

**HAWAII PUBLIC HOUSING AUTHORITY
NOTICE OF MEETING
BOARD OF DIRECTORS MEETING
1002 North School Street, Building A Boardroom
Honolulu, Hawaii 96817
Thursday, October 15, 2020
9:00 a.m.**

AGENDA - AMENDED

THIS MEETING WILL BE HELD VIA TELECONFERENCE CALL OR OTHER ALTERNATIVE MEANS OF COMMUNICATION ONLY INCLUDING BOARD MEMBERS, STAFF, DEPUTY ATTORNEYS GENERAL, AND THE PUBLIC.

The Governor's Thirteenth Supplementary Proclamation dated September 22, 2020, suspended Chapter 92, HRS, Part I. Meetings, to the extent necessary to enable Boards to conduct meetings without any board members or members of the public physically present in the same location. In consideration of the current COVID-19 situation, the HPHA's offices are closed to the public. Individuals should submit written testimony no later than 12:00 noon on Tuesday, October 13, 2020 which will be distributed to Board members. You may submit written testimony via email to jennifer.k.menor@hawaii.gov or by U.S. mail to PO Box 17907, Honolulu, HI 96817.

The public may participate in the Board meeting as it happens via Zoom app at: <https://zoom.us/j/99837785863?pwd=WE9qcUM0bWZjVVhXaVdneXdObUNzdz09>
When prompted, enter the Meeting ID: 998 3778 5863 and the Password: 7QBfwc.

Alternatively, the public may also participate via telephone by calling: 1-669-900-6833. When prompted, callers should enter the Meeting ID: 998 3778 5863 and the Password: 441431. We request that meeting participants change the display on their device to show their first and last name to expedite rollcall. Please keep in mind that many devices will display your cellphone number if not changed.

The Board will consider public testimony on any item relevant to this agenda. Pursuant to section 92-3, Hawaii Revised Statutes, and section 17-2000-18, Hawaii Administrative Rules, the Board may limit public testimony to three minutes per agenda item.

I. CALL TO ORDER/ESTABLISHING QUORUM

II. PUBLIC TESTIMONY

Public testimony on any item relevant to this agenda shall be taken at this time. Pursuant to section 92-3, Hawaii Revised Statutes, and section 17-2000-18,

Hawaii Administrative Rules, the Board may limit public testimony to three minutes per agenda item.

III. APPROVAL OF MINUTES

Regular Meeting Minutes, September 17, 2020

IV. DISCUSSION AND/OR DECISION MAKING

- A. To **(1)** Adopt Proposed Changes to the Hawaii Public Housing Authority's Rules of Practice and Procedure as follows:
- (1) Changing the Agency Name from the Housing and Community Development Corporation to the Hawaii Public Housing Authority;
 - (2) Replacing references to Chapter 201G, HRS with Chapter 356D, HRS;
 - (3) Changing Certain Subchapter titles;
 - (4) Amending the Definitions in Section 17-2000-2 to Add "Authority"
 - (5) Section 17-2000-3 [Business hours and location]: Changing the address of the authority to 1002 N. School Street;
 - (6) Section 17-2000-6 [Agenda]: Amending to add inclusions for agenda language;
 - (7) Section 17-2000-9 [Quorum and number of votes necessary for action]: Amending the number of directors necessary for quorum and the number of affirmative votes necessary to determine any action to six;
 - (8) Section 17-2000-10 [Submittal and filing of documents]: Adding drawing and spreadsheets to the list of documents that may be larger than 8-1/2" x 11";
 - (9) Section 17-2000-13 [Retention of documents]: Clarifying that documents shall be retained for the period of time provided by law;
 - (10) Section 17-2000-17 [Inclusion on Agenda]: Deleting section in its entirety;
 - (11) Section 17-2000-22 [Appearances before the board]: Amending to allow appearances before the board by video conference; and
 - (12) Section 17-2000-48 [Burden of proof; evidence]: Clarifying that the degree of proof shall be preponderance of the evidence; and
- (2)** To Authorize the Executive Director to Conduct Public Hearings and Undertake All Other Actions Necessary Under Chapter 91, Hawai'i Revised Statutes, and Administrative Directive No. 18-02 to Implement the Proposed Changes, including Making Non-Substantive Revisions to Formatting as may be Required

The Proposed Changes to the Hawaii Public Housing Authority's Chapter 17-2000, HRS, "Rules of Practice and Procedure" may be viewed on the

internet on or about October 12, 2020 on the Lieutenant Governor's website at: <https://ltgov.hawaii.gov/the-office/administrative-rules/>.

- B. To **(1)** Adopt Amendments to Hawaii Administrative Rules (HAR) Entitled “Hawaii Public Housing Authority Section 8 – Housing Choice Voucher Program Emergency Rules Relating to COVID-19 Emergency”, Which Applies to HAR Chapter 15-185 Section 8 – Housing Choice Voucher Program, and Amends Section 15-185-25 Regarding Local Preferences, to Provide Emergency Relief to Section 8 Applicants to Address the COVID-19 Emergency Declared by the Governor in his Emergency Proclamation for COVID-19 dated March 4, 2020, and Supplemental Proclamations dated March 16, 2020, March 21, 2020, March 23, 2020, March 31, 2020, April 17, 2020, April 25, 2020, May 5, 2020, May 18, 2020, June 10, 2020, July 17, 2020, August 6, 2020, August 20, 2020; and September 22, 2020, as follows:
- (1) Establishes a New Waitlist Preference for Families Able to Lease In Place;
 - (2) Establishes a Landlord Incentive to Encourage Landlords to Lease Tenants in Place;
 - (3) Reduces the Time that Applicants have to Verify their Qualification for the Preference from 10 business days to 7 business days; and
 - (4) Clarifies the termination date for the Waitlist for the New Lease In Place Preference; and
- (2)** To Authorize the Executive Director to Undertake All Actions Necessary to Implement the Hawaii Public Housing Authority Section 8 Emergency Rules Relating to COVID-19 Emergency

(The Board may go into executive session pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(4) to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities as related to this motion.)

The Proposed Amended “Hawaii Public Housing Authority Section 8 – Housing Choice Voucher Program Emergency Rules Relating to COVID-19 Emergency” may be viewed on the internet on or about October 12, 2020 on the Lieutenant Governor's website at: <https://ltgov.hawaii.gov/the-office/administrative-rules/>.

V. REPORTS

- A. Executive Director's Report: Monthly reports are included in the Board packet. No formal report is planned.
- Financial Report for the Month of August 2020
 - Report on Contracts Executed During September 2020 and Planned Solicitations for October 2020

- Public Housing Occupancy/Vacancy Report; Federal Public Housing; for the Month of September 2020
- Obligation and Expenditure Status for Design and Construction Projects Funded Under the Federal Capital Fund Program (CFP) and the State Capital Improvement Program (CIP). Report on closed contracts.
- Section 8 Subsidy Programs Voucher: Voucher Lease-up and Pending Placements; Update on Rent Supplement Program.

The Board agenda for this meeting is available for inspection on the HPHA's website: <http://www.hpha.hawaii.gov/boardinfo/packets.htm>.

HAWAII PUBLIC HOUSING AUTHORITY
MINUTES OF THE REGULAR MEETING
HELD AT 1002 NORTH SCHOOL STREET, BUILDING A
HONOLULU, HAWAII 96817
ON THURSDAY, SEPTEMBER 17, 2020
IN THE CITY AND COUNTY OF HONOLULU, STATE OF HAWAII

The Board of Directors of the Hawaii Public Housing Authority held their Regular Board Meeting at 1002 North School Street, on Thursday, September 17, 2020. Pursuant to the Governor's Twelfth Supplementary Proclamation dated August 20, 2020, suspending Chapter 92, HRS, Part I Meetings, to the extent necessary to enable Boards to conduct meetings without any board members or members of the public physically present in the same location, the Hawaii Public Housing Authority conducted the Board meeting by use of teleconference call or other alternative means of communication only without a physical quorum present in the boardroom at 1002 N. School Street, Honolulu, HI 96817. At approximately 9:06 a.m., Chairperson Hall called the meeting to order, held a roll call and declared a quorum present. Those present were as follows:

PRESENT:
(Via Zoom)

- Director Robert Hall, Chairperson
- Director Pono Shim, Vice-Chairperson
- Director Roy Katsuda, Secretary
- Director George De Mello
- Designee Daisy Hartsfield
- Director Susan Kunz
- Director Betty Lou Larson
- Director Leilani Pulmano
- Director Kymberly Sparlin
- Director Todd Taniguchi

Deputy Attorney General Klemen Urbanc

STAFF PRESENT:
(Via Zoom)

- Hakim Ouansafi, Executive Director
- Barbara Arashiro, Executive Assistant
- Kevin Auger, Redevelopment Officer
- Sarah Beamer, Acting Section 8 Subsidy Programs Branch Chief
- Becky Choi, State Housing Development Advisor
- Benjamin Park, Chief Planner
- Jennifer Menor, Secretary to the Board

OTHERS PRESENT (via Zoom/teleconference):

- Benjamin Edger, Michaels Development Company
- Emma Elliott, Reno & Cavanaugh
- Riley Fujisaki, House of Finance
- Megan Glasheen, Reno & Cavanaugh

Scott Jepsen, EJP
Natalie Mesa
Katie Pierce, U.S. Department of Housing and Urban
Development
Joseph R. Prochaska, Reno & Cavanaugh
Jennifer Stolze, U.S. Department of Housing and Urban
Development
Deborah Yee
Participant identified as “RCPCUser”
Participant identified as “Sharon”

Director Shim moved,

To Amend the Agenda to Include Approval of Minutes for the Special Meeting of September 2, 2020

The motion was unanimously approved.

Public Testimony

In consideration of the current COVID-19 situation, the HPHA’s physical office locations are closed to the public. Individuals were allowed to submit written testimony no later than 12:00 noon on Tuesday, September 15, 2020 which would be distributed to the Board members. The public was instructed to submit written testimony via email to jennifer.k.menor@hawaii.gov or by U.S. mail to PO Box 17907, Honolulu, HI 96817. The public was also allowed to participate via Zoom app or teleconference.

Chairperson Hall stated that the Board would accept public testimony on any item relevant to the agenda. Pursuant to section 92-3, Hawaii Revised Statutes, and section 17-2000-18, Hawaii Administrative Rules, the Board may limit public testimony to three minutes per agenda item.

There was no public testimony.

Approval of Minutes

Director Sparlin moved,

To Approve the Regular Meeting Minutes of August 20, 2020

Designee Hartsfield, Director Taniguchi and Director Kunz stated that they would be abstaining from the vote as they were not present at the meeting.

The minutes were approved as presented with three abstentions.

Director Katsuda moved,

To Approve the Special Meeting Minutes of September 2, 2020

Director De Mello stated that he would be abstaining from the vote as he was not present at the meeting.

The minutes were approved as presented with one abstention.

Discussion and Decision Making

Director Shim moved,

To Adopt Payment Standards for the Hawaii Public Housing Authority's (HPHA) Section 8 Housing Choice Voucher Program for Oahu Zip Codes Where the U.S. Department of Housing and Urban Development Has Required the Use of Small Area Fair Market Rent (SAFMR) Effective January 1, 2021; and to Authorize the Executive Director to Implement the Payment Standards, Including Making Adjustments to the Payment Standards Between 90% and 110% Based on Projected Housing Assistance Funding Shortfall with Adequate Notice to Program Participants

Executive Director Ouansafi reported that the Small Area Fair Market Rent (SAFMR) is calculated by zip code in the metropolitan areas. SAFMRs are required to set the Section 8 payment standards in areas designated by HUD.

SAFMRs are intended to provide families residing in such areas with access to low-poverty areas by providing rental assistance at a level that makes the higher rents in such areas affordable to them.

The HPHA's Section 8 HCV program is operated in the City and County of Honolulu of Honolulu and is considered a "Designated SAFMR PHA".

The payment standard was last updated at the start of the federal fiscal year and the HPHA must adjust its payment standard no later than 3 months following the effective date of the change in the FMR. As such, the HPHA must make proposed changes no later than January 1, 2021 as some zip codes were impacted.

The SAFMR rule establishes zip code-based fair market rents (FMR) instead of FMR covering an entire metropolitan area. This means in high-rent areas, the FMR is higher thus creating an incentive for families to move to a neighborhood with better schools, amenities, or more job opportunities. It also means that in low-rent areas, the voucher

payment standard is lower because rents are not comparable to the high-rent areas within the larger metropolitan area.

Payment standards may not be less than 90% of the SAFMR and may not exceed 110% of the SAFMR for that particular zip code. The payment standard generally establishes the amount of rent that a tenant can look for in a particular zip code. Once a unit is identified, the unit must then also meet tests of rent reasonableness.

Included in the Board packet for the Board's consideration were the proposed payment standards for zip codes in the City and County of Honolulu for the HPHA's Housing Choice Voucher Program.

Designee Hartsfield sought more information on the tiers: how they are determined, if they remain the same during the year, and why Tier 3 had the least amount of change in their payment standards.

Executive Director Ouansafi stated that the payment standards per tier are based on the rates established by HUD and the ongoing rents on Oahu. The payment standards are categorized by six tiers and bedroom sizes ranging from studio to eight bedrooms. Executive Director Ouansafi confirmed that the payment standards are established annually and adjusted accordingly. HUD annually estimates the FMR based on zip code.

Executive Assistant Arashiro clarified that HUD establishes the SAFMR, and if the FMRs for specific zip codes don't change, HPHA will make minimal changes to the payment standards. This is to prevent drastic impact to tenants that are already housed in those zip codes. Executive Assistant Arashiro reported that the SAFMR is issued by HUD, and HPHA will base their payment standards on the FMRs issued by HUD. There were some zip codes that had less of a change in the FMR.

Executive Director Ouansafi added the FMR issued by HUD is based on a study that they perform. HPHA will determine the payment standards within 90-110% of the SAFMR as allowed by HUD.

Director Larson asked whether there are families at risk of losing their housing based on changes to the payment standards. For instance, if the payment standard decreased and the unit is above the payment standard, is HPHA able to adjust accordingly or will families be at risk of losing the unit.

Executive Director Ouansafi confirmed that tenants pay 30% of their income. HPHA is able to make adjustments that don't exceed 110% of the SAFMR. Although, ADA units or other requirements allow up to 120%, HPHA would have to check with HUD case-by-case.

Chairperson Hall asked how the proposed payment standards compare to the City and County of Honolulu's efforts.

Executive Director Ouansafi stated that the City and County of Honolulu may adjust their payment standards differently; however, they are required to abide by the same SAMFR.

Acting Section 8 Subsidy Programs Branch Chief Sarah Beamer stated that she hadn't checked with the City and County of Honolulu. The City and County of Honolulu bases their payment standards on the same SAFMR, so she anticipates their payment standards to be relatively similar to the payment standards proposed by HPHA.

Executive Director Ouansafi added that HPHA will check with the City and County of Honolulu for comparison.

Executive Assistant Arashiro recognized the benefits of having the State's and City's payment standards the same. In previous years, HPHA asked the City and County of Honolulu to issue the same payment standards. The City and County of Honolulu, however, issues their payment standards much later in the year.

Executive Director Ouansafi added that units are required to meet rent reasonableness.

Chairperson Hall expressed his appreciation to the HPHA staff on their efforts.

The motion was unanimously approved.

Director Shim moved,

To (1) Adopt Amendments to Hawaii Administrative Rules (HAR) Entitled "Hawaii Public Housing Authority Section 8 – Housing Choice Voucher Emergency Rules Relating to COVID-19 Emergency", Which: (a) Set Forth the Requirements for Use of a Lottery for Placement on the Section 8 Wait List; and (b) Applies to HAR Chapter 15-185 Section 8 – Housing Choice Voucher Program, and Amends Section 15-185-26 Regarding the Waiting List, to Provide Emergency Relief to Section 8 Tenants to Address the COVID-19 Emergency Declared by the Governor in his Emergency Proclamation for COVID-19 dated March 4, 2020, and Supplemental Proclamations dated March 16, 2020, March 21, 2020, March 23, 2020, March 31, 2020, April 17, 2020, April 25, 2020, May 5, 2020, May 18, 2020, June 10, 2020, July 17, 2020, August 6, 2020, and August 20, 2020; and (2) Authorize the Executive Director to Undertake All Actions Necessary to Make Non-Substantive and Technical Amendments and Implement these Rules

Executive Director Ouansafi reported that the HPHA programs are governed by a variety of federal, state, and agency statutes and rules.

Section 356D-4 and 356D-13, Hawaii Revised Statutes authorize the HPHA to adopt administrative rules with the force and effect of law to govern its programs.

The Emergency Proclamations suspended, as allowed by law, numerous Hawaii statutes for the “speedy and efficient relief of damages, losses, and suffering resulting” from the COVID-19 virus which continues to endanger communities.

The proposed Section 8 – Housing Choice Voucher Lottery Emergency Rules Relating to COVID-19 Emergency was included in the Board packet for the Board’s consideration.

The Emergency Rules apply to the HPHA’s Section 8 – Housing Choice Voucher Program and HAR Chapter 15-185 and establishes a lottery system to place applicants on the waiting list, and selection from the waiting list by random selection or by date and time, so long as all adopted preferences are considered, thereby allowing the authority to issue vouchers to applicants in a shorter timeframe.

Executive Director Ouansafi briefly explained the application process. Since HPHA anticipates 15,000 applicants with the ability to lease approximately 200-300 per year, it wouldn’t be manageable to put everyone on the wait list.

Once approved by the HPHA Board of Directors, the agency must:

1. Post the rules on the applicable state or county government website; and
2. Publish the rules in a newspaper of general circulation in Oahu.

The rules shall remain posted on the government website while in effect.

Executive Director Ouansafi confirmed that the Department of the Attorney General reviewed the proposed rules.

Director Larson stated that she supports the lottery system to place applicants on the waiting list and sought more information on the selection process after the initial lottery is conducted. She felt that it could be discouraging for applicants if no lottery number is issued to them and selection from the waiting list is conducted by random selection.

Executive Director Ouansafi explained the selection process. If HPHA has adequate funding to serve an additional 200 families for one year and there were 15,000 applicants, a computer program will randomly generate a lottery number for all 15,000 applicants and the first 500 will receive a letter informing them that they’ve been placed on the waiting list, while the remaining applicants will receive a letter informing them of their non-selection for placement on the waiting list. Once the waiting list applicants are selected, another random number is generated to establish their place on the waiting list, and in the established order, applicants are notified once vouchers become available.

Chairperson Hall asked if the proposed rules were discussed with HUD.

Executive Director Ouansafi confirmed that HUD is aware of the proposed rules and encourages the lottery system.

Director Katsuda recognized the value of the vouchers. He asked how many vouchers usually become available and how many applicants apply for the lottery.

Executive Director Ouansafi reported that the HPHA received over 10,000 applications the last time the list was open to the public for several days. HPHA has issued the maximum vouchers, where there's currently a budget shortfall which will be covered by HUD. Generally, HPHA issues approximately 10 additional vouchers a month, approximately 100 annually. Executive Director Ouansafi added that HPHA can select more than 100 applicants when HUD offers special vouchers (e.g., VASH or mainstream vouchers) and in instances when applicants don't qualify during the time their application is reviewed. Vouchers hold high value and applicants can choose their desired neighborhood.

Director Pulmano asked if there would be a new wait list every 18-months. She also asked if there are several wait lists open simultaneously and if applicants remain on the wait list until a voucher is received.

Executive Director Ouansafi stated that HPHA reviews and purges the wait list regularly. The timeline may vary depending on the need. However, once there is 6-months' worth of vouchers to issue, HPHA will open the list and process accordingly. With the newly purchased software, all applicants have the ability to update their information online. If particular vouchers are received, such as the Mainstream vouchers, HPHA will open up the list to meet the specific requirements. Executive Director Ouansafi confirmed that multiple lists can be open at the same time and that applicants will not be removed from the wait list until a voucher is presented (given that they meet the proper requirements for eligibility).

Director Larson asked if there any preferences or priorities for regular vouchers.

Executive Director Ouansafi reported that currently there are preferences for those who are homeless, victims of domestic violence, and those who are involuntarily displaced.

Deputy Attorney General Urbanc clarified that the motion regards the emergency rules and the lottery selection is applicable during the extended time of the regular Section 8 rules. With the expiration of December 31, 2020, the regular Section 8 rules in Chapter 15-185 will be back in effect. The rules will need to be amended accordingly if any additional changes are to be made later.

The motion was unanimously approved.

For Information:

HUD Notification Regarding the Hawaii Public Housing Authority's Final Section 8 Management Assessment Program (SEMAP) Score; HPHA's High Performer Designation

Executive Director Ouansafi reported that SEMAP is a federally-mandated management assessment system that the U.S. Department of Housing and Urban Development (HUD) uses annually to measure the performance under the Section 8 tenant-based rental assistance program.

SEMAP sets forth fourteen (14) indicators to measure program performance. SEMAP enables HUD to ensure program integrity and accountability by identifying PHA management capabilities and deficiencies and by improving risk assessment to effectively target monitoring and program assistance in fourteen areas.

The SEMAP score and overall performance rating identifies housing agencies as high performer (90+% rating), standard (60%-89% rating), or troubled (below 60% rating).

For the fiscal period that ended June 30, 2020, the HPHA anticipated a score of 145 out of 145 (100%). On September 10, 2020 the HPHA received official notification from HUD that the HPHA is designated a "High Performer" under the federal management assessment program with a score of 100%, for the fiscal period that ended June 30, 2020.

Executive Director Ouansafi thanked his staff for their hard work.

Director Katsuda commended Executive Director Ouansafi and his staff on "a job well done". He asked for clarification on the following statement provided in the Board packet, "As a result of this score, HPHA will be able to secure more effective program assistance from the U.S. Department of Housing and Urban Development".

Executive Assistant Arashiro stated that based on HUD's rating system, the PHA score allows for the eligibility for special awards, special vouchers and additional funds. By being designated a "High Performer" for the Section 8 program, HPHA is eligible for additional assistance where troubled PHA's may not be eligible for.

Chairperson Hall acknowledged that HPHA has also been designated a "High Performer" prior to the most recent fiscal year and congratulated Executive Director Ouansafi and his team for their continued efforts.

Executive Director Ouansafi thanked HUD for their continued support and assistance.

Chairperson Hall acknowledged Ms. Katie Pierce, HUD staff on the call.

Board Task Force

Chairperson Hall briefly discussed the establishment of the redevelopment tracker spreadsheet. He reported that the three members of the Task Force met recently, and that the final tracker is ready to be distributed at the next Board meeting.

Chairperson Hall added that he has asked other HPHA Board members to assist the Task Force with discussions on administrative policies. Going forward, Chairperson Hall announced that he will no longer be participating in the Task Force and had asked Director Pulmano, Director Larson and Director Sparlin to join Director Taniguchi and Director Katsuda.

Director Shim acknowledged the expertise sought to form the Task Force; however, he stated including a resident like Director De Mello would be beneficial. Having a resident perspective can aid in the discussions.

Chairperson Hall thanked Director Shim for his comment. He explained that the Task Force is only allowed five Board members and had asked Director Taniguchi to lead the Task Force.

Director Taniguchi agreed to take the recommendation into consideration.

Director Shim recognized the importance of community involvement.

Deputy Attorney General Urbanc explained the process of making changes to the Task Force. He clarified that any modifications to its members need to be discussed and placed on record at a Board meeting and can't be switched arbitrarily.

Chairperson Hall stated that the Task Force members will be deliberated at the next Board meeting.

Director Pulmano asked if once the Task Force is established, if Director De Mello would be able to attend any meetings as a non-Task Force member to provide his input.

Deputy Attorney General Urbanc verified that having non-Task Force members included in those meetings is not allowed, as it would circumvent the limits on quorum.

Chairperson Hall confirmed the Task Force remains with the original three Board members until re-established at the next Board meeting.

Director Taniguchi asked for clarification with the capability of the Task Force members changing over time at various instances, as different Board members may have useful input and experiences depending on the topics at hand.

Chairperson Hall stated that the Task Force is meant to gather where HPHA is now and how to best support HPHA. He added that it's an opportune time to gain clarity on expectations.

Deputy Attorney General Urbanc clarified that there are clear parameters on the operations of the Task Force under HRS §92-2.5, subsection (b)1. He further explained the three steps involved that the Task Force needs to operate under, and each Task Force established are to consist of 2-5 members. Deputy Attorney General Urbanc suggested creating different Task Forces for different scopes in mind, as needed.

For Information:

Update on Redevelopment Project and Termination of the Master Developer at Mayor Wright Homes (Tax Map Key: 1-7-029-003-0000)

Executive Director Ouansafi reported that on December 29, 2017 the HPHA and MWH Partners, Inc. (Hunt) entered into a Master Development Agreement governing the redevelopment of Mayor Wright Homes.

On July 16, 2020, the HPHA's Board of Directors unanimously approved a motion to terminate the Master Development Agreement for the Redevelopment of Mayor Wright Homes (Tax Map Key: 1-7-029-003-0000) Between the Hawaii Public Housing Authority and MWH Partners, LLC, Dated December 29, 2017 (the "MDA"), for Convenience and Authorize the Executive Director to Undertake All Actions Necessary to Effectuate the Termination.

As stated during previous Board meetings, the HPHA is not terminating the redevelopment project at Mayor Wright Homes, just its Master Development Agreement with the Developer.

Executive Director requested to go into executive session.

Director Shim moved,

That the Board go into executive session pursuant to Hawaii Revised Statutes sections 92-4, 92-5(a)(8), and 103D-105 to discuss, deliberate or make a decision on information that must be kept confidential, 92-5(a)(3) to deliberate concerning the authority of persons designated by the Board to negotiate the acquisition of public property, and/or 92-5(a)(4) to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities related to the Redevelopment Project at Mayor Wright Homes

The motion to go into executive session was unanimously approved.

The Board entered Executive Session at approximately 10:05 a.m.

The Board reconvened at approximately 11:14 a.m.

Chairperson Hall reported that the Board consulted with its attorney on issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities related to the termination of the Master Development Agreement at Mayor Wright Homes.

Chairperson Hall expressed his appreciation to the legal team and the HPHA staff for their efforts and commitment.

Director Sparlin thanked Executive Director Ouansafi, the HPHA staff and the attorneys for finding a resolution on this issue. She expressed her appreciation to everyone on their efforts and looks forward to an expedient conclusion.

(Director Sparlin left the meeting at approximately 11:15 a.m.)

Director Shim recognized the efforts made with the redevelopment of Mayor Wright Homes since he's been on the Board (10-years) and expressed having high aspirations for the project. He acknowledged the "stellar leadership" of Executive Director Ouansafi and his staff.

Director Katsuda concurred with Director Shim's sentiments.

Executive Director's Report

Chairperson Hall referred to page 71 and 74 of the Board packet and sought more information on the contracts with Isemoto Contracting Co., Ltd., which indicated an end date of September 15, 2018, and with Hawaii Affordable Properties, Inc., which indicated an end date of September 30, 2020.

Executive Director Ouansafi stated that the contract with Isemoto Contracting Co., Ltd. is still active and that permitting caused some delays. He added that he will verify the status with Contracts & Procurement Officer Rick Sogawa and send a response to the Board. Executive Director Ouansafi reported that the contract with Hawaii Affordable Properties was extended for three months because HPHA was concerned with some occupancy issues.

