

STAND. COM. REP. NO.

2145

Honolulu, Hawaii

FEB 10 2010

RE: S.B. No. 2277

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Education and Housing, to which was referred S.B. No. 2277 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize the Hawaii Public Housing Authority (HPHA) to assess all the units in a state public housing project for common area expenses;
- (2) Eliminate most procedural requirements to hearings for eviction of tenants from public housing but maintains the requirement of providing written notice per federal law;
- (3) Require evictions from state low-income housing to be conducted by hearings officers appointed by HPHA;
- (4) Clarify that for federal low-income housing, hearings shall be conducted by an eviction board;
- (5) Authorize an eviction board or hearings officer to consider a tenant's involvement in the tenant's child's school in making a determination; and



- (6) Prohibit HPHA from selling any land developed for any public housing project.

Testimony in support of this measure was submitted by two individuals. Testimony in opposition to this measure was submitted by two state agencies and one private organization. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure would effectively streamline the Hawaii Public Housing Authority's eviction process by removing most procedural requirements preliminary to hearings for evictions of tenants of public housing projects and instead requiring the Hawaii Public Housing Authority to submit written notice, in accordance with federal law, to delinquent tenants. However, your Committee also recognizes the concerns expressed by testifiers regarding the other provisions of this measure. Accordingly, your Committee has amended this measure as follows:

- (1) By removing the provision that provided an assessment of a common area fee on residents of state public housing, as existing rent charges are a more appropriate means of collecting normal costs of housing;
- (2) By removing the provision that created the requirement that evictions from state public housing units be conducted by a hearings officer, as the existing process follows provisions for evictions in the Residential Landlord-Tenant Code under chapter 521, Hawaii Revised Statutes;
- (3) By removing the provision that created the requirement that an eviction board or hearings officer consider a tenant's involvement in the tenant's child's school in making a determination of whether to terminate a lease or rental agreement and evict a tenant, due to concerns over familial status discrimination;
- (4) By removing the provision that prohibits the Hawaii Public Housing Authority from selling any land developed for any public housing project, as it is duplicative of existing law; and
- (5) By making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Education and Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2277, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2277, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Education and
Housing,



NORMAN SAKAMOTO, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Education and Housing
EDH

Bill / Resolution No.:* SB 2277	Committee Referral: EDH, WAM	Date: 2-5-2010		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAKAMOTO, Norman (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
GALUTERIA, Brickwood	✓			
TSUTSUI, Shan S.				✓
HEMMINGS, Fred	✓			
TOTAL	5			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes