
A BILL FOR AN ACT

RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY.

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

1 SECTION 1. The purpose of this Act is to make the
2 administration of housing projects by the Hawaii public housing
3 authority more efficient by removing most procedural
4 requirements preliminary to hearings for evictions of tenants of
5 public housing projects and instead requiring the Hawaii public
6 housing authority to submit written notice, in accordance with
7 federal law, to delinquent tenants.

8 SECTION 2. Section 356D-92, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§356D-92 Termination and eviction.** (a) Except as
11 otherwise provided, the authority may terminate any lease,
12 rental agreement, permit, or license covering the use and
13 occupation of any dwelling unit or other premises located within
14 a public housing project and evict from any premises any tenant,
15 licensee, or other occupant for any of the following reasons:

16 (1) Failure to pay rent when due;

1 (2) Violation of any of the provisions of a lease, rental
2 agreement, permit, or license;

3 (3) Violation of any of the rules of the authority;

4 (4) Failure to maintain the dwelling unit in a clean,
5 sanitary, and habitable condition; or

6 (5) The existence of any other circumstances giving rise
7 to an immediate right to possession by the authority.

8 (b) When any tenant has been delinquent in payment of
9 rent, the authority, either directly or through its managing
10 agent, shall provide the tenant with a written notice [~~no later~~
11 ~~than forty five days from the date of delinquency~~] in accordance
12 with requirements imposed under federal law that shall inform
13 the tenant of the delinquency [~~and schedule a meeting between~~
14 ~~the tenant and the authority or its agent.~~ The written notice
15 shall:

16 ~~(1) Inform the tenant that continued delinquency shall~~
17 ~~result in the tenant's eviction;~~

18 ~~(2) Inform the tenant of the tenant's right to apply for~~
19 ~~an interim adjustment in rent;~~

20 ~~(3) Explain to the tenant the steps of the grievance and~~
21 ~~eviction processes and how the processes protect the~~
22 ~~tenant;~~

- 1 ~~(4) Provide the tenant with a sample letter for demanding~~
2 ~~a grievance hearing;~~
- 3 ~~(5) Set forth the location, date, and time, which shall be~~
4 ~~no earlier than fourteen days from the date of the~~
5 ~~written notice, at which the tenant may meet with the~~
6 ~~authority or its agent to discuss the delinquency in~~
7 ~~rent; and~~
- 8 ~~(6) Inform the tenant that the tenant shall either attend~~
9 ~~the meeting or, if applicable, contact the authority~~
10 ~~or the authority's agent before the meeting time to~~
11 ~~reschedule the meeting.~~
- 12 ~~(c) At the meeting described in subsection (b), the~~
13 ~~authority or its agent shall:~~
- 14 ~~(1) Inquire into the cause of the tenant's delinquency and~~
15 ~~offer suggestions, if any, that the authority may feel~~
16 ~~appropriate to address the causes of delinquency;~~
- 17 ~~(2) Consider whether a reasonable payment plan is~~
18 ~~appropriate for the tenant's situation and, if~~
19 ~~appropriate, offer a payment plan to the tenant; and~~
- 20 ~~(3) Inform the tenant of and explain the issues as~~
21 ~~required under subsection (b) (1), (2), and (3).~~

1 ~~(d) The authority shall develop a checklist outlining all~~
2 ~~of the requirements listed in subsection (c). The authority or~~
3 ~~its agent and the tenant shall complete, sign, and date the~~
4 ~~checklist to memorialize the meeting.~~

5 ~~(e) If the tenant fails to attend or reschedule the~~
6 ~~meeting provided for in subsection (b), the authority shall~~
7 ~~provide the tenant with a second written notice. The notice~~
8 ~~shall inform the tenant that:~~

9 ~~(1) The authority shall proceed to terminate the tenant's~~
10 ~~tenancy because of the tenant's outstanding rent~~
11 ~~delinquency and the tenant's failure to respond to the~~
12 ~~authority's written notice issued pursuant to~~
13 ~~subsection (b);~~

14 ~~(2) The tenant has ten business days from receipt of the~~
15 ~~second written notice to request a grievance hearing;~~
16 ~~and~~

17 ~~(3) If the tenant fails to request a grievance hearing~~
18 ~~within ten business days, the authority has the right~~
19 ~~to proceed with the eviction hearing pursuant to~~
20 ~~section 356D-93.~~

21 ~~(f) If the tenant meets with the authority as provided for~~
22 ~~in subsection (b), the authority shall decide, based upon the~~

1 ~~facts discussed at the meeting, what action is appropriate to~~
2 ~~address the tenant's case. The authority shall notify the~~
3 ~~tenant of its decision in writing. If the authority decides to~~
4 ~~proceed with an action to terminate the tenancy, the authority~~
5 ~~shall further inform the tenant in the same written notice~~
6 ~~that:] and provide that:~~

- 7 (1) The tenant has ten business days from receipt of
8 ~~[this]~~ the notice to request a grievance hearing; and
9 (2) If the tenant fails to request a grievance hearing
10 within ten business days, the authority has the right
11 to proceed with the eviction hearing pursuant to
12 section 356D-93."

13 SECTION 3. Section 356D-93, Hawaii Revised Statutes, is
14 amended by amending subsections (b) and (c) to read as follows:

15 "(b) ~~[Hearings]~~ For federal low-income housing, hearings
16 shall be conducted by an eviction board appointed by the
17 authority. The eviction board shall consist of not fewer than
18 three persons, of which one member shall be a tenant. At least
19 one eviction board shall be established in each county of the
20 State. The findings, conclusions, decision, and order of the
21 eviction board shall be final unless an appeal is ~~[taken as~~
22 ~~hereinafter provided.]~~ made pursuant to section 356D-97.

1 (c) The eviction board shall have the same powers
2 ~~[respecting]~~ with respect to administering oaths, compelling the
3 attendance of witnesses and the production of documentary
4 evidence, and examining witnesses, as are possessed by circuit
5 courts. In case of disobedience by any person of any order of
6 the eviction board, or of any subpoena issued by the eviction
7 board, or the refusal of any witness to testify to any matter
8 regarding which the witness may lawfully be questioned, any
9 circuit judge, on application by the eviction board, shall
10 compel obedience as in the case of disobedience of the
11 requirements of a subpoena issued by a circuit court, or a
12 refusal to testify therein."

13 SECTION 4. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 2010.

Report Title:

Hawaii Public Housing Authority; Hearings

Description:

Removes most procedural requirements preliminary to hearings for evictions of tenants of public housing projects and requires instead the Hawaii public housing authority to submit written notice, in accordance with federal law, to delinquent tenants. Clarifies that for federal low-income housing, hearings shall be conducted by an eviction board. (SD1)

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