Modernization Units.

** Please notice WL Income Limits assumes 2010 HUD Family Income Limit for Hawaii.

*** Delinquencies and Collections reflect only Rents, Prepays and Payment Agreements (Bill Code 0001 and 0006).

**State LIPH
HPHA Project Overview Report
as of 2/28/2014**

Project	Occupancy *							
	Total Available Units	Total Occupied Units	Total Vacant Units (excludes rent ready)	Occupancy Ratio	Move-Ins	Move-Outs	Transfers	Units Rent Ready
2201-Hauiki	46	44	0	95.65%	0	1	0	1
2202-Puahala Homes	128	124	1	96.88%	0	3	0	2
2204-Kawailehua	26	25	0	96.15%	1	0	0	1
2205-Kahale Mua	32	24	8	75.00%	2	0	0	0
2206-Lokahi	30	28	1	93.33%	0	0	0	0
2207-Ke Kumu Elua	26	25	0	96.15%	0	0	0	0
2401-Hale Po'ai	206	203	2	98.54%	1	1	0	0
2402-La'iola	108	106	0	98.15%	1	2	0	1
2403-Kamalu-Ho'olulu	221	220	0	99.55%	1	2	0	0
2404-Halia Hale	41	40	0	97.56%	0	0	0	0
Total	864	839	12	97.11%	6	9	0	5

Project	Non Vacated Delinquencies**				Collection Rate		
	Count of Families	30-90 Days	Count of Families	Over 90 Days	Charges	Collected	Ratio
2201-Hauiki	10	\$ 2,905.73	6	\$ 24,469.00	\$ 24,378.16	\$ 22,518.56	92.37%
2202-Puahala Homes	23	\$ 18,418.03	17	\$ 29,649.78	\$ 47,404.00	\$ 42,385.52	89.41%
2204-Kawailehua	3	\$ 1,446.00	2	\$ 552.00	\$ 5,761.00	\$ 5,138.00	89.19%
2205-Kahale Mua	7	\$ 1,963.00	3	\$ 11,000.00	\$ 4,560.00	\$ 3,284.00	72.02%
2206-Lokahi	4	\$ 1,525.00	0	\$ -	\$ 12,211.00	\$ 11,201.00	91.73%
2207-Ke Kumu Elua	9	\$ 4,839.00	7	\$ 16,453.00	\$ 7,498.00	\$ 4,979.67	66.41%
2401-Hale Po'ai	0	\$ -	0	\$ -	\$ 58,149.00	\$ 58,149.00	100.00%
2402-La'iola	1	\$ 87.00	0	\$ -	\$ 37,195.00	\$ 37,104.00	99.76%
2403-Kamalu-Ho'olulu	1	\$ 219.00	0	\$ -	\$ 65,622.00	\$ 65,403.00	99.67%
2404-Halia Hale	0	\$ -	0	\$ -	\$ 10,209.00	\$ 10,209.00	100.00%
Total	58	\$ 31,402.76	35	\$ 82,123.78	\$ 272,987.16	\$ 260,371.75	95.38%

* Occupancy also counts Scheduled for Modernization Units.

** Delinquencies and Collections reflect only Rents, Prepays and Payment Agreements (Bill Code 0001 and 0006).

**Section 8 Subsidy Programs Branch
Report for the Month of February 2014**

A. Program Activities

1. Voucher activity for February 2014:
 - HPHA expended \$1,951,967 (97.6% of HUD funds received) in housing assistance payments to private landlords on behalf of 1972 voucher holders. HPHA expended \$37,009 on behalf of 183 families served under the rent supplement program.
 - There are 633 applicants on the Oahu Federal Section 8 (Housing Choice Voucher) waitlist.
 - There are 2,748 applicants on the Oahu Project Based Federal Section 8 (Palolo) waitlist.
 - There are 793 applicants on Oahu State Rent Supplement Program waitlist.

2. Voucher lease up activity for the reporting period:
 - VASH -Veteran's Administration Supportive Housing Vouchers:
 - 6 leased up in February 2014
 - 11 new referrals from the VA in February 2014
 - 32 VASH voucher holders in housing search as of February 2014
 - Kuhio Park Towers -Project Based Section 8:
 - No vacant units reported.
 - Palolo Valley Homes- Project Based Section 8:
 - 1 new referral from PVH in February 2014
 - Housing Choice Vouchers:
 - 1 applicant in housing search
 - Port-In (from other agencies)
 - 2 vouchers issued in February 2014
 - 1 voucher cancelled in February 2014

3. Inspections update:
 - A total of 117 inspections were performed in February 2014. Of the 117 inspections 40 failed the first time the unit was inspected. The inspections staff also failed 7 rent comparisons in February 2014. A rent comparison is a procedure required by HUD to determine if the rent the landlord is asking for is in line with current market rents.
 - There are 22 quality control inspections scheduled for March 2014.

4. Family Self Sufficiency (FSS) Program
 - The Family Self Sufficiency (FSS) program assisted 75 Section 8 clients in February 2014. There were 31 active escrow accounts with a total account balance of \$124,445. 3 families increased their income.

**Hearings Office
Report for Month of February 2014**

A. Program Activities

- Eviction cases heard for February 2014 total 22 cases, 16 for rent, and 6 for non-rent. For January 2013 through February 2014, a total of 193 cases were referred with a total of 87 families evicted for this period.
- Monitor AMP Delinquencies and Report to Office of the Executive Director and Property Management Branch on Monthly Basis.

B. Planned Activities

- Evaluate, review and revise eviction referrals for compliance with Section 356D, Hawaii Revised Statutes (Public Housing-Evictions).
- Conduct Statewide Administrative eviction hearings in compliance with laws, rules, and regulations.
- Prepare Findings of Facts, Conclusions of Law, Decision and Order, Subpoena Police Reports and Witnesses for Criminal Cases.
- Schedule Breach of Conditions Cases for Due Process Hearings and Prepare Findings of Fact, Conclusions of Law, Decision and Order.
- Continue to recruit resident and non-resident statewide eviction board members.
- Work with IT and Neighbor Island managers to provide video conference capabilities for grievance and eviction hearings.
- Work with Management and Staff on Preparing nonpayment of rent cases and other criminal cases that should be referred to the Eviction Board in a timely manner.

HEARINGS OFFICE-STATEWIDE FEDERAL EVICTION REFERRALS-February 28, 2014

Total # of Cases Heard for the Month of February 2014: 22

(Oahu & Neighbor Islands)

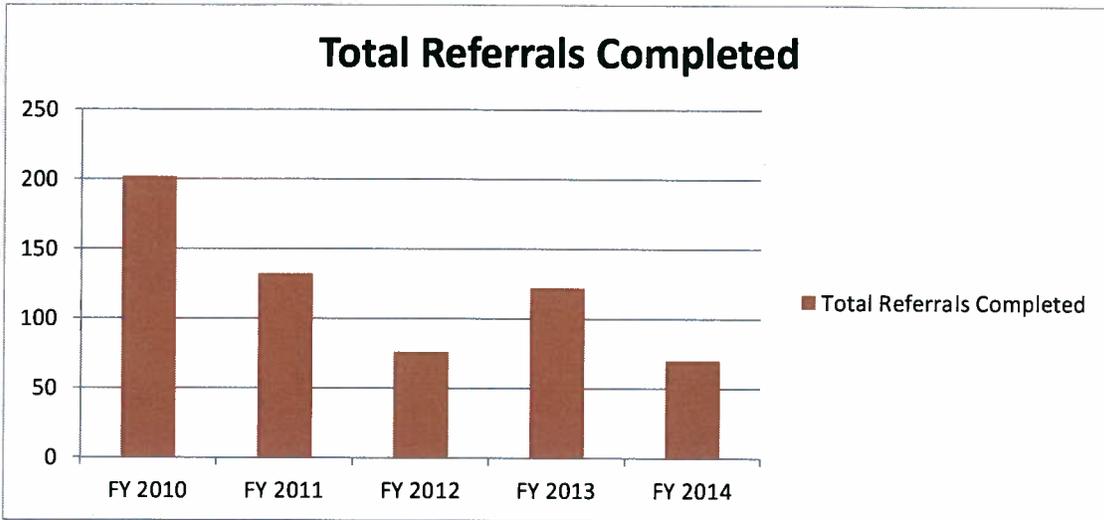
Decisions Rendered:	Rent Violations	Other Violations
Eviction	7	2
Evict w/cond	3	2
10-day cure	0	0
Withdrawn/Dismiss	3	0
Continued	3	2
Total	16	6

Total Delinquent Balance for Cases Heard in February 2014-\$10,500

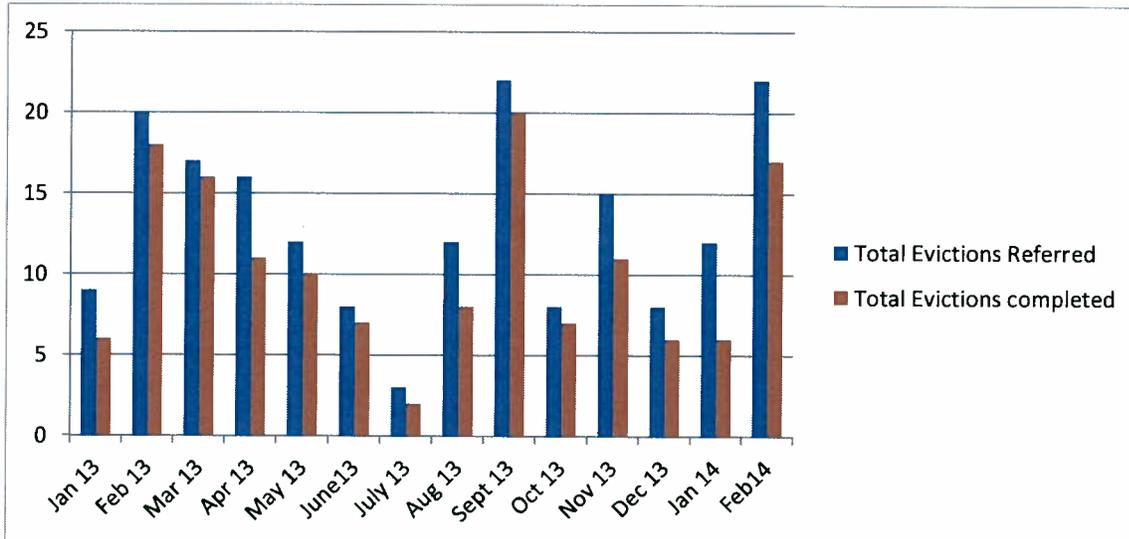
REFERRALS									
REASON FOR REFERRAL				RESULT OF EVICTION REFERRAL					
MONTH	Total	Rent	Other	Evict	Evict with Cond	10-day Cure	Dismiss	Continued	Completed
FY 2010	263	223	40	109	83	4	6	61	202
FY 2011	178	140	38	68	54	5	5	46	132
FY 2012	106	84	22	40	32	1	3	30	76
FY 2013	160	119	41	76	37	3	6	38	122
FY 2014	102	81	21	45	28	0	7	22	70

January 2013-February 2014

REFERRALS									
REASON FOR REFERRAL				RESULT OF EVICTION REFERRAL					
MONTH	Total	Rent	Other	Evict	Evict with Cond	10-day Cure	Dismiss	Continued	Completed
Jan 13	9	7	2	4	1	1	0	3	6
Feb 13	20	13	7	11	7	0	0	2	18
Mar 13	17	14	3	10	3	2	1	1	16
Apr 13	16	10	6	4	7	0	1	4	11
May 13	12	5	7	7	3	0	2	0	10
June 13	8	5	3	6	1	0	0	1	7
July 13	3	2	1	2	0	0	0	1	2
Aug 13	12	12	0	4	4	0	2	2	8
Sept 13	22	18	4	13	7	0	0	2	20
Oct 13	8	7	1	5	2	0	0	1	7
Nov 13	15	8	7	5	5	0	1	4	11
Dec 13	8	6	2	4	2	0	1	1	6
Jan 14	12	12	0	3	3	0	0	6	6
Feb 14	22	16	6	9	5	0	3	5	17
TOTALS	193	135	49	87	50	3	11	33	145



January 2013-February 2014



Prepared and Reviewed by Renee Blondin-Nip on February 28, 2014

**Fiscal Management Office
Report for January 2014**

AGENCY TOTAL – Variance Analysis based on any increases or decrease of 10% or more with the month of January 2014 being the basis for the variances.

