

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT
AND TOURISM

Repeal of Chapter 15-173 and
Adoption of Chapter 15-303
Hawaii Administrative Rules

May 1, 2007

1. Chapter 2011 of Title 17, Hawaii
Administrative Rules, is repealed.

2. Chapter 303 of Title 17, Hawaii
Administrative Rules, entitled "Hawaii Rental Housing
System Revenue Bond Program" is adopted.

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

Repealed

§§17-2011-1 to 17-2011-40 Repealed. [R JUN 15 2007]

HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT
AND TOURISM

SUBTITLE 14

HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION

CHAPTER 303

HAWAII RENTAL HOUSING SYSTEM REVENUE BOND PROGRAM

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Historical Note: Chapter 303 of Title 15, Hawaii Administrative Rules, is based substantially upon Chapter 361 of Title 6, Hawaii Administrative Rules, [Eff 8/25/90; R 10/25/99], Chapter 173 of Title 15, Hawaii Administrative Rules, [Eff 10/25/99; R 10/15/04], and Chapter 2011 of Title 17, Hawaii Administrative Rules. [Eff]

JUN 15 2007

SUBCHAPTER 1

GENERAL PROVISIONS

§15-303-1 Purpose and applicability. These rules are adopted pursuant to chapters 91 and 92, HRS, and implement the objectives of chapters 39 and 201H, 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. JUN 15 2007] (Auth: HRS §§201H-4, 201H-33) (Imp: HRS §§39-53, 39-59, 201H-12, 201H-33)

§15-303-2. Definitions. Notwithstanding any other rule herein, when used in this subchapter:

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

"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 Hawaii housing finance and development corporation created under chapter 201H, 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 201H-32, 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 201H, HRS. [Eff JUN 15 2007] (Auth: HRS §§201H-4, 201H-33). (Imp: HRS §§39-53, 39-59, 201H-12, 201H-33)

§15-303-3 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 JUN 15 2007] (Auth: HRS §§201H-4, 201H-33) (Imp: HRS §§201H-4)

§15-303-4 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 JUN 15 2007] (Auth: HRS §§201H-4, 201H-33) (Imp: HRS §§39-53, 201H-9)

§15-303-5 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 JUN 15 2007] (Auth: HRS §201H-4) (Imp: HRS §201H-33)

SUBCHAPTER 2

ELIGIBILITY AND ADMISSION OF TENANTS

§15-303-20 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 rental units available, the applicant shall be placed on a waiting list for an available rental unit. [Eff JUN 15 2007] (Auth: HRS §§201H-4, 201H-33) (Imp: HRS §§30-53, 201H-4, 201H-9)

SUBCHAPTER 3

OCCUPANCY AND RENTAL AGREEMENT

§15-303-30 Occupancy guidelines. 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

[Eff JUN 15 2007] (Auth: HRS §§201H-4, 201H-33) (Imp: HRS §§39-53, 201H-9)

§15-303-31 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 JUN 15 2007] (Auth: HRS §§201H-4, 201H-33) (Imp: HRS §§39-53, 39-59, 201H-9)

§15-303-32 Verification of information. An applicant or tenant shall provide documentation to verify information upon request of the staff. [Eff JUN 15 2007] (Auth: HRS §§201H-4, 201H-33) (Imp: HRS §§39-53, 201H-9)

§15-303-33 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 JUN 15 2007] (Auth: HRS §§39-53, 201H-4, 201H-33) (Imp: HRS §§39-53, 201H-9)

§15-303-34 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 JUN 15 2007] (Auth: HRS §§201H-4, 201H-33) (Imp: HRS §§39-53, 201H-9)

SUBCHAPTER 4

MANAGEMENT OF RENTAL HOUSING PROJECTS

§15-303-40 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 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 **JUN 15 2007**] (Auth: HRS §§201H-4, 201H-33)
(Imp: HRS §§39-53, 201H-4)

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT
AND TOURISM

The repeal of chapter 17-2011 and the adoption of chapter 15-303, Hawaii Administrative Rules, on the Summary Page dated May 1, 2007 was adopted on May 1, 2007 following public hearings held on April 30, 2007, after public notice was given in the Honolulu Star-Bulletin, The Garden Island, The Maui News, West Hawaii Today, and the Hawaii Herald-Tribune on March 30, 2007.

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

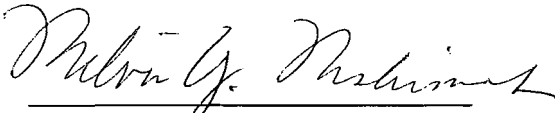


CHARLES KING, Chairperson
Hawaii Housing Finance and
Development Corporation



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APPROVED AS TO FORM:



Deputy Attorney General



LINDA LINGLE
Governor
State of Hawaii

Date: JUN - 5 2007

Filed

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