

HB1009 HD3

Measure Title: RELATING TO THE LANDLORD TENANT CODE.

Report Title: Landlord Tenant Code; Hawaii Public Housing Authority; Exemption

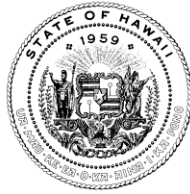
Description: Exempts residence in a structure or on a property directly controlled by the Hawaii Public Housing Authority from the requirements of the residential landlord-tenant code. (HB1009 HD3)

Companion:

Package: None

Current Referral: HOU, CPH

Introducer(s): HASHEM



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PRESENTATION OF THE
OFFICE OF CONSUMER PROTECTION

TO THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

THE TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2017

APRIL 4, 2017
9:30 A.M.

TESTIMONY COMMENTING ON H.B. 1009, H.D. 3, RELATING TO THE LANDLORD
TENANT CODE.

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND TO THE CLARENCE K. NISHIHARA, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs, Office of Consumer
Protection (“OCP”) offers comments on H.B. 1009, H.D. 3, Relating to the Landlord
Tenant Code. My name is Stephen Levins and I am the Executive Director of the OCP.

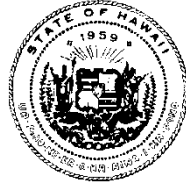
H.B. 1009, H.D. 3 expands the exemptions in the Hawaii Residential Landlord-
Tenant Code, Hawaii Revised Statutes (“HRS”) Chapter 521, to include **state** low-income
public housing properties directly controlled, owned, and managed by the Hawaii Public
Housing Authority (“Authority”).

HRS §521-7 already exempts public housing projects and complexes managed by
the Authority pursuant to the **federal** low rent public housing program from the Landlord-

Tenant Code, therefore, exempting properties controlled by the Authority pursuant to state programs is consistent with the purpose of the exemption.

Through discussions with the Director of the Authority, OCP learned that the Authority's requirement to adhere to provisions in the Landlord-Tenant Code relating to removal of a tenant's personalty because he or she wrongfully quit the property or was given notice to quit, was causing a delay of much needed units to renters on the waiting list for public housing because the Authority also has to follow its extensive appeals process pursuant to HRS §356D-46. Because of the Authority's need to be relieved of compliance with the Landlord-Tenant Code and given the Authority's own appeal process, tenant rights will continue to be protected if the Authority is exempt from the Landlord-Tenant Code. Thank you for the opportunity to offer comments on H.B. 1009, H.D. 3. I would be happy to answer any questions members of the Committee may have.

DAVID Y. IGE
GOVERNOR



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Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Tuesday, April 4, 2017
9:30 AM
Room 229, Hawaii State Capitol

In consideration of
HB 1009 HD3
RELATING TO THE LANDLORD TENANT CODE

Honorable Chair Baker and Members of the Senate Committee on Commerce, Consumer Protection, and Health, thank you for the opportunity to provide testimony concerning House Bill 1009, HD3, relating to the landlord tenant code.

The Hawaii Public Housing Authority (HPHA) supports HB 1009, HD3, which exempts residence in a structure or on a property directly controlled by the Hawaii Public Housing Authority from the requirements of the residential landlord-tenant code.

Currently, 86% of HPHA properties are exempt from the land-lord tenant code, as the exemption applies to public housing projects or complexes controlled, owned, or managed by the Authority pursuant to the federal low rent public housing program. Allowing the HPHA a total exemption of state and federal properties from the landlord tenant code will apply the remaining 14% of HPHA properties to the exemption. Pursuant to federal rules, HPHA complies with strict requirements when handling tenant issues and evictions, including adherence to board hearings and peer review prior to decision making. This measure will enable HPHA better oversight and greater equality between those in federal and state public housing, and ensure all tenants receive the same due process regardless of the property in which they reside.

The HPHA respectfully requests that the effective date of the bill be January 1, 2018. This will allow the HPHA time to work with the public housing tenants and resident associations in the promulgation of administrative rules and provide advanced notice of the change.

The HPHA appreciates the opportunity to provide the Senate Committee on Commerce, Consumer Protection, and Health with the HPHA's comments regarding HB 1009, HD3. We thank you very much for your dedicated support.