

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6

BENEFIT, EMPLOYMENT AND SUPPORT SERVICES DIVISION

CHAPTER 796

NON-ASSISTANCE PROGRAM FOR FAMILIES WITH DEPENDENT
CHILDREN

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GENERAL PROVISIONS

§17-796-1 Purpose. (a) The purpose of this chapter is to establish the rules governing the administration and implementation of the non-assistance program for families with dependent

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children, who are in need of non-recurring short-term housing or utility payments, or both, to address an episode of need, according to the provisions described in this chapter, in order to prevent families from becoming homeless and to assist homeless families to secure and maintain stable housing.

(b) These emergency rules shall be effective upon filing with the Lieutenant Governor's office. [Eff JUN -3 2025] (Auth: HRS §§91-3, 91-4, and 346-14; 42 U.S.C. §§601, et seq.) (Imp: HRS §346-14; 45 C.F.R. §260.31)

§17-796-2 Definitions. For the purposes of this chapter:

"Adult" means a person:

- (1) Aged eighteen years or older who is not a dependent child;
- (2) Under age eighteen who is a minor head-of-household and a custodial parent of a dependent child; or
- (3) A pregnant woman without a dependent child who is in the third trimester of pregnancy.

"Applicant" means the responsible adult who applies for payments on behalf of the family unit.

"Arrears" mean incurred housing or utility expenses, or both, that are unpaid after a given period or by a specified date.

"Department" or "DHS" means the department of human services, State of Hawaii.

"Department's designee" means a service provider contracted by the department to administer and deliver the payments and services described in this chapter.

"Dependent child" means a child under eighteen years of age who is in the care of a specified relative.

"Earned income" means the monetary payment such as wages, salaries, tips, or other employee compensation, that an individual received from an employer in exchange for work done by the individual, or the net earnings that an individual made from a

self-employment which is the difference between the total month's self-employment gross income minus allowable incurred business costs in the same month.

"Episode of need" means a critical situation for a family unit who is:

- (1) In arrears with an impending eviction or disconnection of a utility source at a family's primary residence, which requires non-recurring short-term housing or utility payments, or both, in order to avoid the family unit from becoming homeless; or
- (2) Currently homeless, sheltered or unsheltered, and requires non-recurring short-term housing or utility payments, or both, in order for the family unit to secure and maintain stable housing.

"Excluded individual" means an individual who shares housing or utility expenses, or both, and resides with the family unit but is not included for eligibility determination in accordance with sections 17-796-3 and 17-796-5.

"Family unit" means a family that includes an adult specified relative and their dependent children who reside in the same housing unit, or a pregnant woman without a dependent child who is in the third trimester of pregnancy. The pregnant woman and the unborn child together shall be considered as one person.

"Family unit member" means a member of the applicant's immediate family unit including a spouse or common-law spouse, and dependent child for whom the applicant is providing care.

"Fraud" means willfully providing a false statement or misrepresentation of a fact or concealing or withholding facts which results in the receipt of a NRST payment that would not otherwise result without the false statement or withheld facts, or any action by an individual for the purpose of establishing or maintaining eligibility or for increasing or preventing a reduction in payments.

"Housing" means the physical housing structure where the family unit resides or intends to reside in the state. The housing structure may be an apartment unit, or condominium unit, townhouse, mobile home, or single- or multi-family house.

"Non-recurring short-term payments" or "NRST payments" mean payments:

- (1) Provided to an eligible family unit to address an episode of need for housing or a utility expense, or both;
- (2) Not intended to meet a family unit's recurring or ongoing needs; and
- (3) Will not extend beyond four months.

"Payee" means a person or entity, designated by an eligible family unit, to whom an NRST housing or utility payment, or both, are to be paid. Examples of a payee include, but is not limited to, a property owner, property management agency, certified financial institution, or utility company.

"Private organization" means a non-government private non-profit or for-profit entity that operates independently of the county, state, and federal governments.

"Resident" means an individual who physically resides in the state with the intention of staying long-term or permanently and is not in the state for a temporary purpose.

"Self-employment" means a business maintained by an individual who is compensated for a sold product or delivered service. Business costs that were incurred directly for the deliverable service or product are considered allowable business costs when the individual's net self-employment earnings are determined. Costs such as depreciation, personal expenses, meals and personal transportation are not allowable as incurred business costs.