Director Kunz referred to page 77-78 of the Board packet and thanked Executive Director Ouansafi and his staff on their continued efforts with the redevelopment of HPHA's Lanakila Homes property in Hilo. She recognized the challenges and is looking forward to the additional 62 units.

Executive Director Ouansafi thanked the Hawaii County for their support.

Director De Mello acknowledged HPHA's hard work and commitment. He and the community anxiously await more housing on the Big Island.

Chairperson Hall sought more information on the repairs of the vacant units with the non-profit group and if they will be assisting with State public housing units.

Executive Director Ouansafi briefly gave an update on the progress with the public housing renovations of the vacant units. He reported that of the 200 units, Coastal Construction began work on 20 units with 16 of them completed. Although there were some challenges at the start, work continues. Executive Director Ouansafi confirmed that Coastal Construction are also assisting with the State public housing units.

Chairperson Hall was pleased that Coastal Construction is assisting with State public housing units since State funds are limited.

Executive Director Ouansafi reported that HPHA is in shortfall with the Section 8 program and have been using 105-110% funds available. HUD issued a letter to HPHA informing of a potential shortfall and to refrain from issuing vouchers (excluding Mainstream and VASH as these are separate funding). At that time, HPHA stopped issuing vouchers. HUD has agreed to assist with funding the current shortfall, which will allow HPHA to continue to serve more families.

Director De Mello thanked Executive Director Ouansafi and his staff on their efforts and commitment to educating the tenants. During this pandemic, HPHA has gone beyond just implementing rules and also organize door-to-door outreach providing COVID-19 information and making testing sites available.

Executive Director Ouansafi recognized the importance of community outreach events and stated that HPHA will continue those efforts. He added that HPHA also participated in mass surge testing with the City and County of Honolulu by offering testing at the larger housing properties for the tenants.

Director Shim asked if HPHA evicted anyone as a result of the mandate of wearing face mask and limiting access.

Executive Director Ouansafi reported that there have been no evictions or eviction warnings issued. He expressed that the door-to-door outreach and mask distribution helped tenants to abide the emergency rules. Executive Director Ouansafi was pleased to inform the Board that none of his staff is currently sick with COVID-19 and less than 50 out of 40,000 tenants are sick or isolated (but not all positive cases).

Director Shim stated that he received a call from a reporter expressing that the emergency rules were harsh and unfair. He advised the reporter that there is no intention to evict tenants and that the rules are in place for the safety of the tenants and to protect the community.

Executive Director Ouansafi confirmed that the health and safety of the community is priority, and HPHA has never taken steps to promote eviction. He thanked the Department of Health for their efforts and support. Executive Director Ouansafi added

that no staff is allowed to conduct repairs on an occupied unit without authorization from himself or Executive Assistant Arashiro. Staff are reminded to follow proper protocol when informed of a positive COVID-19 case within the housing properties.

Executive Director Ouansafi reported meeting with other groups to explain the emergency rules and its intent to keep everyone healthy, which was well received.

Director Katsuda moved,

To Adjourn the Meeting

The motion was unanimously approved.

The meeting adjourned at 11:34 a.m.

MINUTES CERTIFICATION:

Minutes Prepared by:

Jennifer K. Menor
Secretary to the Board

Date

Approved by the Hawaii Public Housing Authority Board of Directors at their Regular Meeting on October 15, 2020 [] As Presented [] As Amended

Roy Katsuda
Board Secretary

Date

FOR ACTION

- MOTION:** To (1) Adopt Proposed Changes to the Hawaii Public Housing Authority's Rules of Practice and Procedure as follows:
- (1) Changing the Agency Name from the Housing and Community Development Corporation to the Hawaii Public Housing Authority;
 - (2) Replacing references to Chapter 201G, HRS with Chapter 356D, HRS;
 - (3) Changing Certain Subchapter titles;
 - (4) Amending the Definitions in Section 17-2000-2 to Add "Authority"
 - (5) Section 17-2000-3 [Business hours and location]: Changing the address of the authority to 1002 N. School Street;
 - (6) Section 17-2000-6 [Agenda]: Amending to add inclusions for agenda language;
 - (7) Section 17-2000-9 [Quorum and number of votes necessary for action]: Amending the number of directors necessary for quorum and the number of affirmative votes necessary to determine any action to six;
 - (8) Section 17-2000-10 [Submittal and filing of documents]: Adding drawing and spreadsheets to the list of documents that may be larger than 8-1/2" x 11";
 - (9) Section 17-2000-13 [Retention of documents]: Clarifying that documents shall be retained for the period of time provided by law;
 - (10) Section 17-2000-17 [Inclusion on Agenda]: Deleting section in its entirety;
 - (11) Section 17-2000-22 [Appearances before the board]: Amending to allow appearances before the board by video conference; and
 - (12) Section 17-2000-48 [Burden of proof; evidence]: Clarifying that the degree of proof shall be preponderance of the evidence; and
- (2) To Authorize the Executive Director to Conduct Public Hearings and Undertake All Other Actions Necessary Under Chapter 91, Hawai'i Revised Statutes, and Administrative Directive No. 18-02 to Implement the Proposed Changes, including Making Non-Substantive Revisions to Formatting as may be Required

I. FACTS

- A. The Hawaii Public Housing Authority (HPHA) rules of practice and procedure is governed by a variety of State and HPHA statutes and rules, such as the Chapter 356D, Hawaii Revised Statutes (HRS).

- B. Section 356D-4, HRS (Attachment A), authorize the HPHA to adopt administrative rules with the force and effect of law to govern the practice before the Hawaii Public Housing Authority.
- C. The HPHA has consistently managed its procedural conduct in accordance with Chapter 17-2000 “Rules of Practice and Procedure”, Hawaii Administrative Rules (HAR).

II. DISCUSSION

- A. When last updated in 2005, the agency was still part of the Housing and Community Development Corporation of Hawaii.
- B. Since that time, the Hawaii Public Housing Authority was established, requiring necessary updates to be made to the Chapter 17-2000 for clarity and consistency of the agency’s operations. The following updates have been proposed:
 1. Changing the agency name from the Housing and Community Development Corporation to the Hawaii Public Housing Authority;
 2. Replacing references to Chapter 201G, HRS, with Chapter 356D, HRS;
 3. Changing certain section titles;
 4. Amending the definitions in section 17-2000-2 to Add “Authority”
 5. Section 17-2000-3 [Business hours and location]: Changing the address of the authority;
 6. Section 17-2000-6 [Agenda]: Amending to add inclusions for agenda language;
 7. Section 17-2000-9 [Quorum and number of votes necessary for action]: Amending the number of directors necessary for quorum and the number of affirmative votes necessary to determine any action to six;
 8. Section 17-2000-10 [Submittal and filing of documents]: Adding drawing and spreadsheets to the list of documents that may be larger than 8-1/2” x 11”;
 9. Section 17-2000-13 [Retention of documents]: Clarifying that documents shall be retained for the period of time provided by law;
 10. Section 17-2000-17 [Inclusion on Agenda]: Amending the process for those who request to be notified of upcoming board meetings, to allow for email notifications;
 11. Section 17-2000-22 [Appearances before the board]: Amending to allow appearances before the board by video conference; and
 12. Section 17-2000-48 [Burden of proof; evidence]: Clarifying that the degree of proof shall be preponderance of the evidence.

- C. The proposed standard draft rules in the form attached as Attachment A, have been reviewed and approved by the Department of the Attorney General.
- D. Attachment B is the Ramseyer draft to illustrate the changes being proposed.
- E. Once approved by the HPHA Board of Directors, the agency must request permission to take the proposed Rule to public hearing from the Governor. The HPHA staff must give 30-day notice to the public and hold hearings on the Islands of Kauai, Oahu, Maui, and Hawaii.
- F. Following approval from the Governor to hold public hearings on the proposed amendments, the Executive Director will hold public hearings on the Islands of Kauai, Oahu, Maui, and Hawaii at a date and locations to be determined.
- G. Based on testimony received during the public review and comment period, the Executive Director will make any non-substantive amendments to the draft amendments to and compilation of the Rule prior to or following the public hearing.
- H. After the public hearings, the Executive Director will transmit the proposed Chapter 17-2000, HAR, to the Governor for final approval provided that no substantive amendments are made. Staff anticipates the following updated approximate schedule of the process:

<u>Action</u>	<u>Timeframe</u>
Board For Action (adopt amendments)	October 15, 2020
Request to Governor for public hearing	October 16, 2020
Receive Governor authorization	October 23, 2020
Publish hearing notice (30-day notice)	October 30, 2020
Public Hearing	December 1, 2020
Finalize Rule/Transmit to Governor for Adoption	December 18, 2020
Rule effective	January 1, 2021

III. RECOMMENDATION

That the Board of Directors **(1)** Adopt Proposed Changes to the Hawaii Public Housing Authority’s Rules of Practice and Procedure as follows:

- (1) Changing the Agency Name from the Housing and Community Development Corporation to the Hawaii Public Housing Authority;
- (2) Replacing references to Chapter 201G, HRS with Chapter 356D, HRS;
- (3) Changing Certain Subchapter titles;

- (4) Amending the Definitions in Section 17-2000-2 to Add "Authority"
 - (5) Section 17-2000-3 [Business hours and location]: Changing the address of the authority to 1002 N. School Street;
 - (6) Section 17-2000-6 [Agenda]: Amending to add inclusions for agenda language;
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 - (11) Section 17-2000-22 [Appearances before the board]: Amending to allow appearances before the board by video conference; and
 - (12) Section 17-2000-48 [Burden of proof; evidence]: Clarifying that the degree of proof shall be preponderance of the evidence; and
- (2) To Authorize the Executive Director to Conduct Public Hearings and Undertake All Other Actions Necessary Under Chapter 91, Hawai'i Revised Statutes, and Administrative Directive No. 18-02 to Implement the Proposed Changes, including Making Non-Substantive Revisions to Formatting as may be Required**

Attachment A: Standard format draft of Chapter 17-2000, Hawaii Administrative Rules

Attachment B: Ramseyer format draft showing changes to Chapter 17-2000, Hawaii Administrative Rules, for illustration purposes

Prepared by: Sarah Beamer, Acting Section 8 Branch Chief 

Approved by the Board of Directors
on the date set forth above
[] As Presented [] As Amended

Robert J. Hall
Chairperson

ATTACHMENT A

DEPARTMENT OF HUMAN SERVICES

Amendment and Compilation of Chapter 17-2000
Hawaii Administrative Rules

October 15, 2020

SUMMARY

1. §§17-2000-1 to 17-2000-5 are amended.
2. §§17-2000-8 to 17-2000-10 are amended.
3. §§17-2000-12 to 17-2000-17 are amended.
4. §§17-2000-24 to 17-2000-27 are amended.
5. §17-2000-29 is amended.
6. §§17-2000-41 and 17-2000-42 are amended.
7. §§17-2000-52 is amended.
8. §§17-2000-78 and 17-2000-79 are amended.
9. §§17-2000-91 to 17-2000-94 are amended.
10. §§17-2000-121 to 17-2000-123 are amended.
11. Chapter 2000 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER 2000

RULES OF PRACTICE AND PROCEDURE

Subchapter 1 General Provisions

§17-2000-1	Purpose
§17-2000-2	Definitions
§17-2000-3	Business hours and location
§17-2000-4	Applicability of rules
§17-2000-5	Meetings
§17-2000-6	Agenda
§17-2000-7	Notice
§17-2000-8	Minutes
§17-2000-9	Quorum and number of votes necessary for action
§17-2000-10	Submittal and filing of documents
§17-2000-11	Extension of time
§17-2000-12	Amendment of documents
§17-2000-13	Retention of documents
§17-2000-14	Access to authority records
§17-2000-15	Limitation on access to authority records
§17-2000-16	Authentication of authority's

- documents
- §17-2000-17 Limitations on testimony before the board
- §§17-2000-18 to 17-2000-20 (Reserved)

Subchapter 2 Proceeding Before the Board

- §17-2000-21 General rule
- §17-2000-22 Appearances before the board
- §17-2000-23 Disqualification of member of board or Hearings officer
- §17-2000-24 Board proceedings, generally
- §17-2000-25 Board's decision
- §17-2000-26 Request for reconsideration of board's decision
- §17-2000-27 Limitation of time; appeal to the circuit court
- §17-2000-28 Failure to appear
- §17-2000-29 Procedure before a hearings officer; transmittal to the board
- §§17-2000-30 to 17-2000-40 (Reserved)

Subchapter 3 Contested cases

- §17-2000-41 Contested cases; applicability
- §17-2000-42 Commencement of case
- §17-2000-43 Contents of petition
- §17-2000-44 Action by board
- §17-2000-45 Board proceedings
- §17-2000-46 Response
- §17-2000-47 Notice
- §17-2000-48 Burden of proof; evidence
- §17-2000-49 Procedure at hearing
- §17-2000-50 Proposed findings of fact and conclusions of law
- §17-2000-51 Board's final decisions, orders, Findings of fact, and conclusions of law
- §17-2000-52 Procedure before a hearings officer; transmittal to board

§§17-2000-53 to 17-2000-70 (Reserved)

Subchapter 4 Declaratory Relief

§17-2000-71 General provisions; contents of
petition for declaratory relief
§17-2000-72 Memorandum of authorities in support of
petition
§17-2000-73 Notice of argument
§17-2000-74 Argument
§17-2000-75 Board proceedings
§17-2000-76 Proposed findings of fact and
conclusions of law
§17-2000-77 Board's final decisions, orders,
findings of fact and conclusions of
law
§17-2000-78 Procedure before a hearings officer;
transmittal to board
§17-2000-79 Order, effect
§§17-2000-80 to 17-2000-90 (Reserved)

Subchapter 5 Rule Relief

§17-2000-91 General provisions; contents of
Petition for rule relief
§17-2000-92 Disposition
§17-2000-93 Additional facts or supplemental
memorandum
§17-2000-94 Notice of determination
§17-2000-95 Determination final
§§17-2000-96 to 17-2000-120 (Reserved)

Subchapter 6 Other Provisions

§17-2000-121 Forms
§17-2000-122 Gender and number
§17-2000-123 Severability

Historical Note: Chapter 2000 of Title 17, Hawaii Administrative Rules, is based substantially upon Chapter 17-2000, Hawaii Administrative Rules. [Eff 10/3/2005, am and comp] Chapter ...3-01 of Title 6, Hawaii Administrative Rules, [Eff 6/15/91; am and comp 7/5/96; R 10/25/99], and chapter 15-160, Hawaii Administrative Rules. [Eff 10/25/99, R 10/3/2005].

SUBCHAPTER 1

GENERAL PROVISIONS

§17-2000-1 Purpose. (a) These rules are adopted pursuant to chapters 91 and 92, Hawaii Revised Statutes ("HRS"), and implement chapter 356D, HRS, and address the following objectives:

- (1) To govern the practice before the Hawaii public housing authority, State of Hawaii; and
- (2) To secure the just and efficient determination of proceedings before the Hawaii public housing authority, State of Hawaii.

(b) Notwithstanding subsection (a), these rules do not cover eviction practice and procedure which are governed by chapter 17-2020 and 17-2038.

[Eff] {Auth: HRS 356D-4) (Imp: HRS Chapter 356D)

§17-2000-2 Definitions. Whenever used in this chapter, unless otherwise specifically defined:

"Authority" means the Hawaii public housing authority.

"Board" means the board of directors of the Hawaii public housing authority as defined by section 356D-3, HRS.

"Bylaws" means, pursuant to chapter 91, HRS, the legal instrument under which the authority conducts its organization, internal management, and effectuates its purposes, powers, and programs.

"Chairperson" means the duly selected chair of the board of the authority or a designated representative.

"Declaratory relief" means the authority's declaration as to the applicability or non-applicability with respect to a factual

situation of any rule or order of the authority or of a statute which the authority is required to administer or enforce.

"Directors" means the members of the board of directors as defined in section 356D-3, HRS, and the bylaws of the authority.

"Executive director" means the executive director of the authority or the executive director's designated representative.

"Government record" means information maintained by an agency in written, auditory, visual, electronic, or other physical form as defined in section 92F-3, HRS.

"Hearings officer" means any person, duly appointed and authorized by the board to hold a hearing for the purpose of taking evidence or oral argument and making a recommended decision in any matter before the board.

"Meetings" means the convening of the board following due notice as prescribed under chapter 92, HRS, and the bylaws of the authority.

"Officers of the authority" means the same as contained in the authority's bylaws.

"Party" means the authority, if named, permitted, or entitled as of right to participate in a proceeding, each person named in a proceeding, or any person permitted or entitled as of right to participate in a proceeding before the authority in the capacity of a petitioner, claimant, respondent, intervener, or in a capacity other than that of a witness.

"Person" means an individual, partnership, authority, association through a representative, or public or private organization of any character other than the authority.

"Petition" means an application to the authority by a party which seeks relief under these rules.

"Petitioner" means a party who initiates a proceeding.

"Practice and procedures" means these rules of practice and procedures before the authority.

"Proceeding" refers to any matter brought before the authority or the board for action following due consideration of the objectives, goals, policies, and all related matters of the authority.

"Respondent" means the party against whom a petition is filed, the party against whom relief is sought or, any party who contests or controverts a proceeding.

"Rule relief" means the adoption, modification, or repeal of any rule by the authority.

"Rules" pursuant to chapter 91, HRS, refers to adopted rules of each program administered by the authority. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-1, 356D-1, 356D-3, 356D-4)

§17-2000-3 Business hours and location.

(a) The principal office of the authority is located at 1002 North School Street, Honolulu, Hawaii 96817. All communication to the authority, including specifically its board and chairperson, shall be transmitted to the authority's office.

(b) The principal office of the authority shall be open Monday through Friday, holidays excepted, from 7:45 a.m. to 4:30 p.m. of each week day, unless otherwise provided by statute or executive order. [Eff] (Auth: HRS §356D-4)(Imp: HRS §356D-4)

§17-2000-4 Applicability of rules. The rules under this chapter shall apply to all practices and procedures of the authority, provided that where these rules are inconsistent with the authority's rules under another chapter, these rules shall be superseded by the specific rule of practice and procedure of the other chapter. The board shall refer to Robert's Rules of Order for guidance on procedural matters not addressed in the authority's rules or in law. [Eff] (Auth: HRS §356D-4)

§17-2000-4

(Imp: HRS §356D-4)

§17-2000-5 Meetings. The authority shall hold meetings as defined and prescribed under article VII of the bylaws. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-6 Agenda. (a) The executive director shall prepare the agenda for the meetings of the board, as directed by the chairperson.

(b) The authority shall maintain a list of all names and addresses of persons who have requested, in writing, notification of the board's meetings. Persons may receive notifications by either mail or email. The list shall be updated annually.

(c) Requests from members of the public to be included on the agenda of the board meeting shall be in writing and must be received by the executive director at least twenty calendar days before the scheduled board meeting. The request shall be summarized and shall include the action being requested by the board.

(d) The name of the requesting party shall be placed on the agenda for the next scheduled board meeting except when the chairperson determines that the volume or substance of the items scheduled for the next meeting or the location thereof warrant the placement of the requesting party's name on the agenda of a subsequent board meeting.

(E) Written requests to the board requiring a response shall be accompanied by a stamped, self-addressed envelope. [Eff] (Auth: HRS §201G-4) (Imp: HRS §§92-7, 356D-4)

§17-2000-7 Notice. Notice of the meetings of the board shall satisfy the requirements of section 927, HRS. [Eff] (Auth: HRS §356D-4) (Imp: HRS §92-7)

§17-2000-8 Minutes. The authority shall maintain written minutes in compliance with section 92-9, HRS. [Eff] (Auth: HRS §356D-4) (Imp: HRS §92-9)

§17-2000-9 Quorum and number of votes necessary for action. Six directors of the board shall constitute a quorum and the affirmative vote of at least six directors shall determine any action. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-3)

§17-2000-10 Submittal and filing of documents.

(a) All documents and requests to the authority of every nature shall be in writing addressed to the executive director, the board, or the chairperson, as may be appropriate under the circumstances, and transmitted to the authority within the time limits prescribed by law, rules, or by order of the authority. The date of filing shall be established by the authority's time-date stamp on the document.

(b) All documents filed with the authority shall be either written in dark ink, typewritten, or printed; shall be plainly legible, and shall be on strong, durable paper no larger than 8- 1/2" x 11" in size, unless otherwise specified by the authority, except that maps, charts, tables, drawings, spreadsheets, and other like documents may be larger, folded to the size of the papers to which they are attached.

(1) All documents filed by any person or agency in any proceeding shall state on the first

§17-2000-10

page thereof the name, mailing address and business telephone number, if any, of the individual who may be served with any documents filed in the proceeding;

- (2) The original of each document shall be signed in black or blue ink by the party; and
- (3) Reproduction may be by any process, provided all copies are clear and permanently legible.

(c) All documents must be signed by the party or the party's agent. The signature of the person constitutes a verification that the person has read the document, that to the best of the person's knowledge, information, and belief, every statement contained therein is true and no such statement is misleading; and that it is not interposed for delay.

(d) Unless otherwise required by these rules or the authority, there shall be filed with the authority an original and ten copies of each paper. Additional papers shall be promptly provided upon request of the executive director or chairperson.

[Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-11 Extensions of time. Unless otherwise provided in this chapter, whenever a party is required to take action within a period of time prescribed or allowed by applicable order, statute, or rule, the chairperson may:

- (a) Approve a written stipulation signed by all parties extending such time period; or
- (b) Extend such time period upon written request of the party requesting the extension for good cause shown. [Eff] (Auth: HRS §356D-4)
(Imp: HRS §356D-4)

§17-2000-12 Amendment of documents. If any document filed with the authority is not in substantial

conformity with applicable rules of the authority, the authority may accept and file such documents and may request the filing of an amended document in conformance with the applicable rules. The mere fact of filing shall not waive any failure to comply with these rules, or any other legal requirement. If an amended document is requested by the authority, the amended document shall be effective as of the date the authority receives it. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-13 Retention of documents. The authority shall retain all documents filed with the authority in its files for a time period provided by law. The executive director may permit the withdrawal of original documents upon submission of properly authenticated copies to replace the original documents. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-14 Access to authority records.

(a) All government records of the authority shall be open for inspection in the principal office of the authority during established business hours, unless access to such records is restricted or closed by law.

(b) A request for access to or copies of government records shall be made in writing to the executive director and shall include a clear and concise description of the records sought. All such requests must be signed by the requesting party or the party's authorized representative.

(c) The authority shall not be required to prepare a compilation or summary of its records in response to a request for records.

(d) Copies of the government records shall be available in accordance with subsection (b), and payment of the reasonable costs of reproduction set forth in section 92-21, HRS, and the fee for searching,

§17-2000-14

reviewing, or segregating the records as set forth by the office of information practices pursuant to section 92E-42, HRS. Reasonable costs of reproduction shall include, but are not limited to, actual time for reproduction, material costs, including electricity cost, equipment and equipment rental costs, costs for certification, and labor costs for monitoring the public inspection of the records to prevent theft, loss, defacement, or alteration of the records. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§92-21, 92F-11, 92-42)

§17-2000-15 Limitation on access to authority records. Access to authority records is subject to the limitations set forth in section 92F-13, HRS. [Eff] (Auth: HRS §356D-4) (Imp: HRS §92F-13)

§17 2000-16 Authentication of authority's documents. The executive director is authorized to certify as to the authenticity of documents on file in the offices of the authority. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-17 Limitations on testimony before the board. (a) The board may limit the length of each person's oral testimony to three minutes.
(b) The board shall only accept oral testimony related to items on the agenda for the meeting at which the testimony is offered. [Eff] (Auth: HRS §356D-4) (Imp: HRS §92-3)

§§17-2000-18 to 17-2000-20 (Reserved)

SUBCHAPTER 2

PROCEEDING BEFORE THE BOARD

§17-2000-21 General rule. All persons and parties shall comply with these rules of practice and procedure when appearing before the board. The board may waive, modify, or suspend any of the provisions of this chapter to the extent permitted by law. All persons and parties shall have a reasonable opportunity to present evidence and argument on all the issues involved. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-9(d), 356D-4)

§17-2000-22 Appearances before the board.

(a) A party to a proceeding before the board may appear in person or through an authorized representative if the party is an individual; through an authorized representative if the party is a partnership, corporation, trust or association; or through an officer or employee if the party is a State agency or political subdivision of the State.

(b) The board may at any time require an authorized representative of a party to demonstrate or prove that he or she has the authority to act in such capacity.

(c) An appearance before the board may be made by video conference, telephone or other electronic means, with the approval of the chairperson. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-23 Disqualification of member of board or hearings officer. No matter shall be heard by a member of the board or by a hearings officer who:

§17-2000-23

(a) Has any pecuniary interest in the matter being heard; or

(b) Is related within the third degree by blood or marriage to any party to the proceeding.

[Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-24 Board proceedings, generally. The following shall apply to proceedings before the board under subchapter 3, contested cases, and subchapter 4, declaratory relief

- (1) Unless otherwise provided in this chapter, all documents, as required by these rules, including memoranda and other documents requested by the board, shall be filed with the authority prior to the date of the proceeding;
- (2) The board, at the written request of a party to the proceeding, shall have the power to issue subpoenas as provided under law, requiring the attendance of witnesses or the production of documents at the hearing. The party requesting the issuance of a subpoena shall identify with particularity the person or documents to be subpoenaed. Witnesses so summoned shall be paid the same fees as are paid witnesses in the courts in the State of Hawaii and such fees, including mileage, shall be paid by the party who requests the issuance of the subpoena. The board may require deposit of such fees by the requesting party before the issuance of the subpoena. The board may deny or modify the issuance of the subpoena, if it is unreasonable or oppressive or fails to comply with the requirements under law;
- (3) Witnesses shall be placed under oath prior to testifying;
- (4) The proceeding shall be recorded, but it

shall not be necessary to transcribe the record unless requested by the party. The proceedings shall be tape recorded unless a party requests the services of a court reporter to record the proceeding verbatim. In the event a court reporter is requested, the secretary to the board shall be given notice thereof at least seven calendar days prior to the commencement of the proceeding. The cost of the transcriptions of the proceedings shall be borne by the requesting party;

- (5) A party may submit written requests to the board regarding a matter pending before the board prior to the commencement of the proceeding. The chairperson may, but shall not be required to, issue a ruling on the request prior to the commencement of the proceeding;
- (6) Rules of evidence as stated in section 91-10, HRS, shall apply;
- (7) An offer of proof for the record shall consist of a statement of the substance of the evidence to which objection has been sustained;
- (8) Documents offered in evidence shall be accepted upon ruling of the chairperson;
- (9) Proposed findings of fact, conclusions of law, decisions and orders shall not be accepted unless submitted no later than seven business days after the day the proceedings were concluded, or such other time as may be established by the board or hearings officer; and
- (10) Appeal of a decision may be made to the circuit court as provided by law.

[Eff _____] (Auth: HRS §356D-4)
 (Imp: HRS §§91-9, 91-14, 92-16)

§17-2000-25 Board's decision. With respect to proceedings before the board under subchapter 3, contested cases, subchapter 4, declaratory relief, and for reconsideration, all final orders, rulings, decisions or actions entered by the board shall be filed with the authority. [Eff _____]
(Auth: HRS §§356D-4) (Imp: HRS §91-12)

§17-2000-26 Request for reconsideration of board's decision. (a) Any request for reconsideration of an order, ruling, decision, or action of the board shall be made in writing and shall be filed with the authority within ten days of the order, ruling, decision, or action. The request shall state the grounds for the request for reconsideration and may be summarily denied if it appears from the request that there is no new, relevant evidence on the matter to present to the board.

(b) Upon receipt of the request, the chairperson shall:

- (1) Assign the request for reconsideration for further proceedings either before the board or before a hearings officer; or
- (2) Deny the request on the ground that no new, relevant evidence exists to support the request for reconsideration.

(c) Notice pursuant to section 91-9, HRS, shall be provided to all parties upon the scheduling of a hearing before the board or a hearings officer.

(d) When the hearing is held before a hearings officer, the entire record shall be transmitted to the board for action together with the recommended decision, any timely filed exceptions, and any timely filed statement in support of the reconsideration. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §§91-12, 356D-4)

§17-2000-27 Limitation of time; appeal to circuit court. Appeal of the authority's final order, ruling, decision, or action may be made to the circuit court as provided by law. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §91-14)

§17-2000-28 Failure to appear. If any party fails to appear at the scheduled proceeding without good cause, the board may proceed in the absence of the party and may issue any decision or order it deems just and equitable under the circumstances, including dismissal of the party's claim for relief and reimbursement of costs, if such has been incurred. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-29 Procedure before a hearings officer; transmittal to board. (a) Upon conclusion of the proceedings before the hearings officer and following the timely submittal of proposed findings of fact, conclusions of law, and decision and order, the hearings officer shall prepare a recommended decision in the matter for the board.

(b) If the recommended decision is adverse to any party to the proceeding other than the authority, the recommended decision shall contain a statement of the reasons therefor and shall include a determination of each issue of fact or law necessary to the recommended decision and it shall be served upon all parties. Any party adversely affected by the recommended decision may file exceptions thereto and may submit written argument in support of the exceptions to the board, provided that the exceptions and argument shall be filed within ten days of the service of the recommended decision, or within such other time as may be designated by the hearings officer.

(c) Following the expiration of the time specified in subsection (b), or if not applicable,

SUBCHAPTER 3

CONTESTED CASES

§17-200-41 Contested cases; applicability. The right to a contested case hearing shall exist where provided for by administrative rule of the authority or where required by law. The right to hearing shall only be afforded to the person affected by the action or decision of the authority, unless otherwise provided by rules of the authority or by law.
[Eff] (Auth: HRS §356D-4) (Imp: HRS §91-9, 356D-4)

§17-2000-42 Commencement of case. A contested case shall commence by the filing of a petition for a permitted relief with the board. Unless otherwise provided by rule of the authority or by law, the petition shall be filed within thirty days of the action or decision of the authority for which contested case hearing is sought. Upon the filing of a petition, the authority shall docket the petition and assign a docket number to the petition.
[Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-9, 356D-4)

17-2000-43 Contents of petition. (a) The petition shall state the following:

- (1) Name, address, telephone number of the petitioner and the petitioner's legal counsel, if any, which shall be updated by the petitioner at all times;
- (2) A brief and concise factual statement of the petitioner's claim;
- (3) The law or rule involved;

§17-2000-43

- (4) The names of all respondents or identities against whom the petition is brought; and
- (5) A brief statement of the relief sought by the petitioner.

(b) If the petition is not in substantial compliance with subpart (a), the board may refuse to file the petition and may request the petitioner to submit an amended petition in compliance thereto. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-9, 356D-4)

§17-2000-44 Action by board. Upon the filing of the petition, the chairperson shall assign the petition for further proceedings before the board or assign the matter to a hearings officer and afford all parties in the matter an opportunity for hearing after reasonable notice. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-9356D-4)

§17-2000-45 Board proceedings. Proceedings before the board shall be held as provided in section 17-2000-24. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§9-9, 91-14, 91-16, 356D-4)

§17-2000-46 Response. Each respondent may file a written response to the petition with the board or hearings officer if the case has been assigned to one. The response shall state briefly a counterstatement of the facts, circumstances, law, rules, or reasons in defense thereof, and shall specifically admit or deny the allegations of the petition. The response shall be filed at least five working days prior to the hearing. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-47 Notice. The board or hearings officer shall, as soon as possible, provide notice pursuant to section 91-9.5, HRS, to all parties of the scheduled hearing in such form and manner as provided by law. [Eff] (Auth: HRS §356D-4)
(Imp: HRS §§91-9, 91-9.5, 356D-4)

§17-2000-48 Burden of proof; evidence. Except as otherwise provided by law, the party initiating the proceeding shall have the burden of proof, including the burden of producing evidence as well as the burden of persuasion. The degree or quantum of proof shall be a preponderance of the evidence. [Eff]
(Auth: HRS §356D-4) (Imp: HRS §91-10(5))

§17-2000-49 Procedure at hearing. Unless otherwise stipulated by the parties, which stipulation is approved by the board or the hearings officer, all hearings shall proceed as follows:

- (1) The parties shall have the opportunity to make opening statements before any evidence is presented, unless they waive the opportunity. The opening statement shall be heard in the following order:
 - (A) Petitioner's opening statement; and
 - (B) Respondent's opening statement, unless respondent chooses to reserve the opening statement until after presentation of petitioner's evidence;
- (2) The petitioner's evidence shall be presented first, and shall be followed by the presentation of evidence by respondent;
- (3) After presentation of the evidence in support of their respective cases, the parties shall have the opportunity to introduce rebuttal evidence. Rebuttal evidence shall be introduced in the same order as was followed with respect to the introduction of evidence

§17-2000-51 Board's final decisions, orders, findings of fact, and conclusions of law. (a) The board shall issue its final decision and order together with findings of fact and conclusions of law. The findings of fact, conclusions of law, and final decisions and orders shall be based upon the whole record and shall be supported by reliable, probative and substantial evidence, including facts of which the board properly took judicial notice.

(b) If the proceedings were held before a hearings officer and exceptions were filed to the recommended decision, the board shall afford the parties an opportunity for oral argument before the board as to the exceptions, prior to the board's adoption of a decision and order and findings of fact and conclusions of law.

(c) If any party has timely filed proposed findings of fact, the board shall incorporate in its decision a ruling upon each proposed finding so presented, provided that a separate ruling on each proposed finding shall not be required.

(d) The board shall cause to have a certified copy of the decision and order and accompanying findings and conclusions, delivered or mailed within a reasonable time after their adoption by the board, to each party or the party's authorized representative. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §§91-11, 91-12, 356D-4)

§17-2000-52 Procedure before a hearings officer; transmittal to board. (a) Upon conclusion of the proceedings before the hearings officer and following the timely submittal of proposed findings of fact, conclusions of law, and decision and order, the hearings officer shall prepare a recommended decision in the matter for the board.

(b) If the recommended decision is adverse to any party to the proceeding other than the authority, the recommended decision shall contain a statement of the reasons therefor and shall include

§17-2000-52

a determination of each issue of fact or law necessary to the recommended decision and it shall be served upon all parties. Any party adversely affected by the recommended decision may file exceptions thereto and may submit written argument in support of the exceptions to the board, provided that the exceptions and argument shall be filed within ten days of the service of the recommended decision, or within such other time as may be designated by the hearings officer.

(c) Following the expiration of the time specified in subsection (b), or if not applicable, following preparation of the recommended decision, the hearings officer shall transmit the entire record to the board for action together with the recommended decision, any timely filed exceptions thereto, and any timely submitted written arguments in support of the exceptions. [Eff _____]
(Auth: HRS §356D-4) (Imp: HRS §356D-4)

§§17-2000-53 to 17-2000-60 (Reserved)

SUBCHAPTER 4

DECLARATORY RELIEF

§17-2000-71 General provisions; contents of petition for declaratory relief. Any interested person may petition the board for a declaratory ruling as to the applicability of any statutory provision or of any rule or order. Each petition shall state concisely and with particularity the facts giving rise to the petition, including the petitioner's interest, reasons for filing the petition, and the names of any potential respondents, the provision or rule in question, the issues raised, and petitioner's position or contentions with respect thereto. [Eff]
(Auth: HRS §356D-4) (Imp: HRS §§91-8, 356D-4)

§17-2000-72 Memorandum of authorities in support of petition. Petitioner shall also file a memorandum of authorities together with any petition for declaratory relief at the time the petition is filed. The memorandum of authorities in support of the petition shall contain a full discussion of the reasons, including legal authorities, supportive of the petitioner's position. [Eff] (Auth: HRS §356D-4) (Imp: HRS §91-8, 356D-4)

§17-2000-73 Notice of argument. All parties shall be given written notice of the hearing of argument at least fifteen days before the time of the argument. The notice shall include:

- (1) The date, time, place, and nature of the argument;

§17-2000-73

- (2) The legal authority under which the argument is to be heard;
- (3) Particular sections of the statutes and rules involved; and
- (4) A short and concise statement of issues involved, the basic facts giving rise to the petition.

The notice shall further apprise each party of their right to retain legal counsel if so desired.

[Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-8, 356D-4)

§17-2000-74 Argument. Upon the filing of the petition, the chairperson shall assign the petition for argument and further proceedings to either the board or a hearings officer. All parties shall be afforded full opportunity to present argument on all issues involved. The argument shall be at the time and place set forth in the notice of argument but at that time and place may be continued from day to day and adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-8, 356D-4)

§17-2000-75 Board proceedings. Proceedings before the board shall be held as provided in section 17-2000-24. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-8, 91-14, 91-16, 356D-4)

§17-2000-76 Proposed findings of fact and conclusions of law. The prevailing party shall file proposed findings of fact, conclusions of law, decisions, and orders with the board no later than seven business days after the day the proceedings were concluded, or such other time as may be

established by the board or hearings officer.
[Eff] (Auth: HRS §356D-4) (Imp: HRS
§356D-4)

§17-2000-77 Board's final decisions, orders, findings of fact, and conclusions of law. (a) The board shall issue its final decision and order together with findings of fact and conclusions of law. The findings of fact, conclusions of law, final decisions, and orders shall be based upon the whole record or such portions thereof as may be cited by the parties, and shall be supported by reliable, probative and substantial evidence, including facts on which the board properly took judicial notice.

(b) If the proceedings were held before a hearings officer and exceptions were filed to the recommended decision, the board shall afford the parties oral argument as to the exceptions, prior to the board's adoption of a decision and order and findings of fact and conclusions of law.

(c) If any party has timely filed proposed findings of fact, the board shall incorporate in its decision a ruling upon each proposed finding so presented, provided that a separate ruling on each proposed finding shall not be required.

(d) The board shall cause to have a certified copy of the decision and order and accompanying findings and conclusions, delivered or mailed within a reasonable time after their adoption by the board, to each party or to the party's authorized representative. [Eff] (Auth: HRS §356D-4)
(Imp: HRS §§, 91-8, 356D-4)

§17-2000-78 Procedure before a hearings officer; transmittal to board. (a) Upon conclusion of the proceedings before the hearings officer and following the timely submittal of proposed findings

§17-2000-78

of fact, conclusions of law, and decision and order, the hearings officer shall prepare a recommended decision in the matter for the board.

(b) If the recommended decision is adverse to any party to the proceeding other than the authority, the recommended decision shall contain a statement of the reasons therefor and shall include a determination of each issue of fact or law necessary to the recommended decision and it shall be served upon all parties. Any party adversely affected by the recommended decision may file exceptions thereto and may submit written argument in support of the exceptions to the board, provided that the exceptions and argument shall be filed within ten days of the service of the recommended decision, or within such other time as may be designated by the hearings officer.

(c) Following the expiration of the time specified in subsection (b), or if not applicable, following preparation of the recommended decision, the hearings officer shall transmit the entire record to the board for action together with the recommended decision, any timely filed exceptions thereto, and any timely submitted written arguments in support of the exceptions. [Eff]
(Auth: HRS §356D-4) (Imp: HRS §91-11)

§17-2000-79 Order, effect. Any decision and order of declaratory relieve, whether granting or denying the petition, shall have the same force and effect as other decisions and order issued by the authority. [Eff] (Auth: HRS §356D-4)
(Imp: HRS §§91-8, 356D-4)

§§17-2000-80 to 17-2000-90 (Reserved)

SUBCHAPTER 5

RULE RELIEF

§17-2000-91 General provisions; contents of petition for rule relief. Any interested person may petition the authority for the amendment, adoption, or repeal of a rule. The petition for rule relief shall set forth the text of the rule to be repealed, or the text of any proposed rule, the adoption of which is being sought, or the text of any existing rule, the amendment of which is being sought, together with the proposed amendment. The petition shall further state concisely and with particularity the facts and circumstances giving rise to the petition, including the petitioner's interest and reasons for filing the petition, the necessity for the relief and anticipated effect or impact of the relief, the questions or issues raised and petitioner's position or contentions with respect thereto. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §§91-6, 356D-4)

§17-2000-92 Disposition. (a) Within thirty days of the filing of a petition, the authority, with the approval of the chairperson, shall either deny the petition in writing stating its reasons therefor, or initiate public rulemaking procedures in accordance with chapter 91, HRS.

(b) Without limiting the generality of the foregoing, the authority may deny any petition which:

- (1) fails to substantially conform with the requirements of section 17-2000-91;
- (2) Discloses insufficient reasons which would justify the institution of public rulemaking procedures; or

§17-2000-92

(3) Is frivolous. [Eff _____] (Auth:
HRS §356D-4) (Imp: HRS §§91-6, 356D-4)

§17-2000 93 Additional facts or supplemental memorandum. The authority may require the petitioner or any person to submit a statement of additional facts or a memorandum, the purpose of which is to clarify a specific factual issue, position, or contention. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §§91-6, 356D-4)

§17-2000-94 Notice of determination. The authority shall promptly notify the petitioner in writing of its decision not to consider the petition, in the time prescribed by law, and the reasons for its denial. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §§91-6, 356D-4)

§17-2000-95 Determination final. Unless otherwise provided by law, the petitioner shall have no right to request the board to reconsider the action nor to seek judicial review of the action. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§§17-2000-96 to 17-2000-120 (Reserved)

SUBCHAPTER 6

OTHER PROVISIONS

§17-2000-121 Forms. The authority may prescribe and use such forms as it may reasonably require to carry out its functions. The authority may at any time create, modify, amend, or delete any forms in order to effectuate the purposes herein.

[Eff _____] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-122 Gender and number. In any rule of the authority, all words used in the masculine or singular shall extend to and include the feminine or plural. [Eff _____] (Auth: HRS §356D-4)

(Imp: HRS §1-17)

§17-2000-123 severability. If any rule of the authority is found in whole or in part by a court of competent jurisdiction to be invalid under law, such finding shall not affect the remaining rules or any part therein. [Eff _____] (Auth: HRS §356D-4)

(Imp: HRS §1-23)

DEPARTMENT OF HUMAN SERVICES

Amendments to and compilation of chapter 2000,
title 17, Hawaii Administrative Rules, on the Summary
Page dated _____ were adopted on _____ following
public hearing held on _____, after public notice
was given in the (Locations printed) on _____

They shall take effect ten days after filing with
the Office of the Lieutenant Governor.

ROBERT J. HALL, Chairperson
Board of Directors
Hawaii Public Housing Authority

DAVID Y. IGE
Governor
State of Hawaii

Dated: _____

APPROVED AS TO FORM:

Deputy Attorney General

File

ATTACHMENT B

DEPARTMENT OF HUMAN SERVICES

Amendment and Compilation of Chapter 17-2000
Hawaii Administrative Rules

October 15, 2020

SUMMARY

1. Chapter 17-2000, Hawaii Administrative Rules, entitled "Rules of Practice and Procedure", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

~~[HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF
HAWAII]~~HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER 2000

RULES OF PRACTICE AND PROCEDURE

Subchapter 1 General Provisions

§17-2000-1	Purpose
§17-2000-2	Definitions
§17-2000-3	Business hours and location
§17-2000-4	Applicability of rules
§17-2000-5	Meetings
§17-2000-6	Agenda
§17-2000-7	Notice
§17-2000-8	Minutes
§17-2000-9	Quorum and number of votes necessary for action
§17-2000-10	Submittal and filing of documents
§17-2000-11	Extension of time
§17-2000-12	Amendment of documents
§17-2000-13	Retention of documents
§17-2000-14	Access to corporation <u>authority</u> records
§17-2000-15	Limitation on access to

~~[corporation]~~ authority
records
§17-2000-16 Authentication of
~~[corporation]~~ authority's
documents
~~§17-2000-17 Inclusion on agenda]~~
§17-2000-~~18~~17 Limitations on testimony before
the
board
§§17-2000-18 to 17-2000-20 (Reserved)

Subchapter 2 Proceeding Before the Board

§17-2000-21 General rule
§17-2000-22 Appearances before the board
§17-2000-23 Disqualification of member of board or
Hearings officer
§17-2000-24 Board proceedings, generally
§17-2000-25 Board's decision
§17-2000-26 Request for reconsideration of board's
decision
§17-2000-27 Limitation of time; appeal to the
circuit court
§17-2000-28 Failure to appear
§17-2000-29 Procedure before a hearings officer;
transmittal to the board
§§17-2000-30 to 17-2000-40 (Reserved)

Subchapter 3 Contested cases

§17-2000-41 Contested cases; applicability
§17-2000-42 Commencement of case
§17-2000-43 Contents of petition
§17-2000-44 Action by board
§17-2000-45 Board proceedings
§17-2000-46 Response
§17-2000-47 Notice
§17-2000-48 Burden of proof; evidence
§17-2000-49 Procedure at hearing
§17-2000-50 Proposed findings of fact and

- conclusions of law
- §17-2000-51 Board's final decisions, orders,70
Findings of fact, and conclusions of law
- §17-2000-52 Procedure before a hearings officer;
transmittal to board
- §§17-2000-53 to 17-2000-70 (Reserved)

Subchapter 4 Declaratory Relief

- §17-2000-71 General provisions; contents of
petition for declaratory relief
- §17-2000-72 Memorandum of authorities in support of
petition
- §17-2000-73 Notice of argument
- §17-2000-74 Argument
- §17-2000-75 Board proceedings
- §17-2000-76 Proposed findings of fact and
conclusions of law
- §17-2000-77 Board's final decisions, orders,
findings of fact and conclusions of
law
- §17-2000-78 Procedure before a hearings officer;
transmittal to board
- §17-2000-79 Order, effect
- §§17-2000-80 to 17-2000-90 (Reserved)

Subchapter 5 Rule Relief

- §17-2000-91 General provisions; contents of
Petition for rule relief
- §17-2000-92 Disposition
- §17-2000-93 Additional facts or supplemental
memorandum
- §17-2000-94 Notice of determination
- §17-2000-95 Determination final
- §§17-2000-96 to 17-2000-120 (Reserved)

Subchapter 6 Other Provisions

- §17-2000-121 Forms
- §17-2000-122 Gender and number
- §17-2000-123 Severability

Historical Note: Chapter 2000 of Title 17, Hawaii Administrative Rules, is based substantially upon Chapter 17-2000, Hawaii Administrative Rules. [Eff 10/3/2005, am and comp] Chapter 301 of Title 6, Hawaii Administrative Rules, [Eff 6/15/91; am and comp 7/5/96; R 10/25/99], and chapter 15-160, Hawaii Administrative Rules. [Eff 10/25/99, R 10/3/2005].

SUBCHAPTER 1

GENERAL PROVISIONS

§17-2000-1 Purpose. (a) These rules are adopted pursuant to chapters 91 and 92, Hawaii Revised Statutes ("HRS"), and implement chapter ~~[201G]~~356D, HRS, and address the following objectives:

- (1) To govern the practice before the ~~[housing and community development corporation of Hawaii]~~Hawaii public housing authority, State of Hawaii; and
- (2) To secure the just and efficient determination of proceedings before the ~~[housing and community development corporation of Hawaii]~~Hawaii public housing authority, State of Hawaii.

(b) Notwithstanding subsection (a), these rules do not cover eviction practice and procedure which are governed by chapter~~[s]~~ 17-2020 and 17-2038.
[Eff] {Auth: HRS 356D-4) (Imp: HRS Chapter 356D)

§17-2000-2 Definitions. Whenever used in this chapter, unless otherwise specifically defined:

"Authority" means the Hawaii public housing authority.

"Board" means the board of directors of the ~~[housing and community development corporation of Hawaii]~~Hawaii public housing authority as defined by section ~~[201G-2]~~356D-3, HRS.

"Bylaws" means, pursuant to chapter 91, HRS, the legal instrument under which the ~~[corporation]~~authority conducts its organization, internal management, and effectuates its purposes, powers, and programs.

"Chairperson" means the duly selected chair of the board of the [~~corporation~~]authority or a designated representative.

[~~"Corporation" means the housing and community development corporation of Hawaii as defined by section 201G-1, HRS, its board, and any branch, division, or section of the corporation.~~]

"Declaratory relief" means the [~~corporation~~]authority's declaration as to the applicability or non-applicability with respect to a factual situation of any rule or order of the [~~corporation~~]authority or of a statute which the [~~corporation~~]authority is required to administer or enforce.

"Directors" means the members of the board of directors as defined in section [~~201G-3~~]356D-3, HRS, and the bylaws of the [~~corporation~~]authority.

"Executive director" means the executive director of the [~~corporation~~]authority or the executive director's designated representative.

"Government record" means information maintained by an agency in written, auditory, visual, electronic, or other physical form as defined in section 92F-3, HRS.

"Hearings officer" means any person, duly appointed and authorized by the board to hold a hearing for the purpose of taking evidence or oral argument and making a recommended decision in any matter before the board.

"Meetings" means the convening of the board following due notice as prescribed under chapter 92, HRS, and the bylaws of the [~~corporation~~]authority.

"Officers of the [~~corporation~~]authority" means the same as contained in the [~~corporation~~]authority's bylaws.

"Party" means the [~~corporation~~]authority, if named, permitted, or entitled as of right to participate in a proceeding, each person named in a proceeding, or any person permitted or entitled as of right to participate in a proceeding before the [~~corporation~~]authority in the capacity of a petitioner, claimant, respondent, intervener, or in

a capacity other than that of a witness.

"Person" means an individual, partnership, [~~corporation~~]authority, association through a representative, or public or private organization of any character other than the [~~corporation~~]authority.

"Petition" means an application to the [~~corporation~~]authority by a party which seeks relief under these rules.

"Petitioner" means a party who initiates a proceeding.

"Practice and procedures" means these rules of practice and procedures before the [~~corporation~~]authority.

"Proceeding" refers to any matter brought before the [~~corporation~~]authority or the board for action following due consideration of the objectives, goals, policies, and all related matters of the [~~corporation~~]authority.

"Respondent" means the party against whom a petition is filed, the party against whom relief is sought or, any party who contests or controverts a proceeding.

"Rule relief" means the adoption, modification, or repeal of any rule by the [~~corporation~~]authority.

"Rules" pursuant to chapter 91, HRS, refers to adopted rules of each program administered by the [~~corporation~~]authority. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §§91-1, 356D-1, 356D-3, 356D-4)

§17-2000-3 Business hours and location.

(a) The principal office of the [~~corporation~~]authority is located at [677 Queen Street, Suite 300]1002 North School Street, Honolulu, Hawaii [96813]. All communication to the [~~corporation~~]authority, including specifically its board and chairperson, shall be transmitted to the [~~corporation~~]authority's office.

(b) The principal office of the [~~corporation~~]authority shall be open Monday through Friday, holidays excepted, from 7:45 a.m. to 4:30 p.m. of each week day, unless otherwise provided by

statute or executive order. [Eff] {Auth:
HRS §356D-4)(Imp: HRS §356D-4)

§17-2000-4 Applicability of rules. The rules under this chapter shall apply to all practices and procedures of the [~~corporation~~]authority, provided that where these rules are inconsistent with the [~~corporation~~]authority's rules under another chapter, these rules shall be superseded by the specific rule of practice and procedure of the other chapter. The board shall refer to Robert's Rules of Order for guidance on procedural matters not addressed in the [~~corporation~~]authority's rules or in law. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-5 Meetings. The [~~corporation~~]authority shall hold meetings as defined and prescribed under article VII of the bylaws. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-6 Agenda. (a) The executive director shall prepare the agenda for the meetings of the board, as directed by the chairperson.

(b) The authority shall maintain a list of all names and addresses of persons who have requested, in writing, notification of the board's meetings. Persons may receive notifications by either mail or email. The list shall be updated annually.

(c) Requests from members of the public to be included on the agenda of the board meeting shall be in writing and must be received by the executive director at least twenty calendar days before the scheduled board meeting. The request shall be summarized and shall include the action being requested by the board.

(d) The name of the requesting party shall be placed on the agenda for the next scheduled board meeting except when the chairperson determines that the volume or substance of the items scheduled for the next meeting or the location thereof warrant the placement of the requesting party's name on the agenda of a subsequent board meeting.

(E) Written requests to the board requiring a response shall be accompanied by a stamped, self-addressed envelope. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §§92-7, 356D-4)

§17-2000-7 Notice. Notice of the meetings of the board shall satisfy the requirements of section 92 7, HRS. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §92-7)

§17-2000-8 Minutes. The [~~corporation~~]authority shall maintain written minutes in compliance with section 92-9, HRS. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §92-9)

§17-2000-9 Quorum and number of votes necessary for action. [~~Five~~]Six directors of the board shall constitute a quorum and the affirmative vote of at least [~~five~~]six directors shall determine any action. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §356D-3)

§17-2000-10 Submittal and filing of documents.

(a) All documents and requests to the [~~corporation~~]authority of every nature shall be in writing addressed to the

executive director, the board, or the chairperson, as may be appropriate under the circumstances, and transmitted to the [~~corporation~~]authority within the time limits prescribed by law, rules, or by order of the [~~corporation~~]authority. The date of filing shall be established by the [~~corporation~~]authority's time-date stamp on the document.

(b) All documents filed with the [~~corporation~~]authority shall be either written in dark ink, typewritten, [~~mimicographed,~~] or printed; shall be plainly legible, and shall be on strong, durable paper no larger than 8- 1/2" x 11" in size, unless otherwise specified by the [~~corporation~~]authority, except that maps, charts, tables, drawings, spreadsheets, and other like documents may be larger, folded to the size of the papers to which they are attached.

- (1) All documents filed by any person or agency in any proceeding shall state on the first page thereof the name, mailing address and business telephone number, if any, of the individual who may be served with any documents filed in the proceeding;
- (2) The original of each document shall be signed in black or blue ink by the party; and
- (3) Reproduction may be by any process, provided all copies are clear and permanently legible.

(c) All documents must be signed by the party or the party's agent. The signature of the person constitutes a verification that the person has read the document, that to the best of the person's knowledge, information, and belief, every statement contained therein is true and no such statement is misleading; and that it is not interposed for delay.

(d) Unless otherwise required by these rules or the [~~corporation~~]authority, there shall be filed with the [~~v~~]authority an original and ten copies of each paper. Additional papers shall be promptly provided upon request of the executive director or chairperson.

[Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-11 Extensions of time. Unless otherwise provided in this chapter, whenever a party is required to take action within a period of time prescribed or allowed by applicable order, statute, or rule, the chairperson may:

- (a) Approve a written stipulation signed by all parties extending such time period; or
- (b) Extend such time period upon written request of the party requesting the extension for good cause shown. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-12 Amendment of documents. If any document filed with the [~~corporation~~]authority is not in substantial conformity with applicable rules of the [~~corporation~~]authority, the [~~corporation~~]authority may accept and file such documents and may request the filing of an amended document in conformance with the applicable rules. The mere fact of filing shall not waive any failure to comply with these rules, or any other legal requirement. If an amended document is requested by the [~~corporation~~]authority, the amended document shall be effective as of the date the [~~corporation~~]authority receives it. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-13 Retention of documents. The [~~corporation~~]authority shall retain all documents filed with the [~~corporation~~]authority in its files for a time period provided by law. The executive director may permit the withdrawal of original documents upon submission of properly authenticated copies to replace the original documents. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-14 Access to ~~corporation~~ authority records. (a) All government records of the ~~corporation~~ authority shall be open for inspection in the principal office of the ~~corporation~~ authority during established business hours, unless access to such records is restricted or closed by law.

(b) A request for access to or copies of government records shall be made in writing to the executive director and shall include a clear and concise description of the records sought. All such requests must be signed by the requesting party or the party's authorized representative.

(c) The ~~corporation~~ authority shall not be required to prepare a compilation or summary of its records in response to a request for records.

(d) Copies of the government records shall be available in accordance with subsection (b), and payment of the reasonable costs of reproduction set forth in section 92-21, HRS, and the fee for searching, reviewing, or segregating the records as set forth ~~in~~ by the office of information practices, chapter 5-43 by the office of information practices pursuant to section 92F-42, HRS. Reasonable costs of reproduction shall include, but are not limited to, actual time for reproduction, material costs, including electricity cost, equipment and equipment rental costs, costs for certification, and labor costs for monitoring the public inspection of the records to prevent theft, loss, defacement, or alteration of the records. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§92-21, 92F-11, 92F-42)

§17-2000-15 Limitation on access to ~~corporation~~ authority records. Access to ~~corporation~~ authority records is subject to the limitations set forth in section 92F-13, HRS. [Eff] (Auth: HRS §356D-4) (Imp: HRS §92F-13)

§17 2000-16 Authentication of
[~~corporation~~authority's documents. The executive
director is authorized to certify as to the
authenticity of documents on file in the offices of
the [~~corporation~~authority. [Eff] (Auth:
HRS §356D-4) (Imp: HRS §356D-4)

~~**§17-2000-17 Inclusion on agenda.** (a)~~
~~Requests from members of the public to be included~~
~~on the agenda of a board meeting shall be in writing~~
~~and must be received by the executive director at~~
~~least twenty calendar days before the scheduled~~
~~board meeting. The request shall be summarized, and~~
~~shall include the action being requested by the~~
~~board.~~

~~(b) The name of the requesting party shall be~~
~~placed on the agenda for the next scheduled board~~
~~meeting except when the chairperson determines that~~
~~the volume or substance of the items scheduled for~~
~~the next meeting or the location thereof warrant the~~
~~placement of the requesting party's name on the~~
~~agenda of a subsequent board meeting.~~

~~(c) The corporation shall maintain a list of~~
~~all names and addresses of persons who have~~
~~requested, in writing, notification of the board's~~
~~meetings. The list shall be updated annually.~~

~~(d) Written requests to the board requiring a~~
~~response shall be accompanied by a stamped, self-~~
~~addressed envelope. [Eff] (Auth: HRS~~
~~§356D-4) (Imp: HRS §356D-4)]~~

§17-2000-[~~18~~]17 Limitations on testimony
before the board. (a) The board may limit the
length of each person's oral testimony to three
minutes.

(b) The board shall only accept oral testimony
related to items on the agenda for the meeting at
which the testimony is offered. [Eff]

(Auth: HRS §356D-4) (Imp: HRS §92-3)

SUBCHAPTER 2

PROCEEDING BEFORE THE BOARD

§17-2000-21 General rule. All persons and parties shall comply with these rules of practice and procedure when appearing before the board. The board may waive, modify, or suspend any of the provisions of this chapter to the extent permitted by law. All persons and parties shall have a reasonable opportunity to present evidence and argument on all the issues involved. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §§91-9(d), 356D-4)

§17-2000-22 Appearances before the board. (a) A party to a proceeding before the board may appear in person or through an authorized representative if the party is an individual; through an authorized representative if the party is a partnership, corporation, trust or association; or through an officer or employee if the party is a State agency or political subdivision of the State.

(b) The board may at any time require an authorized representative of a party to demonstrate or prove that he or she has the authority to act in such capacity.

(c) An appearance before the board may be made by video conference, [~~speaker~~] telephone or other electronic means, with the approval of the chairperson. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-23 Disqualification of member of board or hearings officer. No matter shall be heard by a member of the board or by a hearings officer who:

(a) Has any pecuniary interest in the matter being heard; or

(b) Is related within the third degree by blood or marriage to any party to the proceeding.

[Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-24 Board proceedings, generally. The following shall apply to proceedings before the board under subchapter 3, contested cases, and subchapter 4, declaratory relief

- (1) Unless otherwise provided in this chapter, all documents, as required by these rules, including memoranda and other documents requested by the board, shall be filed with the ~~[corporation]~~authority prior to the date of the proceeding;
- (2) The board, at the written request of a party to the proceeding, shall have the power to issue subpoenas as provided under law, requiring the attendance of witnesses or the production of documents at the hearing. The party requesting the issuance of a subpoena shall identify with particularity the person or documents to be subpoenaed. Witnesses so summoned shall be paid the same fees as are paid witnesses in the courts in the State of Hawaii and such fees, including mileage, shall be paid by the party who requests the issuance of the subpoena. The board may require deposit of such fees by the requesting party before the issuance of the subpoena. The board may deny or modify the issuance of the subpoena, if it is unreasonable or oppressive or fails to comply with the requirements under law;
- (3) Witnesses shall be placed under oath prior to testifying;
- (4) The proceeding shall be recorded, but it

shall not be necessary to transcribe the record unless requested by the party. The proceedings shall be tape recorded unless a party requests the services of a court reporter to record the proceeding verbatim. In the event a court reporter is requested, the secretary to the board shall be given notice thereof at least seven calendar days prior to the commencement of the proceeding. The cost of the transcriptions of the proceedings shall be borne by the requesting party;

- (5) A party may submit written requests to the board regarding a matter pending before the board prior to the commencement of the proceeding. The chairperson may, but shall not be required to, issue a ruling on the request prior to the commencement of the proceeding;
- (6) Rules of evidence as stated in section 91-10, HRS, shall apply;
- (7) An offer of proof for the record shall consist of a statement of the substance of the evidence to which objection has been sustained;
- (8) Documents offered in evidence shall be accepted upon ruling of the chairperson;
- (9) Proposed findings of fact, conclusions of law, decisions and orders shall not be accepted unless submitted no later than seven business days after the day the proceedings were concluded, or such other time as may be established by the board or hearings officer; and
- (10) Appeal of a decision may be made to the circuit court as provided by law.

[Eff] (Auth: HRS §356D-4) (Imp:
HRS §§91-9, 91-14, 92-16)

§17-2000-25 Board's decision. With respect to proceedings before the board under subchapter 3, contested cases, subchapter 4, declaratory relief, and for reconsideration, all final orders, rulings, decisions or actions entered by the board shall be filed with the [~~corporation~~]authority. [Eff] (Auth: HRS §356D-4) (Imp: HRS §91-12)

§17-2000-26 Request for reconsideration of board's decision. (a) Any request for reconsideration of an order, ruling, decision, or action of the board shall be made in writing and shall be filed with the [~~corporation~~]authority within ten days of the order, ruling, decision, or action. The request shall state the grounds for the request for reconsideration and may be summarily denied if it appears from the request that there is no new, relevant evidence on the matter to present to the board.

(b) Upon receipt of the request, the chairperson shall:

- (1) Assign the request for reconsideration for further proceedings either before the board or before a hearings officer; or
- (2) Deny the request on the ground that no new, relevant evidence exists to support the request for reconsideration.

(c) Notice pursuant to section 91-9, HRS, shall be provided to all parties upon the scheduling of a hearing before the board or a hearings officer.

(d) When the hearing is held before a hearings officer, the entire record shall be transmitted to the board for action together with the recommended decision, any timely filed exceptions, and any timely filed statement in support of the reconsideration. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-12, 356D-4)

§17-2000-27 Limitation of time; appeal to circuit court. Appeal of the [~~corporation~~]authority's final order, ruling, decision, or action may be made to the circuit court as provided by law. [Eff] (Auth: HRS §356D-4) (Imp: HRS §91-14)

§17-2000-28 Failure to appear. If any party fails to appear at the scheduled proceeding without good cause, the board may proceed in the absence of the party and may issue any decision or order it deems just and equitable under the circumstances, including dismissal of the party's claim for relief and reimbursement of costs, if such has been incurred. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-29 Procedure before a hearings officer; transmittal to board. (a) Upon conclusion of the proceedings before the hearings officer and following the timely submittal of proposed findings of fact, conclusions of law, and decision and order, the hearings officer shall prepare a recommended decision in the matter for the board.

(b) If the recommended decision is adverse to any party to the proceeding other than the [~~corporation~~]authority, the recommended decision shall contain a statement of the reasons therefor and shall include a determination of each issue of fact or law necessary to the recommended decision and it shall be served upon all parties. Any party adversely affected by the recommended decision may file exceptions thereto and may submit written argument in support of the exceptions to the board, provided that the exceptions and argument shall be filed within ten days of the service of the recommended decision, or within such other time as may be designated by the hearings officer.

(c) Following the expiration of the time specified in subsection (b), or if not applicable, following preparation of the recommended decision, the hearings officer shall transmit the entire record to the board for action together with the recommended decision, any timely filed exceptions thereto, and any timely submitted written arguments in support of the exceptions. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §356-4)

SUBCHAPTER 3

CONTESTED CASES

§17-2000-41 Contested cases; applicability. The right to a contested case hearing shall exist where provided for by administrative rule of the ~~[corporation]~~authority or where required by law. The right to hearing shall only be afforded to the person affected by the action or decision of the ~~[corporation]~~authority, unless otherwise provided by rules of the ~~[corporation]~~authority or by law.
[Eff] (Auth: HRS §356D-4) (Imp: HRS §91-9, 356D-4)

§17-2000-42 Commencement of case. A contested case shall commence by the filing of a petition for a permitted relief with the board. Unless otherwise provided by rule of the ~~[corporation]~~authority or by law, the petition shall be filed within thirty days of the action or decision of the ~~[corporation]~~authority for which contested case hearing is sought. Upon the filing of a petition, the ~~[corporation]~~authority shall docket the petition and assign a docket number to the petition.
[Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-9, 356D-4)

17-2000-43 Contents of petition. (a) The petition shall state the following:

- (1) Name, address, telephone number of the petitioner and the petitioner's legal counsel, if any, which shall be updated by the petitioner at all times;
- (2) A brief and concise factual statement of the

petitioner's claim;

- (3) The law or rule involved;
- (4) The names of all respondents or identities against whom the petition is brought; and
- (5) A brief statement of the relief sought by the petitioner.

(b) If the petition is not in substantial compliance with subpart (a), the board may refuse to file the petition and may request the petitioner to submit an amended petition in compliance thereto.

[Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-9, 356D-4)

§17-2000-44 Action by board. Upon the filing of the petition, the chairperson shall assign the petition for further proceedings before the board or assign the matter to a hearings officer and afford all parties in the matter an opportunity for hearing after reasonable notice. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-9, 356D-4)

§17-2000-45 Board proceedings. Proceedings before the board shall be held as provided in section 17-2000-24. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-9, 91-14, 91-16, 356D-4)

§17-2000-46 Response. Each respondent may file a written response to the petition with the board or hearings officer if the case has been assigned to one. The response shall state briefly a counterstatement of the facts, circumstances, law, rules, or reasons in defense thereof, and shall specifically admit or deny the allegations of the petition. The response shall be filed at least five working days prior to the hearing. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-47 Notice. The board or hearings officer shall, as soon as possible, provide notice pursuant to section 91-9.5, HRS, to all parties of the scheduled hearing in such form and manner as provided by law. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-9, 91-9.5, 356D-4)

§17-2000-48 Burden of proof; evidence. Except as otherwise provided by law, the party initiating the proceeding shall have the burden of proof, including the burden of producing evidence as well as the burden of persuasion. The degree or quantum of proof shall be a preponderance of the evidence. [Eff] (Auth: HRS §356D-4) (Imp: HRS §91-10(5))

§17-2000-49 Procedure at hearing. Unless otherwise stipulated by the parties, which stipulation is approved by the board or the hearings officer, all hearings shall proceed as follows:

- (1) The parties shall have the opportunity to make opening statements before any evidence is presented, unless they waive the opportunity. The opening statement shall be heard in the following order:
 - (A) Petitioner's opening statement; and
 - (B) Respondent's opening statement, unless respondent chooses to reserve the opening statement until after presentation of petitioner's evidence;
- (2) The petitioner's evidence shall be presented first, and shall be followed by the presentation of evidence by respondent;
- (3) After presentation of the evidence in support of their respective cases, the parties shall have the opportunity to introduce rebuttal evidence. Rebuttal evidence shall be introduced in the same order as was followed with respect to the introduction of evidence

- in support of their respective cases;
- (4) Each witness shall first be sworn under oath and shall be examined first by the party calling the witness before cross-examination by the opposing party;
 - (5) After all evidence, including rebuttal evidence, has been presented, the parties shall have the opportunity to make final argument. Final argument shall proceed as follows :
 - (A) Petitioner's final argument;
 - (B) Respondent's final argument; and
 - (C) Petitioner's final argument in rebuttal which shall be limited to countering matters raised in respondent's final argument; and
 - (6) The hearing shall be deemed closed after completion of all final arguments or upon filing of all permitted memoranda and other post-hearing submissions or upon the expiration of the time allowed for filing submissions, unless the time is extended, or upon the completion of taking further evidence, whichever is later.
[Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-9, 91-10, 356D-4)

§17-2000-50 Proposed findings of fact and conclusions of law. Proposed findings of fact, conclusions of law, decisions, and orders shall be prepared by the prevailing party, filed with the board no later than seven business days after the day the proceedings were concluded, or such other time as may be established by the board or hearings officer, and delivered or mailed within a reasonable time to each party or to the party's authorized representative.
[Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-12, 356D-4)

§17-2000-51 Board's final decisions, orders, findings of fact, and conclusions of law. (a) The board shall issue its final decision and order together with findings of fact and conclusions of law. The findings of fact, conclusions of law, and final decisions and orders shall be based upon the whole record and shall be supported by reliable, probative and substantial evidence, including facts of which the board properly took judicial notice.

(b) If the proceedings were held before a hearings officer and exceptions were filed to the recommended decision, the board shall afford the parties an opportunity for oral argument before the board as to the exceptions, prior to the board's adoption of a decision and order and findings of fact and conclusions of law.

(c) If any party has timely filed proposed findings of fact, the board shall incorporate in its decision a ruling upon each proposed finding so presented, provided that a separate ruling on each proposed finding shall not be required.

(d) The board shall cause to have a certified copy of the decision and order and accompanying findings and conclusions, delivered or mailed within a reasonable time after their adoption by the board, to each party or the party's authorized representative. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §§91-11, 91-12, 356D-4)

§17-2000-52 Procedure before a hearings officer; transmittal to board. (a) Upon conclusion of the proceedings before the hearings officer and following the timely submittal of proposed findings of fact, conclusions of law, and decision and order, the hearings officer shall prepare a recommended decision in the matter for the board.

(b) If the recommended decision is adverse to any party to the proceeding other than the [~~corporation~~] authority, the recommended decision shall contain a statement of the reasons therefor and

shall include a determination of each issue of fact or law necessary to the recommended decision and it shall be served upon all parties. Any party adversely affected by the recommended decision may file exceptions thereto and may submit written argument in support of the exceptions to the board, provided that the exceptions and argument shall be filed within ten days of the service of the recommended decision, or within such other time as may be designated by the hearings officer.

(c) Following the expiration of the time specified in subsection (b), or if not applicable, following preparation of the recommended decision, the hearings officer shall transmit the entire record to the board for action together with the recommended decision, any timely filed exceptions thereto, and any timely submitted written arguments in support of the exceptions. [Eff]

(Auth: HRS §356D-4) (Imp: HRS §356D-4)

SUBCHAPTER 4

DECLARATORY RELIEF

§17-2000-71 General provisions; contents of petition for declaratory relief. Any interested person may petition the board for a declaratory ruling as to the applicability of any statutory provision or of any rule or order. Each petition shall state concisely and with particularity the facts giving rise to the petition, including the petitioner's interest, reasons for filing the petition, and the names of any potential respondents, the provision or rule in question, the issues raised, and petitioner's position or contentions with respect thereto. [Eff]
(Auth: HRS §356D-4) (Imp: HRS §§91-8, 356D-4)

§17-2000-72 Memorandum of authorities in support of petition. Petitioner shall also file a memorandum of authorities together with any petition for declaratory relief at the time the petition is filed. The memorandum of authorities in support of the petition shall contain a full discussion of the reasons, including legal authorities, supportive of the petitioner's position. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-8, 356D-4)

§17-2000-73 Notice of argument. All parties shall be given written notice of the hearing of argument at least fifteen days before the time of the argument. The notice shall include:

- (1) The date, time, place, and nature of the argument;

- (2) The legal authority under which the argument is to be heard;
- (3) Particular sections of the statutes and rules involved; and
- (4) A short and concise statement of issues involved, the basic facts giving rise to the petition.

The notice shall further apprise each party of their right to retain legal counsel if so desired.

[Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-8, 356D-4)

§17-2000-74 Argument. Upon the filing of the petition, the chairperson shall assign the petition for argument and further proceedings to either the board or a hearings officer. All parties shall be afforded full opportunity to present argument on all issues involved. The argument shall be at the time and place set forth in the notice of argument but at that time and place may be continued from day to day and adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-8, 356D-4)

§17-2000-75 Board proceedings. Proceedings before the board shall be held as provided in section 17-2000-24. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-8, 91-14, 91-16, 356D-4)

§17-2000-76 Proposed findings of fact and conclusions of law. The prevailing party shall file proposed findings of fact, conclusions of law, decisions, and orders with the board no later than seven business days after the day the proceedings were concluded, or such other time as may be

established by the board or hearings officer.
[Eff] (Auth: HRS §356D-4) (Imp: HRS
§356D-4)

§17-2000-77 Board's final decisions, orders, findings of fact, and conclusions of law. (a) The board shall issue its final decision and order together with findings of fact and conclusions of law. The findings of fact, conclusions of law, final decisions, and orders shall be based upon the whole record or such portions thereof as may be cited by the parties, and shall be supported by reliable, probative and substantial evidence, including facts on which the board properly took judicial notice.

(b) If the proceedings were held before a hearings officer and exceptions were filed to the recommended decision, the board shall afford the parties oral argument as to the exceptions, prior to the board's adoption of a decision and order and findings of fact and conclusions of law.

(c) If any party has timely filed proposed findings of fact, the board shall incorporate in its decision a ruling upon each proposed finding so presented, provided that a separate ruling on each proposed finding shall not be required.

(d) The board shall cause to have a certified copy of the decision and order and accompanying findings and conclusions, delivered or mailed within a reasonable time after their adoption by the board, to each party or to the party's authorized representative. [Eff] (Auth: HRS §356D-4)
(Imp: HRS §§91-8, 356D-4)

§17-2000-78 Procedure before a hearings officer; transmittal to board. (a) Upon conclusion of the proceedings before the hearings officer and following the timely submittal of proposed findings

of fact, conclusions of law, and decision and order, the hearings officer shall prepare a recommended decision in the matter for the board.

(b) If the recommended decision is adverse to any party to the proceeding other than the [~~corporation~~]authority, the recommended decision shall contain a statement of the reasons therefor and shall include a determination of each issue of fact or law necessary to the recommended decision and it shall be served upon all parties. Any party adversely affected by the recommended decision may file exceptions thereto and may submit written argument in support of the exceptions to the board, provided that the exceptions and argument shall be filed within ten days of the service of the recommended decision, or within such other time as may be designated by the hearings officer.

(c) Following the expiration of the time specified in subsection (b), or if not applicable, following preparation of the recommended decision, the hearings officer shall transmit the entire record to the board for action together with the recommended decision, any timely filed exceptions thereto, and any timely submitted written arguments in support of the exceptions. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-79 Order, effect. Any decision and order of declaratory relieve, whether granting or denying the petition, shall have the same force and effect as other decisions and order issued by the [~~corporation~~]authority. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-8, 356D-4)

SUBCHAPTER 5

RULE RELIEF

§17-2000-91 General provisions; contents of petition for rule relief. Any interested person may petition the [~~corporation~~]authority for the amendment, adoption, or repeal of a rule. The petition for rule relief shall set forth the text of the rule to be repealed, or the text of any proposed rule, the adoption of which is being sought, or the text of any existing rule, the amendment of which is being sought, together with the proposed amendment. The petition shall further state concisely and with particularity the facts and circumstances giving rise to the petition, including the petitioner's interest and reasons for filing the petition, the necessity for the relief and anticipated effect or impact of the relief, the questions or issues raised and petitioner's position or contentions with respect thereto. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-6, 356D-4)

§17-2000-92 Disposition. (a) Within thirty days of the filing of a petition, the [~~corporation~~]authority, with the approval of the chairperson, shall either deny the petition in writing stating its reasons therefor, or initiate public rulemaking procedures in accordance with chapter 91, HRS.

(b) Without limiting the generality of the foregoing, the [~~corporation~~]authority may deny any petition which:

- (1) fails to substantially conform with the requirements of section 17-2000-91;
- (2) Discloses insufficient reasons which would justify the institution of public

rulemaking procedures; or
(3) Is frivolous. [Eff] (Auth: HRS
§356D-4) (Imp: HRS §§91-6, 356D-4)

§17-2000 93 Additional facts or supplemental memorandum. The [~~corporation~~]authority may require the petitioner or any person to submit a statement of additional facts or a memorandum, the purpose of which is to clarify a specific factual issue, position, or contention. [Eff] (Auth: HRS §356D-4)
(Imp: HRS §§91-6, 356D-4)

§17-2000-94 Notice of determination. The [~~corporation~~]authority shall promptly notify the petitioner in writing of its decision not to consider the petition, in the time prescribed by law, and the reasons for its denial. [Eff] (Auth: HRS §356D-4) (Imp: HRS §§91-6, 356D-4)

§17-2000-95 Determination final. Unless otherwise provided by law, the petitioner shall have no right to request the board to reconsider the action nor to seek judicial review of the action. [Eff] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

SUBCHAPTER 6

OTHER PROVISIONS

§17-2000-121 Forms. The [~~corporation~~]authority may prescribe and use such forms as it may reasonably require to carry out its functions. The [~~corporation~~]authority may at any time create, modify, amend, or delete any forms in order to effectuate the purposes herein. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §356D-4)

§17-2000-122 Gender and number. In any rule of the [~~corporation~~]authority, all words used in the masculine or singular shall extend to and include the feminine or plural. [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §1-17)

§17-2000-123 severability. If any rule of the [~~corporation~~]authority is found in whole or in part by a court of competent jurisdiction to be invalid under law, such finding shall not affect the remaining rules or any part therein." [Eff _____] (Auth: HRS §356D-4) (Imp: HRS §1-23)

2. Material, except source notes and other notes to be repealed is bracketed and stricken. New material is underscored.

3. Additional to update source notes and other notes to reflect these amendments and compilations are not underscored.

4. These amendments to and compilation of

chapter 17-2000, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ and filed with the Office of the Lieutenant Governor.

ROBERT J. HALL, Chairperson
Board of Directors
Hawaii Public Housing
Authority

APPROVED AS TO FORM:

Deputy Attorney General

FOR ACTION

MOTION: To **(1)** Adopt Amendments to Hawaii Administrative Rules (HAR) Entitled “Hawaii Public Housing Authority Section 8 – Housing Choice Voucher Program Emergency Rules Relating to COVID-19 Emergency”, Which Applies to HAR Chapter 15-185 Section 8 – Housing Choice Voucher Program, and Amends Section 15-185-25 Regarding Local Preferences, to Provide Emergency Relief to Section 8 Applicants to Address the COVID-19 Emergency Declared by the Governor in his Emergency Proclamation for COVID-19 dated March 4, 2020, and Supplemental Proclamations dated March 16, 2020, March 21, 2020, March 23, 2020, March 31, 2020, April 17, 2020, April 25, 2020, May 5, 2020, May 18, 2020, June 10, 2020, July 17, 2020, August 6, 2020, August 20, 2020; and September 22, 2020, as follows:

- (1) Establishes a New Waitlist Preference for Families Able to Lease In Place;
- (2) Establishes a Landlord Incentive to Encourage Landlords to Lease Tenants in Place;
- (3) Reduces the Time that Applicants have to Verify their Qualification for the Preference from 10 business days to 7 business days; and
- (4) Clarifies the termination date for the Waitlist for the New Lease In Place Preference; and

(2) To Authorize the Executive Director to Undertake All Actions Necessary to Implement the Hawaii Public Housing Authority Section 8 Emergency Rules Relating to COVID-19 Emergency

(The Board may go into executive session pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(4) to consult with the Board’s attorneys on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities as related to this motion.)

I. FACTS

- A. The Hawaii Public Housing Authority’s (HPHA) programs are governed by a variety of federal, state, and agency statutes and rules, such as the United States Code, Code of Federal Regulations and Chapter 356D, Hawaii Revised Statutes (HRS).
- B. Section 356D-4 and 356D-13, HRS (Attachment A), authorize the HPHA to adopt administrative rules with the force and effect of law to govern its programs.

- C. On March 5, 2020, the Governor of the State of Hawaii issued an Emergency Proclamation and subsequent Supplementary Proclamations dated March 16, 2020, March 21, 2020, March 23, 2020, March 31, 2020, April 17, 2020, April 25, 2020, May 5, 2020, May 18, 2020, June 10, 2020, July 17, 2020, August 6, 2020, August 20, 2020, and September 22, 2020 (hereinafter collectively referred to as “Emergency Proclamation”), which proclaimed an emergency for COVID-19. The Emergency Proclamations can be found on the Governor’s website at: governor.hawaii.gov/emergency-proclamations/
- D. The Emergency Proclamations suspended, as allowed by law, numerous Hawaii statutes for the “speedy and efficient relief of damages, losses, and suffering resulting” from the COVID-19 virus which continues to endanger communities.
- E. Pursuant to the Emergency Proclamations, the Governor further directed all State agencies and officers to take protective action in order to prevent the spread of COVID-19 and provide for the health, safety, and welfare of the people as may be required, to assist in all efforts to eliminate the dangers addressed in the Emergency Proclamation.

