

DEPARTMENT OF HUMAN SERVICES

Repeal of Chapter 15-173 and
Adoption of Chapter 17-2011
Hawaii Administrative Rules

October 21, 2004

1. Chapter 173 of Title 15, Hawaii
Administrative Rules, is repealed.

2. Chapter 2011 of Title 17, Hawaii
Administrative Rules, entitled "Hawaii Rental Housing
System Revenue Bond Program" is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT
AND TOURISM

SUBTITLE 14

HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF
HAWAII

CHAPTER 173

RENTAL HOUSING SYSTEM

Repealed

§§15-173-1 to 15-173-40 Repealed. [R **NOV 15 2004**]

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII

CHAPTER 2011

HAWAII RENTAL HOUSING SYSTEM REVENUE BOND PROGRAM

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Projects

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Historical Note: Chapter 2011 of Title 17, Hawaii Administrative Rules, is based substantially upon Chapter 361 of Title 6, Hawaii Administrative Rules, [Eff 8/25/90; R 10/25/99], and Chapter 173 of Title 15, Hawaii Administrative Rules.
[Eff 10/25/99; R **NOV 15 2004**]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-2011-1 Purpose and applicability. These rules are adopted pursuant to chapters 91 and 92, HRS, and implement the objectives of chapters 39 and 201G, HRS, as to rental housing developments within the rental housing system, as defined herein, which are owned and developed by the corporation for the following purposes:

- (1) To alleviate the shortage of available rental housing accommodations by providing safe and sanitary rental housing accommodations at affordable rents;
- (2) To provide safe and sanitary rental housing accommodations at affordable rents to families and individuals of low and moderate income; and
- (3) To provide safe and sanitary rental housing accommodations at affordable rents to other families and individual applicants in need of such accommodations, based on such considerations as age, physical handicap, present standard of housing, or other factors the corporation deems pertinent.

[Eff **NOV 15 2004**] (Auth: HRS §§201G-4,

201G-113) (Imp: HRS §§39-53, 39-59, 201G-12, 201G-113)

§17-2011-2 Definitions. Notwithstanding any other rule herein, when used in this subchapter:

"Board" means the board of directors of the housing and community development corporation of Hawaii.

"Contract" means any agreement of the corporation with an obligee or a trustee for such obligee whether contained in a resolution, trust, indenture, mortgage, lease, bond, or other instrument.

"Corporation" means the housing and community development corporation of Hawaii created under chapter 201G, HRS.

"Executive director" means the executive director employed by the corporation or the executive director's designated representative.

"Family" means:

- (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 need and who may, but need not be, related by blood, marriage, or operation of law, including foster children and hanai children and whose head of household has reached the age of majority, or is otherwise legally emancipated; or
- (2) A person who is pregnant or in the process of securing legal custody of a minor child or children, and who has reached the age of majority or is otherwise emancipated.

"Government" includes the State of Hawaii and the United States of America and any of their political subdivisions, agencies, or instrumentalities, corporate or otherwise.

"Qualified applicant" means a qualified resident who has applied with the corporation for the rental housing development and who:

- (1) Demonstrates an ability to pay rent as

- determined by the corporation; and
- (2) Meets any additional criteria established by the corporation for the respective rental housing development for which the applicant is applying.

"Qualified resident" means the same as defined under section 201G-112, HRS.

"Rental housing development" or "rental housing project" means any real and personal property, buildings and improvements, commercial space, lands for farming and gardening, and community facilities acquired or constructed or to be acquired or constructed, and all tangible or intangible assets held or used in connection therewith, or any one or more of the foregoing, or any combination thereof, designated by the corporation as a rental housing development to be included in the rental housing system.

"Rental housing system" means the system of rental housing developments owned and operated by or on behalf of the corporation consisting of all rental housing developments pursuant to chapter 201G, HRS. [Eff **NOV 15 2004**] (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§39-53, 39-59, 201G-12, 201G-113)

§17-2011-3 Designation by the corporation.

(a) The board, by resolution, shall designate each rental housing development to be included in the rental housing system.