INCOME STATEMENT

A. REVENUES:

HUD Operating Subsidies:

Reflect two payments in January from HUD to the Section 8 Contract Administration of \$1.6 million and \$1.4 million or a 54%(\$1,109k) increase against budget. There was an increase of \$101k for Housing Choice Voucher Program and a 23% (\$517k) decrease in Subsidy for the Federal Low Income Program resulting in an overall increase in funding by HUD to these programs of \$693k or 11% against budget.

CFP Grant Income:

The budget draws are projected on a monthly basis vs actual draw on a per quarter basis. The draw of \$619k was for the first two quarters of Fiscal 2014 and the next draw will be in March 2014.

COCC Fee Income:

Front Line Service Fees as budgeted were not billed due to technical difficulties with Elite Software being unable to provide accurate billing reports monthly. The vendor is currently working on solution and will have the problem corrected as soon as possible.

Other Income:

Although reimbursement for state Construction in Progress administrative and associated costs were included in the budget these funds were not recorded as the reimbursement approval has not been forthcoming from the State. Also for the month actual Operating Transfers out were in excess of Operating transfers in resulting in a debit balance to other income.

B. EXPENSES:

Administrative Fees:

Front Line Service Fees Budgeted by the AMPs was not billed by the COCC due to the billing software being updated \$32k; employee positions budgeted not filled were 288k under budget; consultant fees increased by \$(40k) due to late billings; increases in Office Supplies and Telephone Expenses \$(41k).

Housing Assistance Payments:

Housing Assistance payout related to the increase in subsidy for the Section 8 contract Administration in January of \$(1,111k).

Tenant Services:

Lower than budgeted utilization of Interpreter Services and Language Assistance at the Projects in January 2014.

Maintenance:

Vacant positions budgeted but not yet filled resulted in \$142k savings.

Protective Services:

Additional holiday security for certain projects.

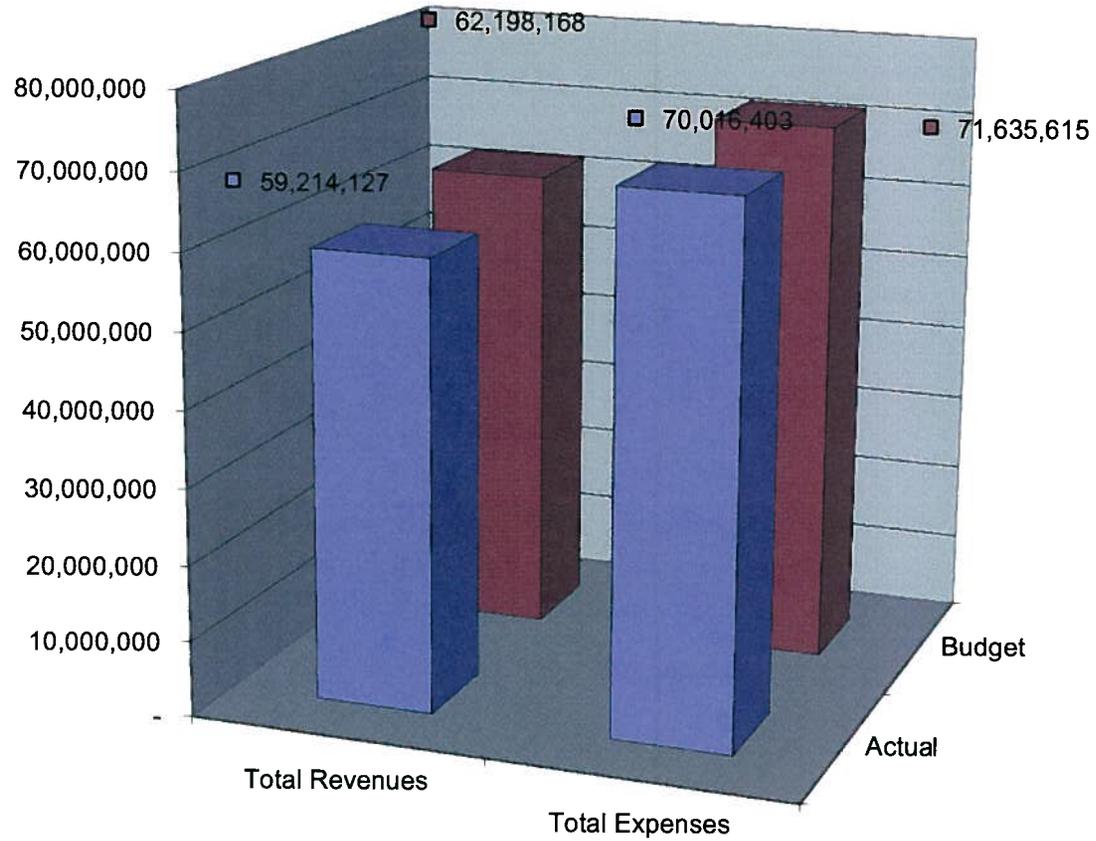
Bad Debt Expense:

Adjustment for tenant credits balances in excess of bad debt write-offs.

OVERVIEW – Current Fiscal Year:

As the Fiscal Year 2013 - 2014 progresses and the Capital Appropriations are approved HPHA will begin to recognize Capital Administrative and Associated Expenses reimbursements which should add approximately \$4.0 Million in revenues for the current Fiscal Year.

HPHA JANUARY 31, 2014 Actual VS Budget



	Total Revenues	Total Expenses
Actual	59,214,127	70,016,403
Budget	62,198,168	71,635,615

**HAWAII PUBLIC HOUSING AUTHORITY
AGENCY TOTAL
ACTUAL VS BUDGET COMPARISON
FOR THE SEVEN MONTHS ENDING JANUARY 31, 2014
(Amounts in Full Dollars)**

<u>MONTH OF JANUARY, 2014</u>				<u>YEAR TO DATE ENDING JANUARY 31, 2014</u>							
<u>Actual</u>	<u>Budget</u>	<u>Variance Amount</u>	<u>%</u>		<u>Actual</u>	<u>Budget</u>	<u>Variance Amount</u>	<u>%</u>	<u>Prior Year</u>	<u>Variance Amount</u>	<u>%</u>
				REVENUES							
1,364,145	1,390,662	\$ (26,517)	-2%	Dwelling Rental Income	9,364,765	9,719,973	\$ (355,208)	-4%	9,387,268	\$ (22,503)	0%
7,052,864	6,359,540	693,324	11%	HUD Operating Subsidies	40,881,536	40,642,892	238,644	1%	40,178,877	702,659	2%
-	437,868	(437,868)	-100%	CFP Grant Income	619,462	3,065,076	(2,445,614)	-80%	-	619,462	0%
409,609	541,187	(131,578)	-24%	COCC Fee Income	2,853,052	3,784,102	(931,050)	-25%	2,481,267	371,785	15%
-	-	-	0%	General Fund	-	-	-	0%	1,785,153	(1,785,153)	-100%
416,655	428,534	(11,879)	-3%	Grant Income	3,181,183	2,999,738	181,445	6%	-	3,181,183	0%
(23,416)	284,023	(307,439)	-108%	Other Income	2,314,129	1,986,387	327,742	16%	3,084,559	(770,430)	-25%
9,219,857	9,441,814	(221,957)	-2%	Total Revenues	59,214,127	62,198,168	(2,984,041)	-5%	56,917,124	2,297,003	4%
				EXPENSES							
1,166,780	1,412,347	245,567	17%	Administrative	7,609,547	9,934,297	2,324,750	23%	7,263,388	(346,159)	-5%
29,477	29,347	(130)	0%	Asset Management Fees	206,339	205,559	(780)	0%	94,920	(111,419)	-117%
395,629	413,868	18,239	4%	Management Fees	2,800,358	2,891,490	91,132	3%	2,111,863	(688,495)	-33%
54,903	56,710	1,807	3%	Bookkeeping Fees	386,352	396,309	9,957	3%	369,405	(16,947)	-5%
5,069,068	3,960,758	(1,108,310)	-28%	Housing Assistance Payments	29,344,654	27,675,306	(1,669,348)	-6%	28,497,438	(847,216)	-3%
22,507	44,967	22,460	50%	Tenant Services	251,308	314,304	62,996	20%	566,666	315,358	56%
1,144,910	1,177,670	32,760	3%	Utilities	8,164,458	8,243,307	78,850	1%	7,422,777	(741,681)	-10%
1,398,364	1,553,228	154,864	10%	Maintenance	10,157,685	11,229,442	1,071,757	10%	8,781,256	(1,376,429)	-16%
285,608	175,874	(109,734)	-62%	Protective Services	1,400,001	1,233,424	(166,577)	-14%	1,114,296	(285,705)	-26%
83,950	84,128	178	0%	Insurance	589,450	589,544	94	0%	592,649	3,199	1%
1,296,133	1,273,120	(23,013)	-2%	General Expenses	9,106,251	8,922,633	(183,618)	-2%	8,609,242	(497,009)	-6%
10,947,328	10,182,017	(765,311)	-8%	Total Expenses	70,016,403	71,635,615	1,619,212	2%	65,423,900	(4,592,503)	-7%
\$ (1,727,471)	\$ (740,203)	\$ (987,268)	-133%	Net Income(Loss)	\$ (10,802,276)	\$ (9,437,447)	\$ (1,364,829)	-14%	\$ (8,506,776)	\$ (2,295,500)	-27%
				CASH BASIS:							
\$ (1,727,471)	\$ (740,203)	\$ (987,268)	-133%	Net Income(loss) per Above	(10,802,276)	(9,437,447)	\$ (1,364,829)	-14%	\$ (8,506,776)	\$ (2,295,500)	-27%
				Add back non cash items:							
1,237,953	1,239,619	(1,666)	0%	Depreciation Expense	8,615,263	8,677,339	(62,076)	-1%	8,223,004	392,259	5%
-	10,920	(10,920)	-100%	Bad Debt Expense	(1,832)	123,454	(125,286)	-101%	91,729	(93,561)	-102%
\$ (489,518)	\$ 510,336	\$ (999,854)	-196%	TOTAL CASH BASIS	(2,188,845)	(636,654)	\$ (1,552,192)	-244%	\$ (192,043)	\$ (1,996,802)	-1040%

**CONSOLIDATED BALANCE SHEET
HAWAII PUBLIC HOUSING AUTHORITY
FUND FROM 130 TO 150, 007, 020, 024, 181, 265, 318, 337, 400
FOR PERIOD ENDING JANUARY 31, 2014
AGENCY TOTAL**

		<u>JANUARY</u>	<u>DECEMBER</u>	<u>Increase (Decrease)</u>
ASSETS:				
Cash		60,790,737	64,289,949	(3,499,212)
Receivables:				
Accrued Interest	5,303,186			
Tenant Receivables	1,487,594			
Other	4,319,718			
Less Allowance for Doubtful Accounts	<u>(5,534,178)</u>	5,576,320	5,551,633	24,687
Total receivables				
Prepaid Expenses		428,069	435,699	(7,630)
Inventories		14,503	8,042	6,461
Interprogram Due From		4,413,636	644,182	3,769,454
Interprogram Due To		-	-	
Total Current Assets		<u>71,223,265</u>	<u>70,929,505</u>	<u>293,760</u>
Property, Plant & Equipment:				
Land	21,451,327			
Buildings	534,690,791			
Furniture & Equipment	4,352,402			
Motor vehicles	1,250,266			
Construction in Progress	32,947,364			
Less: Accumulated Depreciation	<u>(321,721,163)</u>	272,970,987	274,208,941	(1,237,954)
Notes, Loans & Mortgage Receivable-Non Current		49,099,568	49,099,568	-
Other Long term assets		-	-	
Total Assets		<u>393,293,820</u>	<u>394,238,014</u>	<u>(944,194)</u>

**CONSOLIDATED BALANCE SHEET
HAWAII PUBLIC HOUSING AUTHORITY
FUND FROM 130 TO 150, 007, 020, 024, 181, 265, 318, 337, 400
FOR PERIOD ENDING JANUARY 31, 2014
AGENCY TOTAL**

	<u>JANUARY</u>	<u>DECEMBER</u>	<u>Increase (Decrease)</u>
LIABILITIES AND EQUITY:			
Accounts Payable	1,314,100	1,399,577	(85,477)
Accrued Expenses	1,474,430	1,298,466	175,964
Accrued Salaries & Wages	708,298	708,298	-
Accrued Vacation	669,776	669,776	-
Tenant Security Deposits	853,134	856,629	(3,495)
Other Liabilities & Deferred Income	43,521,338	43,005,808	515,530
Interprogram Due To	13,348,910	13,168,155	180,755
Total Current Liabilities	61,889,986	61,106,709	783,277
Accrued Pension and OPEB Liability	9,289,299	9,289,299	-
Accrued Liabilities - Long Term	4,411,148	4,411,148	-
Net Assets:			
Restricted Net Assets	2,844,517	2,844,517	-
Unrestricted Net Assets	325,661,146	325,661,146	-
Net Income Year to Date	(10,802,276)	(9,074,805)	(1,727,471)
Total Equity	317,703,387	319,430,858	(1,727,471)
Total Liabilities & Equity	393,293,820	394,238,014	(944,194)

**HAWAII PUBLIC HOUSING AUTHORITY
HOUSING CHOICE VOUCHER PROGRAM
ACTUAL VS BUDGET COMPARISON
FOR THE SEVEN MONTHS ENDING JANUARY 31, 2014
(Amounts in Full Dollars)**

MONTH OF JANUARY, 2014				
<u>Actual</u>	<u>Budget</u>	<u>Variance Amount</u>	<u>%</u>	
\$ -	\$ -	\$ -	0%	
2,169,118	2,068,588	100,530	5%	
-	-	-	0%	
-	-	-	0%	
-	-	-	0%	
-	-	-	0%	
44,295	858	43,437	5063%	
2,213,413	2,069,446	143,967	7%	
74,321	105,667	31,346	30%	
-	-	-	0%	
22,812	23,244	432	2%	
14,258	15,000	743	5%	
1,957,818	1,926,022	(31,796)	-2%	
17,000	22,869	5,869	26%	
2,478	4,125	1,647	40%	
-	100	100	100%	
202	95	(107)	-112%	
221	689	468	68%	
40,911	-	(40,911)	0%	
2,130,021	2,097,811	(32,210)	-2%	
\$ 83,393	\$ (28,365)	\$ 111,758	394%	
\$ 83,393	\$ (28,365)	\$ 111,758	394%	
-	-	-	0%	
-	-	-	0%	
\$ 83,393	\$ (28,365)	\$ 111,758	394%	

YEAR TO DATE ENDING JANUARY 31, 2014									
<u>Actual</u>	<u>Budget</u>	<u>Variance Amount</u>	<u>%</u>	<u>Prior Year</u>	<u>Variance Amount</u>	<u>%</u>			
REVENUES									
\$ -	\$ -	\$ -	0%	\$ -	\$ -	0%			
13,681,849	14,480,116	(798,267)	-6%	12,575,120	1,106,729	9%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
259,034	6,006	253,028	4213%	1,077,692	(818,658)	-76%			
13,940,883	14,486,122	(545,239)	-4%	13,652,812	288,071	2%			
EXPENSES									
533,867	806,145	272,278	34%	957,815	423,948	44%			
-	-	-	0%	-	-	0%			
160,740	162,708	1,968	1%	160,980	240	0%			
100,463	105,000	4,538	4%	100,613	151	0%			
13,731,737	13,482,154	(249,583)	-2%	12,776,050	(955,687)	-7%			
143,594	160,083	16,489	10%	-	(143,594)	0%			
20,031	28,875	8,844	31%	21,866	1,835	8%			
4,429	700	(3,729)	-533%	132,866	128,437	97%			
403	665	262	39%	359	(44)	-12%			
3,888	4,823	935	19%	41,313	37,425	91%			
289,432	7,326	(282,106)	-3851%	46,140	(243,292)	-527%			
14,988,584	14,758,479	(230,105)	-2%	14,238,002	(750,582)	-5%			
\$ (1,047,701)	\$ (272,357)	\$ (775,344)	-285%	\$ (585,190)	\$ (462,511)	-79%			
CASH BASIS:									
\$ (1,047,701)	\$ (272,357)	\$ (775,344)	-285%	\$ (585,190)	\$ (462,511)	-79%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
\$ (1,047,701)	\$ (272,357)	\$ (775,344)	-285%	\$ (585,190)	\$ (462,511)	-79%			

**HAWAII PUBLIC HOUSING AUTHORITY
REPAIRS & MAINTENANCE GENERAL FUND
ACTUAL VS BUDGET COMPARISON
FOR THE SEVEN MONTHS ENDING JANUARY 31, 2014
(Amounts in Full Dollars)**

MONTH OF JANUARY, 2014				
<u>Actual</u>	<u>Budget</u>	<u>Variance Amount</u>	<u>%</u>	
\$ -	\$ -	\$ -	0%	
-	-	-	0%	
-	-	-	0%	
-	-	-	0%	
-	-	-	0%	
338,910	340,540	(1,630)	0%	
(732,996)	(340,540)	(392,456)	-115%	
(394,085)	-	(394,085)	0%	
94	1,570	1,476	94%	
-	-	-	0%	
-	-	-	0%	
-	-	-	0%	
-	-	-	0%	
-	-	-	0%	
(907)	-	907	0%	
(294)	-	294	0%	
-	-	-	0%	
-	-	-	0%	
(1,107)	1,570	2,677	171%	
\$ (392,978)	\$ (1,570)	\$ (391,408)	-24930%	
\$ -	-	-	0%	
-	-	-	0%	
\$ (392,978)	\$ (1,570)	\$ (391,408)	-24930%	

YEAR TO DATE ENDING JANUARY 31, 2014									
<u>Actual</u>	<u>Budget</u>	<u>Variance Amount</u>	<u>%</u>	<u>Prior Year</u>	<u>Variance Amount</u>	<u>%</u>			
REVENUES									
\$ -	\$ -	\$ -	0%	\$ -	\$ -	0%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
2,391,926	2,383,780	8,146	0%	501,720	1,890,206	377%			
(2,103,271)	(2,383,780)	280,509	12%	-	(2,103,271)	0%			
288,655	-	288,655	0%	501,720	(213,065)	-42%			
EXPENSES									
1,230	10,990	9,760	89%	22,583	21,353	95%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
492	-	(492)	0%	-	(492)	0%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
1,722	10,990	9,268	84%	22,583	20,861	92%			
\$ 286,933	\$ (10,990)	\$ 297,923	2711%	\$ 479,137	\$ (192,204)	0%			
CASH BASIS:									
\$ 286,933	\$ (10,990)	\$ 297,923	2711%	\$ 479,137	\$ (192,204)	0%			
-	-	-	0%	-	-	0%			
-	-	-	0%	-	-	0%			
\$ 286,933	\$ (10,990)	\$ 297,923	2711%	\$ 479,137	\$ (192,204)	0%			

**STATE RENT SUPPLEMENT PROGRAM
ACTUAL VS BUDGET COMPARISON
FOR THE SEVEN MONTHS ENDING JANUARY 31, 2014
(Amounts in Full Dollars)**

MONTH OF JANUARY, 2014				
Actual	Budget	Variance Amount	%	
\$ -	\$ -	\$ -	-	0%
-	-	-	-	0%
-	-	-	-	0%
-	-	-	-	0%
77,745	87,994	(10,249)	-12%	
-	-	-	-	0%
77,745	87,994	(10,249)	-12%	
1,628	10,632	9,004	85%	
-	-	-	0%	
567	650	83	13%	
355	450	95	21%	
39,803	75,824	36,021	48%	
-	-	-	0%	
495	660	165	25%	
-	-	-	0%	
-	-	-	0%	
19	30	11	37%	
-	-	-	0%	
42,868	88,246	45,378	51%	
\$ 34,877	\$ (252)	\$ 35,129	13940%	
\$ 34,877	\$ (252)	\$ 35,129	13940%	
-	-	-	0%	
-	-	-	0%	
\$ 34,877	\$ (252)	\$ 35,129	13940%	

