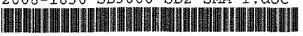
A BILL FOR AN ACT

RELATING TO HAWAII PUBLIC HOUSING AUTHORITY EVICTIONS BOARDS.

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

- 1 SECTION 1. The purpose of this Act is to allow the Hawaii 2 public housing authority to hold public housing eviction
- 3 hearings without the public housing tenant member of the
- 4 eviction board present so long as quorum is met. A tenant
- 5 serving on the eviction board assists in the decision of whether
- 6 or not a fellow tenant should be evicted from public housing.
- 7 Currently, the tenant member is the only eviction board member
- 8 whose presence is required to conduct every evictions hearing.
- 9 Despite having a quorum of members present, if the tenant member
- $10\,$ is absent the hearing cannot proceed. This Act would allow
- 11 evictions hearings to be held as long as there is a quorum of
- 12 board members present.
- 13 While the participation of the tenant member is valuable
- 14 during eviction hearings, requiring a tenant to serve on the
- 15 evictions board for every hearing is difficult, stemming in part
- 16 from tenants' fear of retaliation by fellow public housing
- 17 residents. Fear of retaliation has been a particular concern
- amongst close-knit neighbor island communities. Public housing 2008-1630 SB3060 SD2 SMA-1.doc



- 1 eviction hearings have been delayed for months due to the
- 2 reluctance of tenants to serve on the evictions hearing board.
- 3 This has also resulted in an unreasonable burden being placed
- 4 upon one evictions board tenant member residing on Oahu, who has
- 5 been frequently called upon to act as a substitute at evictions
- 6 hearings on neighbor islands--a practice that has been occurring
- 7 at a cost to the State.
- 8 The evictions hearing board will continue to have a
- 9 mandatory tenant member to serve on the board; however, in
- 10 instances in which prolonged time delays arise from unsuccessful
- 11 attempts to secure a tenant member's participation, the
- 12 authority will have the flexibility to proceed with hearings
- 13 when a quorum of members is present, thereby ensuring that
- 14 public housing management procedures are carried out in a timely
- 15 and cost-effective manner.
- 16 SECTION 2. Section 356D-93, Hawaii Revised Statutes, is
- 17 amended by amending subsection (b) to read as follows:
- 18 "(b) Hearings shall be conducted by an eviction board
- 19 appointed by the authority. The eviction board shall consist of
- 20 not fewer than three persons, of which one member shall be a
- 21 tenant. A quorum of eviction board members is required to
- 22 conduct a hearing. A majority of the appointed eviction board

- 1 members shall constitute a quorum. The presence of the tenant
- 2 member is not required for a quorum. At least one eviction
- 3 board shall be established in each county of the State. The
- 4 findings, conclusions, decision, and order of the eviction board
- 5 shall be final unless an appeal is taken as hereinafter
- 6 provided."
- 7 SECTION 3. New statutory material is underscored.
- 8 SECTION 4. This Act shall take effect July 1, 2050.

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 if quorum is met. Eff. 7/1/2050. (SD2)