II. DISCUSSION

- A. Attached as Attachment B for the Board’s consideration is the proposed Section 8 – Housing Choice Voucher Emergency Rules Relating to COVID-19 Emergency.
- B. On October 13, 2020, the Honolulu Star Advertiser reported in “*11,000 Hawaii tenants delinquent on rent*” that more than 11,000 tenants were late paying their August rent, and about 9,000 of them were more than 60 days behind, revealing more economic problems from the ongoing damage to Hawaii’s COVID-19-ravaged economy.

The article went on to state that “Property owners and managers indicate that over 40% of their tenants have lost jobs, meaning they’re struggling to keep up with housing but “they’re not spending on other things,” Carl Bonham, executive director of the University of Hawaii Economic Research Organization, told fellow members of the House Select Committee on COVID-19 on Monday.”

Mr. Bonham was further quoted as stated that Hawaii’s economy was the worst in the nation when measured by its 42.2% los of gross domestic product for the second quarter of the year. Additional statistics provided:

11,000+: Number of isle renters who were late paying their August rent
 9,000: Number of renters who were 60 days late on their rent payments

40%: Estimate of percentage of tenants who have lost jobs
42.2%: Loss of all island goods and services

Source: Carl Bonham, Executive Director, University of Hawaii Economic Research Organization

- C. The HPHA was recently appropriated an additional \$2,000,000 for the Housing Choice Voucher Program. With the adoption of the new preference in the emergency rules, the HPHA's goal is to lease up an additional 750 families in the Section 8 program by the end of this calendar year.
- D. The amended Emergency Rules apply to the HPHA's Section 8 – Housing Choice Voucher Program and HAR Chapter 15-185 and establish a Lease-In-Place Preference for applicants who are currently housed under a lease and whose landlord has agreed to accept a Section 8 voucher. The preference would allow those affected by the COVID-19 pandemic to maintain their current housing and reduce the number of families searching for housing, thereby reducing potential homelessness and exposure to the virus. The preference shall not exceed the emergency period and any applicants remaining on the list at that time will be purged from the list.
- E. Under the current program rules, applicants are given 60 days to identify a housing unit which meets program requirements. With the adoption of this new (temporary) preference, the HPHA will be able to enroll families in the Section 8 program quickly and prevent possible evictions of those who are already in housing but unable to make rent payments. The emergency rules will also allow applicants who are able to make rent payments to continue to maintain their housing without the constant threat of loss of income looming in the future.
- F. The proposed rule change reduces the amount of time an applicant has to provide documents to verify eligibility from 10 business days to 7 business days. As the applicants are already in a unit and the landlord has agreed to participate in the Section 8 program, the reduced timeline will help the HPHA to process applications and issue vouchers quicker.
- G. The amended Emergency Rules also establishes an incentive program for landlords entering into a HAP contract through the emergency preference. Landlords shall be eligible to receive up to \$500 in the form of a gift card to a local hardware store to be used to correct any non-life-threatening deficiencies cited during the initial HQS inspection. Funding for the gift cards shall be paid from HCV Cares Act funds.
- H. The HPHA hopes to incentivize landlords to participate in the HCV program, by subsidizing costs to help their units pass inspection, thereby

allowing families to lease in place quicker. Funds are not intended to add to, fix or remodel units to a level beyond what is necessary to pass inspection.

- I. Eligible applicants will be placed on the waiting list using the recently adopted lottery process. This lease in place preference, the proposed landlord incentive program, and the lease in place waiting list will all terminate at the end of the calendar year. No applications or applicants will be carried over into another list. All applicants will be eligible to apply under future openings of the HPHA's regular waiting list.
- J. Notwithstanding HAR Chapter 15-185 Section 8 – Housing Choice Voucher Program, and any subsequent repeal or revisions, the proposed Section 8 Emergency Rules relating to the COVID-19 Emergency shall apply to all HPHA Section 8 applicants.
- K. Once approved by the HPHA Board of Directors, the agency must:
 - 1. Post the rules on the applicable state or county government website; and
 - 2. Publish the rules in a newspaper of general circulation in the State, by means calculated to bring its contents to the attention of the general public, including by official announcement by means of television or radio broadcast, or both, or by internet; or where only known persons are concerned, by service upon these persons by registered or certified mail or by personal service.

The rules shall remain posted on the government website while in effect. When immediate promulgation of the rules is necessary in the opinion of the governor or mayor, as applicable, who shall be the sole judge thereof, in lieu of publication, the rules may be promulgated by television or radio broadcast, or both, or by internet, or such other means as may be available; provided that the rules shall be posted and published thereafter at the earliest practicable date.

- L. The Department of the Attorney General has reviewed the proposed rules.

III. RECOMMENDATION

That the Board of Directors **(1)** Adopt Amendments to Hawaii Administrative Rules (HAR) Entitled “Hawaii Public Housing Authority Section 8 – Housing Choice Voucher Program Emergency Rules Relating to COVID-19 Emergency”, Which Applies to HAR Chapter 15-185 Section 8 – Housing Choice Voucher Program, and Amends Section 15-185-25 Regarding Local Preferences, to Provide Emergency Relief to Section 8 Applicants to Address the COVID-19 Emergency Declared by the Governor in his Emergency Proclamation for

COVID-19 dated March 4, 2020, and Supplemental Proclamations dated March 16, 2020, March 21, 2020, March 23, 2020, March 31, 2020, April 17, 2020, April 25, 2020, May 5, 2020, May 18, 2020, June 10, 2020, July 17, 2020, August 6, 2020, August 20, 2020; and September 22, 2020, as follows:

- (1) Establishes a New Waitlist Preference for Families Able to Lease In Place;
 - (2) Establishes a Landlord Incentive to Encourage Landlords to Lease Tenants in Place;
 - (3) Reduces the Time that Applicants have to Verify their Qualification for the Preference from 10 business days to 7 business days; and
 - (4) Clarifies the termination date for the Waitlist for the New Lease In Place Preference; and
- (2) To Authorize the Executive Director to Undertake All Actions Necessary to Implement the Hawaii Public Housing Authority Section 8 Emergency Rules Relating to COVID-19 Emergency

Attachment A: Section 356D-4 and 356D-13, HRS

Attachment B: Proposed Draft Section 8 Emergency Rules Relating to the COVID-19 Emergency

Prepared by: Sarah Beamer, Acting Section 8 Branch Chief 

Approved by the Board of Directors
on the date set forth above
 As Presented As Amended

Robert J. Hall
Chairperson

ATTACHMENT A

§356D-4 General powers of the authority. (a) The authority may:

- (1) Sue and be sued;
- (2) Have a seal and alter the same at pleasure;
- (3) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers;
- (4) Adopt bylaws and rules in accordance with chapter 91 for its organization, internal management, and to carry into effect its purposes, powers, and programs;
- (5) Sell, lease, rent, hold, maintain, use, and operate any property, real, personal, or mixed, tangible or intangible, in support of its purposes, powers, and programs; provided that the sale of real property shall be subject to legislative approval;
- (6) Receive by gift, grant, devise, bequest, or otherwise from any source, any property, real, personal, or mixed, intangible or tangible, absolutely or in trust, to be used and disposed of, either the principal or the income thereof, for the benefit only of the residents assisted by its programs; provided that no gift to the authority that has an estimated value of \$1,000 or more shall be accepted unless approved or confirmed by the board; and
- (7) Engage the services of volunteers as deemed appropriate by the authority without regard to chapter 76, 89, 90, 103, or 103D.

(b) In addition to other powers conferred upon it, the authority may do all things necessary and convenient to carry out the powers expressly provided in this chapter. [L 2006, c 180, pt of §2; am L 2013, c 148, §1]

[Previous](#)

[Vol07_Ch0346-0398](#)

[Next](#)

[§356D-13] Administration of federal programs. (a) The authority may carry out federal programs designated to be carried out by a public housing agency, or entity designated by the authority.

(b) The authority shall adopt necessary rules in accordance with chapter 91, including the establishment and collection of reasonable fees for administering the program, to carry out any federal program in subsection (a).

(c) All fees collected for administering the program may be deposited into an appropriate special fund of the authority and may be used to cover the administrative expenses of the authority. [L 2006, c 180, pt of §2]

[Previous](#)

[Vol07_Ch0346-0398](#)

[Next](#)

ATTACHMENT B

DEPARTMENT OF HUMAN SERVICES

Adoption of Amendments to the Hawaii Public Housing
Authority Section 8 - Housing Choice Voucher
Emergency Rules Relating to COVID-19 Emergency

October 15, 2020

SUMMARY

Hawaii Administrative Rules, entitled "Hawaii Public
Housing Authority Section 8 - Housing Choice Voucher Emergency
Rules Relating to COVID-19 Emergency"

Hawaii Public Housing Authority
Section 8 - Housing Choice Voucher Emergency Rules Relating to
COVID-19 Emergency

S8-§1	Findings
S8-§2	Purpose
S8-§3	Authority
S8-§4	Applicability
S8-§5	Definitions
S8-§6	Interim Rent Adjustment
S8-§7	Initial inspections
S8-§8	Voucher briefing
S8-§9	Payment standard
S8-§10	Housing assistance payment contract execution
S8-§11	Absence from the unit
S8-§12	Automatic termination of HAP contract
S8-§13	Findings to Extend Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency
S8-§14	Extension
S8-§15	Waiting list
S8-§16	Local preference
S8-§17	Emergency landlord incentive

Historical Note: This adoption of Hawaii Administrative Rules, entitled "Adoption of Amendments to and Compilation of the Hawaii Public Housing Authority Section 8 - Housing Choice Voucher Emergency Rules Relating to COVID-19 Emergency" is to amend Hawaii Public Housing Authority Section 8 - Housing Choice Voucher Emergency Rules Relating to COVID-19 Emergency, Hawaii Administrative Rules, adopted April 16, 2020, and filed with the Office of the Lieutenant Governor on May 12, 2020; and renewed and extended for an additional 113 days after September 9, 2020, by Adoption of Extension of Hawaii Public Housing Authority Section 8 - Housing Choice Voucher Emergency Rules Relating to COVID-19 Emergency on September 2, 2020, and filed with the Office of the Lieutenant Governor on September 8, 2020, pursuant to Hawaii Revised Statutes sections 91-3(b) and 91-4(b)(2); and amended by Adoption of Amendments to and Compilation of the Hawaii Public Housing Authority Section 8 - Housing Choice Voucher Emergency Rules Relating to COVID-19 Emergency on September 17, 2020, and filed with the Office of the Lieutenant Governor on -----, 2020, pursuant to Hawaii Revised Statutes sections 91-3(b) and 91-4(b)(2).

S8-§1 Findings. The authority finds that:

(a) The Governor of the State of Hawaii has determined and proclaimed that the COVID-19 pandemic in the State of Hawaii is an emergency contemplated by section 127A-2 and 127A-14, Hawaii Revised Statutes ("HRS"), and that this emergency continues, as evidenced by his Proclamation dated March 4, 2020, and Supplementary Proclamations dated March 16, 2020, March 21, 2020, March 23, 2020, and March 31, 2020 ("Emergency Proclamations");

(b) Section 127A-2, HRS, defines "emergency" as "any occurrence, or imminent threat thereof, which results or may likely result in substantial injury or harm to the population or substantial damage to or loss of property";

(c) There is an occurrence of a severe and extraordinary event that constitutes a public health emergency which continues to evolve and spread around the globe and is now spreading in the community which has caused damages, losses and suffering of such character and magnitude to affect the health, welfare, and living conditions of a substantial number of persons, and is anticipated to affect the economy of the State of Hawaii as the Governor has declared through his Emergency Proclamations;

(d) By Supplementary Proclamation dated March 16, 2020, the Governor directed all state agencies and officers to cooperate with and suspend statutes related to any administrative procedures in Chapter 91, HRS in order for state agencies to more effectively provide emergency relief and engage in emergency management functions as may be required to assist in all efforts to address the objectives of his proclamation;

(e) As the authority agrees with the Governor that the ongoing COVID-19 pandemic is of such magnitude to warrant protective action, the authority finds it must provide emergency relief to its Section 8 - Housing Choice Voucher Program participants who lost employment or income due to the COVID-19 emergency;

(f) This emergency rule provides financial relief assistance to the authority's Section 8 - Housing Choice Voucher program participants by allowing interim rent adjustments to be effective on the day the participant's employment and corresponding income were lost due to the COVID-19 emergency in the State of Hawaii;

(g) Based on the above, there is an imminent peril to the public health, safety or morals, caused by the COVID-19 pandemic statewide requiring immediate adoption of this emergency rule upon less than thirty days' notice of hearing; and

(h) These findings are based on the Board's personal knowledge and professional experiences.

S8-§2 Purpose. These emergency rules are adopted based on the findings in section S8-1 to respond to the COVID-19 emergency declared by the Governor and enable the authority to provide certain financial relief to participating families in the authority's Section 8 Housing Choice Voucher Program due to the COVID-19 emergency.

S8-§3 Authority. These rules are adopted pursuant to section 91-3, HRS.

S8-§4 Applicability. Notwithstanding Chapter 15-185 Section 8 - Housing Choice Voucher Program, and any subsequent repeal or revisions, these rules shall apply to the authority's Section 8 Housing Choice Voucher Program participants and modify certain sections in Chapter 15-185; provided that upon expiration of these emergency rules, these rules shall terminate.

S8-§5 Definitions. (a) All definitions provided in these rules shall be the same as those provided in chapter 356D, HRS [and], Chapter 15-185, and the Section 8 - Housing Choice Voucher Administrative Plan unless an expanded definition is provided specifically by these rules.

(b) As used in these rules:

"Authority" means the Hawaii public housing authority.

"Board" means the board of the directors of the Hawaii public housing authority.

"Life threatening condition" means any condition that jeopardizes the security of the unit; major plumbing leaks or flooding, waterlogged ceiling or floor imminent danger of falling; natural or LP gas or fuel oil leaks; any electrical problem or condition that could result in shock or fire; absence of a working heating system when outside temperature is below 60 degrees Fahrenheit; utilities not in service, including no running hot water; conditions that present the imminent possibility of injury; obstacles that prevent safe entrance or exit from the unit; absence of a functioning toilet in the unit; or inoperable smoke detectors.

S8-§6 Interim Rent Adjustment. (a) Section 15-185-33 is suspended. While Section 15-185-33 is suspended, this section shall apply.

(b) The authority may adjust a participant's rent between reexaminations if a participant reports a change in income.

(c) Adjustments reflecting a lower rent shall be made effective as of the date the participant's income decreased due to the COVID-19 emergency. A participant who has obtained a decrease in rent under this section shall report all income increases which occur prior to the next reexamination and rent may be readjusted accordingly.

(d) A rent adjustment shall be made between reexaminations when a participant's income increases as a result of the inclusion of additional persons with income to the family, and such adjustment shall be made effective on the first day of the second month following the inclusion.

(e) The participant and owner shall be notified in writing by the [~~corporation~~] authority of the results of any reexamination within a reasonable time.

S8-§7 Initial inspections. (a) The authority may execute a HAP contract on a dwelling unit that fails the initial inspection required under section 15-185-42, provided such failure was the result of only non-life-threatening deficiencies, and corrections are made within the HUD allowed time period, without affecting the housing assistance payment.

S8-§8 Voucher briefing. The authority may use alternative methods to conduct voucher issuance oral briefings required by section 15-185-29 provided these alternative methods shall not be conducted beyond [~~July~~]December 31, 2020.

S8-§9 Payment standard. In addition to payment standard rules set forth in section 15-185-55, the authority may apply a payment standard increase at any time (e.g., interim reexamination or owner rent increase) after the effective date of the increase in the payment standard amount, provided the increased payment standard is used to calculate the HAP no later than the effective date of the participant's first regular reexamination following the change.

S8-§10 Housing assistance payment contract execution. (a) The authority shall execute a HAP contract no later than 120 days from the beginning of the lease term provided the contract is executed no later than [~~July~~]December 31, 2020.

(b) On or after [~~August~~]January 1, [~~2020~~]2021, the authority shall use best efforts to execute the HAP contract

before the beginning of the lease term and execute the HAP contract no later than 60 days from the beginning of the lease term. Any HAP contract executed after the 60-day period is void and the authority shall not pay any housing assistance payments to the owner.

S8-§11 Absence from unit. The authority may continue to provide housing assistance payments when a participant is absent from the unit more than 180 consecutive calendar days due to extenuating circumstances, provided the absence from the unit does not extend beyond December 31, 2020. Extenuating circumstances include but are not limited to hospitalization of participant, extended stays at nursing homes, or caring for family members.

S8-§12 Automatic termination of HAP contract. Should the participant's income increase to the extent that the housing assistance payment is reduced to \$0 (zero dollars), the authority will not automatically terminate the HAP contract 180 days after the last housing assistance payment to the owner. Instead of automatic termination, the authority, upon written notice to the owner and participant, may extend the period of time following the last payment to the owner beyond the normally applicable 180 days.

S8-§13 Findings to Extend Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency.

The authority finds that:

(a) Governor David Y. Ige declared a state of emergency in the State of Hawaii due to COVID-19 by issuing an Emergency Proclamation on March 4, 2020, that was extended by Supplementary Proclamations, most recently on August 20, 2020, which extended the emergency through September 30, 2020;

(b) The authority agrees with the Governor that the ongoing COVID-19 pandemic is of such magnitude to warrant protective action, the authority finds it must provide emergency relief to its Section 8 - Housing Choice Voucher Program participants who lost employment or income due to the COVID-19 emergency;

(c) These emergency rules provide financial relief assistance to the authority's Section 8 - Housing Choice Voucher program participants by allowing interim rent adjustments to be effective as of the date the participant's

income decreased due the COVID-19 emergency; and

(d) These emergency rules enable the authority to delay or suspend program requirements as allowed under HUD Notice PIH 2020-05 regarding COVID-19 Statutory and Regulatory Waivers for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant Programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program dated April 10, 2020, issued by HUD to public housing agencies ("PIH Notice 2020-05"). In PIH Notice 2020-05, HUD waived and established alternative requirements for numerous statutory and regulatory requirements for the Housing Choice Voucher program, pursuant to the authority provided to HUD under the Coronavirus Aid, Relief and Economic Security (CARES) Act, Public Law 116-136 (March 27, 2020).

S8-§14 Extension. Based on the authority's findings set forth in section 8-13, the authority is renewing and extending Hawaii Public Housing Authority Section 8 - Housing Choice Voucher Emergency Rules Relating to COVID-19 Emergency, adopted April 16, 2020, and filed with the Office of the Lieutenant Governor on May 12, 2020, for an additional 113 days after September 9, 2020.

S8-§15 Waiting list. (a) Section 15-185-26, HAR and the authority's Section 8 Administrative Plan, Chapter 4-III, in part where applicable, is suspended. While Section 15-185-26 and the Section 8 Administrative Plan, Chapter 4-III are suspended, this section shall apply.

(b) The authority shall maintain a separate waiting list for each of its housing choice voucher or project-based voucher programs.

(c) Placement on the waiting list may be by:

(1) Date and time; or

(2) Lottery selection, so long as all adopted preferences are considered.

(d) Applicants shall be notified of the opportunity to apply for vouchers and of the procedure to be used to be placed on the waiting lists through notices posted in a conspicuous place at the authority's offices that accept applications, the authority's website, and printed statements in the authority's informational material on its application process.

(e) The notice to open the waiting list shall include information on what procedure shall be used to place applicants

on the waiting list, how to apply, the date and time of the lottery selection and the number of applicants that will be selected by the lottery.

(f) The authority may accept applications from applicants with a preference, without a preference, or a combination of both which will be specified in the notice of opening of the wait list.

(g) Applicants that are selected for placement on the waiting list shall be notified in writing of their selection on the waiting list within ten business days. Applicants that are not selected by the lottery shall be informed in writing of their non-selection for placement on the waiting list within ten business days.

(h) Selection of applicants from the waiting list shall be based upon:

- (1) A randomly assigned number based on the number of applicants that were selected by the lottery; or
- (2) Date and time of the application; and
- (3) Applicable local preference.

(i) An applicant must notify the authority, at least annually, of any change that may affect the applicant's place on the waiting list and the authority's ability to contact applicant. Changes include, but are not limited to, familial status, financial status, mailing address and current residence.

(j) An applicant may continue to be on the waiting list even though the applicant is a tenant in or receiving housing assistance from another housing program.

(k) ~~Applications for the housing choice voucher program [will be active for eighteen months from the date of placement on the waiting list and then will expire.]~~ placed on the waiting list during the period when these emergency rules are in effect will be active up to the expiration of these emergency rules, when all remaining applications will be purged from the waitlist. ~~[Applicants on the waitlist at eighteen months will receive a letter informing them that their application has expired within ten business days.]~~

(l) Should the authority open the waiting list for applicants with local preferences, any applicant who is unable to verify their qualifications for meeting the preference within seven ~~[10]~~ business days may be removed from the waiting list.

(m) Applicants who were either not selected to participate in the lottery, or whose application has expired, will not qualify for an informal hearing.

S8-§16 Local preference. (a) Section 15-185-25, HAR, and the authority's Section 8 Administrative Plan, Chapter 4-III, in part where applicable, are suspended. While section 15-185-25

and the Section 8 Administrative Plan, Chapter 4-III are suspended, to establish a preference to lease in place families already housed as a means to prevent possible homelessness during the COVID-19 emergency, this section shall apply.

(b) Eligible applicants shall be given preference for certification in the program if, at the time they are seeking housing assistance, they fall within the following preference:

(1) Families housed in the City and County of Honolulu under an existing rental agreement where the landlord has agreed to enter into the housing choice voucher program shall be given first priority.

(A) All other participation requirements shall be maintained, including, but not limited to income qualifications, payment standard limits, rent reasonableness, and housing quality standard inspection criteria.

(B) Should a dwelling unit not meet all housing choice voucher criteria for the authority to enter into a housing assistance payment contract with the landlord, the family shall be deemed not qualified for the preference.

S8-§17 Emergency Landlord Incentive. (a) All new landlords entering into a housing assistance payment contract with the authority under section S8-§16 shall be eligible for landlord incentive should the applicant's residence not pass the initial housing quality standards inspection for non-life-threatening conditions.

(b) Landlords shall be eligible to receive up to \$500 in the form of a gift card to a local hardware store to be used to off-set the cost to correct non-life-threatening deficiencies in the participant's dwelling unit, identified by the authority's inspection.

(c) Emergency landlord incentive payments shall not apply to:

(1) Upgrade of deficient items beyond a reasonable level required to pass inspection;

(2) Non-inspection related items in or around the dwelling unit's property or inspection items not cited as deficient; or

(3) Installation of features not in the dwelling unit prior to inspection;

(d) Landlords shall be required to correct the noted inspection errors within the HUD allotted time period.

(e) The authority shall determine the amount of emergency incentive a landlord can request, based on the authority's inspection of the applicant's dwelling unit.

(f) Eligibility and the amount of emergency incentive provided shall be contingent on available funding.

DEPARTMENT OF HUMAN SERVICES
Hawaii Public Housing Authority Emergency Rules
Relating to COVID-19 Emergency

The Section 8 - Housing Choice Voucher Emergency Rules Relating to COVID-19 Emergency, Hawaii Administrative Rules, were adopted on April 16, 2020, and subsequently extended on September 2, 2020, and amended on September 17, 2020 by the Hawaii Public Housing Authority Board of Directors at its board meeting with prior public notices provided in accordance with section 92-7, Hawaii Revised Statutes, and with abbreviated notice and hearing pursuant to section 91-3(b), Hawaii Revised Statutes.

The rules shall take effect upon filing with the Office of the Lieutenant Governor for a period of not longer than 77 days after October 15, 2020 unless extended in compliance with section 91-3(b), Hawaii Revised Statutes.

ROBERT J. HALL, Chairperson
Board of Directors
Hawaii Public Housing Authority

Pursuant to my Proclamation dated March 4, 2020, and Supplementary Proclamations dated March 16, 2020, March 21, 2020, March 23, 2020, March 31, 2020, April 17, 2020, April 25, 2020, May 5, 2020, May 18, 2020, June 10, 2020, July 17, 2020, August 6, 2020, August 20, 2020, and September 22, 2020 relating to COVID-19, I approve these rules.

APPROVED:

DAVID Y. IGE
Governor
State of Hawaii
Dated: _____

APPROVED AS TO FORM:

Deputy Attorney General

Filed

**Hawaii Public Housing Authority
Report for the Month of September 2020**

I. Planning and Evaluation

A. COVID-19 Outreach

- The HPHA is working with the Hawaii Island Department of Health Public Health Nurses provide COVID-19 outreach and facial coverings at the HPHA's Hawaii Island public housing properties:
 - Lanakila Homes – August 26, 2020
 - Lokahi – September 4, 2020
 - Punahale Homes – September 4, 2020
 - Hale Olaloa – September 23, 2020
 - Pomaikai Homes – September 30, 2020

B. HPHA Aloha Cares Emergency Feeding Program

- The HPHA Aloha Cares Emergency Feeding Program (ACEFP) has been working with its vendor to provide HPHA public housing tenants and the general public with receiving meals and access to food (e.g., food boxes) to ensure that people can stay safer in their homes and avoid possible exposure to COVID-19.
- With the ACEFP reaching its funding limit on the week ending October 3, 2020, Hawaii Emergency Management Agency Director, Major General Kenneth S. Hara provided the HPHA with an addition \$2M to continue the program.
- As of September 26, 2020, the ACEFP has served 3,506 people and served 278,124 meals to the elderly, disabled and COVID-19 exposed participants. The COVID-19 pandemic is undoubtedly one of the most life-changing events that we have seen in modern times, and if future funding becomes available, the HPHA stands ready to continue to assist our community.

C. Hawaii Interagency Council on Homelessness

- At the September 21, 2020 meeting, the Hawaii Interagency Council on Homelessness discussed faith-based strategies to address homelessness, including the development of housing for individuals transitioning from homelessness, strategies to address homelessness in the context of the COVID-19 pandemic, and

revisions to the Hawaii State Framework to Address Homelessness and ten-year strategic plan.

II. Fiscal Management

A. Variance Report for August 2020

1. Revenue for the Month of August 2020

CFP Grant Income \$97,252 lower than budget

The Public Housing Capital Fund Program (“CFP”) is granted by U.S Department of Housing and Urban Development (HUD) for capital and management activities including modernization and development of public housing. HUD regulation allows Public Housing Authorities (PHAs) to use certain percentage of a CFP grant for administrative and operational expenses. By HUD rule, a PHA has two years to obligate and two years to spend the funding after a CFP is granted.

A CFP grant is drawn through HUD’s Electronic Line of Credit System (“locks”) based on Budget Line Items (“BLI”). BLIs are further grouped into soft cost (BLI Numbers 1406, 1408 and 1410) for operating and management improvement activities, and hard cost (BLI Numbers greater than 1430) for capital projects.

CFP drawdowns and expenditures that are not capitalized are reported on this line as operating income. Capitalization of CFP expenditure is reported in Balance Sheet under construction in progress.

\$107,395 were budgeted for non-capitalized CFP expenditures. The actual amount was only \$10,143 during the month.

COCC Fee Income \$108,216 higher than budget

The favorable variance of \$108,216 was due to additional management fees paid to COCC from CARES Act funding.

