HOUSE RESOLUTION

REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY TO AMEND ITS RULES TO ALLOW AN OCCUPANT FACING EVICTION FROM A STATE-FUNDED HOMELESS SHELTER TO REMAIN IN THE SHELTER PENDING AN APPEAL OF THE EVICTION.

WHEREAS, presently, an occupant facing eviction from a state-funded homeless shelter is given minimal notice before being evicted; and

WHEREAS, the administrator of a homeless shelter has the sole discretion to decide whether an occupant may appeal an eviction; and

WHEREAS, the United States Constitution's Due Process Clause and related laws appear to provide occupants facing eviction from a homeless shelter with three levels of appeal; and

WHEREAS, according to advocates for the homeless, occupants are entitled to an informal hearing before an authority who was not involved in the original decision to evict the occupant, a hearing before the Hawaii Public Housing Authority, and an appeal to the state circuit court; and

WHEREAS, occupants facing eviction from a state-funded homeless shelter should be afforded the right to remain in the shelter while they appeal their eviction; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, that the Hawaii Public Housing Authority is requested to amend its rules to allow an occupant facing eviction from a state-funded homeless shelter to remain in the shelter pending an appeal of the eviction; and

BE IT FURTHER RESOLVED that the Hawaii Public Housing Authority is requested to provide by rule, shelter occupants...
with ten days (from the date of the eviction notice) to request to remain in the shelter while their appeal is pending; and

BE IT FURTHER RESOLVED that the Hawaii Public Housing Authority is requested to provide by rule, exceptions to continued residency during the eviction appeals process for occupants who are a threat to the safety of others, occupants who owe an undisputed amount of past-due program fees, and occupants who admit to three or more house rule violations; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor and the Executive Director of the Hawaii Public Housing Authority.

OFFERED BY: 

MAR 10 2010

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