HAWAII PUBLIC HOUSING AUTHORITY

NOTICE OF BOARD OF DIRECTORS EMERGENCY MEETING

1002 North School Street, Building A Boardroom
Honolulu, Hawaii 96817
Wednesday, April 28, 2021
11:00 a.m.

AGENDA

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 Nineteenth Supplementary Proclamation dated April 9, 2021, 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 7:45 a.m. on Wednesday, April 28, 2021 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/97324090336?pwd=aXc0MmYvcjQ5dE9SK1ptYUdSRzdZdz09. (Please click on this link.) When prompted, enter the Meeting ID: 973 2409 0336 and the Password: a3WY7k.

Alternatively, the public may also participate via telephone by calling: 1-669-900-6833. When prompted, callers should enter the Meeting ID: 973 2409 0336 and the Password: 813953. 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. The Hawaii Public Housing Authority (HPHA) Board of Directors finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in HRS § 92-7 so the Board can discuss and extend
emergency measures and rules to prevent the further spread of COVID-19 at the HPHA and Section 8 properties for the following reasons:

1. 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 April 9, 2021, which extended the emergency through June 8, 2021;

2. The extension of the existing emergency rules is needed to continue to enable the HPHA to quickly house people in the Section 8 and Low-Income Public Housing programs, continue to require public housing tenants to physically distance themselves, wear facial coverings (e.g. masks) and thereby reduce the spread of COVID-19 on the HPHA public housing and Section 8 properties, and other pertinent measures to assist the HPHA manage the COVID-19 emergency; and

3. There have been 31,991 cases reported since February 28, 2020, with 478 deaths, and 76 average daily new cases reported in the past 14 days, and 70 new cases reported on April 26, 2021 in the State of Hawaii clearly showing that there is an ongoing need to extend emergency measures to protect the HPHA’s tenants and staff.

II. CALL TO ORDER/ESTABLISHING QUORUM

III. PUBLIC TESTIMONY

The Board will consider public testimony on any item relevant to this agenda 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.

IV. DISCUSSION AND/OR DECISION MAKING

A. To (1) Adopt “Extension of the Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency”, Which Extends and Renews for an Additional 120 Days after May 7, 2021, the “Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency”, to Continue to set Forth the Requirements for Physical Distancing, Waiver of Minimum Rent, Waiver of Late Fees, Termination of Rental Agreements, Evictions Throughout the COVID-19 Emergency Relief Period, Wearing Facial Coverings and Practicing Six Feet Minimum Physical Distancing at all Times, Visitor Restrictions, Gathering Restrictions, Mandating the Wearing of Face Coverings and Vacating the Unit or Isolating in an Area at Least Six Feet Away when Staff are
Conducting Repairs or Other Official Business in a Tenant’s Unit, Penalties for Non-Compliance with these Rules, and Requirements for Use of a Lottery for Placement on the Federally-Assisted Public Housing Projects Wait List; and (2) Authorize the Executive Director to Undertake All Other Actions Necessary to Continue to Implement these Emergency Rules

(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.)


B. To (1) Adopt “Extension of the Hawaii Public Housing Authority Section 8 – Housing Choice Voucher Emergency Rules Relating to COVID-19 Emergency”, Which Extends andRenews for an Additional 120 Days after April 30, 2021, the “Hawaii Public Housing Authority Section 8 – Housing Choice Voucher Emergency Rules Relating to the COVID-19 Emergency”, to Continue to Provide Financial Relief and Other Program Benefits to Section 8 Housing Choice Voucher Program Participants; and (2) Authorize the Executive Director to Undertake All Actions Necessary to Continue to Implement these Emergency Rules

(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 “Extension of the Hawaii Public Housing Authority Section 8 - Housing Choice Voucher Emergency Rules Relating to COVID-19 Emergency” may be viewed on the internet on or about April 27, 2021 on the Lieutenant Governor’s website at: https://ltgov.hawaii.gov/the-office/administrative-rules/.

The Board agenda for this meeting is available for inspection on the HPHA’s website: http://www.hpha.hawaii.gov/boardinfo/packets.htm.
The Board of Directors of the Hawaii Public Housing Authority held an Emergency Board Meeting at 1002 North School Street, on Wednesday, April 28, 2021. Pursuant to the Governor’s Nineteenth Supplementary Proclamation dated April 9, 2021, 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 11:04 a.m., Chairperson Hall called the meeting to order, held a roll call and declared a quorum present. Those present were as follows:

**PRESENT:**
- Director Robert Hall, Chairperson
- Director Pono Shim, Vice-Chairperson
- Director Roy Katsuda, Secretary
- Designee Joseph Campos II
- Director George De Mello
- Director Susan Kunz
- Director Betty Lou Larson
- Director Leilani Pulmano
- Deputy Attorney General Jennifer Sugita
- Deputy Attorney General Klemen Urbanc

**EXCUSED:**
- Director Kymberly Sparlin
- Director Todd Taniguchi

**STAFF PRESENT:**
- Hakim Ouansafi, Executive Director
- Sarah Beamer, Acting Section 8 Subsidy Programs Branch Chief
- Benjamin Park, Chief Planner
- Stephanie Fo, Acting Property Management and Maintenance Services Branch Chief
- Jennifer Menor, Secretary to the Board

**OTHERS PRESENT** (via Zoom/teleconference):
- None
Chairperson Hall reported that the Hawaii Public Housing Authority (HPHA) Board of Directors found that an imminent peril to the public health, safety, or welfare required a meeting in less time than is provided for in HRS § 92-7 so the Board can discuss and extend emergency measures and rules to prevent the further spread of COVID-19 at the HPHA and Section 8 properties for the following reasons:

1. 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 April 9, 2021, which extended the emergency through June 8, 2021;

2. The extension of the existing emergency rules is needed to continue to enable the HPHA to quickly house people in the Section 8 and Low-Income Public Housing programs, continue to require public housing tenants to physically distance themselves, wear facial coverings (e.g. masks) and thereby reduce the spread of COVID-19 on the HPHA public housing and Section 8 properties, and other pertinent measures to assist the HPHA manage the COVID-19 emergency; and

3. There have been 31,991 cases reported since February 28, 2020, with 478 deaths, and 76 average daily new cases reported in the past 14 days, and 70 new cases reported on April 26, 2021 in the State of Hawaii clearly showing that there is an ongoing need to extend emergency measures to protect the HPHA’s tenants and staff.

