

MAR 10 2010

SENATE 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.

1 WHEREAS, presently, an occupant facing eviction from a
2 state-funded homeless shelter is given minimal notice before
3 being evicted; and
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5 WHEREAS, the administrator of a homeless shelter has the
6 sole discretion to decide whether an occupant may appeal an
7 eviction; and
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9 WHEREAS, the United States Constitution's Due Process
10 Clause and related laws appear to provide occupants facing
11 eviction from a homeless shelter with three levels of appeal;
12 and
13

14 WHEREAS, according to advocates for the homeless, occupants
15 are entitled to an informal hearing before an authority who was
16 not involved in the original decision to evict the occupant, a
17 hearing before the Hawaii Public Housing Authority, and an
18 appeal to the state circuit court; and
19

20 WHEREAS, occupants facing eviction from a state-funded
21 homeless shelter should be afforded the right to remain in the
22 shelter while they appeal their eviction; now, therefore,
23

24 BE IT RESOLVED by the Senate of the Twenty-fifth
25 Legislature of the State of Hawaii, Regular Session of 2010,
26 that the Hawaii Public Housing Authority is requested to amend
27 its rules to allow an occupant facing eviction from a state-
28 funded homeless shelter to remain in the shelter pending an
29 appeal of the eviction; and
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31 BE IT FURTHER RESOLVED that the Hawaii Public Housing
32 Authority is requested to provide by rule, shelter occupants

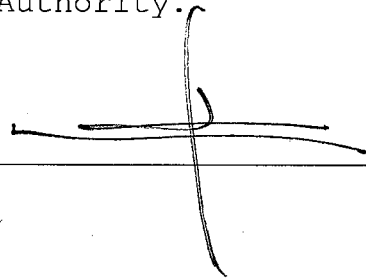


1 with ten days (from the date of the eviction notice) to request
2 to remain in the shelter while their appeal is pending; and
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4 BE IT FURTHER RESOLVED that the Hawaii Public Housing
5 Authority is requested to provide by rule, exceptions to
6 continued residency during the eviction appeals process for
7 occupants who are a threat to the safety of others, occupants
8 who owe an undisputed amount of past-due program fees, and
9 occupants who admit to three or more house rule violations; and
10

11 BE IT FURTHER RESOLVED that certified copies of this
12 Resolution be transmitted to the Governor and the Executive
13 Director of the Hawaii Public Housing Authority.
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OFFERED BY: _____

 (AR)