"Specified relative" means an adult who exercises responsibility for the care and control of a dependent child who resides in the same family unit. Persons considered to be specified relatives shall include natural and adoptive parents, siblings, aunts, uncles,

grandparents, nieces, nephews, and cousins, including persons who are related by marriage such as stepparents, step siblings, step grandparents, step aunts, step uncles, step nieces, step nephews, and step cousins.

"Unearned income" means cash received or available to be received by a family member which are not classified as earned income such as, but not limited to:

- (1) Social security benefits;
- (2) Supplemental security income benefits;
- (3) Veteran's benefits;
- (4) Pension or retirement benefits;
- (5) Unemployment insurance benefits;
- (6) Worker's compensation benefits;
- (7) Temporary disability benefits;
- (8) Child support payments;
- (9) Alimony payments;
- (10) Legal settlements or compensations;
- (11) Regular and ongoing cash contributions;
- (12) Lump sum benefits; and
- (13) Other financial assistance received from other government or private organizations.

"Utility expense" means incurred electricity, gas, or water expense, or a combination of these expenses, by a family unit at their primary residence. A water expense may include a sewer service fee.

"Valid application" means an NRST application form, prescribed by the department, which contains, at minimum, the following:

- (1) The first and last names of the applicant and members in the family unit;
- (2) The family unit's primary residential address;
- (3) The current mailing address, telephone number, or email address that the department or its designee is able to contact the applicant; and

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- (4) The applicant's signature and date of signature. [Eff JUN -3 2025] (Auth: HRS §§91-3, 91-4, and 346-14; 42 U.S.C. §§601, et seq.) (Imp: HRS §346-14; 45 C.F.R. §260.31)

§17-796-3 General requirements. (a) A family unit may be eligible to receive an NRST payment if the following requirements are met:

- (1) There is a dependent child in the family unit and resides with an adult specified relative, or a pregnant woman without a dependent child who is in the third trimester of pregnancy;
- (2) The applicant or at least one family unit member is:
 - (A) A U.S. citizen;
 - (B) A qualified immigrant in accordance with section 101(a) of the Immigration and Nationality Act and 8 U.S.C. 1641; or
 - (C) An individual, who is lawfully residing in the U.S. in accordance with section 141 of the Compacts of Free Association between the U.S. government and the governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, and is a citizen of one of these three nations, and is eligible for federal funded public assistance pursuant to the Compact Impact Fairness Act of 2023;
- (3) All family members are residents of the state;
- (4) The family unit's total gross income does not exceed three hundred per cent of the 2025 Hawaii Federal Poverty Guidelines, established in Exhibit I, entitled "Non-

Assistance Program for Families with Dependent Children: Eligibility Income Limits for Non-Recurring Short-Term Housing and Utility Payments", attached at the end of this chapter; and

(5) The family unit demonstrated an episode of need.

(b) The NRST payments shall not duplicate or replace housing and utility payments the family unit received or is expected to receive from other government entities, private organizations, or individuals. [Eff JUN -3 2025] (Auth: HRS §§91-3, 91-4, and 346-14; 42 U.S.C. §§601, et seq.) (Imp: HRS §346-14; 45 C.F.R. §260.31)

§17-796-4 Application processing requirements.

(a) The applicant shall complete and submit a valid application form, and supporting documents to verify information provided on the application form when requested by the department or department's designee.

(b) For the purposes of this chapter, the date of the application shall be the date the department's designee receives a valid application form from the family unit.

(c) The applicant shall be the primary contact person for the family unit's application and shall sign the application form under penalty of law that all the information needed to establish eligibility for an NRST payment for a housing or utility expense, or both, as stated on the valid application form, is true and correct.

(d) An applicant who is requested to submit additional information or verification to establish eligibility shall be given ten calendar days to provide the information or verifying documents from the date the department or department's designee makes the request. If the tenth calendar day falls on a weekend or holiday, then the family unit may submit the requested information or verifying documents the next business day. An extension beyond the ten-

calendar day period may be granted, at the discretion of the department or department's designee, if the delay in providing the requested information is verified as beyond the control of the applicant.

(e) An applicant who fails to submit the necessary information and verification to establish eligibility within the time limits provided in this section shall be ineligible for NRST payments.

(f) The department or department's designee shall not process an application submitted by a family unit unless it is a valid application.

(g) The family unit's total gross income shall be either of the following:

(1) The sum of all actual earned and unearned income received by the members of the family unit, in the month prior to the application date; or

(2) The sum of all actual earned and unearned income received by the members of the family unit and all projected earned and unearned income sources the family unit anticipates receiving in the month of the application.

(h) A decision on an applicant's valid application for an NRST payment shall be made by the department or department's designee within thirty calendar days from the date the application was received; provided that, and at the department's discretion, the department or department's designee is unable to determine eligibility for the following reasons:

(1) There are factors contributing to the delay that are beyond the control of the applicant, such as documentation to support the verification of information in the application are not readily accessible to the applicant; or

(2) An administrative emergency arises that cannot be controlled by the department or department's designee.

(i) A family unit, who was determined eligible for an NRST payment, shall report any changes to the

family unit's circumstances that may affect their eligibility within ten calendar days from the date the family unit's circumstances changed. [Eff. JUN - 3 2025]
(Auth: HRS §§91-3, 91-4, and 346-14; 42 U.S.C. §§601, et seq.) (Imp: HRS §346-14; 45 C.F.R. §260.31)

\$17-796-5 NRST payments for housing and utility expenses. (a) An eligible family unit may receive one or more of the following NRST payments:

- (1) Housing deposit, as incurred, to secure housing in the state for the family unit. The NRST payment for a housing deposit shall be the actual housing deposit amount up to the maximum amount of \$6,000.
- (2) Housing payments for no more than four months, to maintain the family unit's housing. The NRST payments for housing shall be the actual monthly cost up to the maximum amount of \$6,000 per month.
- (3) One-time utility deposit, as incurred, to connect a family unit's electricity, gas, or water source. The one-time NRST utility deposit may be applied to each utility source and the NRST payment shall be the actual deposit expense up to \$3,000 for each source.
- (4) Utility payments for no more than four months, to maintain the family unit's electricity source. The NRST payments for electricity shall be the actual monthly cost up to the maximum amount of \$2,000.
- (5) Utility payments for no more than four months, to maintain the family unit's water source. The total NRST payments for water shall be the actual monthly cost up to the maximum amount of \$2,000.
- (6) Utility payments for no more than four months, to maintain the family unit's gas source. The total NRST payments for gas

shall be the actual monthly cost up to the maximum amount of \$2,000.

(b) A family unit may receive each NRST payment listed in subsection (a), excluding paragraph (3), once in a consecutive twenty-four-month period. A family unit may receive for each utility source described in subsection (a), paragraph (3), a one-time utility deposit, once in a consecutive twenty-four-month period. The twenty-four-month period shall begin from the last month the family unit received an NRST payment listed in subsection (a).

(c) A family unit determined eligible shall have a signed rent or lease contract, mortgage loan account with a financial institution, or other formal and binding agreement for a primary residence in the state, provided that any specified costs shall not include maintenance, repairs, remodeling, insurance, property tax fees, or other costs not related to immediate housing needs, to receive any NRST payments listed in subsection (a).

(d) The family unit shall have accounts with the utility companies to receive any NRST payments listed in subsection (a), paragraphs (3) through (6).

(e) When the housing or utility expense, or both, are shared with excluded individuals, the NRST payment amounts listed in subsection (a) shall be prorated and calculated as follows:

(1) The total monthly amount of the housing or utility expense shall be divided by the sum of the family unit members and excluded individuals; then

(2) The amount resulting from paragraph (1) shall be multiplied by the number of members in the family unit that are listed on the application.

(f) The NRST housing payments listed in subsection (a), paragraphs (1) and (2), shall be paid directly to the family unit's landlord, property owner, financial institution, or other designated

payee, and may be combined as a lump sum payment, provided the payee meets the requirements of section 17-796-6.

(g) The NRST utility payments listed in subsection (a), paragraphs (3) through (6), shall be paid directly to a utility company, and may be combined as a lump-sum payment, provided the payee meets the requirements of section 17-796-6.

(h) No NRST payments shall be paid directly to an eligible family unit.

(i) The NRST payments listed in subsection (a) shall only be used to pay for housing or utility expenses, or both, that were incurred within the state. [Eff JUN - 3 2025] (Auth: HRS §§91-3, 91-4, 237-16.5, and 346-14; 42 U.S.C. §§601, et seq.) (Imp: HRS §346-14; 45 C.F.R. §260.31)

§17-796-6 Compliance requirements for NRST payees. (a) A payee shall provide evidence of the following requirements prior to receiving any NRST payments listed in section 17-796-5:

- (1) Compliance with any applicable federal, state and county laws that in any way affect the employer's ability to do business in the state; and
- (2) Compliance with the rules or regulations of the following:
 - (A) The state department of taxation; and
 - (B) The U.S. Internal Revenue Service;

(b) Compliance may be evidenced by registration with the Hawaii Compliance Express.