REVENUES

Dwelling Rental Income	-	-	-	0%
HUD Operating Subsidies	-	-	-	0%
CFP Grant Income	-	-	-	0%
COCC Fee Income	-	-	-	0%
General Fund	-	-	-	0%
Grant Income	614,707	615,958	(1,251)	0%
Other Income	9,145	-	9,145	0%

Total Revenues

EXPENSES

Administrative	34,322	80,823	46,501	58%
Asset Management Fees	-	-	-	0%
Management Fees	4,101	4,550	449	10%
Bookkeeping Fees	2,570	3,150	580	18%
Housing Assistance Payments	274,194	480,768	206,574	43%
Tenant Services	-	-	-	0%
Utilities	4,886	4,620	(266)	-6%
Maintenance	21	-	(21)	0%
Protective Services	-	-	-	0%
Insurance	148	210	62	29%
General Expenses	-	-	-	0%

Total Expenses

Net Income(Loss)

CASH BASIS:

Net Income(loss) per Above	\$ 303,609	\$ 41,837	\$ 261,772	626%
Add back non cash items:				
Depreciation Expense	-	-	-	0%
Bad Debt Expense	-	-	-	0%

TOTAL CASH BASIS

YEAR TO DATE ENDING JANUARY 31, 2014									
Actual	Budget	Variance Amount	%		Prior Year	Variance Amount	%		
\$ -	\$ -	\$ -	0%		\$ -	\$ -	-	0%	
-	-	-	0%		-	-	-	0%	
-	-	-	0%		-	-	-	0%	
-	-	-	0%		-	-	-	0%	
614,707	615,958	(1,251)	0%		553,145	(553,145)	-100%		
9,145	-	9,145	0%		38,358	(29,213)	-76%		
623,851	615,958	7,893	1%		591,503	32,348	5%		
34,322	80,823	46,501	58%		49,754	15,432	31%		
-	-	-	0%		-	-	0%		
4,101	4,550	449	10%		4,683	582	12%		
2,570	3,150	580	18%		2,935	365	12%		
274,194	480,768	206,574	43%		312,078	37,884	12%		
-	-	-	0%		-	-	0%		
4,886	4,620	(266)	-6%		5,518	632	11%		
21	-	(21)	0%		-	(21)	0%		
-	-	-	0%		-	-	0%		
148	210	62	29%		156	8	5%		
-	-	-	0%		(821)	(821)	-100%		
320,242	574,121	253,879	44%		374,303	54,061	14%		
\$ 303,609	\$ 41,837	\$ 261,772	626%		\$ 217,200	\$ 86,409	40%		
\$ 303,609	\$ 41,837	\$ 261,772	626%		\$ 217,200	\$ 86,409	40%		
-	-	-	0%		-	-	0%		
-	-	-	0%		-	-	0%		
\$ 303,609	\$ 41,837	\$ 261,772	626%		\$ 217,200	\$ 86,409	40%		

**PROJECT BASED CONTRACT ADMINISTRATION
ACTUAL VS BUDGET COMPARISON
FOR THE SEVEN MONTHS ENDING JANUARY 31, 2014
(Amounts in Full Dollars)**

MONTH OF JANUARY, 2014			
<u>Actual</u>	<u>Budget</u>	<u>Variance Amount</u>	<u>%</u>
\$ -	\$ -	\$ -	0%
3,166,054	2,056,685	1,109,369	54%
-	-	-	0%
-	-	-	0%
-	-	-	0%
(122,031)	15	(122,046)	-813641%
3,044,022	2,056,700	987,322	48%
10,287	8,184	(2,103)	-26%
-	-	-	0%
70,400	77,808	7,408	10%
-	420	420	100%
3,070,309	1,958,912	(1,111,397)	-57%
-	-	-	0%
-	-	-	0%
-	-	-	0%
-	-	-	0%
-	-	-	0%
93	-	(93)	0%
3,151,089	2,045,324	(1,105,765)	-54%
\$ (107,067)	\$ 11,376	\$ (118,443)	-1041%
\$ (107,067)	\$ 11,376	\$ (118,443)	-1041%
-	-	-	0%
-	-	-	0%
\$ (107,067)	\$ 11,376	\$ (118,443)	-1041%

YEAR TO DATE ENDING JANUARY 31, 2014									
<u>Actual</u>	<u>Budget</u>	<u>Variance Amount</u>	<u>%</u>	<u>Prior Year</u>	<u>Variance Amount</u>	<u>%</u>			
REVENUES									
Dwelling Rental Income	\$ -	\$ -	0%	\$ -	\$ -	0%			
HUD Operating Subsidies	16,003,073	14,396,795	1,606,278	11%	14,364,028	1,639,045	11%		
CFP Grant Income	-	-	-	0%	-	-	0%		
COCC Fee Income	-	-	-	0%	-	-	0%		
Grant Income	-	-	-	0%	-	-	0%		
Other Income	(121,935)	105	(122,040)	-116229%	682,589	(804,524)	-118%		
Total Revenues	15,881,138	14,396,900	1,484,238	10%	15,046,617	834,521	6%		
EXPENSES									
Administrative	37,326	57,288	19,962	35%	49,606	12,280	25%		
Asset Management Fees	-	-	-	0%	-	-	0%		
Management Fees	508,418	544,656	36,238	7%	-	(508,418)	0%		
Bookkeeping Fees	-	2,940	2,940	100%	-	-	0%		
Housing Assistance Payments	15,326,818	13,712,384	(1,614,434)	-12%	14,364,028	(962,790)	-7%		
Tenant Services	-	-	-	0%	546,151	546,151	100%		
Utilities	-	-	-	0%	-	-	0%		
Maintenance	-	-	-	0%	-	-	0%		
Protective Services	-	-	-	0%	-	-	0%		
Insurance	-	-	-	0%	-	-	0%		
General Expenses	1,262	-	(1,262)	0%	4,886	3,624	74%		
Total Expenses	15,873,825	14,317,268	(1,556,557)	-11%	14,964,671	(909,154)	-6%		
Net Income(Loss)	\$ 7,313	\$ 79,632	\$ (72,319)	-91%	\$ 81,946	\$ (74,633)	-91%		
CASH BASIS:									
Net Income(loss) per Above	\$ 7,313	\$ 79,632	\$ (72,319)	-91%	\$ 81,946	\$ (74,633)	-91%		
Add back non cash items:									
Depreciation Expense	-	-	-	0%	-	-	0%		
Bad Debt Expense	-	-	-	0%	-	-	0%		
TOTAL CASH BASIS	\$ 7,313	\$ 79,632	\$ (72,319)	-91%	\$ 81,946	\$ (74,633)	-91%		

**CENTRAL OFFICE COST CENTER
ACTUAL VS BUDGET COMPARISON
FOR THE SEVEN MONTHS ENDING JANUARY 31, 2014
(Amounts in Full Dollars)**

MONTH OF JANUARY, 2014			
<u>Actual</u>	<u>Budget</u>	<u>Variance Amount</u>	<u>%</u>
-	-	\$ -	0%
-	-	-	0%
-	250,000	(250,000)	-100%
380,132	541,187	(161,055)	-30%
-	-	-	0%
-	-	-	0%
(26,075)	404,125	(430,200)	-106%
354,057	1,195,312	(841,255)	-70%
634,314	787,243	152,929	19%
-	-	-	0%
-	-	-	0%
-	-	-	0%
-	-	-	0%
135	1,560	1,425	91%
8,102	14,946	6,844	46%
205,682	266,620	60,938	23%
2,707	936	(1,771)	-189%
1,308	4,512	3,204	71%
(195,861)	11,624	207,485	1785%
656,388	1,087,441	431,053	40%
\$ (302,331)	\$ 107,871	\$ (410,202)	-380%
\$ (302,331)	\$ 107,871	\$ (410,202)	-380%
832	885	(53)	-6%
-	-	-	0%
\$ (301,499)	\$ 108,756	\$ (410,255)	-377%

YEAR TO DATE ENDING JANUARY 31, 2014						
<u>Actual</u>	<u>Budget</u>	<u>Variance Amount</u>	<u>%</u>	<u>Prior Year</u>	<u>Variance Amount</u>	<u>%</u>
REVENUES						
-	-	\$ -	0%	-	\$ -	0%
-	-	-	0%	-	-	0%
-	1,750,000	(1,750,000)	-100%	-	-	0%
2,939,256	3,784,102	(844,846)	-22%	2,574,472	364,784	14%
-	-	-	0%	-	-	0%
-	-	-	0%	-	-	0%
1,958,126	2,828,875	(870,749)	-31%	(92,723)	2,050,849	2212%
4,897,382	8,362,977	(3,465,595)	-41%	2,481,749	2,415,633	97%
EXPENSES						
3,870,343	5,252,781	1,382,438	26%	3,612,378	(257,965)	-7%
-	-	-	0%	-	-	0%
-	-	-	0%	-	-	0%
-	-	-	0%	-	-	0%
-	-	-	0%	-	-	0%
429	11,190	10,761	96%	271	(158)	-58%
73,790	104,214	30,424	29%	91,873	18,083	20%
1,472,636	2,098,413	625,777	30%	1,042,226	(430,410)	-41%
7,546	6,552	(994)	-15%	16,195	8,650	53%
12,310	31,611	19,302	61%	45,578	33,269	73%
132,494	33,088	(99,406)	-300%	114,921	(17,573)	-15%
5,569,547	7,537,849	1,968,302	26%	4,923,442	(646,105)	-13%
\$ (672,164)	\$ 825,128	\$ (1,497,292)	-181%	\$ (2,441,693)	\$ 1,769,529	72%
CASH BASIS:						
\$ (672,164)	\$ 825,128	\$ (1,497,292)	-181%	\$ (2,441,693)	\$ 1,769,529	72%
Add back non cash items:						
5,827	6,201	(374)	-6%	5,827	0	0%
-	-	-	0%	-	-	0%
\$ (666,337)	\$ 831,329	\$ (1,497,666)	-180%	\$ (2,435,866)	\$ 1,769,529	73%

**STATE LOW RENT
ACTUAL VS BUDGET COMPARISON
FOR THE SEVEN MONTHS ENDING JANUARY 31, 2014
(Amounts in Full Dollars)**

MONTH OF JANUARY, 2014			
Actual	Budget	Variance Amount	%
89,162	89,527	\$ (365)	0%
-	-	-	0%
-	-	-	0%
-	-	-	0%
-	-	-	0%
289,125	115,844	173,281	150%
378,288	205,371	172,917	84%
20,281	32,629	12,348	38%
248	248	-	0%
16,878	17,524	646	4%
2,025	2,121	96	5%
-	-	-	0%
-	916	916	100%
61,950	75,897	13,947	18%
76,550	68,892	(7,658)	-11%
-	-	-	0%
2,580	3,171	591	19%
70,301	72,782	2,481	3%
250,813	274,180	23,367	9%
\$ 127,475	\$ (68,809)	\$ 149,549	217%
\$ 127,475	\$ (68,809)	\$ 149,549	217%
70,301	70,833	(532)	-1%
-	-	-	0%
\$ 197,776	\$ 2,024	\$ 149,018	7362%

