

DEPARTMENT OF HUMAN SERVICES

Repeal of Chapter 15-181 and
Adoption of Chapter 17-2032
Hawaii Administrative Rules

March 21, 2019

1. Chapter 181 of Title 15, Hawaii Administrative Rules, entitled "Resident Advisory Board" is repealed.

2. Chapter 2032 of Title 17, Hawaii Administrative Rules, entitled "Resident Advisory Board", is adopted.

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

Repealed

§§15-181-1 to 15-181-75 Repealed. [MAY 19 2019]

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

HAWAII PUBLIC HOUSING AUTHORITY

CHAPTER 2032

RESIDENT ADVISORY BOARD

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- §17-2032-61 Nominees for public resident member for the authority's board of directors
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Subchapter 7 Records and Fees

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Historical Note. Chapter 2032 of Title 17 Hawaii Administrative Rules, is substantially based upon Chapter 15-181, Hawaii Administrative Rules.
[Eff: **MAY 19 2019**]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-2032-1 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 to the authority's board of directors.

[Eff: **MAY 19 2019**] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §356D-5; 24 C.F.R. §903.13)

§17-2032-2 Definitions. Whenever used in this chapter, unless otherwise specifically defined:

"Authority" means the Hawaii public housing authority as defined by section 356D-2, HRS.

"Board" means the board of directors of the Hawaii public housing authority as defined by section 356D-2, HRS.

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

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

"Executive director" means the executive director of the authority 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 authority'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 authority pursuant to subpart A of part II of chapter 356D, 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 rental agreement, and is in compliance with the rental agreement.

"Rental agreement" means the agreement or contract containing the terms and conditions of occupancy of a dwelling unit entered into by the tenant and authority.

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

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"Resident advisory board" means the resident advisory board or boards established pursuant to section 356D-5, HRS.

"Resident members" means the members of the resident advisory board as defined in section 356D-5, HRS.

"Rules" means these rules.

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

"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 authority, who is eighteen years of age or older, whose name appears on the rental agreement, and who is in compliance with the rental agreement. [Eff: **MAY 19 2019**

] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §356D-5; 24 C.F.R. §903.13)

§17-2032-3 **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 authority. [Eff: **MAY 19 2019**]
(Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §§356D-5, 356D-6; 24 C.F.R. §903.13)

§17-2032-4 **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: **MAY 19 2019**] (Auth: HRS §§356D-4, 356D-5, 356D-13) (Imp: HRS §356D-5)

§17-2032-5

§17-2032-5 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: **MAY 19 2019**] (Auth: HRS §§356D-4, 356D-5, 356D-13) (Imp: HRS §1-17)

§§17-2032-6 to 17-2032-20 (Reserved).

SUBCHAPTER 2

RESIDENT ADVISORY BOARD MEMBERSHIP

§17-2032-21 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 rental agreement. All members shall serve without pay, but shall be reimbursed for necessary expenses. All expenses shall be part of an approved budget. No expenditures shall be made by the resident advisory board without prior written approval by the Executive Director.

(b) The resident advisory board shall consist of a minimum of nine members which shall comprise the following:

- (1) At least one representative of public housing projects from each of the counties of Hawaii, Kauai and Maui;
- (2) Four representatives of public housing projects geographically allocated from Oahu. The geographic breakdown consists of:
 - (A) At least one representative from Windward (Waimanalo to Kahalu'u);
 - (B) At least one representative from Leeward (Pearl City, Waipahu, Waianae, Nanakuli, and Kapolei);
 - (C) At least one representative from Central (Wahiawa to Waialua); and
 - (D) At least one representative from Honolulu (Red Hill to Palolo); and
- (3) At least two representatives geographically allocated from Oahu 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 authority shall appoint such resident councils or their representatives to serve on the resident advisory board. The authority may require that the resident councils choose a limited number of representatives.

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

- (1) The authority shall send notices to solicit volunteers for potential candidates to serve as a representative on the resident advisory board.
- (2) The authority 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 **MAY 19 2019**]
(Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §356D-5; 24 C.F.R. §903.13)

§17-2032-22 Terms of office. (a) The members of the resident advisory board shall serve terms that

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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: **MAY 19 2019**] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §356D-5; 24 C.F.R. §903.13)

§17-2032-23 **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: **MAY 19 2019**] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §356D-5)

§§17-2032-24 to 17-2032-30 (Reserved).

SUBCHAPTER 3

RESIDENT ADVISORY BOARD OFFICERS

§17-2032-31 Officers. The officers of the resident advisory board shall serve for a term of one year and may consist of the following positions and duties:

- (1) Chairperson, who shall conduct all meetings; 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;
- (2) 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;
- (3) Secretary, who shall maintain and record all resident advisory board proceedings; and
- (4) Sergeant of Arms, who shall keep order of any meeting, including adherence to any parliamentary procedure or State procedural requirements. [Eff:]
(Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §356D-5; 24 C.F.R. §903.13)

§17-2032-32 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: **MAY 19 2019**] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §356D-5; 24 C.F.R. §903.13)

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§§17-2032-33 to 17-2032-40 (Reserved).