Other Income \$179,181 lower than budget

The unfavorable variance of \$179,181 was caused by

- \$203,161 lower revenues of the front-line service fees generated by Multi - Skilled Workers Pilot Program team, Application Office, Hearings Office, and Compliance Office;
- \$14,107 smaller payments received from tenants, which were not directly related to dwelling unit rent;

- \$1,057 more fraud recovery;
- \$35,281 higher investment income;
- \$1,090 less admin fee earned on Section 8 port-in;
- \$11,534 lower Section 8 port-in payments; and
- \$14,373 more miscellaneous incomes that capture all types of income not specified otherwise.

2. Expenses for the Month of August 2020

Administrative \$321,083 lower than budget

The favorable variance of \$321,083 was due to

- \$174,250 lower HPHA administrative payroll expenses;
- \$54,436 higher private management company's administrative payroll expenses;
- \$24,301 audit fee budgeted but not paid yet;
- \$100,372 less front-line service fees charged by the Application, Hearings and Compliance offices;
- \$17,940 lower higher legal expenses;
- \$7,986 less travel expenses;
- \$32,794 lower management agent fees;
- \$572 less consultant and other professional service expenses;
- \$400 smaller expenses on office supplies; and
- \$16,904 lower expenses of the items not specified above.

Management Fees \$108,938 higher than budget

The unfavorable variance of \$108,938 was due to the additional management fee paid to COCC from CARES Act funding.

Tenant Services \$291,826 higher than budget

Tenant Services include relocation costs, resident participation program costs and other tenant service costs. Other tenant service costs are the expenses paid for any services directly related to meeting tenant needs which are not tenant relocation and resident participation program. In addition, the costs to prepare, prevent, and respond to COVID-19 are reported as costs of other tenant services according to HUD notice PIH 2020-24.

\$291,826 unfavorable variance was due to COVID-19 related costs including the expenses of PPE purchases.

Maintenance \$495,134 lower than budget

The \$495,134 favorable variance was due to

- \$74,755 lower salaries and fringe benefits of HPHA maintenance employees;
- \$20,008 higher expenses of wages and benefits paid to maintenance employees of the private management company;
- \$74,744 less expenses on furniture, appliance and equipment;
- \$44,662 lower expenses on materials and supplies used for building, ground, safety, painting, electric, janitorial maintenances, etc.;
- \$144,023 lower front-line service fees billed by the Multi-Skilled Workers Pilot Program team; and
- \$176,958 less expenses paid for contracted services including refuse collection, sewer, plumbing, pest control, building, tree trimming, vehicle and equipment, janitorial, elevator, fire extinguisher, appliance, electric, HVAC, etc.

Protective Services \$162,668 lower than budget

The \$162,668 favorable variance was due to

- \$82,511 lower expenses of the outsourced security services for the housing programs, and
- \$80,157 budgeted for the costs of security equipment installation/maintenance, but the costs had not incurred yet.

Bad Debt Expense \$34,746 higher than budget

The \$34,746 unfavorable variance was a result of month end reconciliation of tenant accounts receivable and adjustments of allowances for doubtful accounts.

General Expenses \$22,049 lower than budget

The \$22,049 favorable variance was because the amount paid for managing AMP 52 was lower due to lower operating subsidies received (95% of operating subsidy received from HUD is to be paid to the management agent for managing the project per the management agreement).

3. Revenue year to date

Dwelling Rental Income \$416,855 lower than budget

The unfavorable variance of \$416,855 was mainly due to the impact of COVID-19.

CFP Grant Income \$204,642 lower than budget

CFP expenditures that are not capitalized are reported on this line as operating income. Capitalization of CFP expenditure is reported in the Balance Sheet under construction in progress.

\$214,785 was budgeted for non-capitalized CFP expenditures YTD. The YTD actual amount was only \$10,143, \$204,642 lower than budget.

COCC Fee Income \$122,795 higher than budget

The favorable variance of \$122,795 was due to additional management fees paid to COCC from CARES Act funding.

Other Income \$421,546 lower than budget

The unfavorable variance of \$421,546 was due to

- \$434,484 lower revenue of the front-line service fees generated by the Multi-Skilled Workers Pilot Program team, Application Office, Hearings Office, and Compliance Office;
- \$34,385 lower Section 8 port-in payments;
- \$2,506 lower admin fee earned on Section 8 port-in;
- \$32,920 lower tenant payments not directly related to dwelling unit rent;
- \$724 more fraud recovery;
- \$33,869 more investment income; and
- \$48,156 higher miscellaneous income that captures all types of income not specified otherwise.

4. Expenses year to date

Administrative \$547,795 lower than budget

The favorable variance of \$547,795 was due to

- \$228,283 lower payroll expenses of HPHA administrative employees;
- \$77,648 higher administrative payroll expenses of the private management company;
- \$24,301 audit fee budgeted but not paid yet;
- \$197,016 lower front-line service fees charged by the Application, Hearings and Compliance offices;
- \$51,451 less legal expenses;
- \$16,242 lower travel expenses;
- \$50,302 lower management agent fees;
- \$17,901 higher consultant and other professional service expenses;
- \$26,361 less expenses on office supplies; and
- \$49,370 lower expenses of the items not specified above.

Management Fees \$123,933 higher than budget

The unfavorable variance of \$123,933 was due to additional management fees paid to COCC from CARES Act funds.

Tenant Services \$329,806 higher than budget

\$329,806 unfavorable variance was due to COVID-19 related costs including the expenses of PPE purchases.

Maintenance \$556,704 lower than budget

The \$556,704 favorable variance was due to

- \$89,234 lower salaries and fringe benefits of HPHA maintenance employees;
- \$79,061 higher expenses of wages and benefits paid to maintenance employees of the private management company;
- \$172,587 less expenses on furniture, appliance and equipment;
- \$124,100 lower expenses on materials and supplies used for building, ground, safety, painting, electric, janitorial maintenances, etc.;
- \$319,929 lower front-line service fees billed by the Multi-Skilled Workers Pilot Program team; and
- \$70,085 more expenses paid for contracted services including refuse collection, sewer, plumbing, pest control, building, tree trimming, vehicle and equipment, janitorial, elevator, fire extinguisher, appliance, electric, HVAC, etc.

Protective Services \$174,763 lower than budget

The \$174,763 favorable variance was due to

- \$8,585 lower expenses of the outsourced security services for the housing programs, and
- \$166,178 budgeted for the costs of security equipment/tool installation/maintenance, but the costs had not incurred yet.

Bad Debt Expense \$115,581 higher than budget

The \$115,581 unfavorable variance was a result of the reconciliation of accounts receivable and adjustments of allowances for bad debt.

General Expenses \$64,169 lower than budget

The \$64,169 favorable variance was mainly because the amount paid for managing AMP 52 was lower due to lower operating subsidies received (95% of operating subsidy received from HUD is to be paid to the

management agent for managing the project per the management agreement).

HAWAII PUBLIC HOUSING AUTHORITY
Agency Total
Actual vs Budget Comparison
For the Month of August 2020, and the 2 Months ended August 31, 2020
(Amounts in Full Dollars)

Month of August 2020			
Actual	Budget	Variance	
		Amount	%
1,853,547	2,027,653	(174,106)	-9%
8,864,653	8,697,553	167,100	2%
10,143	107,395	(97,252)	-91%
517,145	408,929	108,216	26%
-	-	-	0%
418,299	447,354	(29,055)	-6%
400,507	579,688	(179,181)	-31%
\$ 12,064,294	12,268,572	(204,278)	-2%

Year To Date ended August 31, 2020						
Actual	Budget	Variance		Prior Year	Variance	
		Amount	%		Amount	%
3,638,451	4,055,306	(416,855)	-10%	3,748,494	(110,043)	-3%
17,370,549	17,393,213	(22,664)	0%	16,310,998	1,059,551	6%
10,143	214,785	(204,642)	-95%	1,841,310	(1,831,167)	-99%
940,263	817,468	122,795	15%	823,378	116,885	14%
-	-	-	0%	-	-	0%
836,600	894,708	(58,108)	-6%	1,062,353	(225,753)	-21%
733,932	1,155,478	(421,546)	-36%	575,251	158,681	28%
\$ 23,529,938	24,530,958	(1,001,020)	-4%	24,361,784	(831,846)	-3%

REVENUES

Dwelling Rental Income
HUD Operating Grants
CFP Grant Income
COCC Fee Income
State CIP Fund
Grant Income
Other Income

Total Revenues

EXPENSES

Administrative
Asset Management Fees
Management Fees
Bookkeeping Fees
Housing Assistance Payments
Tenant Services
Utilities
Maintenance
Protective Services
Insurance
Depreciation Expense
Bad Debt Expense
General Expenses

Total Expenses

Net Income(Loss)

CASH BASIS

Net Income(loss) per Above
Add back non cash items:

Depreciation Expense
Bad Debt Expense

TOTAL CASH BASIS

(2,122,578)	(2,313,911)	191,333	8%
1,769,543	1,769,543	-	n/a
68,091	33,345	34,746	>100%
\$ (284,944)	(511,023)	226,079	44%

(5,125,749)	(4,614,352)	(511,397)	-11%	(1,905,637)	(3,220,112)	<-100%
3,488,763	3,488,763	-	n/a	3,339,716	149,047	4%
182,271	66,690	115,581	>100%	159,297	22,974	14%
\$ (1,454,715)	(1,058,899)	(395,816)	-37%	1,593,376	(3,048,091)	<-100%

HAWAII PUBLIC HOUSING AUTHORITY
Consolidated Balance Sheet
Agency Total
As fo August 31, 2020 and July 31, 2020

	<u>As of August 31, 2020</u>	<u>As of July 31, 2020</u>	<u>Increase (Decrease)</u>
ASSETS:			
Cash	162,670,001	162,838,138	(168,137)
Receivables:			
Tenant Receivables	2,579,741	2,449,091	130,650
Other	1,665,027	1,481,908	183,119
Less Allowance for Doubtful Accounts	(3,029,118)	(2,941,221)	(87,897)
Total receivables	1,215,650	989,778	225,872
Accrued Interest	104,777	46,238	58,539
Prepaid Expenses	78,993	19,799	59,194
Inventories	880,880	883,501	(2,621)
Interprogram Due From	7,178,351	7,178,351	-
Total Current Assets	<u>172,128,652</u>	<u>171,955,805</u>	<u>172,847</u>
Property, Plant & Equipment:			
Land	25,339,610	25,339,610	-
Buildings	709,843,403	708,166,205	1,677,198
Furniture & Equipment	8,795,363	8,795,363	-
Motor vehicles	2,939,960	2,939,960	-
Construction in Progress	100,145,036	101,804,571	(1,659,535)
Less: Accumulated Depreciation	(468,704,608)	(466,935,065)	(1,769,543)
Notes, Loans & Mortgage Receivable-Non Current	8,716,630	8,716,630	-
Other Long Term Assets	-	-	-
Deferred Outflows of Resources	11,546,700	11,546,700	-
Total Assets & Deferred Outflow of Resources	<u>\$ 570,750,746</u>	<u>\$ 572,329,779</u>	<u>(1,579,033)</u>
LIABILITIES AND NET POSITION			
Accounts Payable	3,385,063	3,207,019	178,044
Accrued Expenses	-	-	-
Accrued Salaries & Wages	1,143,668	1,143,668	-
Accrued Vacation	1,611,166	1,611,166	-
Tenant Security Deposits	1,349,974	1,324,931	25,043
Other Liabilities & Deferred Income	9,062,280	8,544,902	517,378
Interprogram Due To	7,178,351	7,189,137	(10,786)
Total Current Liabilities	<u>23,730,502</u>	<u>23,020,823</u>	<u>709,679</u>
Accrued Liabilities	40,288,545	40,288,545	-
Net Pension Liability	37,880,203	37,880,203	-
Other Long Term Liabilities	113,835	159,563	(45,728)
Deferred Inflows of Resources	1,787,215	1,787,215	-
Net Assets			
Investment in capital assets	378,358,764	380,110,644	(1,751,880)
Restricted Net Assets	(35,284,686)	(35,284,686)	-
Unrestricted Net Assets	129,002,117	127,370,643	1,631,474
Net Income Year to Date	(5,125,749)	(3,003,171)	(2,122,578)
Total Net Assets	<u>466,950,446</u>	<u>469,193,430</u>	<u>(2,242,984)</u>
Total Liabilities, Deferred Inflow of Resources & Net Position	<u>\$ 570,750,746</u>	<u>572,329,779</u>	<u>(1,579,033)</u>

HAWAII PUBLIC HOUSING AUTHORITY
Federal Low Rent Program

Actual vs Budget Comparison

For the Month of August 2020, and the 2 Months ended August 31, 2020

(Amounts in Full Dollars)

Month of August 2020				Year To Date ended August 31, 2020							
Actual	Budget	Variance		Actual	Budget	Variance		Prior Year	Variance		
		Amount	%			Amount	%		Amount	%	
REVENUES				REVENUES							
1,472,102	1,705,331	(233,229)	-14%	Dwelling Rental Income	2,907,259	3,410,662	(503,403)	-15%	3,149,103	(241,844)	-8%
2,055,701	2,255,445	(199,744)	-9%	HUD Operating Grants	3,915,310	4,510,890	(595,580)	-13%	4,072,625	(157,315)	-4%
10,143	107,395	(97,252)	-91%	CFP Grant Income	10,143	214,785	(204,642)	-95%	1,841,310	(1,831,167)	-99%
-	-	-	0%	COCC Fee Income	-	-	-	0%	-	-	0%
-	-	-	0%	State CIP Fund	-	-	-	0%	-	-	0%
49,501	337,786	(288,285)	-85%	Grant Income	113,938	675,573	(561,635)	-83%	(135,586)	249,524	>100%
47,932	55,502	(7,570)	-14%	Other Income	80,013	108,816	(28,803)	-26%	113,581	(33,568)	-30%
\$ 3,635,379	4,461,459	(826,080)	-19%	Total Revenues	7,026,663	8,920,726	(1,894,063)	-21%	9,041,033	(2,014,370)	-22%
EXPENSES				EXPENSES							
645,584	783,633	(138,049)	-18%	Administrative	1,287,148	1,539,432	(252,284)	-16%	1,150,126	137,022	12%
-	-	-	0%	Asset Management Fees	-	-	-	0%	-	-	0%
403,301	286,234	117,067	41%	Management Fees	664,099	572,468	91,631	16%	536,196	127,903	24%
33,543	34,936	(1,393)	-4%	Bookkeeping Fees	67,191	69,872	(2,681)	-4%	65,566	1,625	2%
1,744	1,942	(198)	-10%	Housing Assistance Payments	5,970	3,884	2,086	54%	3,830	2,140	56%
80,727	12,067	68,660	>100%	Tenant Services	130,691	26,287	104,404	>100%	14,216	116,475	>100%
882,243	906,633	(24,390)	-3%	Utilities	1,760,601	1,813,266	(52,665)	-3%	1,907,621	(147,020)	-8%
1,358,051	1,737,525	(379,474)	-22%	Maintenance	3,228,754	3,540,129	(311,375)	-9%	2,352,763	875,991	37%
282,874	410,318	(127,444)	-31%	Protective Services	590,446	820,591	(230,145)	-28%	594,459	(4,013)	-1%
33,279	32,775	504	2%	Insurance	66,727	65,550	1,177	2%	77,564	(10,837)	-14%
1,466,333	1,466,333	-	0%	Depreciation Expense	2,882,345	2,882,345	-	0%	2,732,394	149,951	5%
63,247	32,309	30,938	96%	Bad Debt Expense	157,950	64,618	93,332	>100%	159,198	(1,248)	-1%
146,859	184,460	(37,601)	-20%	General Expenses	291,398	368,920	(77,522)	-21%	65,329	226,069	>100%
5,397,785	5,889,165	(491,380)	-8%	Total Expenses	11,133,320	11,767,362	(634,042)	5%	9,659,262	1,474,058	15%
\$ (1,762,406)	(1,427,706)	(334,700)	-23%	Net Income(Loss)	(4,106,657)	(2,846,636)	(1,260,021)	-44%	(618,229)	(3,488,428)	<-100%
CASH BASIS:				CASH BASIS:							
(1,762,406)	(1,427,706)	(334,700)	-23%	Net income(loss) per Above	(4,106,657)	(2,846,636)	(1,260,021)	-44%	(618,229)	(3,488,428)	<-100%
1,466,333	1,466,333	-	0%	Add back non cash items:							
63,247	32,309	30,938	96%	Depreciation Expense	2,882,345	2,882,345	-	0%	2,732,394	149,951	5%
				Bad Debt Expense	157,950	64,618	93,332	>100%	159,198	(1,248)	-1%
\$ (232,826)	70,936	(303,762)	<-100%	Total	(1,066,362)	100,327	(1,166,689)	<-100%	2,273,363	(3,339,725)	<-100%

HAWAII PUBLIC HOUSING AUTHORITY
Federal Low Rent Program

Actual vs Budget Comparison

For the Month of August 2020, and the 2 Months ended August 31, 2020
(Amounts in Full Dollars)

Month of August 2020				ACCRUAL BASIS	Year To Date ended August 31, 2020						
Actual	Budget	Variance			Actual	Budget	Variance		Prior Year	Variance	
		Amount	%			Amount	%		Amount	%	
				REVENUES							
260,951	359,793	(98,842)	-27%	Asset Management Project - 30	538,257	719,586	(181,329)	-25%	780,566	(242,309)	-31%
330,577	404,440	(73,863)	-18%	Asset Management Project - 31	607,356	806,692	(199,336)	-25%	855,208	(247,852)	-29%
326,882	396,336	(69,454)	-18%	Asset Management Project - 32	1,130,413	792,672	337,741	43%	987,175	143,238	15%
268,588	297,974	(29,386)	-10%	Asset Management Project - 33	542,943	595,948	(53,005)	-9%	911,489	(368,546)	-40%
376,994	496,187	(119,193)	-24%	Asset Management Project - 34	733,093	992,374	(259,281)	-26%	1,356,472	(623,379)	-46%
398,114	525,892	(127,778)	-24%	Asset Management Project - 35	770,060	1,051,784	(281,724)	-27%	1,088,886	(318,826)	-29%
201,522	233,561	(32,039)	-14%	Asset Management Project - 37	383,013	467,117	(84,104)	-18%	422,891	(39,878)	-9%
226,642	258,788	(32,146)	-12%	Asset Management Project - 38	(72,195)	517,577	(589,772)	<-100%	489,103	(561,298)	<-100%
137,645	202,077	(64,432)	-32%	Asset Management Project - 39	272,725	404,154	(131,429)	-33%	284,407	(11,682)	-4%
227,223	229,050	(1,827)	-1%	Asset Management Project - 40	389,195	458,100	(68,905)	-15%	169,846	219,349	>100%
109,554	148,652	(39,098)	-26%	Asset Management Project - 43	224,711	297,304	(72,593)	-24%	286,045	(61,334)	-21%
186,710	207,685	(20,975)	-10%	Asset Management Project - 44	353,386	415,370	(61,984)	-15%	405,890	(52,504)	-13%
163,922	183,889	(19,967)	-11%	Asset Management Project - 45	313,566	367,778	(54,212)	-15%	369,332	(55,766)	-15%
61,238	82,777	(21,539)	-26%	Asset Management Project - 46	122,713	165,554	(42,841)	-26%	158,166	(35,453)	-22%
110,672	139,738	(29,066)	-21%	Asset Management Project - 49	214,535	279,476	(64,941)	-23%	250,455	(35,920)	-14%
95,999	110,199	(14,200)	-13%	Asset Management Project - 50	189,100	220,398	(31,298)	-14%	225,102	(36,002)	-16%
152,146	184,421	(32,275)	-18%	Asset Management Project - 52	313,792	368,842	(55,050)	-15%	-	313,792	100%
\$ 3,635,379	4,461,459	(826,080)	-19%	Total Revenues	\$ 7,026,663	8,920,726	(1,894,063)	-21%	9,041,033	(2,014,370)	-22%
				NET INCOME(LOSS)							
(107,000)	(65,169)	(41,831)	-64%	Asset Management Project - 30	(184,939)	(122,855)	(62,084)	-51%	106,228	(291,167)	<-100%
(320,130)	(196,387)	(123,743)	-63%	Asset Management Project - 31	(582,455)	(488,102)	(94,353)	-19%	(103,351)	(479,104)	<-100%
(88,378)	(57,158)	(31,220)	-55%	Asset Management Project - 32	288,644	(86,299)	374,943	>100%	181,851	106,793	59%
(95,282)	(120,365)	25,083	21%	Asset Management Project - 33	(288,642)	(239,629)	(49,013)	-20%	158,541	(447,183)	<-100%
(55,134)	(77,739)	22,605	29%	Asset Management Project - 34	(129,006)	(153,601)	24,595	16%	493,511	(622,517)	<-100%
(193,173)	(150,564)	(42,609)	-28%	Asset Management Project - 35	(349,584)	(254,240)	(95,344)	-38%	88,496	(438,080)	<-100%
(212,454)	(178,867)	(33,587)	-19%	Asset Management Project - 37	(440,737)	(357,893)	(82,844)	-23%	(313,244)	(127,493)	-41%
(96,254)	(117,358)	21,104	18%	Asset Management Project - 38	(1,176,408)	(229,057)	(947,351)	<-100%	(201,953)	(974,455)	<-100%
(116,411)	(73,402)	(43,009)	-59%	Asset Management Project - 39	(229,311)	(140,126)	(89,185)	-64%	(182,451)	(46,860)	-26%
(80,809)	(51,579)	(29,230)	-57%	Asset Management Project - 40	(196,966)	(102,065)	(94,901)	-93%	(354,151)	157,185	44%
(134,167)	(82,256)	(51,911)	-63%	Asset Management Project - 43	(233,212)	(163,721)	(69,491)	-42%	(125,251)	(107,961)	-86%
(77,281)	(56,595)	(20,686)	-37%	Asset Management Project - 44	(140,478)	(111,355)	(29,123)	-26%	(49,014)	(91,464)	<-100%
(58,150)	(62,290)	4,140	7%	Asset Management Project - 45	(135,312)	(123,623)	(11,689)	-9%	(69,574)	(65,738)	-94%
(72,436)	(66,480)	(5,956)	-9%	Asset Management Project - 46	(156,311)	(132,134)	(24,177)	-18%	(129,022)	(27,289)	-21%
(30,136)	(32,451)	2,315	7%	Asset Management Project - 49	(88,602)	(64,032)	(24,570)	-38%	(71,867)	(16,735)	-23%
(32,818)	(48,267)	15,449	32%	Asset Management Project - 50	(78,553)	(96,346)	17,793	18%	(46,978)	(31,575)	-67%
7,607	9,221	(1,614)	-18%	Asset Management Project - 52	15,215	18,442	(3,227)	-17%	-	15,215	100%
\$ (1,762,406)	(1,427,706)	(334,700)	-23%	Total Net Income(Loss)	\$ (4,106,657)	(2,846,636)	(1,260,021)	-44%	(618,229)	(3,488,428)	<-100%

HAWAII PUBLIC HOUSING AUTHORITY
Federal Low Rent Program

Actual vs Budget Comparison

For the Month of August 2020, and the 2 Months ended August 31, 2020

(Amounts in Full Dollars)

Month of August 2020				CASH BASIS	Year To Date ended August 31, 2020						
Actual	Budget	Variance			Actual	Budget	Variance		Prior Year	Variance	
		Amount	%			Amount	%		Amount	%	
REVENUES											
260,951	359,793	(98,842)	-27%	Asset Management Project - 30	538,257	719,586	(181,329)	-25%	780,566	(242,309)	-31%
330,577	404,440	(73,863)	-18%	Asset Management Project - 31	607,356	806,692	(199,336)	-25%	855,208	(247,852)	-29%
326,882	396,336	(69,454)	-18%	Asset Management Project - 32	1,130,413	792,672	337,741	43%	987,175	143,238	15%
268,588	297,974	(29,386)	-10%	Asset Management Project - 33	542,943	595,948	(53,005)	-9%	911,489	(368,546)	-40%
376,994	496,187	(119,193)	-24%	Asset Management Project - 34	733,093	992,374	(259,281)	-26%	1,356,472	(623,379)	-46%
398,114	525,892	(127,778)	-24%	Asset Management Project - 35	770,060	1,051,784	(281,724)	-27%	1,088,886	(318,826)	-29%
201,522	233,561	(32,039)	-14%	Asset Management Project - 37	383,013	467,117	(84,104)	-18%	422,891	(39,878)	-9%
226,642	258,788	(32,146)	-12%	Asset Management Project - 38	(72,195)	517,577	(589,772)	<-100%	489,103	(561,298)	<-100%
137,645	202,077	(64,432)	-32%	Asset Management Project - 39	272,725	404,154	(131,429)	-33%	284,407	(11,682)	-4%
227,223	229,050	(1,827)	-1%	Asset Management Project - 40	389,195	458,100	(68,905)	-15%	169,846	219,349	>100%
109,554	148,652	(39,098)	-26%	Asset Management Project - 43	224,711	297,304	(72,593)	-24%	286,045	(61,334)	-21%
186,710	207,685	(20,975)	-10%	Asset Management Project - 44	353,386	415,370	(61,984)	-15%	405,890	(52,504)	-13%
163,922	183,889	(19,967)	-11%	Asset Management Project - 45	313,566	367,778	(54,212)	-15%	369,332	(55,766)	-15%
61,238	82,777	(21,539)	-26%	Asset Management Project - 46	122,713	165,554	(42,841)	-26%	158,166	(35,453)	-22%
110,672	139,738	(29,066)	-21%	Asset Management Project - 49	214,535	279,476	(64,941)	-23%	250,455	(35,920)	-14%
95,999	110,199	(14,200)	-13%	Asset Management Project - 50	189,100	220,398	(31,298)	-14%	225,102	(36,002)	-16%
152,146	184,421	(32,275)	-18%	Asset Management Project - 52	313,792	368,842	(55,050)	-15%	-	313,792	100%
\$ 3,635,379	4,461,459	(826,080)	-19%	Total Revenues	\$ 7,026,663	8,920,726	(1,894,063)	-21%	9,041,033	(2,014,370)	-22%
NET INCOME(LOSS)											
(24,506)	10,288	(34,794)	<-100%	Asset Management Project - 30	(21,277)	28,059	(49,336)	<-100%	269,541	(290,818)	<-100%
(115,311)	1,863	(117,174)	<-100%	Asset Management Project - 31	(166,243)	(91,602)	(74,641)	-81%	293,036	(459,279)	<-100%
(15,500)	(8,283)	(7,217)	-87%	Asset Management Project - 32	440,465	11,451	429,014	>100%	314,414	126,051	40%
7,075	(20,663)	27,738	>100%	Asset Management Project - 33	(76,857)	(40,224)	(36,633)	-91%	363,009	(439,866)	<-100%
25,307	7,440	17,867	>100%	Asset Management Project - 34	38,994	16,758	22,236	>100%	661,638	(622,644)	-94%
(27,054)	11,616	(38,670)	<-100%	Asset Management Project - 35	(69,955)	20,181	(90,136)	<-100%	291,491	(361,446)	<-100%
(14,578)	11,386	(25,964)	<-100%	Asset Management Project - 37	(49,276)	22,609	(71,885)	<-100%	61,643	(110,919)	<-100%
34,683	16,549	18,134	>100%	Asset Management Project - 38	(910,564)	38,375	(948,939)	<-100%	31,937	(942,501)	<-100%
(5,004)	41,165	(46,169)	<-100%	Asset Management Project - 39	(6,905)	89,009	(95,914)	<-100%	(5,609)	(1,296)	-23%
(61,024)	(30,141)	(30,883)	<-100%	Asset Management Project - 40	(156,995)	(59,189)	(97,806)	<-100%	(300,113)	143,118	48%
(61,660)	(8,713)	(52,947)	<-100%	Asset Management Project - 43	(89,382)	(16,636)	(72,746)	<-100%	23,818	(113,200)	<-100%
(6,266)	12,706	(18,972)	<-100%	Asset Management Project - 44	(6,230)	27,248	(33,478)	<-100%	80,779	(87,009)	<-100%
21,412	19,610	1,802	9%	Asset Management Project - 45	25,421	40,175	(14,754)	-37%	124,708	(99,287)	-80%
(5,732)	496	(6,228)	<-100%	Asset Management Project - 46	(21,675)	1,821	(23,496)	<-100%	13,172	(34,847)	<-100%
(4,436)	2,087	(6,523)	<-100%	Asset Management Project - 49	(25,581)	5,045	(30,626)	<-100%	11,099	(36,680)	<-100%
12,161	(5,691)	17,852	>100%	Asset Management Project - 50	14,483	(11,195)	25,678	>100%	38,800	(24,317)	-63%
7,607	9,221	(1,614)	-18%	Asset Management Project - 52	15,215	18,442	(3,227)	-17%	-	15,215	100%
\$ (232,826)	70,936	(303,762)	<-100%	Total Net Income(Loss)	\$ (1,066,362)	100,327	(1,166,689)	<-100%	2,273,363	(3,339,725)	<-100%

HAWAII PUBLIC HOUSING AUTHORITY
Housing Choice Voucher Program
Actual vs Budget Comparison

For the Month of August 2020, and the 2 Months ended August 31, 2020

(Amounts in Full Dollars)

Month of August 2020					Year To Date ended August 31, 2020									
Actual	Budget	Variance			Actual	Budget	Variance		Prior Year	Variance				
		Amount	%				Amount	%		Amount	%			
REVENUES														
-	-	-	0%	Dwelling Rental Income	-	-	-	0%	-	-	0%			
3,384,834	3,312,887	71,947	2%	HUD Operating Grants	6,620,290	6,623,881	(3,591)	0%	6,064,825	555,465	9%			
-	-	-	0%	CFP Grant Income	-	-	-	0%	-	-	0%			
-	-	-	0%	COCC Fee Income	-	-	-	0%	-	-	0%			
-	-	-	0%	State CIP Fund	-	-	-	0%	-	-	0%			
-	-	-	0%	Grant Income	-	-	-	0%	-	-	0%			
38,750	50,210	(11,460)	-23%	Other Income	64,382	100,420	(36,038)	-36%	157,011	(92,629)	-59%			
\$ 3,423,584	3,363,097	60,487	2%	Total Revenues	6,684,672	6,724,301	(39,629)	-1%	6,221,836	462,836	7%			
EXPENSES														
138,387	173,375	(34,988)	-20%	Administrative	312,610	346,750	(34,140)	-10%	326,252	(13,642)	-4%			
-	-	-	0%	Asset Management Fees	-	-	-	0%	-	-	0%			
46,983	30,240	16,743	55%	Management Fees	94,023	60,240	33,783	56%	57,192	36,831	64%			
18,197	18,900	(703)	-4%	Bookkeeping Fees	36,452	37,650	(1,198)	-3%	35,745	707	2%			
3,097,555	3,117,934	(20,379)	-1%	Housing Assistance Payments	6,153,002	6,235,868	(82,866)	-1%	5,931,421	221,581	4%			
1,155	320	835	>100%	Tenant Services	1,602	640	962	>100%	207	1,395	>100%			
1,428	1,948	(520)	-27%	Utilities	2,810	3,896	(1,086)	-28%	4,361	(1,551)	-36%			
602	645	(43)	-7%	Maintenance	1,421	1,290	131	10%	1,683	(262)	-16%			
151	333	(182)	-55%	Protective Services	453	666	(213)	-32%	1,529	(1,076)	-70%			
847	845	2	0%	Insurance	1,696	1,690	6	0%	1,713	(17)	-1%			
473	473	-	0%	Depreciation Expense	947	947	-	0%	948	(1)	0%			
-	-	-	0%	Bad Debt Expense	-	-	-	0%	-	-	0%			
15,541	13,948	1,593	11%	General Expenses	29,125	27,896	1,229	4%	18,807	10,318	55%			
3,321,319	3,358,961	(37,642)	-1%	Total Expenses	6,634,141	6,717,533	(83,392)	1%	6,379,858	254,283	4%			
\$ 102,265	4,136	98,129	>100%	Net Income(Loss)	50,531	6,768	43,763	>100%	(158,022)	208,553	N/A			
CASH BASIS:														
102,265	4,136	98,129	>100%	Net Income(loss) per Above	50,531	6,768	43,763	>100%	(158,022)	208,553	N/A			
473	473	-	0%	Add back non cash items:										
-	-	-	0%	Depreciation Expense	947	947	-	0%	948	(1)	0%			
				Bad Debt Expense	-	-	-	0%	-	-	0%			
\$ 102,738	4,609	98,129	>100%		51,478	7,715	43,763	>100%	(157,074)	208,552	N/A			

HAWAII PUBLIC HOUSING AUTHORITY
State Elderly Program

Actual vs Budget Comparison

For the Month of August 2020, and the 2 Months ended August 31, 2020

(Amounts in Full Dollars)

Month of August 2020				
Actual	Budget	Variance		
		Amount	%	⊘
173,935	174,680	(745)	0%	
-	-	-	0%	
-	-	-	0%	
-	-	-	0%	
-	-	-	0%	
119,295	-	119,295	100%	
24,218	15,128	9,090	60%	
\$ 317,448	189,808	127,640	67%	

56,138	55,686	452	1%
-	-	-	0%
(9,871)	14,215	(24,086)	<-100%
4,186	4,305	(119)	-3%
-	-	-	0%
1,409	2,109	(700)	-33%
103,628	112,229	(8,601)	-8%
85,884	120,532	(34,648)	-29%
614	20,833	(20,219)	-97%
3,524	3,572	(48)	-1%
137,216	137,216	-	0%
-	11	(11)	-100%
-	-	-	0%
382,728	470,708	(87,980)	-19%
\$ (65,280)	(280,900)	215,620	77%

(65,280)	(280,900)	215,620	77%
137,216	137,216	-	0%
-	11	(11)	-100%
\$ 71,936	(143,673)	215,609	>100%

Year To Date ended August 31, 2020						
Actual	Budget	Variance		Prior Year	Variance	
		Amount	%		Amount	%
REVENUES						
Dwelling Rental Income	348,362	349,360	(998)	0%	350,706	(2,344) -1%
HUD Operating Grants	-	-	-	0%	-	- 0%
CFP Grant Income	-	-	-	0%	-	- 0%
COCC Fee Income	-	-	-	0%	-	- 0%
State CIP Fund	-	-	-	0%	-	- 0%
Grant Income	230,903	-	230,903	100%	356,333	(125,430) -35%
Other Income	39,986	30,256	9,730	32%	19,323	20,663 >100%
Total Revenues	619,251	379,616	239,635	63%	726,362	(107,111) -15%

EXPENSES						
Administrative	106,605	107,837	(1,232)	-1%	94,126	12,479 13%
Asset Management Fees	-	-	-	0%	-	- 0%
Management Fees	28,781	28,430	351	1%	78,959	(50,178) -64%
Bookkeeping Fees	8,386	8,610	(224)	-3%	8,580	(194) -2%
Housing Assistance Payments	-	-	-	0%	-	- 0%
Tenant Services	1,503	4,218	(2,715)	-64%	-	1,503 100%
Utilities	206,438	224,458	(18,020)	-8%	252,271	(45,833) -18%
Maintenance	166,388	252,184	(85,796)	-34%	172,936	(6,548) -4%
Protective Services	(5,042)	41,666	(46,708)	<-100%	-	(5,042) -100%
Insurance	6,358	7,144	(786)	-11%	8,259	(1,901) -23%
Depreciation Expense	274,432	274,432	-	0%	265,428	9,004 3%
Bad Debt Expense	-	22	(22)	-100%	8	(8) -100%
General Expenses	-	-	-	0%	-	- 0%
Total Expenses	793,849	949,001	(155,152)	16%	880,567	(86,718) -10%
Net Income(Loss)	(174,598)	(569,385)	394,787	69%	(154,205)	(20,393) -13%

CASH BASIS:						
Net Income(loss) per Above	(174,598)	(569,385)	394,787	69%	(154,205)	(20,393) -13%
Add back non cash items:						
Depreciation Expense	274,432	274,432	-	0%	265,428	9,004 3%
Bad Debt Expense	-	22	(22)	-100%	8	(8) -100%
	99,834	(294,931)	394,765	>100%	111,231	(11,397) -10%

**HAWAII PUBLIC HOUSING AUTHORITY
State Rent Supplement Program
Actual vs Budget Comparison**

For the Month of August 2020, and the 2 Months ended August 31, 2020

(Amounts in Full Dollars)

Month of August 2020					Year To Date ended August 31, 2020							
Actual	Budget	Variance			Actual	Budget	Variance		Prior Year	Variance		
		Amount	%				Amount	%		Amount	%	
REVENUES												
-	-	-	0%	Dwelling Rental Income	-	-	-	0%	-	-	0%	
-	-	-	0%	HUD Operating Grants	-	-	-	0%	-	-	0%	
-	-	-	0%	CFP Grant Income	-	-	-	0%	-	-	0%	
-	-	-	0%	COCC Fee Income	-	-	-	0%	-	-	0%	
-	-	-	0%	State CIP Fund	-	-	-	0%	-	-	0%	
81,740	85,487	(3,747)	-4%	Grant Income	163,481	170,974	(7,493)	-4%	314,666	(151,185)	-48%	
20	-	20	100%	Other Income	20	-	20	100%	-	20	100%	
\$ 81,760	85,487	(3,727)	-4%	Total Revenues	163,501	170,974	(7,473)	-4%	314,666	(151,165)	-48%	
EXPENSES												
5,565	5,659	(94)	-2%	Administrative	10,956	11,318	(362)	-3%	10,681	275	3%	
-	-	-	0%	Asset Management Fees	-	-	-	0%	-	-	0%	
894	990	(96)	-10%	Management Fees	1,806	1,980	(174)	-9%	2,106	(300)	-14%	
560	620	(60)	-10%	Bookkeeping Fees	1,132	1,240	(108)	-9%	1,320	(188)	-14%	
128,583	137,280	(8,697)	-6%	Housing Assistance Payments	258,482	274,560	(16,078)	-6%	282,433	(23,951)	-8%	
-	-	-	0%	Tenant Services	-	-	-	0%	-	-	0%	
58	87	(29)	-33%	Utilities	112	174	(62)	-36%	328	(216)	-66%	
27	85	(58)	-68%	Maintenance	128	170	(42)	-25%	92	36	39%	
14	25	(11)	-44%	Protective Services	43	50	(7)	-14%	110	(67)	-61%	
40	44	(4)	-9%	Insurance	79	88	(9)	-10%	88	(9)	-10%	
-	-	-	0%	Depreciation Expense	-	-	-	0%	-	-	0%	
-	-	-	0%	Bad Debt Expense	-	-	-	0%	-	-	0%	
-	-	-	0%	General Expenses	-	-	-	0%	-	-	0%	
135,741	144,790	(9,049)	-6%	Total Expenses	272,738	289,580	(16,842)	6%	297,158	(24,420)	-8%	
\$ (53,981)	(59,303)	5,322	9%	Net Income(Loss)	(109,237)	(118,606)	9,369	8%	17,508	(126,745)	<-100%	
CASH BASIS:												
(53,981)	(59,303)	5,322	9%	Net Income(loss) per Above	(109,237)	(118,606)	9,369	8%	17,508	(126,745)	<-100%	
-	-	-	0%	Add back non cash items:								
-	-	-	0%	Depreciation Expense	-	-	-	0%	-	-	0%	
-	-	-	0%	Bad Debt Expense	-	-	-	0%	-	-	0%	
\$ (53,981)	(59,303)	5,322	9%		(109,237)	(118,606)	9,369	8%	17,508	(126,745)	<-100%	

**HAWAII PUBLIC HOUSING AUTHORITY
Section 8 Contract Administration
Actual vs Budget Comparison**

For the Month of August 2020, and the 2 Months ended August 31, 2020

(Amounts in Full Dollars)

Month of August 2020					Year To Date ended August 31, 2020									
Actual	Budget	Variance		%		Actual	Budget	Variance		Prior Year	Variance			
		Amount						Amount	%		Amount	%		
-	-	-		0%	REVENUES	-	-	-		0%	-	-	0%	
3,353,281	3,120,000	233,281		7%	Dwelling Rental Income	-	-	-		0%	-	-	0%	
-	-	-		0%	HUD Operating Grants	6,693,276	6,240,000	453,276		7%	6,155,477	537,799	9%	
-	-	-		0%	CFP Grant Income	-	-	-		0%	-	-	0%	
-	-	-		0%	COCC Fee Income	-	-	-		0%	-	-	0%	
-	-	-		0%	State CIP Fund	-	-	-		0%	-	-	0%	
-	-	-		0%	Grant Income	-	-	-		0%	-	-	0%	
28	25	3		12%	Other Income	55	50	5		10%	48	7	15%	
\$ 3,353,309	3,120,025	233,284		7%	Total Revenues	6,693,331	6,240,050	453,281		7%	6,155,525	537,806	9%	
38,224	80,400	(42,176)		-52%	EXPENSES	144,592	160,800	(16,208)		-10%	172,000	(27,408)	-16%	
-	-	-		0%	Administrative	-	-	-		0%	-	-	0%	
-	-	-		0%	Asset Management Fees	-	-	-		0%	-	-	0%	
-	-	-		0%	Management Fees	-	-	-		0%	-	-	0%	
-	-	-		0%	Bookkeeping Fees	-	-	-		0%	-	-	0%	
3,242,750	3,000,000	242,750		8%	Housing Assistance Payments	6,472,213	6,000,000	472,213		8%	5,935,477	536,736	9%	
-	-	-		0%	Tenant Services	-	-	-		0%	-	-	0%	
-	-	-		0%	Utilities	-	-	-		0%	-	-	0%	
-	-	-		0%	Maintenance	-	-	-		0%	-	-	0%	
-	-	-		0%	Protective Services	-	-	-		0%	-	-	0%	
398	383	15		4%	Insurance	796	766	30		4%	790	6	1%	
-	-	-		0%	Depreciation Expense	-	-	-		0%	-	-	0%	
-	-	-		0%	Bad Debt Expense	-	-	-		0%	-	-	0%	
-	-	-		0%	General Expenses	-	-	-		0%	-	-	0%	
3,281,372	3,080,783	200,589		7%	Total Expenses	6,617,601	6,161,566	456,035		-7%	6,108,267	509,334	8%	
\$ 71,937	39,242	32,695		83%	Net Income(Loss)	75,730	78,484	(2,754)		-4%	47,258	28,472	60%	
71,937	39,242	32,695		83%	CASH BASIS:	75,730	78,484	(2,754)		-4%	47,258	28,472	60%	
-	-	-		0%	Net Income(loss) per Above	-	-	-		0%	-	-	0%	
-	-	-		0%	Add back non cash items:	-	-	-		0%	-	-	0%	
					Depreciation Expense	-	-	-		0%	-	-	0%	
					Bad Debt Expense	-	-	-		0%	-	-	0%	
\$ 71,937	39,242	32,695		83%		75,730	78,484	(2,754)		-4%	47,258	28,472	60%	

HAWAII PUBLIC HOUSING AUTHORITY
Central Office Cost Center

Actual vs Budget Comparison

For the Month of August 2020, and the 2 Months ended August 31, 2020

(Amounts in Full Dollars)

Month of August 2020			
Actual	Budget	Variance	
		Amount	%
-	-	-	0%
-	9,221	(9,221)	-100%
-	-	-	0%
517,145	408,929	108,216	26%
-	-	-	0%
-	-	-	0%
275,069	456,927	(181,858)	-40%
\$ 792,214	875,077	(82,863)	-9%
700,673	803,796	(103,123)	-13%
-	-	-	0%
-	-	-	0%
-	-	-	0%
-	-	-	0%
133,204	1,842	131,362	>100%
10,541	14,547	(4,006)	-28%
307,534	315,587	(8,053)	-3%
772	1,190	(418)	-35%
3,023	3,246	(223)	-7%
4,048	4,048	-	0%
-	-	-	0%
16,131	3,496	12,635	>100%
1,175,926	1,147,752	28,174	2%
\$ (383,712)	(272,675)	(111,037)	-41%
(383,712)	(272,675)	(111,037)	-41%
4,048	4,048	-	0%
-	-	-	0%
\$ (379,664)	(268,627)	(111,037)	-41%

Year To Date ended August 31, 2020							
Actual	Budget	Variance		Prior Year	Variance		
		Amount	%		Amount	%	
REVENUES							
Dwelling Rental Income	-	-	0%	-	-	0%	
HUD Operating Grants	-	18,442	(18,442)	-100%	18,071	(18,071)	-100%
CFP Grant Income	-	-	0%	-	-	0%	
COCC Fee Income	940,263	817,468	122,795	15%	823,378	116,885	14%
State CIP Fund	-	-	0%	-	-	0%	
Grant Income	-	-	0%	-	-	0%	
Other Income	495,665	912,144	(416,479)	-46%	277,664	218,001	79%
Total Revenues	1,435,928	1,748,054	(312,126)	-18%	1,119,113	316,815	28%
EXPENSES							
Administrative	1,416,100	1,595,512	(179,412)	-11%	1,442,357	(26,257)	-2%
Asset Management Fees	-	-	-	0%	-	-	0%
Management Fees	-	-	-	0%	-	-	0%
Bookkeeping Fees	-	-	-	0%	-	-	0%
Housing Assistance Payments	-	-	-	0%	-	-	0%
Tenant Services	134,544	3,684	130,860	>100%	5,574	128,970	>100%
Utilities	20,999	29,094	(8,095)	-28%	36,157	(15,158)	-42%
Maintenance	624,043	631,212	(7,169)	-1%	613,307	10,736	2%
Protective Services	2,195	2,380	(185)	-8%	9,059	(6,864)	-76%
Insurance	6,055	6,492	(437)	-7%	6,293	(238)	-4%
Depreciation Expense	8,096	8,096	-	0%	12,894	(4,798)	-37%
Bad Debt Expense	-	-	-	0%	-	-	0%
General Expenses	17,707	6,907	10,800	>100%	3,299	14,408	>100%
Total Expenses	2,229,739	2,283,377	(53,638)	2%	2,128,940	100,799	5%
Net Income(Loss)	(793,811)	(535,323)	(258,488)	-48%	(1,009,827)	216,016	21%
CASH BASIS:							
Net Income(loss) per Above	(793,811)	(535,323)	(258,488)	-48%	(1,009,827)	216,016	21%
Add back non cash items:							
Depreciation Expense	8,096	8,096	-	0%	12,894	(4,798)	-37%
Bad Debt Expense	-	-	-	0%	-	-	0%
	(785,715)	(527,227)	(258,488)	-49%	(996,933)	211,218	21%

III. Procurement

A. Solicitation(s) Issued in September 2020:

Title	Due Date
Solicitation No. IFB PMB-2020-36 Furnish Preventive Maintenance Services to Fire Alarm Systems at Various HPHA Properties on Oahu	October 9, 2020
Solicitation No. IFB PMB-2020-38 Furnish Custodial Services at the Hawaii Public Housing Authority Administrative Offices on Oahu	October 12, 2020

B. Contract(s) Executed in September 2020:

Contractor & Description	Amount
<p>Pacific Power Electrical Contracting, LLC Contract No.: CMS 20-20</p> <p>Provide Preventive Maintenance Services to Fire Alarm Systems at Pumehana, Makamae and Punchbowl Homes and Call-For-Aid Systems at Pumehana, Makamae and Kalanihuia (AMP 35) on Oahu End Date: 12 Months from Notice to Proceed</p>	Total Amount: \$30,000.00
<p>Rambaud Electric, LLC Contract No.: CMS 20-19</p> <p>Provide Preventive Maintenance Services to Fire Alarm Systems at Kaneohe Apartments (AMP 45) and Halia Hale (MU 42) on Oahu End Date: 12 Months from Notice to Proceed</p>	Total Amount: \$6,400.00

B. Contract(s) Executed in September 2020 (continued):

Contractor & Description	Amount
<p>Rambaud Electric, LLC Contract No.: CMS 20-18</p> <p>Provide Preventive Maintenance Services to Fire Alarm Systems at Kalakaua Homes, Makua Alii and Paoakalani and Call-For-Aid Systems at Paoakalani (AMP 34) on Oahu End Date: 12 Months from Notice to Proceed</p>	<p>Total Amount: \$42,200.00</p>
<p>Heartwood Pacific, LLC Contract No.: CMS 20-17</p> <p>Repair of Vacant Units at Hale Aloha O Puna (AMP 37) on Hawaii Island Completion Date: 60 Calendar Days from Notice to Proceed</p>	<p>Total Amount: \$361,892.00</p>
<p>The Limtiaco Consulting Group, Inc. Contract No.: CMS 20-16</p> <p>Provide Design and Consultant Services for New Sewage Pump Station at Wahiawa Terrace (AMP 49) on Oahu End Date: 835 Calendar Days from Notice to Proceed</p>	<p>Total Amount: \$243,068.78</p>
<p>C Engineering & Construction, Inc. Contract No.: CMS 20-15</p> <p>Provide Labor, Material, and Equipment for Stairs Replacement at Spencer House (AMP 35) on Oahu Completion Date: 210 Calendar Days from Notice to Proceed</p>	<p>Total Amount: \$559,800.00</p>

B. Contract(s) Executed in September 2020 (continued):

Contractor & Description	Amount
<p>Kilgore Power Solutions, Inc. Contract No.: CMS 20-14</p> <p>Furnish Preventive Maintenance Services to Emergency Generators at Salt Lake Apartments (AMP 30), Kalakaua Homes, Makua Alii, Paoakalani (AMP 34), Pumehana, Punchbowl Homes, Kalanihuia (AMP 35), Hale Poai, Kamalu, Hoolulu, and Laiola (MU 42) on Oahu End Date: June 30, 2021</p>	<p>Total Amount: \$25,336.60</p>
<p>Paul's Electrical Contracting, LLC Contract No.: CMS 20-13</p> <p>Provide Labor, Material, and Equipment for Exterior Lighting and Security Improvements at Lanakila Homes (AMP 37) on Hawaii Island Completion Date: 150 Calendar Days from Notice to Proceed</p>	<p>Total Amount: \$602,700.00</p>
<p>Artistic Builders Corporation Contract No.: CMS 20-05-SC01</p> <p>Provide Additional Labor, Material, and Equipment and Time Extension of 60 Calendar Days for Repairs to Vacant Units at AMP 38 on Kauai Completion Date: September 26, 2020</p>	<p>Suppl Amount: \$90,188.14</p> <p>Total Amount: \$1,522,015.79</p>
<p>StarCom Builders, Inc. Contract No.: CMS 19-08-CO02</p> <p>Provide Additional Labor, Material, and Equipment and Time Extension of 12 Calendar Days for Building and ADA Improvements to Makua Alii and Paoakalani (AMP 34) on Oahu Completion Date: June 13, 2021</p>	<p>Suppl Amount: \$88,945.48</p> <p>Total Amount: \$7,616,909.48</p>

B. Contract(s) Executed in September 2020 (continued):

Contractor & Description	Amount
<p>Hawaii Engineering Group, Inc. Contract No.: CMS 19-17-SC01</p> <p>Provide Additional Design and Consultant Services for Security Upgrades at Pumehana and Kalanihuia (AMP 35) on Oahu End Date: January 21, 2022</p>	<p>Suppl Amount: \$30,595.66</p> <p>Total Amount: \$192,041.15</p>
<p>Peterson Bros. Construction, Inc. Contract No.: CMS 19-11-SC01</p> <p>Provide Additional Labor, Material, and Equipment for School Street Sewer Repairs on Oahu Completion Date: May 16, 2020</p>	<p>Suppl Amount: \$3,807.00</p> <p>Total Amount: \$3,807.00</p>
<p>Aqua Engineers, Inc. Contract No.: CMS 18-09-SC02</p> <p>Continue to Provide Preventive Maintenance Services to Individual Wastewater Systems at Hale Hoolulu, Kalaheo, and Kekaha Haaheo (AMP 38) on Kauai End Date: August 14, 2021</p>	<p>Suppl Amount: \$88,475.56</p> <p>Total Amount: \$254,140.48</p>
<p>EnviroServices & Training Center, LLC Contract No.: CMS 17-20-SC06</p> <p>Provide Additional Design and Consultant Services for Statewide Lead Risk Assessment End Date: February 6, 2022</p>	<p>Suppl Amount: \$283,645.83</p> <p>Total Amount: \$1,053,693.32</p>

B. Contract(s) Executed in September 2020 (continued):

Contractor & Description	Amount
<p>Architects Pacific, Inc. Contract No.: CMS 17-01-SC04</p> <p>Provide Additional Labor, Material, and Equipment for Site and Building Improvements at Hale Poai (MU 42) on Oahu End Date: December 28, 2021</p>	<p>Suppl Amount: \$19,963.00</p> <p>Total Amount: \$773,441.00</p>
<p>HDR Engineering, Inc. Contract No.: CMS 16-17-SC02</p> <p>No-Cost Time Extension of 435 Calendar Days for Building and Site Improvements at Eleele Homes (AMP 38) on Kauai End Date: November 20, 2021</p>	<p>Suppl Amount: n/a</p> <p>Total Amount: \$706,795.18</p>
<p>Economy Plumbing & Sheet Metal, Inc. dba Economy Plumbing & Air Conditioning Contract No.: CMS 16-07-SC04</p> <p>Continue to Provide Preventive Maintenance Services to Major Systems at Kalakaua Homes, Makua Alii, Paoakalani (AMP 34), Punchbowl Homes, Kalanihuia, Makamae, Pumehana, and Spencer House (AMP 35) on Oahu End Date: June 30, 2021</p>	<p>Suppl Amount: \$14,672.00</p> <p>Total Amount: \$67,720.00</p>
<p>All Maintenance and Repair, LLC Contract No.: CMS 15-13-SC08</p> <p>Provide Additional Labor, Material, and Equipment for Accessibility and Site Improvements at Hookipa Kahaluu (AMP 45) on Oahu Completion Date: February 5, 2017</p>	<p>Suppl Amount: \$86,037.75</p> <p>Total Amount: \$5,203,830.35</p>

B. Contract(s) Executed in September 2020 (continued):

Contractor & Description	Amount
<p>Constructors Hawaii, Inc. Contract No.: CMS 15-05-SC02</p> <p>Provide Additional Labor, Material, and Equipment for Physical Improvements to Lanakila Homes (AMP 37), Phase IIIB on Hawaii Island Completion Date: July 3, 2020</p>	<p>Suppl Amount: \$308,997.66</p> <p>Total Amount: \$6,508,247.66</p>
<p>Hako Construction Inc. dba Hako Construction Contract No.: CMS 14-04-CO05</p> <p>Provide Additional Labor, Material, and Equipment for Modernization of Salt Lake Apartments (AMP 30) on Oahu Completion Date: October 31, 2019</p>	<p>Suppl Amount: n/a</p> <p>Total Amount: \$7,950,867,64</p>
<p>Honolulu Disposal Service, Inc. Contract No.: PMB 20-10</p> <p>Furnish Refuse Collection Services at the Ka Hale O Kamehaikana Community Resource Center on Oahu End Date: June 30, 2021</p>	<p>Total Amount: \$5,075.46</p>
<p>The Memuneh Group LLC Contract No.: PMB 20-03-SC01</p> <p>Continue to Prepare and Deliver Prepared Meals and Food Boxes to Aloha Cares Emergency Feeding Program Participants on Oahu, Kauai, Maui and Hawaii Island End Date: December 31, 2020 or until funds fully expended</p>	<p>Suppl Amount: n/a</p> <p>Total Amount: \$1,700,000.00</p>

B. Contract(s) Executed in September 2020 (continued):

Contractor & Description	Amount
<p>Hawaii Affordable Properties, Inc. Contract No.: PMB 19-05-SC04</p> <p>Continue to Provide Property Management, Maintenance, and Resident Services for Asset Management Projects 40, 44, 45, 49, 50 and Management Unit 42 on Oahu and Asset Management Projects 43, 46 and Ke Kumu Ekahi on Hawaii Island End Date: December 31, 2020</p>	<p>Suppl Amount: \$1,897,902.03</p> <p>Total Amount: \$11,452,827.42</p>
<p>Jan – Guard Hawaii, LLC Contract No.: PMB 19-04-SC03</p> <p>Continue to Furnish Security Services at Kalihi Valley Homes (AMP 31), Mayor Wright Homes (AMP 32), Punchbowl Homes, Kalanihuia, and Makamae (AMP 35) on Oahu End Date: August 31, 2020</p>	<p>Suppl Amount: \$463,545.60</p> <p>Total Amount: \$2,602,268.59</p>
<p>American Guard Services, Inc. Contract No.: PMB 19-01-SC04</p> <p>Continue to Provide Security Services at Kuhio Park Terrace – Low Rise, Kuhio Homes (AMP 40) and the Ka Hale O Kamehaikana Community Resource Center on Oahu End Date: June 1, 2020</p>	<p>Suppl Amount: \$1,225.92</p> <p>Total Amount: \$2,496,441.35</p>
<p>Garden Island Disposal, Inc. Contract No.: PMB 19-08-SC01</p> <p>Continue to Provide Refuse Collection Services at Kawailehua – State and Kawailehua – Federal (AMP 38) on Kauai End Date: August 31, 2021</p>	<p>Suppl Amount: \$33,188.40</p> <p>Total Amount: \$637,519.74</p>

B. Contract(s) Executed in September 2020 (continued):

Contractor & Description	Amount
<p>Island Refuse, Inc. Contract No.: PMB 18-02-SC02</p> <p>Continue to Provide Refuse Collection Services at Kahale Mua – State and Kahale Mua – Federal (AMP 39) on Molokai End Date: August 31, 2021</p>	<p>Suppl Amount: \$59,652.60</p> <p>Total Amount: \$162,881.60</p>

C. Planned Solicitation/Contract Activities for October / November 2020

Solicitation(s):

- Issue Invitation-for-Bids to Furnish Security Services at AMP 31, AMP 32, and AMP 35 on Oahu

Contract(s):

- Execute New/Supplemental Contracts for various services on an ongoing basis as determined necessary and in the best interest of the State. Contract extensions may include services such as property management, preventive maintenance, security, refuse collection and custodial services.

