

TITLE 17

DEPARTMENT OF SOCIAL SERVICES AND HOUSING

SUBTITLE 5

HAWAII HOUSING AUTHORITY

CHAPTER 528

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Subchapter 1 General Provisions

- §17-528-1 Purpose
- §17-528-2 Definitions
- §17-528-3 General applicability and scope

Subchapter 2 Conditions Governing the Development
of Housing Projects

- §17-528-11 Purpose
- §17-528-12 Authorization for development
- §17-528-13 Use of state housing program
- §17-528-14 Permanent and interim construction loans

Subchapter 3 Housing Finance and Development
Agencies

- §17-528-21 Purpose
- §17-528-22 New construction project using state set-aside
- §17-528-23 Selection of proposals
- §17-528-24 Existing housing

Subchapter 4 Management Requirements

- §17-528-31 Purpose
- §17-528-32 Managing agent

Subchapter 5 Administration Requirements

- §17-528-41 Purpose
- §17-528-42 Contract administrator

§17-528-1

Subchapter 6 Miscellaneous Provisions

§17-528-51 Severability
§17-528-52 Number

HISTORICAL NOTE: Chapter 528 of Title 17, Administrative Rules, is substantially based on Rule 21 of Hawaii Housing Authority, Department of Social Services and Housing. [Eff: 7/23/76; R OCT 05 1981]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-528-1 Purpose. These rules are adopted under chapter 91, HRS, and implements the housing assistance payments program as established in Title 24 of the Code of Federal Regulations (CFR), Parts 880, 881 and 883. These rules provide and establish the role and procedure of the authority with respect to the Department of Housing and Urban Development (HUD), developers, owners, and eligible lower and very-low income families in implementing the housing assistance payments program. It also authorizes the authority to utilize the CFR's for the development of housing projects for qualified lower income families. [Eff: OCT 05 1981 (Auth: HRS §§356-10, 356-21; 24 CFR 880, 881, 883) (Imp: HRS §356-21; 24 CFR 880, 881, 883)]

§17-528-2 Definitions. As used in this chapter:
"Authority" means the Hawaii housing authority.
"Housing finance and development agency" (HFDA) means a Housing finance agency (HFA) with development powers.
"Section 8 program" means the housing assistance payments program authorized by Section 8, U.S. Housing Act of 1937, as added by Housing and Community Development Act of 1974.
"State" means the State of Hawaii. [Eff: OCT 05 1981]
(Auth: HRS §356-10; 24 CFR 883) (Imp: 24 CFR 883)

§17-528-3 General applicability and scope. (a) The rules contained herein are applicable to the making of

housing assistance payments (HAP) on behalf of eligible families leasing housing pursuant to the provisions of Section 8 of the U.S. Housing Act of 1937. In implementing the Section 8 program, the authority shall apply to HUD for the prescribed authority in accordance with the appropriate HUD guidelines governing public housing agency (PHA) application and designation of contract authority. In any case HUD shall retain the right to review and audit the authority's operations to ensure the authority and owners are in compliance with the terms and conditions established pursuant to this part.

(b) To effect implementation of the housing assistance payments program, the authority with the approval of HUD is authorized to lease or cause to be leased to eligible families, newly constructed or substantially rehabilitated units which are in decent, safe and sanitary condition. The authority is further authorized to construct new or substantially rehabilitate existing housing (or cause such to be done) for the purpose of providing units for participation in the housing assistance payments program. [Eff: OCT 05 1981]
 (Auth: HRS §356-10; 24 CFR 880, 881, 883) (Imp: HRS §356-21; 24 CFR 880, 881, 883)

SUBCHAPTER 2

CONDITIONS GOVERNING THE DEVELOPMENT OF HOUSING PROJECTS

§17-528-11 Purpose. The purpose of this subchapter is to set forth those procedures, requirements, and conditions allowing the authority to develop and finance housing projects under the Section 8 program. [Eff: OCT 05 1981] (Auth: HRS §356-10; 24 CFR 880, 881, 883)
 (Imp: HRS §356-21; 24 CFR 880, 881, 883)

§17-528-12 Authorization for development. (a) The authority may either develop real property and construct dwelling units, thereon or substantially rehabilitate existing dwelling units for participation in the housing assistance payments program.

