

**HAWAII PUBLIC HOUSING AUTHORITY
NOTICE OF MEETING
REGULAR BOARD OF DIRECTORS MEETING
1002 North School Street, Building A Boardroom
Honolulu, Hawaii 96817
January 21, 2016
9:00 a.m.**

AGENDA

I. CALL TO ORDER/ESTABLISHING QUORUM

II. APPROVAL OF MINUTES

Regular Meeting Minutes, December 17, 2015
Executive Session Minutes, November 19, 2015 (not for public distribution)
Executive Session Minutes, December 17, 2015 (not for public distribution)

III. 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.

IV. FOR ACTION

NOTE: Proposed revisions to the Hawaii Administrative Rules being considered by the HPHA Board of Directors below may be viewed in person as provided in section §91-2.6, HRS on or about March 6, 2016 at the HPHA's Offices located as follows:

HPHA's Administrative Offices, 1002 N. School Street, Honolulu
Oahu: Puuwai Momi Office, 99-132 Kohomua Street, Aiea
Oahu: Kalihi Valley Homes Office, 2250 Kalena Drive, Honolulu
Oahu: Mayor Wright Homes Office, 521 N. Kukui Street, Honolulu
Oahu: Kalakaua Homes Office, 1545 Kalakaua Avenue, Honolulu
Oahu: Punchbowl Homes Office, 730 Captain Cook Avenue, Honolulu
Oahu: Hale Poai Office, 1001 N. School Street, Honolulu
Oahu: Waimaha-Sunflower Office, 85-186 McArthur Street, Waianae
Oahu: Koolau Village Office, 45-1027 Kamau Place, Kaneohe
Oahu: Kauhale Nani Office, 310 North Cant Street, Wahiawa
Oahu: Palolo Valley Homes Office, 2107 Ahe Street, Honolulu
Oahu: Kuhio Homes Office, 1475 Linapuni Street, Honolulu
Hawaii Office, 600 Wailoa Street, Hilo, Hawaii

Hawaii Office, 78-6725 Malolea Street, Kailua-Kona, Hawaii
Hawaii Office, 65-1191 Opelo Road, Kamuela, Hawaii
Kauai Office, 4726 Malu Road, Kapaa, Hawaii
Maui Office, 2015 Holowai Place, Wailuku, Hawaii
Molokai Office, Maunaloa Molokai; or

May be viewed on the internet on or about March 6, 2016 on the Lieutenant Governor's website at: <http://ltgov.hawaii.gov/the-office/administrative-rules/>

- A. Motion: To Appoint the Ms. Jodie Aiona to a Four -Year Term on the Hawaii Public Housing Authority's Hilo Eviction Board
- B. Motion: To Approve the Hawaii Public Housing Authority's Draft Public Housing Agency (PHA) Five Year and Annual Plan and Authorize the Executive Director to Hold Public Hearings on the Draft Five Year and Annual Public Housing Agency (PHA) Plan for Fiscal Year 2016-2017
- C. Motion: To Adopt the Following Amendments to Chapter 15-195 "Section 8 Homeownership Option Program", Hawaii Administrative Rules:

Chapter 15-195 to be renumbered Chapter 17-2036, and "Housing and Community Development Corporation of Hawaii" or "Corporation" to be replaced with "Hawaii Public Housing Authority" or "Authority";

Replacing references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2036-2 [Definitions – "Family", "Gender identity or expression"] Clarifying definitions;

New Section 17-2036-3 [Nondiscrimination – Inclusion of gender identity and sexual orientation] Updating protected classes;

New Section 17-2036-22 [Eligibility for admission; initial requirements – threaten behavior towards staff] Requiring that eligible applicants do not engage in or threaten abusive or violent behaviors;

New Section 17-2036-24 [Minimum income requirements – disabled, elderly, welfare assistance] Clarifying income requirements for disabled and elderly families;

New Section 17-2036-31 [Closing and reopening the waiting list - notices] Removing requirement to publish notices regarding the waitlist in minority newspapers and include publication on the Authority's website;

New Section 17-2036-42 [Dwelling unit inspection – independent inspector] Clarifying that independent inspector must be qualified;

New Section 17-2036-44 [Financing requirements] Removes Authority's ability to disapprove terms of the mortgage loan;

Inserting Reserved Sections at 17-2036-5 through 17-2036-20; 17-2036-36 through 17-2036-40; 17-2036-45 through 17-2036-50; 17-2036-54 through 17-2036-60; 17-2036-64 through 17-2036-70; and

To Authorize the Executive Director to Undertake All Actions Necessary under Chapter 91, Hawaii Revised Statutes, Administrative Directive No. 09-01, and Federal Rules on the Public Housing Agency Five Year and Annual Plan to Implement the Amendments.

D. Motion: To Adopt the Following Amendments to Chapter 15-181 "Resident Advisory Board", Hawaii Administrative Rules:

Chapter 15-181 to be renumbered Chapter 17-2032, and "Housing and Community Development Corporation of Hawaii" or "Corporation" to be replaced with "Hawaii Public Housing Authority" or "Authority";

Replacing references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2032-21(a) [Resident Advisory Board – Expenses and expenditures] Clarifying that Expenses Must be Part of an Approved Budget;

New Section 17-2032-21(b) [Resident Advisory Board – Number of members] Reducing the Minimum of Members from Twenty to Nine and Reduce Representation from Each Geographic Location;

New Section 17-2032-21(c) [Resident Advisory Board – Authority appointment of members] Allows the Hawaii Public Housing Authority to Appoint Resident Councils or their Representatives to Serve on the Resident Advisory Board;

New Section 17-2032-42 [Executive Meetings] Removes Executive Meetings;

New Section 17-2032-44 [Agenda – Purpose and use] Clarifies the Purposes and Use of the Meeting Agenda;

New Section 17-2032-61 [Nominees for public resident member of the authority's board of directors - Number of Resident Advisory Board nominees and qualifications of a nominator] Allows Residents in Public Housing or in the Section 8 Program to Submit a Nominee for the HPHA's Board of Directors to the Governor;

New Section 17-2032-62 [Recommendation of the resident advisory board - number of RAB Nominees and the Governor's selection and appointment of nominees] Clarifies that the Resident Advisory Board Shall Submit no Less Than Three and No More than Five Nominees for the HPHA Board of Directors to the Governor;

Inserted Reserved Sections at 17-2032-6 to 17-2032-20; 17-2032-24 to 17-2032-30; 17-2032-33 to 17-2032-40; 17-2032-50; 17-2032-53 to 17-2032-60; and 17-2032-63 to 17-2032-70; and

To Authorize the Executive Director to Undertake All Actions Necessary under Chapter 91, Hawaii Revised Statutes, and Administrative Directive No. 09-01, and Federal Regulations Regarding the Public Housing Agency Five Year and Annual Plan to Implement the Amendments

E. Motion: To Adopt the Following Amendments to Chapter 15-184 "Rent Supplement Program", Hawaii Administrative Rules:

Chapter 15-184 to be renumbered Chapter 17-2033, and "Housing and Community Development Corporation of Hawaii" or "Corporation" to be replaced with "Hawaii Public Housing Authority" or "Authority";

Replace references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2033-2 [Definitions] Includes and clarifies definitions of "Applicant", "Criminal activity", "Drug", "Elderly", "Gender identity or expression", "Security deposit", "Staff", "U.S.C.", and "Violent criminal activity";

New Section 17-2033-3 [Income limits] References HUD-determined very low income limits;

New Section 17-2033-11 [Application] Requires household social security number and waiting list;

New Section 17-2033-12 [Verification] Requires household member social security number;

New Section 17-2033-13 [Eligibility for participation] Clarifies applicant eligibility with regard to residence, property ownership, payment, social security number provision, no threat of abusive or violent behavior toward staff, and citizenship];

Newly added Section 17-2033-21 [Nondiscrimination] Nondiscrimination provision added consistent with U.S. Fair Housing Act;

Newly added Section 17-2033-22 [Waiting list] Provides procedures for waiting list of applicants;

Section 17-2033-31 [Rent supplement] Includes a maximum rent supplement payment amount of \$500;

Section 17-2033-33 [Reexamination] Provides that reexamination shall be performed either in person or via mail;

Inserted Reserved Sections at 17-2033-7 to 17-2033-10; 17-2033-14 to 17-2033-20; 17-2033-27 to 17-2033-30; 17-2033-35 to 17-2033-40; 17-2033-45 to 17-2033-50; and 17-2033-55 to 17-2033-60; and

To Authorize the Executive Director to Undertake All Actions Necessary under Chapter 91, Hawaii Revised Statutes, and Administrative Directive No. 09-01, to Implement the Amendments.

- F. Motion: To Adopt the Following Amendments to Chapter 15-193 “State-Aided Family Public Housing Projects”, Hawaii Administrative Rules: Chapter 15-193 to be renumbered Chapter 17-2034, and “Housing and Community Development Corporation of Hawaii” or “Corporation” to be replaced with “Hawaii Public Housing Authority” or “Authority”;

Replacing references to Chapter 201G, Hawaii Revised Statutes with Chapter 356D, Hawaii Revised Statutes;

New Section 17-2034-2 [Definitions – “Accessible dwelling unit”, “Adjusted annual income”, “Annual income”, “Backcharge”, “Common Areas”, “Community Facilities”, “Criminal Activity”, “Domestic Violence”, “Drug”, “Drug Related Criminal Activity”, “Dwelling Unit”, “Family”, “Foster Children”, “Gender identity or expression”, “Involuntarily Displaced”, “Live-in Aide”, “Near Elderly”, “Permanently Absent”, “Housing Projects”, “Rental Agreement”, “Resident”, “Security Deposit”, “Sexual Orientation”, “Smoke”, “Smoking”, “State-aided Family Public Housing Projects”, “Utility Allowance”, “Utility Reimbursement”, “Violent Criminal Activity”- Inserting and Clarifying definitions];

