

Hawaii Public Housing Authority

NOTICE OF REVISED, SUSPENDED, OR CHANGED POLICIES

Chapter 356D, Hawaii Revised Statutes

Pursuant to Emergency Proclamation for COVID-19 signed by Governor David Y. IGE, dated March 4, 2020, Supplementary Emergency Proclamation for COVID-19, dated March 16, 2020, and Second Supplementary Emergency Proclamation for COVID-19 dated March 21, 2020, and Third Supplementary Emergency Proclamation for COVID-19, dated March 23, 2020, the HPHA will suspend all hearings and evictions, with the exception of health and safety violations.

The Hawaii Public Housing Authority shall continue to provide services to the extent possible via electronic means in an effort to avoid face-to-face interactions between staff, applicants, and/or tenants. Electronic means may include any combination of telephone calls, facsimile, electronic mail, video conferencing, or any other alternative means of communication which complies with requirements for social distancing.

State Public Housing Evictions

§356D-63 Hearings.

§356D-64 Eviction.

Evictions from State public housing shall only be done for health and safety only during the period of quarantine. Hearings shall be held by teleconference, video conference, or alternative means which strictly comply with the guidance on social distancing. No hearings or evictions shall be held for failure to pay rent during the period of quarantine.

Federal Public Housing Evictions

§356D-93 Hearings.

§356D-94 Eviction.

Evictions from federal public housing shall only be done for health and safety only during the period of quarantine. Hearings shall be held by teleconference, video conference, or alternative means which strictly comply with the guidance on social distancing. No hearings or evictions shall be held for failure to pay rent during the period of quarantine.

Hawaii Administrative Rules

On March 19, 2020, the Hawaii Public Housing Authority's Board of Directors Authorized the Executive Director to Suspend Existing Rules, Policies, or Procedures Which: 1) Require Close Contact Between Staff and Individuals, such as Inspections; 2) Require Tenants to Leave Their Homes for Extended Periods of Time and Come Into Close Contact with Others, such as the Community Service Requirement; or 3) May Create an Undue Burden on Tenants and Staff, For the Purpose of Delaying Requirements or Services to the Applicants or Tenants of the Hawaii Public Housing Authority's Programs, Subject to Additional Directives or Guidance from the President, the Governor, and/or the U.S. Department of Housing and Urban Development to terminate with the Emergency Proclamation by the Governor of the State of Hawaii.

The Hawaii Public Housing Authority shall continue to provide services to the extent possible via electronic means in an effort to avoid face-to-face interactions between staff, applicants, and/or tenants. Electronic means may include any combination of telephone calls, facsimile, electronic mail, video conferencing, or any other alternative means of communication which complies with requirements for social distancing.

The following is a list of Hawaii Administrative Rules which are affected during the time period established under the Governor's Emergency Proclamation and any subsequent Supplementary Emergency Proclamations.

Federally-Assisted Public Housing Projects

Chapter 17-2028

HAWAII ADMINISTRATIVE RULES

§17-2028-8 Verification of information. An applicant or tenant shall provide documentation to verify information upon request of the staff.

§17-2028-21 Applicants. (a) A person seeking admission to a housing project shall submit a completed pre-application form prepared by the authority. The applicant may file at any of the authority's in-take offices and apply for one of the geographic waiting list areas prescribed in section 17-2028-36.

§17-2028-24 Informal hearing for applicants determined to be ineligible for admission. (c) The applicant shall be given the opportunity to present evidence via electronic means, which shall be considered by the hearing officer, along with the data compiled by the authority.

§17-2028-36 Waiting list. (b) Applicants shall be notified of the opportunity to apply for and be placed on one of the waiting lists through notices posted in a conspicuous place at the authority's offices that accept applications and printed statements in the authority's informational material on its application process.

§17-2028-37 Removal from waiting list. An applicant shall not be removed from the waiting list unless:

(e) The applicant fails without good cause to keep a scheduled interview or to provide requested information necessary to determine eligibility; or

§17-2028-51 Rental agreement. (a) A tenant shall enter into a rental agreement with the authority that sets forth the conditions of occupancy for the tenant including, but not limited to, the rental terms, security deposit, smoking prohibitions, eligibility reexaminations and rental adjustments, and for welfare recipients, authorization for the authority to draw rental payments directly from their EBT or bank accounts.