SUBCHAPTER 4

RESIDENT ADVISORY BOARD MEETINGS

§17-2032-41 Meetings. Meetings shall be held after the required notice is given as to the time and place of the meeting. [Eff: MAY 19 2019] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §§92-7, 356D-5)

§17-2032-42 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: MAY 19 2019] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §§92-9, 356D-5)

§17-2032-43 Agenda. Staff shall prepare the agenda for the meetings of the resident advisory board, as directed by the chairperson. The agenda shall include items related to the authority's public housing agency plan and recommendations of the resident advisory board. The agenda should not include matters that are personal in nature, related to a specific tenant's housing status or not governed by the authority's public housing agency plan. [Eff: MAY 19 2019] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §356D-5)

§17-2032-44

§17-2032-44 Notice. Staff shall provide notice of the meetings of the resident advisory board pursuant to the requirements of section 92-7, HRS. [Eff: **MAY 19 2019**] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §92-7)

§17-2032-45 Minutes. The resident advisory board shall maintain written minutes in compliance with section 92-9, HRS. [Eff: **MAY 19 2019**] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §92-9)

§17-2032-46 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: **MAY 19 2019**] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §356D-5)

§17-2032-47 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: **MAY 19 2019**] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §356D-5)

§17-2032-48

§17-2032-48 Video or teleconferencing. Video or teleconferencing facilities for meetings may be made available to board members. [Eff: MAY 19 2019]
(Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §92-3.5)

§§17-2032-49 to 17-2032-50 (Reserved).

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SUBCHAPTER 5

PROCEEDINGS BEFORE THE RESIDENT ADVISORY BOARD

§17-2032-51 **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: **MAY 19 2019**]] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §§91-9(d), 356D-5)

§17-2032-52 **Public housing agency plan.** The board shall advise and make recommendations on issues relating to the public housing agency plan. [Eff: **MAY 19 2019**]] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §356D-5; 24 C.F.R. §903.13)

§§17-2032-53 to 17-2032-60 (Reserved).

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SUBCHAPTER 6

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

§17-2032-61 Nominees for public resident member for the authority's board of directors. (a) Nominees for the public resident member of the board of directors of the authority 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 rental agreement, and is in compliance with the rental agreement.

(b) The resident advisory board shall select no less than three and no more than five nominees for the public resident member of the authority's board of directors at a public meeting.

(c) The authority 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.

(d) Any person who is directly assisted by the authority under the federal public housing or section 8 tenant-based program, and who is at least eighteen years of age and is an authorized member of an assisted household, may submit a nominee for the public resident member of the board of directors of the authority to the Governor for consideration.

[Eff: **MAY 19 2019**] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §356D-6)

§17-2032-62 Recommendation of the resident advisory board. The resident advisory board shall submit to the authority a list of no less than three and no more than five nominees. The governor may select and appoint one of the nominees as the public resident member from the list of no more than five

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nominees so submitted. [Eff: MAY 19 2019]
(Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R.
§903.13) (Imp: HRS §356D-6)

§§17-2032-63 to 17-2032-70 (Reserved).

SUBCHAPTER 7

RECORDS AND FEES

§17-2032-71 Retention of documents. All documents filed with the resident advisory board shall be retained by the authority in its files. The authority may permit the withdrawal of original documents upon submission of properly authenticated copies to replace the original documents.

[Eff: **MAY 19 2019**] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §356D-5)

§17-2032-72 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 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 (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

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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: **MAY 19 2019**] (Auth: HRS §§92F-11, 356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §§92F-11, 92-21)

§17-2032-73 **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: **MAY 19 2019**] (Auth: HRS §§92F-11, 356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §92F-13)

§17-2032-74 **Fees.** The authority shall have the right to charge reasonable fees for processing any instrument or taking any action required under this chapter. [Eff: **MAY 19 2019**] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §356D-5)

§17-2032-75 **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: **MAY 19 2019**] (Auth: HRS §§356D-4, 356D-5, 356D-13; 24 C.F.R. §903.13) (Imp: HRS §1-23)

DEPARTMENT OF HUMAN SERVICES

The repeal of Chapter 15-181 and the adoption of Chapter 17-2032, Hawaii Administrative Rules, on the Summary Page dated March 21, 2019, following public hearings held on March 5, 2019 on Oahu, Hawaii, Kauai, and Maui, after public notice was given in the Honolulu Star Advertiser, Hawaii Herald Tribune, West Hawaii Today, The Garden Isle, and The Maui News on February 1, 2019.

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



PONO SHIM, Chairperson
Board of Directors
Hawaii Public Housing Authority

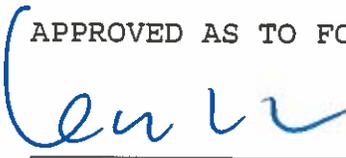
APPROVED:



DAVID Y. IGE
Governor
State of Hawaii

Dated: 05-08-2019

APPROVED AS TO FORM:



Deputy Attorney General

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LIEUTENANT GOVERNOR'S
OFFICE

Filed: _____