(b) When the authority so participates in the Section 8 program, the provisions of the applicable CFR's will apply as follows:

- (1) New construction units - 24 CFR 880; and

(2) Substantial rehabilitation units - 24 CFR 881.
[Eff: OCT 05 1981] (Auth: HRS §356-10; 24 CFR 880, 881,
883) (Imp: HRS §356-21; 24 CFR 880, 881, 883)

§17-528-13 Use of state housing program. The provisions of chapter 359G, HRS and §17-525, title 17, administrative rules may be utilized whenever the authority determines that such utilization will provide the optimum results for the development of dwelling units for the lower income families. [Eff: OCT 05 1981] (Auth: HRS §356-10; 24 CFR 880, 883) (Imp: HRS §356-21; 24 CFR 880, 883)

§17-528-14 Permanent and interim construction loans. The authority may provide interim or permanent construction loans to a developer or an owner for the development and construction or rehabilitation of dwelling units for participation in the Section 8 program. In so doing, the authority shall conform to the requirements as outlined in subchapter 2 and 3, chapter 525, title 17, administrative rules. [Eff: OCT 05 1981] (Auth: HRS §356-10; 24 CFR 880) (Imp: HRS §356-21; 24 CFR 880)

SUBCHAPTER 3

HOUSING FINANCE AND DEVELOPMENT AGENCIES

§17-528-21 Purpose. These rules are adopted to allow the authority as a "HFDA" to administer the development of newly constructed or substantially rehabilitated projects under 24 CFR Part 883, Housing assistance payments program. The authority may provide or guarantee the financing of these housing projects under this subchapter. The authority shall administer HUD-approved Section 8 existing housing units using set-asides. [Eff: OCT 05 1981] (Auth: HRS §356-10; 24 CFR 883) (Imp: HRS §356-21; 24 CFR 883)

§17-528-22 New construction project using state set-aside. The provisions of 24 CFR 883 shall be utilized for the development and construction of housing projects under this subchapter and utilizing "Fast Track Processing". [Eff: OCT 05 1981] (Auth: HRS §356-10; 24 CFR 883) (Imp: 24 CFR 883)

§17-528-23 Selection of proposals. (a) For its set-asides, the authority may initiate the development of projects for participation in the housing assistance payments program by calling for the submission of a proposal by a owner or developer by publication of a notice therefore, at least once in each of two successive weeks in a newspaper of general circulation in the State. The notice shall generally set forth the location and area of land involved, the deadline date for the submission of proposals and any other information as may be deemed necessary by the authority. The authority may choose to submit such proposals as it deems appropriate to HUD for approval.

(b) The authority may submit proposals using special procedures applicable to this section as established by HUD guidelines subject to the applicable criteria of §17-525-14. [Eff: OCT 05 1981] (Auth: HRS §356-10; 24 CFR 883) (Imp: 24 CFR 883)

§17-528-24 Existing housing. If the authority wishes to use all or part of its set-asides for an existing housing program, it shall follow the provisions set forth in 24 CFR 882 except as follows:

- (1) The authority may submit an application to HUD at any time without reference to any HUD invitation for existing housing program applications; and
 - (2) The authority shall at the same time submit to HUD, on the prescribed HUD form, an application for assignment of portion of set-aside to specific project, accompanied by:
 - (A) A certification that it has made a public announcement that it has been granted a set-aside in accordance with the procedures established by HUD for this purpose; and
 - (B) A demonstration that the proposed project complements the allocation program of the HUD field office. [Eff: OCT 05 1981]
- (Auth: HRS §356-10; 24 CFR 883) (Imp: 24 CFR 883)

SUBCHAPTER 4

MANAGEMENT REQUIREMENTS

§17-528-31 Purpose. The purpose of this subchapter is to allow the authority to implement rules for management of dwelling units developed or substantially rehabilitated under 24 CFR 880 and 881. [Eff: OCT 05 1981] (Auth: HRS §356-10; 24 CFR 880, 881) (Imp: 24 CFR 880, 881)

§17-528-32 Managing agent. When the authority is designated the managing agent of a section 8, new construction project, the authority shall comply with the management requirements established by HUD and set forth in 24 CFR 880, 881. [Eff: OCT 05 1981] (Auth: HRS §356-10; 24 CFR 880, 881) (Imp: 24 CFR 880, 881)

SUBCHAPTER 5

ADMINISTRATION REQUIREMENTS

§17-528-41 Purpose. The purpose of this subchapter is to allow the authority to administer the housing assistance payment contract (HAPC) authorized under 24 CFR 883. [Eff: OCT 05 1981] (Auth: HRS §356-10; 24 CFR 883) (Imp: 24 CFR 883)

§17-528-42 Contract administrator. When the authority is designated the contract administrator for a section 8, new construction project, the authority shall insure that the owner or managing agent complies with the management requirements set forth in 24 CFR 883. [Eff: OCT 05 1981] (Auth: HRS §356-10; 24 CFR 883) (Imp: 24 CFR 883)

SUBCHAPTER 6

MISCELLANEOUS PROVISIONS

§17-528-51 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: OCT 05 1981]
(Auth: HRS §356-10) (Imp: HRS §356-21)

§17-528-52 Number. The use of all words used in the singular shall extend to and include the plural. [Eff: OCT 05 1981]
(Auth: HRS §356-10) (Imp: HRS §1-17)