

STAND. COM. REP. NO.

2665

Honolulu, Hawaii

MAR 02 2018

RE: S.B. No. 2784

S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2784, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to create an eviction process for the Hawaii Public Housing Authority's state low-income housing projects and elder or elderly housing.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that Act 114, Session Laws of Hawaii 2017 (Act 114), exempted state low-income housing directly controlled, owned, or managed by the Hawaii Public Housing Authority from the requirements of the residential landlord-tenant code under chapter 521, Hawaii Revised Statutes. Act 114 laid the foundation for an administrative eviction process that could lessen the caseload of the Judiciary and the Department of the Attorney General while preserving the due process rights of tenants. This measure establishes the procedures for that administrative eviction process for tenants in state low-income and elderly housing projects that is substantially similar to the eviction process for tenants in federal low-income public housing.



Your Committee notes concern that, as this measure currently exists, the Hawaii Public Housing Authority could conceivably appoint an eviction board that consists of a single tenant who would then conduct a hearing to determine cause of action on another tenant's eviction. Your Committee encourages further discussion as this measure progresses to foreclose the possibility of arbitrary results in eviction hearings.

Your Committee has amended this measure by:

- (1) Inserting a savings clause;
- (2) Inserting an effective date of July 1, 2035, to encourage further discussion; and
- (3) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2784, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2784, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>SB 2784, SDI</i>	<i>HOU, JDC</i>	<i>2/27/2018</i>		
<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
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
THIELEN, Laura H.		✓		
TOTAL	<i>4</i>	<i>1</i>	<i>0</i>	<i>0</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes