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## HOUSE RESOLUTION

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REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY TO AMEND ITS RULES TO ALLOW AN OCCUPANT FACING EVICTION FROM A STATE-FUNDED HOMELESS SHELTER TO REMAIN IN THE SHELTER PENDING AN APPEAL OF THE EVICTION.

1           WHEREAS, presently, an occupant facing eviction from a  
2 state-funded homeless shelter is given minimal notice before  
3 being evicted; and

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5           WHEREAS, the administrator of a homeless shelter has the  
6 sole discretion to decide whether an occupant may appeal an  
7 eviction; and

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9           WHEREAS, the United States Constitution's Due Process  
10 Clause and related laws appear to provide occupants facing  
11 eviction from a homeless shelter with three levels of appeal;  
12 and

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14           WHEREAS, according to advocates for the homeless, occupants  
15 are entitled to an informal hearing before an authority who was  
16 not involved in the original decision to evict the occupant, a  
17 hearing before the Hawaii Public Housing Authority, and an  
18 appeal to the state circuit court; and

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20           WHEREAS, occupants facing eviction from a state-funded  
21 homeless shelter should be afforded the right to remain in the  
22 shelter while they appeal their eviction; now, therefore,

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24           BE IT RESOLVED by the House of Representatives of the  
25 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
26 of 2010, that the Hawaii Public Housing Authority is requested  
27 to amend its rules to allow an occupant facing eviction from a  
28 state-funded homeless shelter to remain in the shelter pending  
29 an appeal of the eviction; and

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31           BE IT FURTHER RESOLVED that the Hawaii Public Housing  
32 Authority is requested to provide by rule, shelter occupants

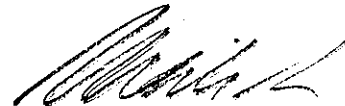




1 with ten days (from the date of the eviction notice) to request  
2 to remain in the shelter while their appeal is pending; and  
3

4 BE IT FURTHER RESOLVED that the Hawaii Public Housing  
5 Authority is requested to provide by rule, exceptions to  
6 continued residency during the eviction appeals process for  
7 occupants who are a threat to the safety of others, occupants  
8 who owe an undisputed amount of past-due program fees, and  
9 occupants who admit to three or more house rule violations; and  
10

11 BE IT FURTHER RESOLVED that certified copies of this  
12 Resolution be transmitted to the Governor and the Executive  
13 Director of the Hawaii Public Housing Authority.  
14  
15  
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OFFERED BY:

  
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