

ACT 303

S.B. NO. 1554

A Bill for an Act Relating to Public Housing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 360-4, Hawaii Revised Statutes, is amended to read as follows:

“§360-4 Appeal. (a) Within five days after the issuance of an order under section 360-3 hereof, an appeal may be taken to the authority. [The appeal shall be in writing and shall include new facts or evidence pertinent to the case which could not have been presented and were not available for presentation to the hearing examiner. The authority shall give written notice to the person concerned fixing the date and place of the appeal hearing. The notice shall be given at least five days before the date set for the hearing.] Notwithstanding any law to supersede chapter 91 provisions, the appeal may be heard and decided by the authority or an appeals board appointed by the authority. If the authority elects to designate an appeals board, it shall not designate any officer or employee of the authority to sit on the board and it shall establish at least one board in each county.

(b) The authority or appeals board appointed by the authority shall review the records of the hearing examiners [and the new facts and evidence as submitted in the request for an appeal]. The authority or appeals board shall have the same powers in connection with such appeals as are provided for the hearing examiners in section

360-3, and the decision of the authority or appeals board in the appeal shall be the final decision of the authority.

(c) The Hawaii housing authority shall promulgate rules and regulations covering:

- (1) The writings necessary for appeal;
- (2) The necessary written notice to the appellant fixing the date, place, and time of the appeal hearing; and
- (3) The minimum amount of time within which the appellant must be notified of said appeals hearing.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 21, 1997.)