H.B. NO. 3138

A BILL FOR AN ACT

RELATING TO HAWAII PUBLIC HOUSING AUTHORITY EVICTIONS BOARDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to allow the Hawaii public housing authority to hold public housing eviction hearings without the public housing tenant member of the eviction board present so long as quorum is met. A tenant serving on the eviction board assists in the decision of whether or not a fellow tenant should be evicted from public housing. Currently, the tenant member is the only eviction board member whose presence is required to conduct every evictions hearing. Despite having a quorum of members present, if the tenant member is absent the hearing cannot proceed. This Act would allow evictions hearings to be held as long as there is a quorum of board members present.

While the participation of the tenant member is valuable during eviction hearings, acquiring a tenant to serve on the evictions board for every hearing is difficult. Finding public housing tenants who are willing to serve on the evictions board partly stems from fear of retaliation by fellow public housing tenants. This has been a concern amongst close-knit neighbor

island communities. Public housing eviction hearings have been delayed for months due to the reluctance of tenants to serve on the evictions hearing board. This has also resulted in an unreasonable burden being placed upon one evictions board tenant member residing on oahu, who has been frequently called upon to act as a substitute at evictions hearings on neighbor islands--a practice that has been occurring at a cost to the State.

The evictions hearing board will continue to have a mandatory tenant member to serve on the board; however, in instances in which prolonged time delays arise from unsuccessful attempts to secure a tenant member's participation, the authority will have the flexibility to proceed with hearings when a quorum of members is present, thereby ensuring that public housing management procedures are carried out in a timely and cost-effective manner.

SECTION 2. Section 356D-93, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Hearings shall be conducted by an eviction board appointed by the authority. The eviction board shall consist of not fewer than three persons, of which one member shall be a tenant. <u>A quorum of eviction board members is required to conduct a hearing. A majority of the appointed eviction board</u>

members shall constitute a quorum. The presence of the tenant member is not required for a quorum. At least one eviction board shall be established in each county of the State. The findings, conclusions, decision, and order of the eviction board shall be final unless an appeal is taken as hereinafter provided."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon approval.

INTRODUCED BY: Calvin K.Y. Say

BY REQUEST

JAN 22 2008

H.B. NO. 3138

Report Title:
Public Housing; Eviction Board

Description:
Allows the Hawaii Public Housing Authority to hold eviction hearings without the tenant member of the Authority's eviction boards present, provided that quorum is met.

HB 3138

JUSTIFICATION SHEET

DEPARTMENT: Human Services - Hawaii Public Housing Authority

TITLE: A BILL FOR AN ACT RELATING TO HAWAII PUBLIC HOUSING AUTHORITY EVICTIONS BOARDS

PURPOSE: To allow the Hawaii Public Housing Authority to hold eviction hearings without the public housing tenant member of the eviction board present as long as quorum is met.

MEANS: Amend section 356D-93(b), Hawaii Revised Statutes.

JUSTIFICATION: A tenant serving on the eviction board assists in the decision of whether or not a fellow tenant should be evicted from public housing. Current statutes state that the tenant member is the only eviction board member whose presence is required for every eviction hearing. Despite having a quorum of members present to conduct a hearing, if the tenant member is absent the hearing cannot proceed. This amendment would allow eviction hearings to be held as long as there is a quorum of board members.

This amendment is necessary because acquiring a tenant member's participation in eviction hearings has at times been difficult; thereby delaying eviction hearings for numerous months. Some tenant members fear that their participation on the evictions hearing board will lead to retaliation by fellow tenants. This is particularly true amongst close-knit communities on the neighbor islands. Consequently, a tenant member of the eviction board residing on one island has been frequently called upon to fill-in at hearings on another neighboring island--a practice that has been occurring at a cost to the State.

HB 3138

This amendment will not change the requirement that every evictions board have a member who is a tenant. It will, however, give HPHA the flexibility to hold eviction hearings so long as quorum is met.

Impact on the public: This amendment will eliminate time delays in serving public housing tenants.

Impact on the department and other agencies: This amendment will result in cost savings for HPHA because it will eliminate the need to fly a resident member of an eviction board to neighbor islands.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HMS-27(08)

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.