IV. Development

HPHA continues to identify properties for potential redevelopment such as our ongoing efforts at School Street, a 100% seniors, ages restricted affordable LIHTC development; on its way to a completed 201H application before the end of the year; Kuhio Park Low-rises and Homes, where our third party developer (Michaels), has begun the procurement process to retain consulting firms to prepare and update the master plan which may include a potential combination of senior and family mixed-income housing; and Mayor Wright Homes where HPHA intends to move forward with the 201H process.

As our redevelopment efforts are intended to increase the supply of affordable housing stock, and each of these developments will add a significant level of affordable housing units, our staff have been researching what population and demographic segment the agency should be serving with the expanded affordable unit count that will be achieved through these efforts. With Mayor Wright homes,

for example, much progress had been made since terminating Hunt for convenience and HPHA's commitment to this project is as strong as ever. However, we held fewer design meetings in September, as we spent considerably more time reviewing the potential demographic mix this project will serve with the additional housing units that can be delivered.

With this in mind, and from a broader conceptual perspective, this may be an opportune time to look to the Board, as our policy setting body, to provide guidance as to what populations the Board would like to see served with these expanded units, whether based on income or any other priorities such as special needs, homelessness, veterans, etc. With clear guidance in this area from the Board, the development teams could then move forward confidently, and expeditiously with master planning and design. For the Board's convenience we've created a one-page chart for rental and homeownership units that could serve as a good start for the Board to provide feedback on the demographic target it would like to see served as a result of our redevelopment efforts. To help with this exercise we have also included information from a housing needs study the State recently completed as well as identified typical funding sources used to construct the units by income tier.

A. Mayor Wright Homes

- See comments above

B. Kuhio Park Terrace/Kuhio Low-Rises and Homes

- Rental Assistance Demonstration ("RAD") Conversion
HPHA and Michael's Organization ("TMO") continue to make progress with the RAD conversion for KPT Towers:
 - The Final Environmental Assessment ("EA") evidencing compliance with CFR 24 Part 58 has been completed and submitted to the Governor's Office (as the certifying officer for Responsible Entity) for acceptance and is currently being reviewed by the Governor's Office with assistance from the HHFDC.
 - A "Concept Call", which is a prerequisite for submitting a proposed Financing Plan for the transaction, was organized by the US Department of Housing and Urban Development's ("HUD"), Office of Recapitalization (Washington, DC) and the HUD Local Honolulu Field Office on October 1, 2020. HPHA Development staff provided an overview and history of the property, the proposed transaction and current status, an overview of the Voluntary Compliance Agreement with HUD, an overview of the environmental status of the KPT property and previously held and planned resident meetings.
 - During the Concept Call, HUD advised that PHA's with completed/approved Financing Plans in place as of August 3rd

would receive priority for 2020 year-end closing. As the KPT Financing Plan has not yet been finalized, HUD could not guarantee a year-end RAD conversion closing for KPT. However, HUD did indicate that they would work with the HPHA and TMO to accommodate a year-end closing based on progress and approval of the Financing Plan and HUD’s capacity. If a year-end closing cannot be completed, HUD expects the transaction would roll into early January 2021.

- Once the Financing Plan is complete, HPHA will receive a RAD Conversion Commitment (“RCC”) from HUD.
- Once the RCC is received, it is anticipated to require 60 days to complete, with an additional 45 days required thereafter for lender and investor approval.
- The target closing date for the RAD conversion remains 4th quarter 2020 (HUD capacity and Covid-19 delays permitting) or early January 2021.

KPT Low-rises and Homes Phase II Redevelopment

TMO continues to seek proposals from the consultants required to re-engage the master planning and environmental review effort. TMO is also in the process of refining the overall schedule and budget for the project.

C. School Street Administrative Offices Redevelopment

201H Application:

The 201H zoning and entitlement application submitted to the City & County of Honolulu Department of Planning & Permitting (“DPP”) on May 22, 2020 has been processed by the DPP and DPP’s report and recommendations have been forwarded to the Honolulu City Counsel for review.

A schedule of important remaining milestones summarizing the 201H process and schedule is as follows:

<u>Date</u>	<u>Milestone</u>
September 21	End of the DPP extended review period. DPP submits its report and recommendations to City Council triggering 45-day City Council review period.
October 22	City Council Zoning, Planning and Housing Committee Meeting
October 23 - November 4	Tentative window for next community engagement meeting to be conducted as a virtual meeting

November 5 City Council Meeting and end of 45-Day City Council review period (assuming DPP report and recommendations were submitted to City Council on September 21st)

As noted above, Community Engagement will continue during the 201H process with the next community meeting tentatively scheduled as a virtual meeting to be held sometime during October 23rd and November 4th, 2020.

The project team continues to refine the overall schematic design and the budget for the first phase of the project.

Hawaiian Dredging Construction Company has recently been retained by the developer, RHF, to provide preconstruction services including cost and budget review and value engineering advice.

RHF has recently retained a civil engineering consultant for the subdivision of the HPHA School Street land parcel that will be required to facilitate the phased development of the project.

HPHA staff continues to work with the Department of Accounting and General Services, Lanakila Multi-Purpose Senior Center (“LMPSC”), Catholic Charities, the University of Hawaii Community Design Center, and the project design team to explore the potential integration of the LMPSC and the HPHA into a single, stand-alone building at the existing LMPSC site. Combining the two organizations under a single roof would free-up additional land at HPHA’s School Street property, could potentially create significant construction cost savings and would be a benefit to the overall development program.

D. Hawaii County

Office of Planning (“OP”) received a FY21 \$1.5 million CIP (GO) appropriation (Act 6, SLH 2020, Section 3, Item K, Capital Project No. 0.1) relating to plans and design for statewide planning and coordination for transit-oriented development projects identified in the *State Strategic Plan for Transit-Oriented Development*. OP will be awarding funds for pre-planning, master planning, and infrastructure assessment work that will facilitate coordination and collaboration on transit-oriented development (TOD) infrastructure investments and achievement of multi-agency objectives in State TOD project planning and implementation statewide with a focus on neighbor islands.

On September 29, 2020, in a highly collaborative effort between the HPHA and multiple Hawai’i County agencies including but not limited to the Office of Housing and Community Development, the Department of Public Works,

the Planning Department, and the Mass Transit Authority, HPHA and the County prepared and submitted a proposal to the OP and The Hawaii Interagency Council for Transit Orientated Development requesting a \$500,000 CIP TOD planning grant under the project title "*The Lanakila Homes and County of Hawai'i Multi-Modal Transportation Project*".

The HPHA has a grandfathered right to redevelop 62 low-income public housing units at its Lanakila property located to the south of downtown Hilo at 60 Holomalia Street, Hilo HI, 96720 (TMK (3) 2-4-028:007). These units typically serve area residents in the 30% Area Median Income ("AMI") and below. In addition, the property also has the potential to support added density of up to 60-75 additional affordable, work force and/or market rate units.

The requested grant would provide funding for a new master plan for the site to address updated site conditions and streets that will need to be constructed to recently revised County of Hawai'i Standards and its Complete Streets Program (in draft form at time of this proposal). The new master plan will also examine how additional density could deliver additional affordable housing units to the community, the appropriate demographic mix of those units and determine what infrastructure may be required to support them.

Additionally, as the County of Hawai'i moves forward with its Complete Streets and a multi-modal transportation system, it is important to create adjacent streetscapes that provides "first and last mile" walking and bicycling opportunities. This can facilitate ease of access to future nearby bus facilities along Moho'uli and Kino'ole Streets. Improvements may include sidewalk infill, installation of bike lanes, curb extensions, safe crossings, and potential bus stops.

The location of the Lanakila property creates an exceptional opportunity to reimagine and redesign Kapiolani, Wailoa and Ululani Streets to enable safe access for pedestrians, bicyclist, motorist and transit user of all ages and abilities and can provide the public with a fully integrated Multi-Modal Transportation corridor to best service the community. The planning and design for the housing and Complete Streets and Multi-Modal Transportation elements would be undertaken as a single planning and design project under the requested grant.

E. Maui County

Similar to *The Lanakila Homes and County of Hawai'i Multi-Modal Transportation Project*, referenced above, the HPHA Development staff prepared and submitted a proposal to The Hawaii Interagency Council for Transit Orientated Development requesting a \$250,000 CIP TOD planning

grant under the project title "*The Kahekili Terrace Redevelopment Project*". Kahekili Terrace (TMK (2) 3-4-017:146) is a 3.8 Acre property currently improved with 82 units, located in the Wailuku redevelopment district of Maui. CIP TOD planning grant would facilitate preliminary master planning and environmental review for the potential redevelopment of this 54-year-old property.

F. Kalaeloa Project

HPHA awarded \$352,590.48 to HomeAid for the purchase of 18 Tiny Home Units. This contract is out for signature with HomeAid. A final recommendation to complete the required repairs for Building 32 is currently being reviewed internally by HPHA.

V. **Property Management and Maintenance Services Branch**

A.	Total Move Ins for September	66 units
	Vacancies:	36 units
	Net difference:	<u>30 units</u>

As of September 30, 2020, the total number of housing units offered were 70. The number of unit offers accepted were 37. Unit offers that were refused were 28, with 3 pending either acceptance or refusal.

B. Formal Grievance Hearings

During the month of September, HPHA did not receive any grievance requests and did not conduct any grievance hearings.

C. Hearings

Consistent with the State eviction and Federal moratorium HPHA continues to suspend evictions for the nonpayment of rent. Project managers continue to refer for eviction only when tenant violations involve serious health and safety violations.

VI. **Construction Management**

A. **Program Activities and Major Projects**

Vacant Units Undergoing Modernization as of September 30, 2020.

1. Summary status totals by State and Federal Vacant Units under construction or design:

State	3
Federal	68
	71

2. Summary status of total Vacant Units overseen by the Construction Management Branch by units made vacant for Modernization projects including demolition/disposition and vacant units by Type C (repairs requiring more than routine maintenance):

	Modernization			Subtotal	Type C			Total
	Demolition/ Disposal	Construction	Design/Bidding		Construction	Design/Bidding	Emergency Proclamation	
Oahu	4	47	0	51	0	0	0	51
Hawaii	0	1	0	1	0	0	9	10
Maui	0	2	0	2	0	0	5	7
Molokai	0	2	0	2	0	0	0	2
Kauai	0	0	0	0	0	0	1	1
Subtotal	4	52	0	56	0	0	15	71

Multi-Site Projects:

1. Lead-Based Paint (LBP) Risk Assessment – Assessments and reports of all sites are complete. Subcontract to remove lead-based paint at 4 sites has been executed. Consultant has been notified to begin work.
2. AMP 34, 35 & 42 (Towers)
 - a. Upgrade to Ventilation System at AMP 34, 35 and 42 Projects: Replacement of roof fans at Makamae is completed. The Contractor is to schedule testing and balancing (TAB) of all fans with the TAB contractor.
 - b. Upgrade to Fire Alarm (FA) Systems and Call for Aid (CFA) Systems at Various Projects to AMP 34 and AMP 35.
 - c. Kalanihua and Makamae – Reroofing and Repairs
 - 1) Kalanihua – Work is expected to start soon after Makamae’s roofing work is complete.

- 2) Makamae – 95% of the roofing work has been completed. There is a water ponding area on the new roof caused by the building’s structural settlement (prior addressed). A new roofing drain needs to be installed to address the new low spot. The Consultant is preparing the design for the new drain.
- d. Paoakalani and Makua Ali`i – Building and ADA Improvements
Site work walls are 90% completed, work in the Makua Ali`i common area restrooms are at 50%. The recreation room, 1st floor offices at Makua Ali`i are ongoing. Work on the Paokalani walkways spall repair is on going. Paokalani Units 223 and 224, Makua Alii Unit 101 discovered deteriorated infrastructure due to age.
3. 2020 Environmental Reviews
All 69 housing sites have been inspected including the architectural historical inventory portion of the neighbor island sites. The consultant has submitted 53 Environmental Review reports to HPHA for review.

O`ahu Projects:

1. Salt Lake Apartments – Major Modernization – the project is complete, and the keys transferred to the AMP manager. Design misses are being addressed by the AMP or Multi-Skilled Workers (MSW)
2. Punchbowl Homes – Exterior Repairs, Re-roofing, Site and ADA Improvements

Diamond Head wing – Kitchen cabinets from 2nd to 6th floor have been installed. Bathroom water proofing completed, and shower wall are being installed. Concrete topping and spall repair of the hallways is ongoing.

Mauka wing – Existing ADA ramp has been demolished and the construction of the new ramp for the lobby is ongoing. Welding at lobby grills is complete.

Parking Lot – paving work on the Ewa side parking lot is ongoing.
3. Wahiawa Terrace:
 - a. Site and Building Improvements
The Contractor’s has completed all but 2 items of the punch list. Close-out documents have been requested.

- b. Sewer Pump Station
The consultant has begun preparing and scheduling the design work.
- 4. Kauai`okalani – Site and Building Improvements
Close out documents have been requested. Final invoice is being prepared.
- 5. Mayor Wright Homes – Modernize Electrical Boxes (Phase II)
This project is to modernize all the remaining electrical meters, panels, and service boxes, not already modernized by Phase I. The construction contract is executed, and the Contractors requested the Pre-Con Meeting be scheduled in November.
- 6. Spencer House – Stairs Replacement. The Construction Contract has been awarded to CC Engineering and Construction, Inc. The Contract has been executed. A pre-construction meeting will be scheduled in October.
- 7. La`ioloa - Roof and Exterior Repair. The contract is being routed for final review and execution.
- 8. Hale Laulima - Modification to ADA Unit Entrances.
Contractor in process of completing landscaping work.

Hawai`i County Projects:

- 1. Lanakila Homes
 - a. Demolition of Phase IIIb & IV – The Contractor is removing the root balls of the Guinea Grass and re-applying herbicide on the worst spots. The Contractor has encapsulated the contaminated soil from Kapiolani Street down to Ululani Street. Topsoil and seeding of grass have also been completed down to Ululani Street. The Contractor suspended encapsulation work below Ululani Street, pending an amendment to the Contract.
 - b. Exterior Lights and Security Improvements – The contract is executed, and the Pre-Construction Meeting is scheduled for October 13, 2020.
 - c. Burnt Unit 10D – The Contractor is removing burnt materials and demolishing the walls and ceiling.

2. Hale Aloha O Puna
 - a. Site & Building Improvements – The design was completed, and the Consultant submitted the application for a building permit. Construction funds have been secured.
 - b. COVID-19 Vacant Unit Repairs to 9 Units – The Contractor is repairing all nine (9) vacant Units.

Mau`i County Projects:

1. Kahekili Terrace:
 - a. Environmental Testing of Soil
HPHA is moving forward with the Department of Health, (DOH) mandated Remedial Action Plan (RAP) to address the soil hazards long term. A topographic survey to assist in the RAP is complete. DOH is still reviewing the Environmental Hazard Mitigation Plan.
 - b. Renovation to Burnt Vacant Unit
The Pre-Construction meeting is being scheduled for October 14, 2020 pending approval to travel.
2. Pi`ilani Homes – Physical Improvements
A request to HUD to grant a fire hydrant easement to Mau`i County for access to install and maintain a fire hydrant was sent. Contractor’s contract is fully executed so Notice to proceed is contingent on the building permit which is dependant upon granting Mau`i County the fire hydrant easement.
3. AMP 39 (Mau`i) – COVID-19 Emergency Proclamation (EP) Vacant Unit Repairs to 4 Units Contract is executed. Notice to proceed is scheduled for October 14, 2020.
4. AMP 39 (Molokai):
Kahale Mua (Federal); Site & Dwelling Improvements
The Contractor has received the corrected screen doors and has scheduled to re-start the work on October 5th.

Kaua`i County Projects:

1. AMP 38 – Infrastructure and Site Improvements at Hale Ho`olulu, Hale Nana Kai O Kea and Hui O Hanamaulu
Overall Construction work is at approximately 57% complete.
2. AMP 38 – Infrastructure and Site Improvements at Hale Ho`onanea, Kalaheo Homes, Kawailehua (Federal) and Kawailehua (State)

The contractor was able to schedule the installation of the water lateral at Hale Ho`onanea, Kaua`i with the Department of Water and Department of Transportation for the first week of August. Work was delayed due to COVID-19 concerns. The PE was changed again in Kaua`i County and again have some comments on the chlorination plan. The contractor resubmitted the revised plan and is waiting for approval to schedule the installation.

3. AMP 38 – COVID-19 Emergency Proclamation (EP) Vacant Unit Repairs to 38 Units Repair work for unit C4 at Hale Ho`olulu is in process and scheduled to be completed by October 15, 2020.
4. `Ele`ele – Building and Site Improvements Supplemental contract No, 2 for time extension is executed Request for additional scope is currently routing for approval.
5. Kapa`a – Modernization and ADA Replacement of electric meters and service boxes. The contract has been executed. The consultant is working with the Kaua`i Island Utility Cooperative (KIUC) to obtain approval of drawings to submit to Kauai Island Utility Cooperative (DPW) (Department of Public Works) for electrical permit.

VII. Section 8 Subsidy Programs Branch

HPHA manages the Housing Choice Voucher Program (HCV), Project Based Voucher Program, Veteran's Affairs Supportive Housing (VASH), Non-Elderly Disabled Vouchers (NED), Performance Based Contract Administration (PBCA), State Rent Supplement Program (RSP) and Family Self-Sufficiency (FSS) Program.

A. Program Activities for September 2020

1. Voucher:

HPHA expended a total of \$3,068,626 (96.76% of eligible HUD funds received in September) in housing assistance payments (HAP) to private landlords on behalf of 2,420 voucher holders. HPHA received a higher than normal funding disbursement in September to compensate for a lower than average July disbursement from HUD. HPHA issued a total of 9 vouchers for New Admission, Project Based, VASH and port-ins. Currently, 38 families are in search of housing.
2. 469 VASH families were assisted, \$428,948 was paid in HAP. 6 veterans received VASH vouchers, 4 leased up, and 34 veterans are in search of housing.

3. Inspections update:

September 2020	
Housing Quality Standards (HQS) Inspections	65
HQS Inspections Failed	15
Quality Control Inspections	9
Total Inspection completed from 09/01/2020-09/30/2020	74

Total Rent increase request received	45
Approved	33
Denied	12

4. Family Self Sufficiency (FSS) Program:

The FSS Program continues to offer employment case management, resources, and escrow savings to its 63 active participants.

During the month of September, the FSS Program had 2 new intakes, 0 discharge, and 3 LIPH graduates. The current total number of Section 8 graduates is 139 and the total number of LIPH graduates is 23 since the program's inception. Currently, there are 20 of 46 Section 8 participants and 9 of 17 LIPH participants eligible to receive monthly escrow credits. The total monthly escrow deposits for September 2020 was \$5,724.00.

5. Rent Supplement Program (RSP):

RSP made a payment of \$128,103 to the landlords on behalf of 298 families.

VIII. Compliance Office

A. Program Activities for September 2020

- Continued to process tenant requests for reasonable accommodations under Section 504 of the Rehabilitation Act and the Fair Housing Act. The most common requests the office receives include:
 - a. Transfers to accessible or ground floor units;

- b. Installation of air conditioning;
 - c. Approval to keep assistance animal;
 - d. Approval of live-in aides;
 - e. Disability-related unit modifications;
 - f. Utility allowances for disability-related medical equipment;
 - g. Domestic violence emergency transfers;
- Monitored HPHA's COVID-19 email hotline for tenant reporting of pending or positive COVID-19 test results.

B. Planned activities for October 2020

- Continue to respond to requests for reasonable accommodations; conduct research on the following issues:
 - Releasing S8 tenants from leases
- Continue to ensure Compliance with Section 504 of the Rehabilitation Act and the Fair Housing Act;
- Continue to work with the Fair Housing Coordinators of the Counties and Hawaii Housing Finance and Development Corporation and with the University of Hawai'i Economic Research Organization (UHERO) to prepare the fair housing analysis of impediments for the State of Hawaii.

IX. Information Technology Office

A. Program Activities

1. **HPHA AIS Implementation:** Switched service implantation from Hi-Tel to Nextiva. Costs and services proved to be speedier and more flexible, allowing for changes on the fly. New system relies on digital technology combined with analog POTS to interoperate with our HPHA system.
2. **Telework Implementation:** Ongoing. ITO switched from SOH VPN support to third party support due to technical difficulties. Waiting for HRO for confirmation of the 66 licenses that includes COCC and the AMPs.
3. **Emphasys Elite Administration:** Ongoing. Changes made to the Waiting List module to support HCV and project-based Section 8 waiting lists. New setups being tested to allow for preferences and filters to be applied to the MyHousing interface. Lottery and ratios for the preferences (Homeless, Domestic Violence and Involuntary

Displacement) to be included into the settings for the new Waiting Lists.

4. **Migration to Cloud:** Ongoing. Quotes for hardware (2 controllers for hosting and SAN file servers) to be resubmitted for procurement compliance. Confirming hardware and software compatibility with Elite for MS Server 2016 and SQL Server 2018). Re-quoting will be necessary for the requirements to comply with new changes. Submitting T-205 to ETS for approval of hardware. Current circuits will remain the same as historical compliance with traffic on current connectivity are acceptable. Hi-Tel informed of possible changes and awaiting confirmation.

X. Human Resources

A. Summary of Staffing:

Filled positions FTE:	299
Tenant Aide Program:	20
Positions (unable to recruit hiring freeze):	26
Positions (on continuous recruitment):	25
Other vacancies (to be in recruitment soon):	32

B. Program Activities:

1. Agency-wide interviews were conducted and/or hired for the following positions: Finance, Public Housing Specialist I, Housing Secretary I Office Assistant III, Building Construction Inspector, Quality Standards Inspector I, Plumber I and General Laborer Is.
2. Due to the social distancing guidelines, staff participated in various webinar training such as: Determining Level of National Environmental Policy Act Review, Exempt, Environmental Review Record; Webinar Executive Director 101 Housing/Choice Voucher Financial Mgt. Webinar Series; Airport Hazards, Environmental Justice, Environmental Assessment Factors; Wild and Scenic Rivers, Contamination and Toxic Substances, Endangered Species; Historic Properties; Request for Release of Funds, Implementation and Mitigation, HUD's Environmental Review Online System; Noise Abatement and Control, Floodplain Management and Wetland Protection, Flood Insurance and Sole Source Aquifers; Farmlands Protection, Explosive and Flammable Operations, Coastal Zone Management Air Quality; Backflow Prevention Tester Training; CARES Act Financial Reporting Notice; Real Estate Assessment Center Inventory Management System Training; 2020 Housing

Repositioning: Streamlined Voluntary Conversation; 2020 Housing
Repositioning: Options for Obsolete Units.

3. During the month of September, one employee tested positive and has been advised to quarantine. Other staff with direct contact has been advised to self-monitor.
4. One employee is currently teleworking due to distance learning, and majority of our employees continue to report to work during this pandemic.
5. The Human Resources Office recently coordinated with Times Pharmacy to administer flu vaccinations for HPHA employees on Oahu who were interested. The vaccinations took place on Tuesday, September 22nd and Thursday, September 24th at the HPHA main campus over 48 participated.
6. The Human Resources Office is in the process of transitioning the New Hire Orientation to be presented through video conferencing. This will allow new employees as a group to receive instruction on the HPHA organization and policies & procedures while adhering to social distancing standards.
7. Workers Compensation: Three (3) injuries reported, with one employee unable to report to work.