New Section 17-2034-3 [Income limits – clarifying how income limits are determined];

New Section 17-2034-5 [Asset transfers – clarifying how the value of assets are to be determined];

New Section 17-2034-7 [Utility allowances – clarifying when rents for families residing in state-aided public housing projects will include utility allowances; determination of excess utility usage];

New Section 17-2034-20 [Application – amending application process];

New Section 17-2034-21 [Eligibility for admission – new initial and final requirements];

New Section 17-2034-22 [Notification of eligibility; informal hearings – Clarifying notification process; informal hearing];

New Section 17-2034-23 [Informal hearing process];

New Section 17-2034-30 [Nondiscrimination – Updating protected classes];

New Section 17-2034-31 [Preference – eliminating preference for elderly and adding preference for homeless and victims of domestic violence, reordering preferences to implement statutory disabled veterans preference; clarifying language];

New Section 17-2034-32 [Loss of Preference – clarifying language];

New Section 17-2034-33 [Waiting List – selection of one geographic area waitlist; change waitlist area at any time];

New Section 17-2034-35 [Closing and Reopening Waiting List – clarifying language];

New Section 17-2034-36 [Offers – cancellation of application upon refusal of one unit without good cause; Implement 50% to preference, 50% to non-preference applicant law; clarifying language];

New Section 17-2034-37 [Accessible units – clarifying language];

New Section 17-2034-40 [Rental Agreement – Chapter 521, HRS, Landlord Tenant Code governs State-Aided Family Public Housing Program];

New Section 17-2034-41 [Eligibility for continued occupancy – new requirements; smoking prohibition; maintain utility services; not acquire property interest; not threaten staff; not harm or damage authority; approval of additions to the family];

New Section 17-2034-41.1 [Continued occupancy of remaining members of tenant families – requirements for continued occupancy of remaining members of tenant families; 12 month occupancy period; remaining minors];

New Section 17-2034-43 [Reexamination results – time to vacate unit after determination of ineligibility; removal of grievance procedure];

New Section 17-2034-44 [Special reexamination – time of special reexaminations];

New Section 17-2034-45 [Interim rent adjustment];

New Section 17-2034-46 [Tenant transfers – updating protected classes for nondiscrimination purposes; when unit transfers are authorized; clarifying when families will not be transferred];

New Section 17-2034-47 [Backcharges – repayment within 60 days, reduced from 180 days; reasonable payment arrangements]

New Section 17-2034-48 [Rental agreement – clarifying language; termination for threatening employees, violating smoking prohibition, failure to maintain utility services, conviction of certain felonies, fleeing prosecution or custody, violation of condition of parole, willful damage to HPHA property];

New Section 17-2034-49 [Smoking prohibition – implementing statutory smoking prohibition];

New Section 17-2034-61 [Minimum rent – reflect correct exhibit number];

New Section 17-2034-66 [Other charges – new late fee, dishonored check fee, and maintenance costs];

New Section 17-2034-67 [Delinquent accounts – authority to assign to a collection agency];

New Section 17-2034-70 [Special programs – authority to administer special programs using different criteria]

New Section 17-2034-71 [Occupancy by police officers – authority to allow occupancy of police officers to enhance security]

Inserting Reserved Sections 17-2034-10 through 17-2034-19; 17-2034-24 through 17-2034-29; 17-2034-38 through 17-2034-39; 17-2034-50 through 17-2034-59; 17-2034-68 through 17-2034-69; 17-2034-72 through 17-2034-79; and

To Authorize the Executive Director to Undertake All Actions Necessary under Chapter 91, Hawaii Revised Statutes, Administrative Directive No. 09-01, to Implement the Amendments

VII. FOR INFORMATION/FOR DISCUSSION

- A. For Information: The Hawaii Public Housing Authority's Fiscal Year 2014-2015 Annual Report to the Governor and Legislature, Required Pursuant to Section 356D-20, Hawaii Revised Statutes and Distributed in Accordance with Section 32-57.5 Hawaii Revised Statutes
- B. For Discussion: Scheduling of Site Visits to the HPHA's Public Housing Properties

VIII. EXECUTIVE DIRECTOR'S REPORT

- Property Management and Maintenance Services Branch Activities and Program Status for the Month of December 2015
- Section 8 Subsidy Programs Lease Up;
- Mixed-Finance, Public-Private Partnership at Kuhio Park Terrace, Mayor Wright Homes, and School Street Offices.
- Contracts Executed During December 2015
- Update on Legislative Briefing

(Note that the HPHA's Board of Directors may call for a recess during the course of the meeting in the event that HPHA Management is requested to appear before the Legislature and reconvene at a later time to be announced at the meeting.)

If any person requires special needs (i.e., large print, taped materials, sign language interpreter, etc.) please call Ms. Didi Ahakuelo-Kepa at (808) 832-4694 by close of business two days prior to the meeting date. Meals will be served to the Board and support staff as an integral part of the meeting.