

JAN 23 2009

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 legislature finds that on December 18,
2 2008, federal and state class action lawsuits were filed on
3 behalf of the residents of two of the State's largest public
4 housing projects, where sewage leaks, garbage chute fires, and
5 lack of hot water for up to eighteen hours a day have long
6 plagued the public housing residents. The federal case alleges
7 that the public housing project violates the Americans with
8 Disabilities Act, the Rehabilitation Act, and the Fair Housing
9 Act, while the state case alleges a breach of obligation by the
10 State under its warranty of habitability.

11 The legislature further finds that the suits were filed to
12 bring court scrutiny to how badly public housing programs have
13 been administered in Hawaii, and the perceived inability of the
14 State to change current conditions without a court mandate.

15 While the legislature supports the intent of these class
16 action suits to force the State to improve living conditions at
17 public housing projects, the outcome of these legal challenges



1 will not bring any immediate relief to the residents of these
2 and other projects statewide.

3 The purpose of this Act is to ensure a more timely response
4 by the State and the Hawaii public housing authority in
5 resolving the health and safety violations at public housing
6 projects statewide by establishing a special master and an
7 advisory council to assist the authority in resolving the health
8 and safety violations at these projects.

9 SECTION 2. (a) There is established a special master to
10 be temporarily appointed to develop and implement a
11 comprehensive plan to assist the Hawaii public housing authority
12 in resolving the health and safety violations at public housing
13 projects statewide, and to develop long-term strategic
14 initiatives for the authority.

15 (b) The special master shall be selected by a selection
16 committee composed of the following members:

- 17 (1) The president of the senate;
- 18 (2) The senate minority leader;
- 19 (3) The speaker of the house of representatives;
- 20 (4) The minority leader of the house of representatives;
- 21 and



1 (5) The dean of the William S. Richardson School of Law,
2 University of Hawaii at Manoa,
3 or any of their designees; provided that there is no conflict of
4 interest or appearance of conflict of interest in serving on the
5 selection committee. The special master shall be willing to
6 serve, for reasonable compensation for the special master's
7 service, and have no conflict of interest. The compensation for
8 the special master shall be made from the public housing
9 revolving fund under section 356D-28, Hawaii Revised Statutes.

10 (c) The special master shall be assisted by an advisory
11 council to aid in the development and implementation of a
12 comprehensive plan for operational improvements and strategic
13 initiatives for the authority. The advisory council shall
14 include, but not be limited to, members representing:

- 15 (1) The director of human services;
16 (2) The chairperson of the board of directors of the
17 Hawaii public housing authority;
18 (3) The executive director of the Hawaii public housing
19 authority;
20 (4) The resident advisory board or boards of the Hawaii
21 public housing authority;
22 (5) The disability and communication access board;



1 (6) The judiciary;

2 (7) An advocate for low-income or homeless persons; and

3 (8) The legal community.

4 The advisory council shall be reimbursed for expenses, including
5 travel expenses, necessary for the performance of their duties.

6 (d) The special master and the advisory council shall
7 consult and work with various entities to aid in the development
8 and implementation of a comprehensive plan to resolve the health
9 and safety violations at housing projects administered by the
10 Hawaii public housing authority. The special master and the
11 advisory council shall work with and accept full participation
12 and consultation from authority employees, management, and the
13 department of human services.

14 (e) In developing the comprehensive plan, the special
15 master and the advisory council shall take into consideration:

16 (1) Implementing a fast-track schedule for addressing the
17 backlog of repair and maintenance at public housing
18 projects statewide, with an emphasis on resident
19 health and safety;

20 (2) Reviewing the authority's housing project management
21 procedures, including written contracts and operating
22 agreements between the authority and outside parties;



- 1 (3) Ensuring that the authority is in compliance with all
- 2 applicable federal and state laws and regulations;
- 3 (4) Reviewing the authority's administrative rules;
- 4 (5) Addressing staffing and budgetary requirements; and
- 5 (6) Developing long-term strategic initiatives for the
- 6 authority.

7 (f) The special master shall submit annual progress
8 reports to the legislature no later than twenty days prior to
9 the convening of the regular sessions of 2010, 2011, and 2012.

10 The special master shall submit a final report, including
11 recommendations for long-term strategic initiatives for the
12 Hawaii public housing authority, no later than twenty days prior
13 to the convening of the regular session of 2013.

14 (g) The special master and the advisory council shall
15 cease to exist on June 30, 2013.

16 SECTION 3. Notwithstanding section 356D-28(a), Hawaii
17 Revised Statutes, there is appropriated out of the public
18 housing revolving fund the sum of \$ or so much thereof
19 as may be necessary for fiscal year 2009-2010 and the same sum
20 or so much thereof as may be necessary for fiscal year 2010-2011
21 for the hiring and expenses of a special master.



1 The sums appropriated shall be expended by the Hawaii
2 public housing authority for the purposes of this Act.

3 SECTION 4. This Act shall take effect on July 1, 2009.

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Report Title:

Hawaii Public Housing Authority; Special Master; Appropriation

Description:

Establishes a special master and an advisory council to develop a comprehensive plan to assist the Hawaii public housing authority in resolving the health and safety violations at public housing projects statewide; appropriates funds from the public housing revolving fund.

