

HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT,  
AND TOURISM

SUBTITLE 14

HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF  
HAWAII

CHAPTER 181

RESIDENT ADVISORY BOARD

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SUBCHAPTER 1

GENERAL PROVISIONS

**§15-181-1 Purpose.** These rules govern the establishment, operation and responsibilities of the resident advisory board or boards to comply with the requirements of the federal Quality Housing and Work Responsibility Act of 1998; and set forth a process for nominations for the resident member for the corporation's board of directors. [Eff **JUL 13 2002** ] (Auth: HRS §201G-4) (Imp: HRS §201G-4.5)

**§15-181-2 Definitions.** Whenever used in this chapter, unless otherwise specifically defined:

"Board" means the board of directors of the housing and community development corporation of Hawaii as defined by section 201G-3, HRS.

"C.F.R." means the United States Code of Federal Regulations.

"Chairperson" means the duly selected chair of the resident advisory board.

"Corporation" means the housing and community development corporation of Hawaii as defined by section 201G-2, HRS.

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

"Government" includes the State and the United States and any political subdivision, agency, or instrumentality, corporate or otherwise, of the United States.

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

"Governor" means the duly elected governor of the State of Hawaii whose office was created by Article V of the Constitution of the State of Hawaii.

"HRS" means the Hawaii revised statutes.

"Legislature" means the legislature of the State of Hawaii, which was created pursuant to Article III of the Constitution of the State of Hawaii.

"Meetings" means the convening of the resident advisory board following due notice as prescribed under chapter 92, HRS.

"Party" means any person permitted or entitled as of right to participate in a proceeding before the resident advisory board.

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

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

"Public housing agency plan" means the corporation's public housing agency plan that is prepared pursuant to 24 C.F.R. Part 903.

"Public housing project" means a federal housing project directly controlled, owned, developed, or managed by the corporation pursuant to subpart A of part II of chapter 201G, HRS.

"Public housing resident" means any household member of a public housing project, who is eighteen years of age or older, whose name appears on the lease agreement, and is in compliance with the lease agreement.

"Resident council" means an association of public housing residents in a federal project assisted by the corporation, which has met the requirements of 24 C.F.R. Part 964.

"Resident advisory board" means the resident advisory board or boards established pursuant to section 201G-4.5, HRS.

"Resident members" means the members of the resident advisory board as defined in section 201G-4.5, HRS.

"Rules" means these rules.

"Staff" means the employed personnel or agents of the corporation.

"Tenant-based Section 8 recipient" means any recipient of tenant-based housing assistance authorized by the United States Department of Housing and Urban Development and administered by the corporation, who is eighteen years of age or older, whose name appears on the lease agreement, and who is in compliance with the lease agreement. [Eff **JUL 13 2002** ] (Auth: HRS §201G-4) (Imp: HRS §201G-4.5; 24 C.F.R. §903.13)

**§15-181-3 Scope of responsibilities.** It is the responsibility of the resident advisory board to:

- (1) assist and make recommendations regarding the public housing agency plan; and
- (2) prepare a list of nominees who are eligible to serve as the resident member to the board of the corporation. [Eff **JUL 13 2002** ] (Auth: HRS §201G-4) (Imp: HRS §§201G-4.5, 201G-4.6; 24 C.F.R. §903.13)

**§15-181-4 Applicability of rules.** The rules under this chapter shall apply to all practices and procedures of the resident advisory board. The resident advisory board shall refer to Robert's Rules of Order for guidance on procedural matters not addressed in the resident advisory board's rules or in law. [Eff **JUL 13 2002** ] (Auth: HRS §201G-4) (Imp: HRS §201G-4)

**§15-181-5 Gender and number.** In any rule of the resident advisory board, all words used in the masculine or singular shall extend to and include the feminine or plural. [Eff **JUL 13 2002** ] (Auth: HRS §201G-4) (Imp: HRS §1-17)

SUBCHAPTER 2

RESIDENT ADVISORY BOARD MEMBERSHIP

**§15-181-21 Resident advisory board.** (a) The members of the resident advisory board shall represent federal public housing projects and Section 8 tenants and be at least eighteen years of age, are authorized members of an assisted household, and in compliance with the lease agreement. All members shall serve without pay, but shall be reimbursed for necessary expenses.

(b) The board shall consist of twenty members which comprise of the following:

- (1) two representatives of public housing projects from each of the counties of Hawaii, Kauai and Maui;
- (2) eleven representatives of public housing projects geographically allocated from Oahu. The geographic breakdown consists of:
  - (A) Two representatives from Windward (Waimanalo to Kahaluu);
  - (B) Two representatives from Leeward (Pearl City, Waipahu, Waianae, Nanakuli, and Kapolei);
  - (C) Two representatives from Central (Wahiawa to Waialua); and
  - (D) Five representatives from Honolulu (Red Hill to Palolo); and
  - (E) Three representatives geographically allocated with two representatives from Oahu and one from a neighbor island who are recipients of Section 8 tenant-based assistance.

