

LEGAL AID SOCIETY OF HAWAII

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March 10, 2008

The Honorable Maile Shimabukuro, Chair
House of Representatives Committee on Human Services and Housing
Twenty-fourth State Legislature
Regular Session of 2008
State of Hawai'i

Re: SB 3060, Relating to Hawaii Public Housing Authority Eviction Boards

Dear Chair Shimabukuro and Committee Members:

The Legal Aid Society of Hawai'i provides legal representation to low-income families and individuals residing in public housing. Legal Aid opposes SB 3060 as currently drafted, as it will create unfairness in the public housing eviction process. However, Legal Aid would support an amendment that would both: (1) achieve the goal of the proponents of SB 3060 by removing unnecessary delay from the eviction process; and (2) maintain the fairness of the eviction process.

The statutory scheme governing evictions in public housing currently provides that the eviction hearings boards that decide public housing eviction cases must include at least one public housing tenant. This requirement ensures that the board includes a tenant voice and provides balance and fairness in the eviction process. SB 3060 would allow evictions to proceed without a tenant board member and will destroy the balance of the current public housing eviction process.

Yet SB 3060 can accomplish its purpose of reducing the delay caused by the difficulty of finding a tenant willing to sit on the eviction board, while maintaining a tenant voice and fairness in the eviction process. The Hawaii Public Housing Authority (HPHA) has already established—pursuant to Haw. Rev. Stat. § 365D-5 and as required by federal law—an advisory committee of public housing tenants called the “Resident Advisory Board” (RAB). HPHA is required to obtain input of the RAB on some of HPHA’s decisions pertaining to the management and administration of the public housing program in Hawai'i. The RAB is already formed and could, without any significant difficulty, be tasked with approving the persons that would sit on the eviction board. Requiring RAB approval would maintain the tenant voice in the eviction process while still removing the delay caused by the requirement of a tenant-eviction board member.

It is proposed that the SB 3060 be amended as follows (additional language from proposed amendment italicized and underlined):

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

"(b) Hearings shall be conducted by an eviction board appointed by the authority. The eviction board shall consist of not fewer than three persons, of which one member shall be a tenant. No person shall be appointed to an eviction board by the authority unless the person has been approved for appointment to an eviction board by the Resident Advisory Board. A quorum of eviction board members is required to conduct a hearing. A majority of the appointed eviction board members shall constitute a quorum. The presence of the tenant member is not required for a quorum. At least one eviction board shall be established in each county of the State. The findings, conclusions, decision, and order of the eviction board shall be final unless an appeal is taken as hereinafter provided."

Making the above amendment will serve the purpose of HPHA in reducing delay in the eviction process and will preserve the fairness of the process.

Sincerely,



Gavin Thornton
Housing Unit Head