REVENUES

Dwelling Rental Income	605,669	618,696	\$ (13,027)	-2%
HUD Operating Subsidies	-	-	-	0%
COCC Fee Income	-	-	-	0%
General Fund	-	-	-	0%
Grant Income	-	-	-	0%
Other Income	666,074	810,908	(144,834)	-18%

Total Revenues

YEAR TO DATE ENDING JANUARY 31, 2014						
Actual	Budget	Variance Amount	%	Prior Year	Variance Amount	%
1,271,743	1,429,604	(157,861)	-11%	687,062	584,681	85%

EXPENSES

Administrative	162,138	241,391	79,253	33%
Asset Management Fees	1,736	1,736	-	0%
Management Fees	116,644	121,987	5,343	4%
Bookkeeping Fees	13,995	14,765	770	5%
Housing Assistance Payments	-	-	-	0%
Tenant Services	-	2,662	2,662	100%
Utilities	457,743	531,296	73,553	14%
Maintenance	506,908	498,341	(8,567)	-2%
Protective Services	-	-	-	0%
Insurance	18,571	23,067	4,496	19%
General Expenses	487,252	509,468	22,216	4%

Total Expenses

Net Income(Loss)

1,764,987	1,944,713	179,727	9%	1,601,739	(163,248)	-10%
\$ (493,244)	\$ (515,109)	\$ 21,865	4%	\$ (914,677)	\$ 421,433	46%

CASH BASIS:

Net Income(loss) per Above	\$ (493,244)	\$ (515,109)	\$ 21,865	4%
Add back non cash items:				
Depreciation Expense	487,016	495,831	(8,815)	-2%
Bad Debt Expense	-	-	-	0%

TOTAL CASH BASIS

\$ (6,227)	\$ (19,278)	\$ 13,051	68%	\$ (429,549)	\$ 423,322	99%
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**STATE ELDERLY PROGRAM
ACTUAL VS BUDGET COMPARISON
FOR THE SEVEN MONTHS ENDING JANUARY 31, 2014
(Amounts in Full Dollars)**

MONTH OF JANUARY, 2014			
<u>Actual</u>	<u>Budget</u>	<u>Variance Amount</u>	<u>%</u>
\$ 168,526	\$ 163,542	\$ 4,984	3%
-	-	-	0%
-	-	-	0%
-	-	-	0%
-	-	-	0%
-	-	-	0%
195,125	4,650	190,475	4096%
363,651	168,192	195,459	116%
25,993	26,958	965	4%
-	-	-	0%
35,568	35,881	313	1%
4,268	4,306	39	1%
-	-	-	0%
-	385	385	100%
161,533	112,562	(48,971)	-44%
154,151	140,109	(14,042)	-10%
43	-	(43)	0%
10,669	10,765	96	1%
117,449	117,021	(428)	0%
509,673	447,987	(61,686)	-14%
\$ (146,022)	\$ (279,795)	\$ 133,773	48%
\$ (146,022)	\$ (279,795)	\$ 133,773	48%
116,602	116,604	(2)	0%
-	417	(417)	-100%
\$ (29,420)	\$ (162,774)	\$ 133,354	82%

YEAR TO DATE ENDING JANUARY 31, 2014						
<u>Actual</u>	<u>Budget</u>	<u>Variance Amount</u>	<u>%</u>	<u>Prior Year</u>	<u>Variance Amount</u>	<u>%</u>
REVENUES						
\$ 1,180,093	\$ 1,144,794	\$ 35,299	3%	\$ 1,158,368	\$ 21,725	2%
-	-	-	0%	-	-	0%
-	-	-	0%	-	-	0%
-	-	-	0%	-	-	0%
-	-	-	0%	-	-	0%
-	-	-	0%	-	-	0%
949,446	32,550	916,896	2817%	883,652	65,794	7%
2,129,540	1,177,344	952,196	81%	2,042,020	87,520	4%
EXPENSES						
141,350	222,070	80,720	36%	131,556	(9,794)	-7%
-	-	-	0%	-	-	0%
248,665	251,167	2,502	1%	230,416	(18,249)	-8%
29,835	30,142	307	1%	29,790	(45)	0%
-	-	-	0%	-	-	0%
-	2,695	2,695	100%	-	-	0%
769,317	787,934	18,617	2%	671,380	(97,937)	-15%
760,366	980,763	220,397	22%	649,663	(110,703)	-17%
688	-	(688)	0%	2,035	1,347	66%
67,789	75,355	7,566	10%	74,729	6,940	9%
817,061	819,147	2,086	0%	815,774	(1,287)	0%
2,835,071	3,169,273	334,202	11%	2,605,343	(229,728)	-9%
\$ (705,531)	\$ (1,991,929)	\$ 1,286,398	65%	\$ (563,323)	\$ (142,208)	-25%
CASH BASIS:						
\$ (705,531)	\$ (1,991,929)	\$ 1,286,398	65%	\$ (563,323)	\$ (142,208)	-25%
Add back non cash items:						
816,214	816,228	(14)	0%	816,214	(0)	0%
-	2,919	(2,919)	-100%	(440)	440	100%
\$ 110,683	\$ (1,172,782)	\$ 1,283,465	109%	\$ 252,451	\$ (141,768)	-56%

**FEDERAL LOW RENT PROGRAM
ACTUAL VS BUDGET COMPARISON
FOR THE SEVEN MONTHS ENDING JANUARY 31, 2014
(Amounts in Full Dollars)**

MONTH OF JANUARY, 2014					YEAR TO DATE ENDING JANUARY 31, 2014						
Actual	Budget	Variance Amount	%		Actual	Budget	Variance Amount	%	Prior Year	Variance Amount	%
REVENUES					REVENUES						
\$ 1,106,456	\$ 1,137,593	\$ (31,137)	-3%	Dwelling Rental Income	\$ 7,579,002	\$ 7,956,483	\$ (377,481)	-5%	7,660,280	\$ (81,278)	-1%
1,717,693	2,234,267	(516,575)	-23%	HUD Operating Subsidies	11,196,614	11,765,981	(569,368)	-5%	12,830,612	(1,633,999)	-13%
-	187,868	(187,868)	-100%	CFP Grant Income	619,462	1,315,076	(695,614)	-53%	-	619,462	0%
-	-	-	0%	COCC Fee Income	-	-	-	0%	-	-	0%
-	-	-	0%	General Fund	-	-	-	0%	-	-	0%
-	-	-	0%	Grant Income	-	-	-	0%	917,964	(917,964)	-100%
329,140	99,071	230,069	232%	Other Income	531,738	691,723	(159,985)	-23%	188,873	342,865	182%
3,153,289	3,658,799	(505,510)	-14%	Total Revenues	19,926,816	21,729,263	(1,802,447)	-8%	21,597,729	(1,670,913)	-8%
EXPENSES					EXPENSES						
399,862	439,464	39,602	9%	Administrative	2,674,039	3,262,809	588,770	18%	2,279,034	(395,005)	-17%
29,229	29,099	(130)	0%	Asset Management Fees	204,603	203,823	(780)	0%	-	(204,603)	0%
249,404	258,761	9,357	4%	Management Fees	1,761,790	1,806,422	44,632	2%	1,610,902	(150,888)	-9%
33,998	34,413	416	1%	Bookkeeping Fees	239,490	240,312	822	0%	220,898	(18,592)	-8%
1,138	-	(1,138)	0%	Housing Assistance Payments	12,250	-	(12,250)	0%	-	(12,250)	0%
5,373	19,237	13,864	72%	Tenant Services	61,533	137,674	76,141	55%	1,244	(60,289)	-4846%
910,351	969,480	59,129	6%	Utilities	6,729,475	6,786,368	56,893	1%	6,341,408	(388,067)	-6%
1,168,059	1,077,507	(90,552)	-8%	Maintenance	7,229,899	7,651,225	421,326	6%	6,585,637	(644,262)	-10%
281,500	174,843	(106,657)	-61%	Protective Services	1,193,532	1,226,207	32,675	3%	1,095,674	(97,858)	-9%
55,153	64,961	9,808	15%	Insurance	417,663	454,478	36,815	8%	443,470	25,807	6%
1,054,688	1,071,693	17,005	2%	General Expenses	7,419,528	7,553,604	134,076	2%	7,150,671	(268,857)	-4%
4,188,755	4,139,458	(49,296)	-1%	Total Expenses	27,943,802	29,322,922	1,379,120	5%	25,728,938	(2,214,864)	-9%
\$ (1,035,466)	\$ (480,659)	\$ (554,807)	-115%	Net Income(Loss)	\$ (8,016,986)	\$ (7,593,659)	\$ (423,328)	-6%	\$ (4,131,209)	\$ (3,885,777)	-94%
CASH BASIS:					CASH BASIS:						
\$ (1,035,466)	\$ (480,659)	\$ (554,807)	-115%	Net Income(loss) per Above	\$ (8,016,986)	\$ (7,593,659)	\$ (423,328)	-6%	\$ (4,131,209)	\$ (3,885,777)	-94%
1,050,217	1,051,297	(1,080)	0%	Add back non cash items:							
-	10,503	(10,503)	-100%	Depreciation Expense	7,306,247	7,359,079	(52,832)	-1%	6,930,959	375,288	5%
				Bad Debt Expense	(11,153)	120,535	(131,688)	-109%	77,044	(88,197)	-114%
\$ 14,751	\$ 581,141	\$ (566,390)	-97%	TOTAL CASH BASIS	\$ (721,892)	\$ (114,045)	\$ (607,847)	-533%	\$ 2,876,794	\$ (3,598,686)	-125%

**HAWAII PUBLIC HOUSING AUTHORITY
FEDERAL LOW RENT PROGRAM BY AMPs
ACTUAL VS BUDGET COMPARISON
FOR THE SEVEN MONTHS ENDING JANUARY 31, 2014
(Amounts in Full Dollars)**

<u>MONTH OF JANUARY, 2014</u>				<u>YEAR TO DATE ENDING JANUARY 31, 2014</u>										
<u>Actual</u>	<u>Budget</u>	<u>Variance</u>		<u>ACCRUAL BASIS</u>	<u>Actual</u>	<u>Budget</u>	<u>Variance</u>		<u>Prior Year</u>	<u>Variance</u>				
		<u>Amount</u>	<u>%</u>				<u>Amount</u>	<u>%</u>		<u>Amount</u>	<u>%</u>			
REVENUES														
\$ 360,198	\$ 334,375	\$ 25,823	8%	Asset Management Project - 30	\$ 2,160,301	\$ 2,325,520	\$ (165,219)	-7%	\$ 1,997,403	\$ 162,898	8%			
279,455	233,419	46,036	20%	Asset Management Project - 31	1,688,925	1,614,005	74,920	5%	1,907,670	(218,745)	-11%			
356,799	282,762	74,037	26%	Asset Management Project - 32	1,901,611	1,987,968	(86,357)	-4%	2,247,574	(345,963)	-15%			
214,683	219,550	(4,867)	-2%	Asset Management Project - 33	1,486,413	1,526,770	(40,357)	-3%	1,618,506	(132,093)	-8%			
360,513	957,630	(597,117)	-62%	Asset Management Project - 34	2,328,230	2,902,817	(574,587)	-20%	2,416,219	(87,989)	-4%			
399,660	336,501	63,159	19%	Asset Management Project - 35	2,426,466	2,336,481	89,985	4%	2,626,619	(200,153)	-8%			
146,704	161,537	(14,833)	-9%	Asset Management Project - 37	963,399	1,116,134	(152,735)	-14%	983,860	(20,461)	-2%			
176,965	206,906	(29,941)	-14%	Asset Management Project - 38	1,224,182	1,428,533	(204,351)	-14%	1,228,760	(4,578)	0%			
137,995	125,635	12,360	10%	Asset Management Project - 39	823,961	866,095	(42,134)	-5%	837,411	(13,450)	-2%			
131,019	158,919	(27,900)	-18%	Asset Management Project - 40	969,739	1,096,749	(127,010)	-12%	1,260,702	(290,963)	-23%			
116,783	139,818	(23,035)	-16%	Asset Management Project - 43	754,906	967,836	(212,930)	-22%	807,351	(52,445)	-6%			
150,914	156,114	(5,200)	-3%	Asset Management Project - 44	985,492	1,146,743	(161,251)	-14%	1,160,807	(175,315)	-15%			
99,693	127,758	(28,065)	-22%	Asset Management Project - 45	756,558	882,868	(126,310)	-14%	934,796	(178,238)	-19%			
55,623	51,698	3,925	8%	Asset Management Project - 46	351,589	358,265	(6,676)	-2%	391,396	(39,807)	-10%			
88,082	92,562	(4,480)	-5%	Asset Management Project - 49	589,506	640,710	(51,204)	-8%	580,823	8,683	1%			
78,203	73,615	4,588	6%	Asset Management Project - 50	515,539	531,769	(16,230)	-3%	597,831	(82,292)	-14%			
\$ 3,153,289	\$ 3,658,799	\$ (505,510)	-14%	Total Revenues	\$ 19,926,816	\$ 21,729,263	\$ (1,802,447)	-8%	\$ 21,597,728	\$ (1,670,912)	-8%			
NET INCOME(LOSS)														
\$ (24,370)	\$ (96,552)	\$ 72,182	75%	Asset Management Project - 30	(750,759)	(782,188)	\$ 31,428	4%	(767,866)	\$ 17,107	2%			
(139,157)	(162,263)	23,106	14%	Asset Management Project - 31	(1,105,414)	(1,162,763)	57,349	5%	(709,772)	(395,642)	-56%			
(19,245)	(1,859)	(17,386)	-935%	Asset Management Project - 32	(309,501)	(98,341)	(211,160)	-215%	139,712	(449,213)	-322%			
(100,243)	(69,025)	(31,218)	-45%	Asset Management Project - 33	(547,016)	(494,219)	(52,797)	-11%	(154,249)	(392,767)	-255%			
(22,895)	578,072	(600,967)	-104%	Asset Management Project - 34	(52,264)	220,810	(273,074)	-124%	191,590	(243,854)	-127%			
(29,150)	(83,745)	54,595	65%	Asset Management Project - 35	(233,851)	(622,733)	388,882	62%	13,734	(247,585)	-1803%			
(164,818)	(185,049)	20,231	11%	Asset Management Project - 37	(1,290,262)	(1,317,173)	26,911	2%	(1,134,871)	(155,391)	-14%			
(23,160)	(66,507)	43,347	65%	Asset Management Project - 38	(292,880)	(366,693)	73,813	20%	11,991	(304,871)	-2543%			
(40,505)	(85,340)	44,835	53%	Asset Management Project - 39	(502,568)	(690,138)	187,570	27%	(419,238)	(83,330)	-20%			
(57,340)	940	(58,280)	-6200%	Asset Management Project - 40	(273,143)	(15,238)	(257,905)	-1693%	56,090	(329,233)	-587%			
(132,882)	(70,759)	(62,123)	-88%	Asset Management Project - 43	(680,288)	(516,386)	(163,902)	-32%	(442,979)	(237,309)	-54%			
(90,547)	(103,048)	12,501	12%	Asset Management Project - 44	(753,689)	(708,878)	(44,811)	-6%	(255,740)	(497,949)	-195%			
(65,796)	(51,965)	(13,831)	-27%	Asset Management Project - 45	(536,970)	(433,089)	(103,881)	-24%	(287,360)	(249,610)	-87%			
(68,574)	(43,848)	(24,726)	-56%	Asset Management Project - 46	(356,650)	(325,199)	(31,451)	-10%	(244,923)	(111,727)	-46%			
(69,635)	(39,601)	(30,034)	-76%	Asset Management Project - 49	(412,916)	(291,035)	(121,881)	-42%	(299,655)	(113,261)	-38%			
12,851	(110)	12,961	11783%	Asset Management Project - 50	81,185	9,604	71,581	745%	172,324	(91,139)	-53%			
\$ (1,035,466)	\$ (480,659)	\$ (554,807)	-115%	Total Net Income(Loss)	\$ (8,016,986)	\$ (7,593,659)	\$ (423,328)	-6%	\$ (4,131,212)	\$ (3,885,774)	-94%			

**HAWAII PUBLIC HOUSING AUTHORITY
FEDERAL LOW RENT PROGRAM BY AMPS
ACTUAL VS BUDGET COMPARISON
FOR THE SEVEN MONTHS ENDING JANUARY 31, 2014**

MONTH OF JANUARY, 2014				(Amounts in Full Dollars)								YEAR TO DATE ENDING JANUARY 31, 2014			
		Variance		CASH BASIS				Variance				Prior Year		Variance	
Actual	Budget	Amount	%					Actual	Budget	Amount	%	Prior Year	Amount	%	
REVENUES															
\$ 360,198	\$ 334,375	\$ 25,823	8%	Asset Management Project - 30	\$ 2,160,301	\$ 2,325,520	\$ (165,219)	-7%	\$ 1,997,403	\$ 162,898	8%				
279,455	233,419	46,036	20%	Asset Management Project - 31	1,688,925	1,614,005	74,920	5%	1,907,670	(218,745)	-11%				
356,799	282,762	74,037	26%	Asset Management Project - 32	1,901,611	1,987,968	(86,357)	-4%	2,247,574	(345,963)	-15%				
214,683	219,550	(4,867)	-2%	Asset Management Project - 33	1,486,413	1,526,770	(40,357)	-3%	1,618,506	(132,093)	-8%				
360,513	957,630	(597,117)	-62%	Asset Management Project - 34	2,328,230	2,902,817	(574,587)	-20%	2,416,219	(87,989)	-4%				
399,660	336,501	63,159	19%	Asset Management Project - 35	2,426,466	2,336,481	89,985	4%	2,626,619	(200,153)	-8%				
146,704	161,537	(14,833)	-9%	Asset Management Project - 37	963,399	1,116,134	(152,735)	-14%	983,860	(20,461)	-2%				
176,965	206,906	(29,941)	-14%	Asset Management Project - 38	1,224,182	1,428,533	(204,351)	-14%	1,228,760	(4,578)	0%				
137,995	125,635	12,360	10%	Asset Management Project - 39	823,961	866,095	(42,134)	-5%	837,411	(13,450)	-2%				
131,019	158,919	(27,900)	-18%	Asset Management Project - 40	969,739	1,096,749	(127,010)	-12%	1,260,702	(290,963)	-23%				
116,783	139,818	(23,035)	-16%	Asset Management Project - 43	754,906	967,836	(212,930)	-22%	807,351	(52,445)	-6%				
150,914	156,114	(5,200)	-3%	Asset Management Project - 44	985,492	1,146,743	(161,251)	-14%	1,160,807	(175,315)	-15%				
99,693	127,758	(28,065)	-22%	Asset Management Project - 45	756,558	882,868	(126,310)	-14%	934,796	(178,238)	-19%				
55,623	51,698	3,925	8%	Asset Management Project - 46	351,589	358,265	(6,676)	-2%	391,396	(39,807)	-10%				
88,082	92,562	(4,480)	-5%	Asset Management Project - 49	589,506	640,710	(51,204)	-8%	580,823	8,683	1%				
78,203	73,615	4,588	6%	Asset Management Project - 50	515,539	531,769	(16,230)	-3%	597,831	(82,292)	-14%				
\$ 3,153,289	\$ 3,658,799	\$ (505,510)	-14%	Total Revenues	\$ 19,926,816	\$ 21,729,263	\$ (1,802,447)	-8%	\$ 21,597,728	\$ (1,670,912)	-8%				
NET INCOME(LOSS)															
76,453	4,271	\$ 72,182	1690%	Asset Management Project - 30	(45,777)	(29,427)	\$ (16,350)	-56%	(46,037)	\$ 260	1%				
22,780	(696)	23,476	3373%	Asset Management Project - 31	29,308	(31,794)	61,102	192%	412,593	(383,285)	-93%				
38	26,265	(26,227)	-100%	Asset Management Project - 32	(165,485)	98,527	(264,012)	-268%	254,899	(420,384)	-165%				
(38,298)	(5,747)	(32,551)	-566%	Asset Management Project - 33	(113,358)	(51,273)	(62,085)	-121%	291,120	(404,478)	-139%				
24,516	617,967	(593,451)	-96%	Asset Management Project - 34	263,978	500,075	(236,097)	-47%	468,591	(204,613)	-44%				
41,064	(12,532)	53,596	428%	Asset Management Project - 35	257,647	(124,242)	381,889	307%	512,268	(254,621)	-50%				
4,118	1,171	2,947	252%	Asset Management Project - 37	(122,536)	(13,633)	(108,903)	-799%	(24,833)	(97,703)	-393%				
20,333	(19,772)	40,105	203%	Asset Management Project - 38	13,805	(39,538)	53,343	135%	229,224	(215,419)	-94%				
17,137	(28,178)	45,315	161%	Asset Management Project - 39	(101,368)	(290,004)	188,636	65%	(48,826)	(52,542)	-108%				
(55,232)	1,440	(56,672)	-3936%	Asset Management Project - 40	(262,607)	(11,738)	(250,869)	-2137%	56,187	(318,794)	-567%				
(59,950)	1,748	(61,698)	-3530%	Asset Management Project - 43	(171,781)	(8,837)	(162,944)	-1844%	65,224	(237,005)	-363%				
(3,181)	(15,522)	12,341	80%	Asset Management Project - 44	(146,250)	(96,196)	(50,054)	-52%	355,345	(501,595)	-141%				
(1,417)	12,749	(14,166)	-111%	Asset Management Project - 45	(86,311)	19,913	(106,224)	-533%	161,748	(248,059)	-153%				
(28,702)	(4,658)	(24,044)	-516%	Asset Management Project - 46	(82,347)	(50,869)	(31,478)	-62%	22,548	(104,895)	-465%				
(19,260)	1,338	(20,598)	-1539%	Asset Management Project - 49	(79,829)	(4,462)	(75,367)	-1689%	(14,170)	(65,659)	-463%				
14,355	1,297	13,058	1007%	Asset Management Project - 50	91,019	19,453	71,566	368%	180,913	(89,894)	-50%				
\$ 14,751	\$ 581,141	\$ (566,390)	-97%	Total Net Income(Loss)	\$ (721,892)	\$ (114,045)	\$ (607,847)	-533%	\$ 2,876,794	\$ (3,598,686)	-125%				