(c) The following process shall apply for the appointment of the public housing members to fill vacancies on the resident advisory board:

- (1) The president of each resident council or in the event that the president cannot serve, a representative designated by the resident council, shall serve as a potential candidate as a representative to the resident advisory board.
- (2) The presidents or designated representatives from each geographic area shall vote from

among themselves to select the geographic representatives. The persons getting the highest number of votes shall represent the geographic area.

- (3) An alternative designee shall be that person who has the highest number of votes after the regular designee(s) has been selected. The alternative designee shall be available to assume role of the delegate:
  - (A) In the event that the delegate cannot fulfill their duties; and
  - (B) If the delegate cannot fulfill, their term of office, for whatever reason.

(d) The following procedure shall apply for the appointment of the section 8 members to fill the three vacancies on the resident advisory board:

- (1) The corporation shall send notices to solicit volunteers for potential candidates to serve as a representative on the resident advisory board.
- (2) The corporation shall screen the list of volunteers to ensure that they are at least eighteen years of age and an authorized member of an assisted household.
- (3) The members of the resident advisory board shall elect from the pool of volunteers the representatives to the resident advisory board. The candidates getting the highest number of votes shall represent the geographic area. [Eff **JUL 13 2002** ]  
(Auth: HRS §201G-4) (Imp: HRS §201G-4.5; 24 C.F.R. §903.13)

**§15-181-22 Terms of office.** (a) The members of the resident advisory board shall serve terms that are concurrent with terms of the respective members of the recognized resident council.

(b) Each term shall be a maximum of three years.

(c) Members shall be limited to serve a total of two consecutive terms or a maximum of six consecutive years. [Eff **JUL 13 2002** ] (Auth: HRS §201G-4) (Imp: HRS §201G-4.5)

**§15-181-23 Removal from office.** A member of the resident advisory board may be removed from the board for the conviction of any crime or if the member is no longer a tenant of public housing or section 8 recipient. [Eff JUL 13 2002 ] (Auth: HRS §201G-4) (Imp: HRS §201G-4.5)

SUBCHAPTER 3

RESIDENT ADVISORY BOARD OFFICERS

**§15-181-31 Officers.** The officers of the resident advisory board shall serve for a term of one year and shall consist of the following positions and duties:

- (1) Chairperson, who shall conduct all meetings;
- (2) Vice-Chairperson, who shall assume any duties assigned by the Chairperson, and who shall assume the duties of the Chairperson in the absence of the Chairperson;
- (3) Treasurer, who shall maintain any financial record of the resident advisory board and who assumes the duties of the Chairperson in the absence of either the Chairperson or Vice-Chairperson;
- (4) Secretary, who shall maintain and record all resident advisory board proceedings; and
- (5) Sergeant of Arms, who shall keep order of any meeting, including adherence to any parliamentary procedure or State procedural requirements. [Eff JUL 13 2002 ] (Auth: HRS §201G-4) (Imp: HRS §201G-4.5)

**§15-181-32 Election of officers.** Officers shall be elected from among members of the resident advisory board and shall serve until the new officers of the advisory board are elected. The advisory board shall hold meetings yearly to select officers. [Eff JUL 13 2002 ] (Auth: HRS §201G-4) (Imp: HRS §201G-4.5)



## SUBCHAPTER 4

## RESIDENT ADVISORY BOARD MEETINGS

**§15-181-41 Meetings.** Meetings shall be held after the required notice is given as to the time and place of the meeting. [Eff JUL 13 2002 ] (Auth: HRS §201G-4) (Imp: HRS §§92-7, 201G-4.5)

**§15-181-42 Executive meetings.** The resident advisory board may hold an executive meeting upon the fulfillment of the requirements therefore and for the reasons prescribed by law. [Eff JUL 13 2002 ] (Auth: HRS §201G-4) (Imp: HRS §§92-4, 92-5, 201G-4.5)

**§15-181-43 Manner of voting.** The voting on all questions coming before the resident advisory board shall be by motion, duly seconded, and shall be entered upon the minutes of such meeting. When requested by the chairperson or any member, a roll call vote shall be taken. All measures voted on by resident members shall be advisory in nature unless it pertains to the election of officers. [Eff JUL 13 2002 ] (Auth: HRS §201G-4) (Imp: HRS §§92-9, 201G-4.5)

**§15-181-44 Agenda.** Staff shall prepare the agenda for the meetings of the resident advisory board, as directed by the chairperson. [Eff JUL 13 2002 ] (Auth: HRS §201G-4) (Imp: HRS §201G-4)

**§15-181-45 Notice.** Staff shall provide notice of the meetings of the resident advisory board pursuant to the requirements of section 92-7, HRS. [Eff JUL 13 2002 ] (Auth: HRS §201G-4) (Imp: HRS §92-7)

**§15-181-46 Minutes.** The resident advisory board shall maintain written minutes in compliance with section 92-9, HRS. [Eff JUL 13 2002 ] (Auth: HRS §201G-4) (Imp: HRS §92-9)

