

HB 755, HD3

Measure Title: RELATING TO PUBLIC HOUSING.
Report Title: Public Housing; Evictions
Description: Conforms public housing eviction procedural requirements to federal law. Changes the potential size of the eviction board. Effective July 1, 2012. (HB755 HD3)
Companion:
Package: None
Current Referral: HMS, JDL
Introducer(s): CABANILLA, AWANA, BROWER, CHONG, MIZUNO, SAY, Chang, Har, Johanson, Marumoto, B. Oshiro

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 HUMAN SERVICES

March 13, 2012 1:15 P.M.
Room 016, Hawaii State Capitol

In consideration of
House Bill No. 755, House Draft 3
Relating to Public Housing

Honorable Chair and Members of the Senate Committee on Human Services, thank you for the opportunity to provide you with comments regarding House Bill No. 755 as amended by House Draft 3, relating to public housing.

The Hawaii Public Housing Authority (HPHA) supports enactment of the measure, but would request certain additional amendments. This legislation 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.

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). 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 HPHA would respectfully request two amendments to the measure. First, the entirety of Section 356D-92 following the phrase "shall inform the tenant of the delinquency" should be stricken and removed from the statute. Currently, the bill retains the items listed under 356D-92(f) regarding tenants' rights to request a grievance hearing. This language is also unnecessary for the same reasons discussed above. The tenants' right to request a grievance hearing is provided and protected by both Federal regulations and 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.

Second, the HPHA would request that the sentence "At least one eviction board shall be ~~established~~ appointed in each county of the State" be deleted from the statute. This amendment 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 could 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 Human Services with the agency's position regarding H.B. No. 755, H.D. 3. We respectfully request the Committee to amend and pass this measure favorably, and we thank you very much for your dedicated support.

March 12, 2012

To the Committee on Human Services:

I am writing to voice my support of HB755. I have been following this bill and I believe it is a necessary piece of legislation due to the current state of affairs in the Hawaii Public Housing Authority. It seems nearly impossible to access the housing that is offered from HPHA because of the difficulty in the current eviction process. I believe that by creating a eviction board in each county the eviction process will be moved more efficiently and room can be made for tenants who will abide by the rules of HPHA, pay their rent, and thereby cause less of a burden on the taxpayers of our state.

Mahalo for your continued service to the State of Hawaii

Wayne Worthington Jr.