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**Construction Management Branch
Report for the Month of February 2014**

A. Program Activities and Major Projects

- Solicitations and Contracts (Please refer to the Contract and Procurement Office Monthly Report)
- Elevator Modernization Projects
 - 14 Federal Elevator Modernization and Repairs (Okada Trucking)- Contractor:
 1. Modernization to Car #1 at Punchbowl Homes was completed and turned over to project for use on February 27, 2014.
 2. Okada Trucking is working on modernization work to elevator #2 at Pumehana, and elevator #2 at Punchbowl Homes.
 3. Maintenance service to all other elevators is on schedule.
- Large Capacity Cesspool Conversions (LCCC) Statewide
 - Regarding cancellation of the Executive Orders (EO's) relating to the HPHA's responsibilities of the Teacher's Cottages:
The Deputy Attorney Generals for both the HPHA and the DOE have been in communication and have confirmed that the DOE would like to take responsibility for the cottages. Background: the HPHA was granted the cancellation of the Governor's Executive Order 3244 and reset the aside to the Department of Education (DOE) for Teacher's Cottages Pa`alaea 1 and 2 (Hawai`i County). The HPHA has requested that the DLNR not proceed with this request based on the discovery of Act 133 that was found to have cancelled the transfer of the Teachers' Housing program on 6/19/2012. Per Act 133, the land transfers back to the DLNR, pending a Hazardous Waste Evaluation performed by the HPHA, unless another State agency is found to assume control over it.
- Vacant Units – 8 Type C Units Completed
 - a. Kalaheo - 5 units
 - b. Waimaha Sunflower - 1 unit
 - c. Nanakuli - 2 units
- Lanakila Homes
 - a. Design is in progress for the Fair Housing renovations, which include the construction of accessible routes through the upper section of Lanakila Homes and additional parking stalls.
 - b. Design in progress for the infrastructure and site improvements to go out to bid by May 2014.
 - c. The Demolition of Phase IIIb & IV has been awarded and the contractor is proceeding with the demolition of 56 of 62 standing units.

- d. HPHA has requested that HUD rescind an earlier request to un-demo 6 units for a volunteer effort so that the contractor can demo the entire site.

B. State Capital Improvement Projects (CIP) & Federal Capital Fund Program (CFP)

- CMB is on track and working to meet all State CIP and Federal CFP deadlines.
- Please refer to the Summary of Capital Projects spreadsheet by the Fiscal Management Office for detailed encumbrance, obligation and expenditure status.

**Contract & Procurement Office
Monthly Status Report for February 2014**

Solicitation(s) Issued in February 2014:

- . None

Protest(s) Received in February 2014:

- . None

Contract(s) Executed in February 2014:

Contract No.	Contractor & Description	Supp. Amount	Total Amount
CMS 14-09	William Kapololu Jr. Provide Labor, Materials and Equipment for Removal and Disposal of the Existing Overhead Utility Lines and Poles at Lokahi (AMP 37) on the Island of Hawaii Completion Date: 30 Calendar Days from Notice to Proceed		\$48,000.00
CMS 14-08	Hawaii Works, Inc. Provide Labor, Materials and Equipment for Fire Damage Repair for One Building at Kauliokalani (AMP 44) on the Island of Oahu Completion Date: 60 Calendar Days from Notice to Proceed		\$40,191.00
CMS 14-07	Kawika's Painting, Inc. Provide Labor, Materials and Equipment for Exterior Painting and Minor Wood Repair for Five Buildings and the Community Center at Kauhale O Hanakahi (AMP 37) on the Island of Hawaii Completion Date: 60 Calendar Days from Notice to Proceed		\$99,890.00
CMS 14-06	Amethyst Builders, LLC Provide Labor, Materials and Equipment for Renovation of One Unit at Kauliokalani (AMP 44) on the Island of Oahu Completion Date: 60 Calendar Days from Notice to Proceed		\$95,822.00

Contract No.	Contractor & Description	Supp. Amount	Total Amount
CMS 14-05	Tomco Corp. Provide Labor, Materials, and Equipment for Site and Dwelling Improvements to Hui O Hanamaulu (AMP 38) on the Island of Kauai Completion Date: 270 Calendar Days from Notice to Proceed		\$3,717,882.00
CMS 14-04	Hako Plumbing, Inc. dba Hako Construction Provide Labor, Materials, and Equipment for Modernization to Salt Lake Apartments, Phase II (AMP 30) on the Island of Oahu Completion Date: 270 Calendar Days from Notice to Proceed		\$3,678,18.00
CMS 13-16-SC04	Artistic Builders Corporation Provide Additional Labor, Materials, and Equipment for Site and Dwelling Improvements to Kalaheo Homes (AMP 38) on the Island of Kauai Completion Date: June 13, 2014	\$31,580.54	\$1,530,595.40
CMS 13-14-SC02	Artistic Builders Corporation Provide Additional Labor, Materials, and Equipment for Site and Dwelling Improvements to Hale Nana Kai O Kea (AMP 38) on the Island of Kauai Completion Date: May 30, 2014	\$47,225.44	\$2,317,370.89
CMS 11-03-SC02	Awa & Associates, LLC Increase Compensation and Payment Schedule for Additional Reimbursable Expenses for Design and Consultant Services for Modernization of Salt Lake Apartments (AMP 30) on the Island of Oahu End Date: August 25, 2015	\$2,000.00	\$694,763.00
PMB 14-03	Services Hawaii Rubbish Solutions LLC Provide Refuse Collection Services for Hauoli Hale (AMP 46) on the Island of Hawaii End Date: January 31, 2015		\$35,817.60

Contract No.	Contractor & Description	Supp. Amount	Total Amount
PMB 14-04	Pacific Waste, Inc. Provide Refuse Collection Services for Noelani I, Noelani II, Ke Kumu Ekolu and Ke Kumu Elua (AMP 46) on the Island of Hawaii End Date: January 31, 2015		\$37,191.96

Planned Solicitation/Contract Activities for March/April 2014

Solicitation(s):

- Issue Invitation-for-Bids to Furnish Refuse Collection Services for State and Federal Low Income Public Housing Properties Statewide.
- Issue Invitation-for-Bids for Provision of Gas/Electric Ranges for State and Federal Low Income Public Housing Properties Statewide.
- Issue Invitation-for-Bids to Furnish Security Services for Kalakaua Homes, Makua Alii, Paoakalani (AMP 34) on the Island of Oahu.
- Issue Invitation-for-Bids for Provision of Professional Legal Services for the Hawaii Public Housing Authority.
- Issue Invitation-for-Bids for Professional Appraisal Services for the HPHA's inventory of properties statewide.

Contract(s)

- Award and Execute Contract to Provide Property Management, Maintenance, and Resident Services for MU 42 on the Island of Oahu.
- Execute Contract for Professional Consultant Services to Redevelop Mayor Wright Homes and the HPHA's Administrative Offices.
- Execute Contract for Laundry Services for AMP 43 and AMP 46 on the Island of Hawaii.
- Execute Supplemental Contract to Continue to Provide Property Management and Maintenance Services for the Kuhio Park Terrace Community Resource Center on the Island of Oahu.
- Execute Supplemental Contract to Continue to Provide Property Management, Maintenance, and Resident Services for AMP 43 on the Island of Hawaii.
- Execute Supplemental Contract to Continue to Provide Property Management, Maintenance, and Resident Services for AMP 46 on the Island of Hawaii.
- Execute Supplemental Contract to Continue to Provide Security Services at Puuwai Momi (AMP 30) on the Island of Oahu.

COMPLIANCE OFFICE
Report for Month of February 2014

A. Program Activities for February

- Approximately 21 tenant requests for reasonable accommodations under Section 504 of the Rehabilitation Act and the Fair Housing Act were processed and approved requests were for:
 - a. Transfers to accessible or ground floor units (2);
 - b. Transfer of unit for other reasons (1);
 - c. Installation of air conditioning (2);
 - d. Service animal (2); and
 - e. Reserved parking (1).
- Coordinated and attended the training on the following topics, provided through the technical assistance contract with Phineas Consulting, LLC:
 - a. Property Manager Essentials certification course, provided by Nan McKay and Associates, a nationally recognized educational organization;
 - b. HUD Public Housing Assessment System;
 - c. Accounting, budgeting, and financial management of public housing and housing choice voucher programs; and
 - d. Elite software reporting;
- Attended quarterly State Fair Housing Coordinators meeting with representatives from the counties, Hawaii Civil Rights Commission, US Department of Housing and Urban Development, Legal Aid Society of Hawaii, Hawaii Disability Rights Center, and the Department of Hawaiian Homelands;
- Assisted with the adoption and implementation of proposed changes to Hawaii Administrative Rules on Eviction Practice and Procedures and Federal Low-income Public Housing program by:
 - a. Assisting the Planning Office in preparing for and attending a public hearing on the proposed changes;

- b. Making revisions to the pre-application form for the federally-assisted low-income public housing program; and
- c. Discussing and drafting changes to the Admissions and Continued Occupancy Policy for the Federally Assisted Low-income Public Housing Program.

B. Planned activities for March/April

- Submit draft releases and declarations of trust forms to the U.S. Department of Housing and Urban Development for execution and recordation;
- Work with the Hearings Office and Property Management and Maintenance Services Branch to update policy, notices, and form letters to implement the Violence against Women Reauthorization Act of 2013 (VAWA);
- Assist the Property Management and Maintenance Services Branch in providing guidance to property managers on relocating tenants during modernization in accordance with federal regulations by:
 - a. Pursuing adoption of proposed changes to the Transfer Policy for the Federally Assisted Low-income Public Housing Program;
 - b. Assisting with the preparation and review of relocation plans for each upcoming construction project; and
 - c. Providing additional relocation training to property managers;
- Plan and coordinate activities for Fair Housing Month (April), including translation of updated pre-application form for the public housing program to conduct outreach, and work with State Fair Housing Coordinators to receive a proclamation from the Office of the Governor in honor of Fair Housing Month;
- Continue to discuss and draft revisions to the Admissions and Continued Occupancy Policy for the Federally Assisted Low-income Public Housing Program and the Rental Agreement for the Federally Assisted Low-income Public Housing Program to implement the proposed changes to the Hawaii Administrative Rules; and
- Coordinate additional training for HPHA property managers, property management staff, and accounting staff provided through technical assistance consultant, Phineas Consulting, LLC.

