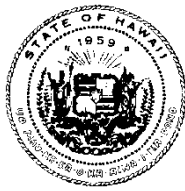


**HB755, HD3,
SD1**

NEIL ABERCROMBIE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
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BARBARA E. ARASHIRO
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Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

SENATE COMMITTEE ON JUDICIARY AND LABOR

March 29, 2012 10:30 A.M.
Room 016, Hawaii State Capitol

In consideration of
House Bill No. 755, Senate Draft 1
Relating to Public Housing

Honorable Chair and Members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to provide you with comments regarding House Bill No. 755 as amended by Senate Draft 1, relating to public housing.

The Hawaii Public Housing Authority (HPHA) strongly supports enactment of the measure, which would revise Section 356D-92, Hawaii Revised Statutes (HRS), to allow the HPHA to conform eviction procedures to federal law. It would further modify Section 356D-93, HRS, to enable the HPHA to conduct hearings with less than three members if the HPHA encounters difficulty establishing an eviction board and would allow the HPHA to study the feasibility of an O'ahu-based videoconference option for conducting hearings on Neighbor Islands.

This measure would assist the HPHA in streamlining eviction procedures that are utilized to remove lease violators from Federal Low Income Public Housing administered by our agency. It is important to note that, while the measure removes a number of statutory provisions, it does not dilute or eliminate any required due process protections available to tenants in public housing. Evictions from Federal public housing would remain subject to the duly adopted protections afforded by 24 C.F.R. Part 966 as well as Chapter 17-2020, Hawaii Administrative Rules (HAR) and the grievance rights afforded by 17-2021, HAR. 24 C.F.R. Part 966 is a regulation of the U.S. Department of Housing and Urban Development that details evictions procedures that must apply to all public housing nationwide. Chapter 17-2020, HAR follows the current statutory language of Section 356D-92, and would remain in force until amended by the HPHA in consultation with residents, the Attorney General, and other important stakeholders.

The tenants' right to request a grievance hearing is provided and protected by both 24 C.F.R. Part 966 as well as Chapter 17-2021, HAR. Chapter 17-2021, HAR follows the current statutory language of Section 356D-92, and would remain in force until amended by the HPHA in consultation with residents, the Attorney General, and other important stakeholders. It is currently in the process of being amended to provide housekeeping modifications and to clarify that State Low Income Public Housing is subject to the Landlord-Tenant Code; the remainder of the grievance procedures will remain in effect as currently adopted.

The amendment to remove the requirement of one eviction board per County has been requested by the agency's Hearings Office because currently, Section 356D, HRS provides the due process safeguards that are required under Chapter 91, HRS and the applicable federal laws and regulations concerning contested type cases such as the eviction hearing. With budgets being reduced by HUD (such as this year's 14% operating subsidy proration), the HPHA needs to streamline the eviction process. Under the current statutory framework, the HPHA must fly the hearing officer and hearing assistant to Neighbor Islands to conduct hearings before the four (Maui, Kauai, Hilo and Kona) county eviction boards that are required to have 3 members. The cost to the HPHA varies depending on how many trips must be made, but approximate costs, including airfare, board member stipends, and car rental can range from \$13,000-19,000 per year. The removal of this sentence will allow the HPHA to study the feasibility of an O'ahu-based videoconference option for conducting hearings on Neighbor Islands.

The HPHA appreciates the opportunity to provide the Senate Committee on Judiciary and Labor with the agency's position regarding H.B. No. 755, S.D. 1. We respectfully request the Committee to pass this measure favorably, and we thank you very much for your dedicated support.