(c) The payee shall not owe money to the state pursuant to a judgment, court order, fine, or any other legal obligation. [Eff JUN - 3 2025] (Auth: HRS §§91-3, 91-4, 237-16.5, and 346-14; 42 U.S.C. §§601, et seq.) (Imp: HRS §346-14; 45 C.F.R. §260.31)

§17-796-7 Disposition of application. (a) The date of eligibility for an NRST payment shall be the later of the following:

- (1) The date of a valid application, provided that the eligibility requirements of sections 17-796-3 to 17-796-5 are met from the date of a valid application; or
- (2) The date the NRST payment is requested to begin and shall be within thirty calendar days after the eligibility conditions of sections 17-796-3 to 17-796-5 are met.

(b) The NRST payment amount allowable under section 17-796-5 may be reduced as follows:

- (1) Any reduced adjustments by the department to disallow a requested NRST payment that are duplicative of payments the family unit will receive or already received as specified under sections 17-796-3(b) or 17-796-5(b); or
- (2) Any reduced adjustments by the department when the family unit does not provide the requested verification to support the NRST payment type requested.

(c) If eligible under this chapter, the department shall issue the NRST payment that the family unit is determined eligible to receive, within thirty calendar days from the date the eligibility determination is made.

(d) A valid application for an NRST payment may be denied when:

- (1) The applicant does not complete the application process;
- (3) The applicant does not meet the requirements described in sections 17-796-3 to 17-796-5;
- (4) The applicant does not submit verifying information requested by the department or its designee as described in section 17-796-4;
- (5) The whereabouts of the applicant is unknown. The department's designee shall make an

attempt to contact the applicant and document its efforts; or

- (6) The department determines, pursuant to section 17-796-10, that there are insufficient funds for NRST payments. A decision under this paragraph shall be final and conclusive and is not subject to review under section 17-796-8.

(e) A valid application for an NRST payment may be discontinued when:

- (1) The applicant voluntarily withdraws their application in writing; or
- (2) The applicant died before eligibility determination can be made.

(f) The department shall provide the applicant a written notice of disposition of the valid application for an NRST payment and the NRST payment amount, when applicable. The notice shall contain:

- (1) A statement of eligibility determination;
- (2) The reason for the determination;
- (3) The specific rules that support the determination;
- (4) The approved NRST payment amount, if any, and for which payment month;
- (5) The right to request a review of the eligibility determination or payment amount, if any, pursuant to section 17-796-8; and
- (6) The rights and responsibilities of the family unit if eligible for an NRST payment.

(g) A denial of an application by the department's designee may be submitted to the department for review under section 17-796-8.

[Eff. JUN - 3 2025] (Auth: HRS §§91-3, 91-4, 91-9 to 91-12, and 346-14; 42 U.S.C. §§601, et seq.) (Imp: HRS §346-14; 45 C.F.R. §260.31)

§17-796-8 Review of an eligibility determination or payment. (a) A denial of a valid application or the determination of an NRST payment amount by the

department's designee may be submitted for review upon written request of the applicant. The written request for review shall:

- (1) Specify the applicant's request for a review;
- (2) Specify the reason(s) why the applicant does not agree with the denial or an NRST payment amount; and
- (3) Be received by the department or its designee within fourteen calendar days from the date of the determination notice.

(b) If the written request for review is not received by the department or its designee as required under section 17-796-8(a)(3), the department or its designee shall deny the written request for review and notify the applicant.

(c) Upon a timely request for a review, the department's designee shall complete a review of its denial or NRST payment determination within fourteen calendar days from the date the written request is received from the applicant. If the review finding does not change the application denial or determined NRST payment amount, the department's designee shall then send the applicant's written request for review, the application, any supporting documents provided by the applicant, and a written summary of its review finding, to the department within five calendar days from the conclusion of the designee's review.

(d) The department's review of an application denial or determined NRST payment amount by the designee, submitted pursuant to subsection (c), shall be conducted without a hearing. The department's review shall be based on the application and any supporting documents submitted by the applicant and the statement of the designee; provided that the department may request additional information or records from the department's designee or the applicant, and may interview the applicant or the department's designee, at the department's discretion.

