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# A BILL FOR AN ACT

RELATING TO HAWAII PUBLIC HOUSING AUTHORITY EVICTIONS BOARDS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to allow the Hawaii  
2 public housing authority (HPHA) to hold public housing eviction  
3 hearings without the public housing tenant member of the  
4 eviction board present so long as quorum is met. A tenant  
5 serving on the eviction board assists in the decision of whether  
6 a fellow tenant should be evicted from public housing.  
7 Currently, the tenant-member is the only eviction board member  
8 whose presence is required to conduct every evictions hearing.  
9 Despite having a quorum of members present, if the tenant-member  
10 is absent the hearing cannot proceed. This Act would allow  
11 evictions hearings to be held as long as there is a quorum of  
12 board members present.

13           While the participation of the tenant-member is valuable  
14 during eviction hearings, requiring a tenant to serve on the  
15 evictions board for every hearing is difficult, stemming in part  
16 from tenants' fear of retaliation by fellow public housing  
17 residents. Fear of retaliation has been a particular concern  
18 amongst close-knit neighbor island communities. Public housing



1 eviction hearings have been delayed for months due to the  
2 reluctance of tenants to serve on the evictions hearing board.  
3 This has also resulted in an unreasonable burden being placed  
4 upon one evictions board tenant member residing on Oahu, who has  
5 been frequently called upon to act as a substitute at evictions  
6 hearings on neighbor islands. This is a practice that has been  
7 occurring at a cost to the State.

8       The evictions hearing board will continue to have a  
9 mandatory tenant-member to serve on the board. However, in  
10 instances in which prolonged time delays arise from unsuccessful  
11 attempts to secure a tenant-member's participation, HPHA will  
12 have the flexibility to proceed with hearings when a quorum of  
13 members is present, thereby ensuring that public housing  
14 management procedures are carried out in a timely and cost-  
15 effective manner.

16       SECTION 2. Section 356D-93, Hawaii Revised Statutes, is  
17 amended by amending subsection (b) to read as follows:

18       "(b) Hearings shall be conducted by an eviction board  
19 appointed by the authority. The eviction board shall consist of  
20 not fewer than three persons, of which one member shall be a  
21 tenant. No person shall be appointed to an eviction board by  
22 the authority without the approval of the resident advisory



1 board. A quorum of eviction board members is required to  
2 conduct a hearing. A majority of the appointed eviction board  
3 members shall constitute a quorum. The presence of the tenant  
4 member is not required for a quorum. At least one eviction  
5 board shall be established in each county of the State. The  
6 findings, conclusions, decision, and order of the eviction board  
7 shall be final unless an appeal is taken as hereinafter  
8 provided."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Public Housing; Eviction Board

**Description:**

Allows the Hawaii Public Housing Authority to hold eviction hearings without the presence of the tenant-member of the eviction board if quorum is met. Effective 7/1/2050. (SB3060 HD1)