**Planning and Evaluation Office
Report for the month of February 2014**

A. Five-Year and Annual Public Housing Authority Plan

- The public hearing was held on February 28, 2014 at 6:00 pm on the islands of Oahu, Maui, Kauai and two locations on the island of Hawaii. The Executive Director, Property Management and Maintenance Branch Chief, Compliance Office Chief, and Planning and Evaluation Office Chief attended and conducted the public hearing.
- While working with the Resident Advisory Board (RAB) to create their comments for the Five-Year and Annual Plan, the RAB decided that from now on, they will submit comments for the plan in their own words.

B. Hawaii Public Housing Authority – Hawaii Administrative Rules – Status

The public hearing was held on February 28, 2014 at 6:30 pm on the islands of Oahu, Maui, Kauai and two locations on the island of Hawaii. The Executive Director, Property Management and Maintenance Branch Chief, Compliance Office Chief, and Planning and Evaluation Office Chief attended and conducted the public hearing.

C. Hawaii Interagency Council on Homelessness (HICH)

The Hawaii Interagency Council on Homelessness (HICH) held a meeting on February 12, 2014 at the Hawaii Community Development Authority conference room. A presentation was given by Dr. Sam Tsemberis in regards to the “Housing First: The Pathways Model to end Chronic Homelessness for People with Mental Health and Substance use Disorders”.

D. Information Office Activities

Scheduled a radio interview that took place on February 12, 2014 on the Mike Buck Show that discussed the “No Smoking” policy and other public housing issues.

E. Legislative

- Mr. Benjamin Park, Hawaii Public Housing Authority Housing Planner, was confirmed by the State Senate to serve as the public housing representative on the Hawaii State Council on Mental Health.
- Coordinated responses to legislative requests for information and testimony.

- Working with the Governor's Policy Office in monitoring Legislative proposals that affect the Hawaii Public Housing Authority.
- Below are a list of bills in the Legislature that have "Crossed Over" to each respective Legislative body for further consideration during the Legislative process.

SENATE

SB 2265 - \$50 M in General Funds to improve existing housing stock and increase the supply of public housing units in the State.

HPHA testified in support.

SB 2541 - \$60 M in General Funds for the redevelopment, design and construction of the HPHA administrative offices on School Street and the creation of elderly housing.

HPHA testified in support.

SB 2269 – Allows the HPHA to enter into a work/study program with the University of Hawaii Myron B. Thompson School of Social Work to benefit HPHA residents.

HPHA testified in support.

SB 2544 - HPHA administration of the Federal Housing Choice Voucher Program.

HPHA testified in support.

SB 2533 - Omnibus affordable housing bill providing funding for multiple agencies.

HPHA testified in support.

SB 651 – Prohibits smoking anywhere in a public housing project

HPHA provided comments.

HOUSE OF REPRESENTATIVES

HB 1539 - HPHA administration of the Federal Housing Choice Voucher Program.

HPHA testified in support.

HB 2577 - Prohibits smoking anywhere in a public housing project.

HPHA provided comments.

Information Technology Office (ITO)
Report for the Month of February 2014

A. Program Activities

- Coordinated a remote training session covering how to run Elite Reports for HPHA's AMP managers on February 14, 2014. Based upon the number of questions asked, additional training sessions may be beneficial.
- Developed a hard drive image for a new model of desktop computer, complete with HPHA's network settings and driver files, for factory installation by Dell into the new allotment of these computers that we have on order.
- Worked with Phineas Consulting's technical staff to begin the process of creating the reports that will be required to feed data into the HPHA's "dashboard" indicator system.

PERSONNEL OFFICE

Report for the Months of February/March 2014

A. Summary of HPHA Staffing:

Filled positions (FTE):	282
Vacant positions:	<u>84</u>
Total:	366

Tenant Aides (19 Hrs):	13
89day hires:	3
Critical positions to fill	43

B. Program Activities:

- Establishing new positions: Housing Program Specialists, Family Self Sufficiency Coordinators (Section 8), Contract Assistants (Construction Branch).
- New recruitment for trade workers (Plumbers and Electricians) for Maui, Hilo and Kauai.
- Partnered with Department of Fort Shafter, Hickam Air Force Base, Pearl Harbor Shipyard and Schofield to post HPHA jobs.
- Job posting at Leeward and Windward Community Colleges for volunteers.
- On-going meetings with key staff on the Property Management and Maintenance Services Branch Reorganization (AMP 32/33).
- On-going meetings with DHS/Management Services Office for assistance for Reorganization structure.
- Workers Compensation: 2 reported injuries and no lost time.

FOR DISCUSSION

SUBJECT: For Discussion: *Kolio, et al. v. State of Hawaii, Hawaii Public Housing Authority (Civil No. 11-1-0795-04)*

The Board may go into executive session pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(4) to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities as related to *Kolio, et al. v. State of Hawaii, Hawaii Public Housing Authority; Civil No. 11-1-0795-04*

(There are no handout/packet materials for this item.)

Hawaii Public Housing Authority
 Summary of Capital Projects
 Report As Of 03/10/14

FEDERAL BUDGET/OBLIGATION: Capital Fund Program (CFP) (Operations, Admin, Mgt Improv)

	Total CFP Appropriation	Budget Construction Activities (BLI 1411-1501)	Budget Operations (BLI 1406)	Budget Management Improvements (BLI 1408)	Budget Administration (BLI 1410)	Budget Contingency (BLI 1502)	CFP Obligated	% Obligated	Balance	Obligation Deadline	Notes
CFP 719	\$12,526,177	\$8,798,051	\$2,416,486	\$54,497	\$1,252,617	\$4,526	\$12,347,320	98.57%	\$178,857	4/14/12	Fully Obligated. LOCCS created 09-12-09
CFP 720	\$12,389,235	\$8,393,786	\$2,477,847	\$249,788	\$1,238,924	\$28,890	\$11,778,003	95.07%	\$611,232	7/14/12	Fully Obligated. LOCCS created 06-23-10
CFP 721	\$10,301,898	\$7,103,340	\$2,060,380	\$107,988	\$1,030,190		\$9,768,565	94.82%	\$533,333	8/2/13	Fully Obligated. LOCCS created 07-13-11
CFP 722	\$9,454,397	\$6,888,665	\$1,431,147	\$150,000	\$945,440	\$39,145	\$9,007,410	95.27%	\$446,987	3/11/14	LOCCS created 03-12-12
CFP 723	\$9,066,970	\$7,791,855	\$193,418	\$150,000	\$906,697	\$25,000	\$0	0.00%	\$9,066,970	9/8/15	LOCCS created 08-09-13
CFP Budget Totals	\$57,285,440	\$39,577,590	\$10,908,607	\$998,138	\$5,728,543	\$97,561	\$55,515,031	97%	\$1,770,409		

STATE: Capital Improvement Program (CIP)

	State GO Bond Appropriation	HPHA Budget	HPHA Encumbered	HPHA Expended	HPHA % Expended Against Budget	HPHA Budget Balance	CIP Encumbrance Deadline	Notes	ACT/SLH
FY 07-08 Elevator	\$4,939,503	\$4,591,697	\$4,591,697	4,181,118	91.06%	\$410,579	6/30/10	Allotment Granted - Blanket Encumbrance (1) & (2) & (3)	ACT 213/2007 as amended by ACT 158/2008
FY 07-08 Lump Sum CIP	\$19,910,000	\$17,809,280	\$15,802,595	14,560,458	81.76%	\$3,248,822	6/30/10	Allotment Granted - Blanket Encumbrance (1) & (2) & (3)	ACT 213/2007 as amended by ACT 158/2008
FY 08-09 Elevator	\$6,410,000	\$4,263,049	\$4,263,049	3,281,228	76.97%	\$981,821	6/30/10	Allotment Granted - Blanket Encumbrance (1) & (2) & (3)	ACT 213/2007 as amended by ACT 158/2008
FY 08-09 Lump Sum CIP	\$10,000,000	\$3,374,706	\$3,374,706	2,396,047	71.00%	\$978,659	6/30/10	Allotment Granted - Blanket Encumbrance (1) & (2) & (3)	ACT 213/2007 as amended by ACT 158/2008
FY 09-10 Lump Sum CIP	\$7,913,000	\$7,898,571	\$7,882,201	7,247,235	91.75%	\$651,336	6/30/12	Allotment Granted - Blanket Encumbrance (1)	ACT 162/2009 as amended by ACT 180/2010
FY 10-11 Lump Sum CIP	\$4,500,000	\$4,384,799	\$4,270,030	3,621,568	82.59%	\$763,231	6/30/12	Allotment Granted - Blanket Encumbrance (1)	ACT 162/2009 as amended by ACT 180/2010
FY 11-12 CIP Totals	\$31,120,000	\$28,879,325	\$11,964,232	4,369,404	15.13%	\$24,509,921	6/30/14	Allotment Granted	ACT 164/2011 as amended by ACT 106/2012
FY 12-13 CIP Totals	\$60,222,000	\$60,222,000	\$15,269,379	7,367,611	12.23%	\$52,854,389	6/30/14	Allotment Granted	ACT 164/2011 as amended by ACT 106/2012
FY 13-14 Lump Sum CIP	\$45,643,000	\$45,643,000	\$2,544,868	10,635	0.02%	\$45,632,365	6/30/16	Allotment Granted	ACT 134/2013 as amended by ACT 106/2012
FY 14-15 Lump Sum CIP	\$0	\$0	\$0	0		\$0	6/30/16		ACT 134/2013
STATE CIP TOTALS	\$145,014,503	\$131,423,427	\$67,417,890	\$47,024,668		\$84,398,759			

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- 1411 - Audit Costs
- 1430 - Fees & Costs
- 1450 - Site Improvement
- 1460 - Dwelling Structures
- 1465 - Dwelling Equipment
- 1470 - Non-Dwelling Structures
- 1499 - Development Activities
- 1501 - Collateralization or Debt Service Paid by PHA
- 1502 - Budget Contingency

Federal Capital Fund Program Budget

These are HPHA CFP budget numbers a/o the upper left corner date. The rows reflect the CFP fund grant, the columns represent the manner in which the funds are currently budgeted. The obligation deadline indicates the date by which these funds must be at least 92% obligated.

State Capital Improvement Program Budget and Expenditure

These are HPHA CIP budget and actual expenditures a/o the upper left corner date. The rows reflect the CIP fund appropriation, the columns represent budget, encumbrance and expenditures. The encumbrance deadline indicates the date by which the funds must be encumbered.