Public Testimony

In consideration of the current COVID-19 pandemic, the HPHA’s physical office locations are closed to the public. Individuals were allowed to submit written testimony no later than 7:45 a.m. on Wednesday, April 28, 2021 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 given or submitted.

Discussion and Decision Making

Director Shim moved,
To (1) Adopt “Extension of Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency”, Which Extends and Renews for an Additional 120 Days after April 30, 2021, the “Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency”, to Continue to set Forth the Requirements for Physical Distancing, Waiver of Minimum Rent, Waiver of Late Fees, Termination of Rental Agreements, Evictions Throughout the COVID-19 Emergency Relief Period, Wearing Facial Coverings and Practicing Six Feet Minimum Physical Distancing at all Times, Visitor Restrictions, Gathering Restrictions, Mandating the Wearing of Face Coverings and Vacating the Unit or Isolating in an Area at Least Six Feet Away when Staff are Conducting Repairs or Other Official Business in a Tenant’s Unit, Penalties for Non-Compliance with these Rules, and Requirements for Use of a Lottery for Placement on the Federally-Assisted Public Housing Projects Wait List; and (2) Authorize the Executive Director to Undertake All Other Actions Necessary to Continue to Implement these Rules

Executive Director Ouansafi thanked the Board for their quick response and agreeing to convene for this emergency meeting.

Executive Director Ouansafi reported that 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).

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.

These Emergency Rules were originally adopted by the Board on April 16, 2020, extended and filed with the Lieutenant Governor’s office on September 8, 2020 and extended and filed once more on December 22, 2020.

Executive Director Ouansafi reported that the extension of these Emergency Rules expire on May 7, 2021. The extension of these emergency rules is needed to continue to enable the HPHA to quickly house people in the low-income public housing program, continue to require health, safety and other pertinent measures in public housing properties to assist the HPHA manage the COVID-19 emergency.

Executive Director Ouansafi added that HPHA was informed today by HUD that inspections of all housing properties will be resuming starting June 1, 2021.

These Emergency Rules apply to all HPHA programs and accomplish the following:
1. Mandating the wearing of face coverings in all public housing properties.
2. Restricting visitors at all public housing properties.
3. Restricting gatherings at all public housing properties.
4. Mandating the wearing of face coverings and vacating the unit or isolating in an area at least six feet away when staff are conducting repairs or other official business in a tenant’s unit.
5. Establishing penalties for noncompliance of the emergency rules.
6. Requirements for use of a lottery for placement on the federally-assisted public housing projects wait list.

Executive Director Ouansafi stated that HPHA will continue to monitor the situation and receive guidance from CDC. HPHA will present to the Board any mandate updates prior to 120 days, as needed.

By extending the Hawaii Administrative Rules entitled Hawaii Public Housing Authority Emergency Rules Relating to COVID-19 Emergency, these rules will remain in effect for 120 days after May 7, 2021.

The motion was unanimously approved.

Director Shim moved,

To (1) Adopt “Extension of the Hawaii Public Housing Authority Section 8 – Housing Choice Voucher Emergency Rules Relating to COVID-19 Emergency”, Which Extends and Renews for an Additional 120 Days after April 30, 2021, the “Hawaii Public Housing Authority Section 8 – Housing Choice Voucher Emergency Rules Relating to the COVID-19 Emergency”, to Continue to Provide Financial Relief and Other Program Benefits to Section 8 Housing Choice Voucher Program Participants and (2) Authorize the Executive Director to Undertake All Actions Necessary to Continue to Implement these Emergency Rules

Executive Director Ouansafi reported that the extension of these rules will continue to provide financial relief to keep Section 8 program participants housed which will help address the risk of the rapid spread of COVID-19 and to protect the community, especially our elderly and disabled and those with underlying health conditions.

The Emergency Rules apply to the HPHA’s Section 8 program and will continue to provide benefits to the program participants including some of the following:
- Allowing for interim rent adjustments due to loss of income
- Allowing execution of a housing assistance payments (HAP) contract if the unit has non-life-threatening deficiencies to allow a tenant to move in quickly
- Allowing the use of alternate means to conduct voucher briefings
- Allowing the increase of a payment standard during interim rent adjustments
- Allowing use of a lottery system to select waitlist participants
By extending the Hawaii Administrative Rules entitled Hawaii Public Housing Authority Section 8 – Housing Choice Voucher Emergency Rules Relating to COVID-19 Emergency, these rules will remain in effect for 120 days after April 30, 2021.

The motion was unanimously approved.

Chairperson Hall extended his thanks to the Board members for their continued commitment and efforts.

Director Larson moved,

To Adjourn the Meeting

The motion was unanimously approved.

The meeting adjourned at 11:20 a.m.

MINUTES CERTIFICATION:

Minutes Prepared by:

Jennifer K. Menor
Secretary to the Board

Approved by the Hawaii Public Housing Authority Board of Directors at their Regular Meeting on May 20, 2021 [✓] As Presented [   ] As Amended

Director Roy Katsuda
Board Secretary

May 20, 2021