**§15-181-47 Quorum and number of votes necessary for action.** Fifty-one percent of the resident members of the resident advisory board shall constitute a quorum. The affirmative vote of at least fifty-one percent of the resident members present shall determine any action. [Eff **JUL 13 2002** ] (Auth: HRS §201G-4) (Imp: HRS §201G-4.5)

**§15-181-48 Disqualification of member of resident advisory board.** No matter shall be heard by or voted on by a member of the resident advisory board who:

- (1) Has any pecuniary interest in the matter to be decided; or
- (2) Is related within the third degree by blood or marriage to any party to the proceeding. [Eff **JUL 13 2002** ] (Auth: HRS §201G-4) (Imp: HRS §201G-4)

**§15-181-49 Video or teleconferencing.** Video or teleconferencing facilities for meetings may be made available to board members. [Eff **JUL 13 2002** ] (Auth: HRS §201G-4) (Imp: HRS §92F3.5)

## SUBCHAPTER 5

### PROCEEDINGS BEFORE THE RESIDENT ADVISORY BOARD

**§15-181-51 General rule.** All persons and parties shall comply with these rules when appearing before the resident advisory board. Robert's Rule of Order shall prevail in all proceedings. [Eff **JUL 13 2002** ] (Auth: HRS §201G-4) (Imp: HRS §§91-9(d), 201G-4)

**§15-181-52 Public housing agency plan.** The board shall advise and make recommendations on issues relating to the public housing agency plan. [Eff **JUL 13 2002** ] (Auth: HRS §201G-4) (Imp: HRS §201G-4.5; C.F.R. 903.13)

SUBCHAPTER 6

RECOMMENDATION OF NOMINEES TO SERVE AS A PUBLIC  
RESIDENT MEMBER OF THE CORPORATION BOARD OF DIRECTORS

**§15-181-61 Nominees for public resident member  
for the corporation's board of directors.** (a)

Nominees for the public resident member of the board of directors of the corporation shall be a household member of a federal public housing project or tenant-based section 8 recipient who is eighteen years of age or older, whose name appears on the lease agreement, and is in compliance with the lease agreement.

(b) The resident advisory board shall select five nominees for the public resident member of the corporation's board of directors at a public meeting.

(c) The corporation shall send to all resident councils notice of the public meeting, at least twenty-one days prior to the meeting at which the selection will be made. [Eff JUL 13 2002 ] (Auth: HRS §201G-4) (Imp: HRS §201G-4.6)

**§15-181-62 Recommendation of the resident advisory board.** The resident advisory board shall submit to the corporation a list of five nominees. The governor shall select and appoint one of the nominees as the public resident member from the list of five nominees so submitted. [Eff JUL 13 2002 ] (Auth: HRS §201G-4) (Imp: HRS §201G-4.6)

SUBCHAPTER 7

RECORDS AND FEES

**§15-181-71 Retention of documents.** All documents filed with the resident advisory board shall be retained by the corporation in its files. The corporation may permit the withdrawal of original documents upon submission of properly authenticated

copies to replace the original documents. [Eff JUL 13 2002  
] (Auth: HRS §201G-4) (Imp: HRS §201G-4)

**§15-181-72 Access to resident advisory board records.** (a) All government records of the resident advisory board shall be open for inspection in the principal office of the corporation 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 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 (b) above, with payment of the reasonable costs of reproduction as set forth in section 92-21, HRS, and a fee for searching, reviewing, or segregating the records set forth in office of information practices, Hawaii administrative rules, chapter 5-43. 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 JUL 13 2002 ] (Auth: HRS §§92F-11, 201G-4) (Imp: HRS §§92F-11, 92-21)

**§15-181-83 Limitation on access to resident advisory board records.** Access to resident advisory board records are subject to the limitations set forth in section 92F-13, HRS. [Eff JUL 13 2002 ] (Auth: HRS §§92F-11, 201G-4) (Imp: HRS §92F-13)

**§15-181-84 Fees.** The corporation shall have the right to charge reasonable fees for processing any

instrument or taking any action required under this chapter. [Eff JUL 13 2002 ] (Auth: HRS §201G-4)  
(Imp: HRS §201G-4)

**§15-181-85 Severability.** If any rule of the resident advisory board 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 JUL 13 2002 ]  
(Auth: HRS §201G-4) (Imp: HRS §1-23)

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT,  
AND TOURISM

The adoption of Chapter 15-181, Hawaii Administrative Rules, on the Summary page dated June 20, 2002, was adopted on June 20, 2002, following a public hearing held on June 3, 2002, after public notice was given in the Honolulu Star Bulletin, Hawaii Tribune Herald, West Hawaii Today, The Garden Isle, and The Maui News on May 1, 2002.

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



WESLEY R. SEGAWA

Chairperson  
Housing and Community  
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Hawaii Board of Directors

APPROVED AS TO FORM:



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Governor  
State of Hawaii

Dated: 7/02/02

JUL 03 2002

Filed

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LIEUTENANT GOVERNOR'S  
OFFICE