

STAND. COM. REP. NO. **3128**

Honolulu, Hawaii

MAR 24 2006

RE: H.B. No. 2368
H.D. 2
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Housing,
to which was referred H.B. No. 2368, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC HOUSING,"

begs leave to report as follows:

The purpose of this measure is to repeal the sunset date of
the expedited public housing eviction process and to exempt
certain households from the expedited process.

Testimony in support of repeal of the sunset date was
submitted by the Housing and Community Development Corporation of
Hawaii (HCDCH). Testimony in support of retaining the sunset date
was submitted by six individuals. The HCDCH and the Department of
the Attorney General opposed exempting families with minor
dependents, disabled individuals, and individuals of age
sixty-five or older from the expedited process.

Your Committee finds that the HCDCH has been cited by the
U.S. Department of Housing and Urban Development (HUD) for its
high level of rent delinquencies and protracted rent collection
procedures for public housing, but that HUD appreciates the
reforms of the process enacted by the Legislature in 2002 through
Act 227. Your Committee further finds that creating exemptions
from the expedited eviction process, as proposed by this measure,
would discriminate against protected classes of individuals, in
violation of federal law and in conflict with state law.
Nevertheless, your Committee finds that some public housing

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tenants, because of their national origin and limited proficiency in the English language, do not or cannot avail themselves of free legal services. These tenants would benefit from intervention counseling to better prepare themselves to avoid, or if necessary participate in, the eviction process.

Accordingly, your Committee has amended this measure to:

- (1) Delete the exemption of families with minor dependents, disabled individuals, and individuals of age sixty-five or older from the expedited eviction process;
- (2) Establish and fund two full-time resident services program specialist positions in the Hawaii Public Housing Authority to provide intervention counseling services to public housing tenants to ensure that they understand the process, deadlines, remedies, and consequences of eviction from public housing; and
- (3) Change the effective date to July 1, 2050, for purposes of further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2368, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2368, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Housing,

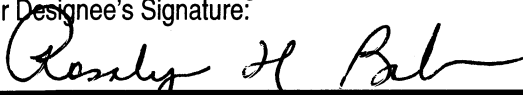


RON MENOR, Chair



The Senate
Twenty-Third Legislature
State of Hawaii

Record of Votes of the
Committee on Commerce, Consumer Protection and Housing
(Bills and Resolutions)

| | | | | |
|---|--|-------------------------|------|---------|
| Measure:* HB 2368 HD2 | Committee Referral: CPH, JHW | Date: 3-22-06 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is to: <input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313) | | | | |
| Members | Ayes | Ayes(WR) | Nays | Excused |
| MENOR, Ron (C) | ✓ | | | |
| BAKER, Rosalyn H. (VC) | ✓ | | | |
| ESPERO, Will | ✓ | | | |
| IGE, David Y. | ✓ | | | |
| SAKAMOTO, Norman | | | | ✓ |
| HOGUE, Bob | ✓ | | | |
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| TOTAL | 5 | - | - | 1 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature:  | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Do not list more than one measure per Record of Votes.