

MAR 10 2010

SENATE CONCURRENT RESOLUTION

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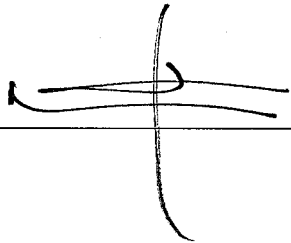


1 BE IT FURTHER RESOLVED that the Hawaii Public Housing
2 Authority is requested to provide by rule, shelter occupants
3 with ten days (from the date of the eviction notice) to request
4 to remain in the shelter while their appeal is pending; and
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6 BE IT FURTHER RESOLVED that the Hawaii Public Housing
7 Authority is requested to provide by rule, exceptions to
8 continued residency during the eviction appeals process for
9 occupants who are a threat to the safety of others, occupants
10 who owe an undisputed amount of past-due program fees, and
11 occupants who admit to three or more house rule violations; and
12

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

 (B/K)