(b) The corporation may call for informational hearings pursuant to chapter 91, HRS, on any development proposed under the rental housing program, as it deems necessary to receive and study community reaction to the proposed development. [Eff **NOV 15 2004**] (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§201G-4)

§17-2011-4 Criteria for rental housing developments. Notwithstanding any rule herein, prior to the designation of a rental housing development, the corporation shall establish criteria for the rental housing development, including but not limited to the:

- (1) Priority and selection of applicants for the development;
- (2) Occupancy of the rental units in the development;
- (3) Selection of the management of the development; and
- (4) Rental administration of the development.
[Eff **NOV 15 2004**] (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§39-53, 201G-9)

§17-2011-5 Program administration. Except as otherwise provided by law or rule, the rental housing system under this chapter shall be administered in accordance with chapter 521, HRS, the "residential landlord-tenant code".
[Eff **NOV 15 2004**] (Auth: HRS §201G-4) (Imp: HRS §201G-113)

SUBCHAPTER 2

ELIGIBILITY AND ADMISSION OF TENANTS

§17-2011-20 Notification of eligibility.

(a) An applicant shall be notified in writing by the corporation as to the applicant's qualification and eligibility.

(b) If there are no ~~fewer~~ units available, the applicant shall be placed on a waiting list for an available rental unit.

[Eff **NOV 15 2004**] (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§30-53, 201G-4, 201G-9)

SUBCHAPTER 3

OCCUPANCY AND RENTAL AGREEMENT

§17-2011-30 Occupancy guidelines. (a) The following occupancy guidelines may be used for rental housing units when the number of applicants exceeds the number and types of units available:

Dwelling Unit Size	Preferred Family Size
0 Bedroom	1 person
1 Bedroom	2 persons
2 Bedroom	3 persons
3 Bedroom	4 persons
4 Bedroom	5 persons

(b) The maximum family size is based on prevailing county housing, zoning, building, health and fire codes. [Eff **NOV 15 2004**] (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§39-53, 201G-9)

§17-2011-31 Rental agreement. (a) A qualified and eligible applicant shall enter into a rental agreement with the corporation which shall provide all the terms and conditions of occupancy for the tenancy, including but not limited to, use, mutual obligations and covenants, and rental readjustment.

(b) No tenant shall be permitted to remain in a rental housing project without a valid rental agreement. [Eff **NOV 15 2004**] (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§39-53, 39-59, 201G-9)

§17-2011-32 Verification of information.

An applicant or tenant shall provide documentation to verify information upon request of the staff. [Eff **NOV 15 2004** (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§39-53, 201G-9)

§17-2011-33 Misrepresentation. A qualified

applicant or tenant may be denied admission or continued occupancy in a rental housing development, or a tenant's rental agreement may be terminated if the qualified applicant or tenant has submitted false information, withheld information, or made wilful misstatements in order to qualify for admission into the rental housing development. [Eff **NOV 15 2004**] (Auth: HRS §§39-53, 201G-4, 201G-113) (Imp: HRS §§39-53, 201G-9)

§17-2011-34 Security deposit. A tenant

shall submit a security deposit which shall be not less than one month of the applicable rent along with the completed rental agreement prior to occupancy of the rental unit. [Eff **NOV 15 2004**] (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§39-53, 201G-9)

SUBCHAPTER 4

MANAGEMENT OF RENTAL HOUSING PROJECTS

§17-2011-40 Management by private firms.

Rental housing projects may be managed by private firms duly organized and qualified as a property manager under applicable state laws. The corporation may solicit proposals from private management firms for the management of a rental housing project and shall select the best qualified firm, based upon the experience of the

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firm, experience of the personnel who will be directly involved in the management of the rental housing development, the management plan submitted, and the management fee. [Eff **NOV 15 2004**]
] (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§39-53, 201G-4)

DEPARTMENT OF HUMAN SERVICES

The repeal of chapter 15-173 and the adoption of chapter 17-2011, Hawaii Administrative Rules, on the Summary Page dated October 21, 2004, was adopted on October 21, 2004, following public hearings held on September 14, 2004, after public notice was given in the Honolulu Star-Bulletin, The Garden Island, The Maui News, West Hawaii Today, and the Hawaii Herald-Tribune newspapers on August 12, 2004.

The repeal and adoption shall take effect ten days after filing with the Office of the Lieutenant Governor.



CHARLES A. STED, Chairperson
Housing and Community
Development Corporation
of Hawaii



THEODORE E. LIU
Director of Business,
Economic Development and
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APPROVED AS TO FORM:


Deputy Attorney General

LINDA LINGLE
Governor
State of Hawaii

Date: **NOV 3 2004**

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Filed

LIEUTENANT GOVERNOR
OFFICE