(e) A denial may only be reversed based on:

- (1) Missing or insufficient information provided in the application is provided to the department or the department's designee as requested in accordance with subsections (c) or (d); or
- (2) An incorrect determination by the department's designee that the applicant or application does not meet the requirements of sections 17-796-3 to 17-796-7.

(f) The department or the department's designee shall provide written notice to the applicant within ten calendar days immediately following the completion of the review with a short statement of the reason for the upholding of the denial of the application or determined NRST payment amount.

(g) An applicant may file a written request for an administrative appeal, in accordance with the provisions set forth in chapter 17-602.1, when the applicant disagrees with the department's upholding the denial of the application or determined NRST payment amount.

(h) Notwithstanding chapter 17-602.1, the written request for an administrative appeal must be received by the department within ten calendar days from the date of the written notice of the completion of the department's review. [Eff JUN 3 2025]
(Auth: HRS §§91-3, 91-4, 91-9 to 91-12, and 346-14; 42 U.S.C. §§601, et seq.) (Imp: HRS §346-14; 45 C.F.R. §260.31)

§17-796-9 Overpayment and fraud. (a) An overpayment shall be created when:

- (1) The applicant fails to meet the eligibility requirements or provide information that results in an overpayment;
- (2) There is an error in determining the family unit's eligibility for NRST payments that results in an overpayment; or

(3) There is an error in calculating an NRST payment amount, and the difference between the amount paid to the family unit and the amount the family unit is eligible to receive exceeds \$500.

(b) A family unit subject to recovery of an overpayment shall be provided adequate notice by the department or department's designee including:

- (1) The reasons, dates, and the amount of the alleged overpayment; and
- (2) The proposed method by which the overpayment shall be recovered.

(c) The available methods that the family unit shall repay the department include:

- (1) Cash payment made in person at the department's fiscal management collections office; or
- (2) Cashier's check or money order, payable to the director of finance, State of Hawaii.

(d) Repayment must be made in full or upon signing of a repayment agreement with no less than ten percent of the total overpayment amount or five hundred dollars, whichever amount is less, paid monthly until the entire overpayment amount is recovered.

(e) If the family unit for whom a collection has been initiated fails to make a payment by the date set by the department or for any month in the calendar tax year of an approved repayment agreement, the department may refer debts exceeding twenty-five dollars to the comptroller of the State for tax setoff as specified in chapter 17-606, or any other appropriate action as authorized by law.

(f) Fraud, as defined in section 17-796-2, committed by the applicant or family unit shall be punishable under applicable state and federal laws. [Eff JUN 3 2025] (Auth: HRS §§91-3, 91-4, and 346-14; 42 U.S.C. §§601, et seq.) (Imp: HRS §346-14; 45 C.F.R. §260.31)

§17-796-10 Termination, denial, or reduction for insufficient funds. (a) The department may refuse to take new applications, deny payments, reduce payment amounts, or terminate payments described in this chapter when there are insufficient funds to pay for payments.

(b) When allocated funds for the NRST payments have or soon will be exhausted, the department may issue notices to applicants of actions being taken by the department to administer the NRST payments program.

(c) A decision under this section shall be final and conclusive and is not subject to review under section 17-796-8. [Eff JUN -3 2025] (Auth: HRS §§91-3, 91-4, and 346-14; 42 U.S.C. §§601, et seq.) (Imp: HRS §346-14; 45 C.F.R. §260.31)

State of Hawaii
 Department of Human Services
 Benefit, Employment and Support Services Division

NON-ASSISTANCE PROGRAM FOR
 FAMILIES WITH DEPENDENT CHILDREN:

ELIGIBILITY INCOME LIMITS FOR
 NON-RECURRING SHORT-TERM HOUSING AND UTILITY PAYMENTS

300% OF THE 2025 HAWAII FEDERAL POVERTY LEVEL

FAMILY SIZE	PER YEAR	MONTHLY
1	\$53,970	\$4,497
2	\$72,960	\$6,080
3	\$91,950	\$7,662
4	\$110,940	\$9,245
5	\$129,930	\$10,827
6	\$148,920	\$12,410
7	\$167,910	\$13,992
8	\$186,900	\$15,575
9	\$205,890	\$17,157
10	\$224,880	\$18,740
11	\$243,870	\$20,322
12	\$262,860	\$21,905
13	\$281,850	\$23,487
14	\$300,840	\$25,070
For each additional family member	\$18,990	\$1,582