



CATHOLIC CHARITIES HAWAII

**TESTIMONY- OPPOSE HCR 261: 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**

TO: **Representative Rida Cabanilla, Chair**, Representative Pono Chong, Vice Chair, and Members, House Committee on Housing

FROM: Betty Lou Larson, Housing Programs Director, Catholic Charities Hawai'i

HEARING: **Wednesday, March 17, 2010, 9:05 am; CR 325**

Chair Cabanilla, Vice Chair Chong, and members of the Committee on Housing:

Thank you for the opportunity to provide testimony on this housing resolution. I am Betty Lou Larson, the Housing Programs Director at Catholic Charities Hawai'i. We are also a member of Partners in Care. Catholic Charities Hawai'i opposes this bill which would allow any occupant in state-funded homeless shelter to remain in the shelter until all appeals are completed.

Catholic Charities Hawai'i has serious concerns with this proposal. It appears that both emergency and transitional shelters would be covered by this proposal. These shelters are not housing projects. They are programs where housing is a benefit of actively participating in the program. New rules cannot cover every situation so this opens up the process to interpretation and more confusion. With the drastic reduction in the staffing of the Homeless Branch, a large increase in appeals may take some time to resolve. Possible long delays in evicting a participant may result, such as now occur in public housing. This can have an impact on the other residents who see that some residents can "beat the system". It also ties up units and prevents new homeless families and individuals who desperately need help from entering the shelter.

For evictions, Catholic Charities Hawai'i informs each client of their right to appeal the eviction and the appeals process in the eviction letter. It states the timeframe in which the client must request an appeal and the process. The administrator of the shelter does not have the sole discretion to decide whether an occupant may appeal an eviction. According to the current rules of the Stipend Program which funds shelters, all clients must be informed that they have the right to appeal an eviction to the program. Furthermore, they must be informed that they have the right to further appeal the program's decision to the HPHA/Homeless Branch.

If there are concerns about programs following the current rules, this would appear to be an issue of monitoring of programs that receive State funds. If further clarification is needed of these rules, review and monitoring by HPHA would be more effective. We suggest that the HPHA work with providers to ensure fair treatment of all residents of shelters. Thank you for hearing our concerns.



March 16, 2010

TESTIMONY IN OPPOSITION of HCR 162 and HR 189

Housing Committee  
March 17, 2010 9:05 a.m. Room 325

The Legal Aid Society of Hawai'i hereby provides testimony to the House Committee on Housing in opposition to HCR 261 and HR 189 – 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.

WCHR 17-2030-14 states that only in an emergency situation where a participant is a threat to health and safety may a participant be immediately removed while an appeal is pending. This resolution alters the definition of emergency situation to include the owing of past-due program fees and three or more house rule violations. According to the resolution, these two added circumstances are emergency situations.

Analogous Federal regulations allow an HPA in emergency health and safety situations to by-pass the informal grievance hearing and proceed immediately to a formal grievance hearing. However, the tenant may still remain in housing even if the formal hearing supports eviction. It is only after a final hearing before the Eviction Board Hearing that a tenant be banned from his home. Neither unpaid rent, nor house rules violations are considered emergency situations under Federal regulations. Under Federal regulations, there is no immediate eviction for any tenant under any circumstances.

The most fundamental principle which guides eviction under Federal regulations is that tenants are guaranteed due process before they are made homeless. This resolution intends to deny this basic constitutional protection to participants in homeless shelters.

Sincerely,

Sheila P. Lippolt  
Supervising Attorney, Housing Unit

## IN SUPPORT

### Providing Testimony for the Record

TO: Committee on Housing, Representative Rida Cabanilla, Chair, Representative Pono Chong, Vice Chair, Representatives Jerry Chang, Denny Coffman, Sharon Har, Robert Herkes, Ken Ito, Chris Lee, Sylvia Luke, Hermina Morita, Roland Sgum, III, Corinne Ching, and Cynthia Thielen

FROM: Patricia Urieff, MSW, Licensed Social Worker with thirty years of experience working with children and their families; parent; grandparent, Co-Chair for Legislative Appointed *Grandparents Raising Grandchildren Task Force*, August 2008 through December 2009.

For Hearing on Wed. March 17, 9:00 AM, Room 325, at State Capitol, 415 South Beretania Street.

HCR261 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.

Grandparents Raising Grandchildren Task Force 2009. Reports received showed that on all islands in Hawaii State, managers of public senior housing send Eviction Notices to eligible residents who through no fault of their own gets grandchildren-in-crisis who need care and the grandparents wants to provide care. (Depending on the circumstances, the grandchild could go into state custody and foster care with strangers.)

#### Research Finding from Committee, Grandparents Raising Grandchildren Task Force 2009

Federal housing discrimination laws (24 CFR 100.300 et. seq.) exempt certain senior housing projects from familial status protections. This means that managers of qualified senior housing may choose to evict a grandparent who takes in a grandchild(ren)-in-crisis. Under federal guidelines, qualified senior housing projects have options (1) to evict a grandparent who gets a grandchild-in-crisis who needs care without any repercussions; or (2) managers can legally change policy and House Rules to allow the senior with grandchild-in-crisis to remain for a reasonable time to find new housing.

March 2009, GRGTF Focus Group: participants learned that a grandfather (eligible and living in senior public housing) had received an Eviction Notice, so he lives in his car with his grand-daughter.

#### GRGTF Report to the Legislature June 2009, Recommendation. **Housing:**

The 2010 Legislature is strongly encouraged to support legislation whereby managers for all Public Senior Housing and managers of all senior housing in Hawaii State that receive government funds

- change House Rules,
- stop sending *Eviction Notices*, and
- provide waivers that allow eligible seniors [who get a grandchild (ren)-in-crisis who needs care] to remain in their unit for a reasonable time needed to find new appropriate housing.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 15, 2010 10:10 AM  
**To:** HSGtestimony  
**Cc:** erinann815@aol.com  
**Subject:** Testimony for HCR261 on 3/17/2010 9:05:00 AM

Testimony for HSG 3/17/2010 9:05:00 AM HCR261

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
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Comments: