

HOUSE OF REPRESENTATIVES
THE TWENTY-FIFTH LEGISLATIVE, REGULAR SESSION OF 2009

WRITTEN TESTIMONY
COMMITTEE ON HOUSING

LATE TESTIMONY

Chair: Rida Cabanilla Vice Chair Pono Chong
And Members of the Housing Committee

DATE: Wednesday, April 1, 2009
TIME: 9:00am
PLACE: Conference Room 325
State Capitol, 415 South Beretania St.
Honolulu, Hawaii

I am Elsa Talavera, in support of HCR 279 which would streamline the eviction process of tenants of public housing. This bill will balance due process rights of public housing tenants with the needs of the Hawaii Public Housing Authority and should be maintained. Eviction process is the last resort for Housing Authority to address problems arising from tenants who are not paying and non compliant to the public housing agreement. This bill is not intended to eliminate procedural requirements that are necessary in the hearing procedures for eviction and should not violate the constitutional rights of tenants of due process especially those who are vulnerable individuals but will be better served by providing assistance and not threatened by eviction proceedings . What it intends to do is to make internal changes to expedite the grievance process to reduce lengthy time that does not provide prompt resolution of problems. For these reasons, I respectfully request that the committee will pass this resolution.

Thank you for the opportunity to testify

Elsa Talavera, RN
President
Talavera Case Management

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LATE TESTIMONY

In Support of HCR 279-Relating to PUBLIC HOUSING
WRITTEN TESTIMONY

I am Dr. Inam Rahman, a medical doctor practicing for 15 years, supports the intent of HCR 279 which would streamline the eviction process to residents of public housing units who violates the conditions of the rental agreement of public housing. This bill will eliminate the lengthy process and the waiting periods that can be manipulated in its complexity to delay eviction of residents who are unable to pay and who pose danger to other residents due to their disruptive behavior. Eviction process done properly under due process and timely scheduling of meetings and notice requirements will speed up the process. The limited number of public housing units should be available to deserving needy citizens who are responsible enough to comply with community rules and will pay rent when due. Currently procedures can take months between times of violation to resolving disputes. This bill will significantly reduce the delay of availability of public units to more responsible tenants.

Thank you for the opportunity to testify in support of HCR 279

Inam Rahman, MD
CEO/Director
Doctors, Inc.
1441 Kapiolani Blvd. Rm 2003
Honolulu, Hawaii 96814

LATE TESTIMONY

March 31, 2009

TESTIMONY IN OPPOSITION TO HCR279 URGING THE HAWAII PUBLIC HOUSING
AUTHORITY TO STREAMLINE THE EVICTION PROCESS TO CONFORM TO FEDERAL
GUIDELINES

Committee on Housing
April 1, 2009 9:00 a.m. Room 325

The Legal Aid Society of Hawai'i hereby provides testimony in opposition to HR251: Urging the Hawaii Housing Authority to Streamline the Eviction Process to Conform to Federal Guidelines: relating to public housing.

The Legal Aid Society is the largest non-profit, private legal services organization in the State. We provide legal services to tenants of federal and state public housing. We provide the vast majority of legal representation to tenants in public housing.

PHAs and project owners faced with increasing costs and sometimes inadequate subsidies often look for ways to collect extra revenues from tenants. Care needs to be used in eliminating procedures which were promulgated to ensure that tenants' rights are not ignored. Federal statute and case law stress the seriousness of eviction for a public housing tenant. Most serious of these consequences is a life-time ban from public housing.

The informal process is a means to resolve a non-payment issue without the expense and inconvenience of an eviction hearing. It is well-established that unexcused and unjustified chronic nonpayment of rent is good cause for eviction. There are however, many situations in which a tenant may not have paid the rent that is allegedly due, but that fact alone will not constitute good cause to evict: (1) rent has been improperly calculated, (2) the tenant has lost income and the rent should have been reduced, (3) the tenant should have been provided additional subsidies that would have avoided the nonpayment, (4) the sums paid are not rent, but some other charges, (5) the amount that the tenant has failed to pay is too small to justify eviction, (6) the nonpayment has been caused by factors beyond the tenant's control, and (7) the nonpayment has occurred only once. The current procedure of informal contact between a tenant and management prior to an eviction hearing provides a means to determine whether one of the above situations is responsible for non-payment.

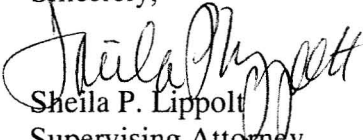
Elimination of nearly all procedural protections for evictions due to failure to pay rent, will result in unwarranted eviction decisions and more frequent Chapter 91 Administrative Appeals. Modifying the procedures would be considerably more effective than total elimination.

March 31, 2009

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Thank you for this opportunity to testify.

Sincerely,



Sheila P. Lippolt
Supervising Attorney
Housing Unit

LATE TESTIMONY

From: Patrick Koh [REDACTED]
Sent: Tuesday, March 31, 2009 3:19 PM
To: Rep. Rida Cabanilla
Subject: Testimonies for HCRs 279, 281, 282, 283

I, Patrick Koh, do hereby lend my strong support to HCR 279 and urge the Hawaii public housing authority to streamline the eviction process to conform to federal guidelines. Thank you for accepting my testimony.

Patrick Koh
2115A Gertz Lane
Honolulu, HI. 96819

I, Patrick Koh, do hereby lend my strong support to HCR 281, urging the Hawaii Public Housing Authority to provide fair and equal access to public housing by removing preferences in the application process. Thank you for accepting my testimony.

Patrick Koh
[REDACTED]

I, Patrick Koh, do hereby lend my strong support to HCR 282, urging the Hawaii Public Housing Authority to increase the minimum rent schedule. Thank you for accepting my testimony.

Patrick Koh
[REDACTED]

I, Patrick Koh, do hereby lend my strong support to HCR 283 and urge the Hawaii Public Housing Authority to institute a five-year maximum stay for public housing. Thank you for accepting my testimony.

Patrick Koh
[REDACTED]