

NOTICE OF PUBLIC HEARING

Pursuant to Sections 91-3 and 92-41, Hawaii Revised Statutes (HRS), the Hawaii Public Housing Authority (HPHA), Department of Human Services, hereby provides notice that it will hold public hearings to consider the amendment and compilation of Chapter 17-2020, "Eviction - Practice and Procedure", Hawaii Administrative Rules (HAR), and Chapter 17-2028, "Federally-Assisted Housing Projects", HAR.

Background: Act 196, Session Laws of Hawaii (SLH) 2005, as amended by Act 180, SLH 2006, separated the housing financing and development functions from the Housing and Community Development Corporation of Hawaii (HCDCH), and created the Hawaii Housing Finance and Development Corporation (HHFDC) and the HPHA. Act 196 became effective on July 1, 2006 and provided that all HCDCH administrative rules would remain in effect until amended.

Chapter 17-2020, "Eviction - Practice and Procedure", HAR, is the chapter of the administrative rules under which the HPHA has consistently managed the federal public housing evictions. In 2012, Act 160, SLH 2012 was signed into law, which required the HPHA to conform all grievance and eviction practices to federal standards, reduced the required number of board members required to hear an eviction, and authorized the use of video teleconferencing technology for the conduct of hearings. To effectuate the statutory changes to state law in Act 160, SLH 2012, amendments to Chapter 17-2020, HAR, have been developed for adoption and compilation. Amendments are also necessary to make housekeeping amendments to the rules, such as referring to the "Hawaii public housing authority" or "the authority", where appropriate, as the responsible agency, updating the statutory references within the rules, and revising sections to make consistent with proposed changes to Chapter 17-2028, HAR. More specifically, the proposed rule amendments would add and clarify definitions to the rules, enable the use of eviction boards with one member and video conferencing technology; conform eviction procedures to requirements imposed under the federal law and regulations; expand the individuals authorized to serve eviction documents; make changes to the rule governing the release of confidential records of an eviction hearing; clarify the bases to terminate tenancy and eviction, including making changes to non-curable and curable offenses; and set forth procedures for Eviction Board "eviction subject to conditions" agreements.

The HPHA's Federally Assisted Low-Income Public Housing (LIPH) projects 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, HRS. Sections 356D-4 and 356D-13, HRS, authorize the HPHA to adopt administrative rules with the force and effect of law to govern its federal programs. The HPHA has consistently managed the federal LIPH projects in accordance with Chapter 17-2028, "Federally-Assisted Housing Projects," HAR. To implement a number of changes to policies, procedures, and initiatives to improve service delivery and program administration, amendments to Chapter 17-2028, HAR, were developed for adoption and compilation. More specifically, the proposed rule amendments would clarify and add definitions to the rules, make changes to the application, admission, eligibility, asset transfers, wait list, and placement procedures for federal public housing, including the rules governing local preferences; rules governing utility allowances; rent determination and rent repayment; nondiscrimination policy; occupancy requirements; community service requirements, including lease termination; transfer policy; and basis for termination of rental agreement. The proposed rule amendments would also establish a minimum rent, a nonsmoking policy, allow for late and dishonored check fees, allow the agency to charge a security deposit for rental of community facilities, and clarify the pet policy.

Public Review: The draft amendments to Chapter 17-2020, "Eviction - Practice and Procedure", Hawaii Administrative Rules (HAR), and Chapter 17-2028, "Federally-Assisted Housing Projects", HAR, are available for public viewing at the HPHA and site management offices at the following locations between 7:45 a.m. to 4:30 p.m.:

Hawaii Public Housing Authority
1002 North School Street, Bldg. E
Honolulu, Hawaii 96817

Lanakila Homes
600 Wailoa Street
Hilo, Hawaii 96720

Ka Hale Kahaluu
78-6725 Makolea Street
Kailua-Kona, Hawaii 96740

Kahekili Terrace
2015 Holowai Place
Wailuku, Hawaii 96793

Kapaa
4726 Malu Road
Kapaa, Hawaii 96746

Also available on the HPHA website at:
www.hpha.hawaii.gov

A copy of the proposed rule amendments will be mailed to any interested person requesting a copy, by writing to Hawaii Public Housing Authority, Attention: Planning, at 1002 North School Street, Honolulu, Hawaii 96817, after payment of the required fees for the copies and postage in accordance with Section 91-2.5, HRS.

Public Hearings: Public hearings will be held at the following locations on Friday, February 28, 2014 at 6:30 p.m., or immediately following the public hearings on the draft 2014-2019 PHA Five-Year and Annual Plan, scheduled at 6:00 p.m. on the same day, whichever is later:

Hawaii Public Housing Authority (HPHA)
1002 No. School Street, Bldg. "A"
Honolulu, Hawaii 96817

Ka Hale Kahaluu Resident Assn. Room
78-6725 Makolea Street
Kailua-Kona, Hawaii 96740

Lanakila Homes Conference Room
600 Wailoa Street
Hilo, Hawaii 96720

Kapaa Community Hall
4726 Malu Road
Kapaa, Hawaii 96746

Kahekili Terrace Office/Community Hall
2015 Holowai Place
Wailuku, Hawaii 96793

All interested persons are invited to provide comments relating to the draft amendments to Chapter 17-2020, "Eviction - Practice and Procedure", Hawaii Administrative Rules (HAR), and Chapter 17-2028, "Federally-Assisted Housing Projects", HAR, either orally or in writing.

Oral comments should be presented at the public hearing. All oral and written testimony presented at the public hearing will be considered in preparing the amendments to Chapter 17-2020, "Eviction - Practice and Procedure", Hawaii Administrative Rules (HAR), and Chapter 17-2028, "Federally-Assisted Housing Projects", HAR. Persons who cannot attend the hearing and prefer not to provide written comments may phone (808) 832-4676 and leave their comments as a voicemail message.

Written comments may be presented to the presiding officer at the public hearing, or mailed to the Hawaii Public Housing Authority, Attention: Planning, at 1002 North School Street, Honolulu, Hawaii 96817. Written comments may also be faxed to (808) 832-4679, or sent by electronic mail to hpha@hawaii.gov. Written comments not presented at the public hearing should be received at HPHA office in Honolulu by 4:30 p.m. Wednesday, February 26, 2014.

After the public hearings, the HPHA Board of Directors intends to make its decision on the proposed HAR amendments at its next duly convened Board meeting, which is currently scheduled for March 20, 2014.

Any person requiring assistance to participate, such as large print, taped materials, interpreters for sign language or limited English proficiency, etc., should make a request to HPHA at least ten working days prior to the public hearings in order to allow time to make arrangements. Requests can be made by writing to HPHA at the address above or by calling (808) 832-4688.

Hakim Ouansafi
Executive Director
Hawaii Public Housing Authority
Department of Human Services

HPHA does not discriminate against any person because of race, color, religion, sex, disability, familial status, ancestry, age, marital status, or HIV infection.

January 28, 2014
(TG1596323 1/28/14)