§17-2028-53 Reexamination. (a) For families who pay an income-based rent, the authority shall reexamine a tenant's annual income, assets, family composition, and any other matter necessary to determine a tenant's rent and eligibility for continued occupancy at least once every twelve months.

(b) For families who pay a flat rent pursuant to section 17-2028-62, the authority shall conduct reexaminations as follows:

- (1) At least once every twelve months, the authority shall reexamine the family's composition and any other matter necessary to determine the family's eligibility for continued occupancy; and
- (2) At least once every three years, the authority shall reexamine the family's annual income, assets and any other matter necessary to determine the family's eligibility for continued occupancy.

§17-2028-54 Reexamination results. (c) A family aggrieved by the reexamination results may request a hearing pursuant to the authority's grievance procedure as provided in chapter 17-2021.

§17-2028-55 Special reexamination. If at the time of admission or reexamination, a family's income cannot be reasonably anticipated for the next twelve-month period, the authority may schedule a special reexamination at any time prior to the next annual reexamination when deemed necessary.

State-Aided Elderly Public Housing Projects
Chapter 15-186
Hawaii Administrative Rules

§15-186-6 Verification of information. An applicant or tenant shall provide documentation to verify information upon request of the staff.

§15-186-20 Applicants.

(b) A person seeking admission to a housing project must submit a completed application form as used by the corporation. The applicant is permitted to file at any of the corporation's in-take offices an application for any and all waiting lists prescribed in section 15-186-31.

§15-186-22 Notification of eligibility. (c) An ineligible applicant may request an informal hearing within fourteen days after date of the written notification. The informal hearing shall be conducted by someone other than the person or the person's subordinates who made or approved the decision.

§15-186-31 Waiting list. (b) Applicants shall be notified of the opportunity to apply for and be placed on any and all waiting lists through notices posted in a conspicuous place at the corporation's offices which accept applications and a printed statement in the corporation's informational material on its application process.

§15-186-32 Removal from waiting list. An applicant shall not be removed from the waiting list unless:

(5) The applicant fails without good cause to keep a scheduled interview or to provide requested information necessary to determine eligibility;

§15-186-40 Rental agreement (a) A tenant shall enter into a rental agreement with the corporation which sets forth the conditions of occupancy for the tenant.

§15-186-42 Reexamination. At least once every twelve months, the corporation shall reexamine a tenant's annual income, assets, family composition, and any other matter necessary to determine a tenant's rent and eligibility for continued occupancy.

§15-186-44 Special reexamination. If at the time of admission or reexamination, a family's income cannot be reasonably determined for the next twelve months, a special reexamination shall be scheduled within three months.

§15-186-45 Interim rent adjustment. (a) If applicable, the corporation may adjust a tenant's rent between reexamination if a tenant reports a change in family income.

State-Aided Family Public Housing Projects
Chapter 15-193
Hawaii Administrative Rules

§15-193-8 Verification of information. An applicant or tenant shall provide documentation to verify information upon request of the staff.

§15-193-20 Applicants.

(b) A person seeking admission to a housing project must submit a completed application form as used by the corporation. The applicant is permitted to file at any of the corporation's intake offices an application for any and all waiting lists prescribed in section 15-193-33.

§15-193-22 Notification of eligibility.

(c) An ineligible applicant may request an informal hearing within fourteen days after date of the written notification. The informal hearing shall be conducted by someone other than the person or the person's subordinates who made or approved the decision.

§15-193-33 Waiting list.

(b) Applicants shall be notified of the opportunity to apply for and be placed on any and all waiting lists through notices posted in a conspicuous place at the corporation's offices which accept applications and a printed statement in the corporation's informational material on its application process.

§15-193-34 Removal from waiting list. An applicant shall not be removed from the waiting list unless:

(5) The applicant fails without good cause to keep a scheduled interview or to provide requested information necessary to determine eligibility;

§15-193-40 Rental agreement (a) A tenant shall enter into a rental agreement with the corporation which sets forth the conditions of occupancy for the tenant.

§15-193-42 Reexamination. At least once every twelve months, the corporation shall reexamine a tenant's annual income, assets, family composition, and any other matter necessary to determine a tenant's rent and eligibility for continued occupancy.

§15-193-44 Special reexamination. If at the time of admission or reexamination, a family's income cannot be reasonably determined for the next twelve months, a special reexamination shall be scheduled within three months.

§15-193-45 Interim rent adjustment. (a) If applicable, the corporation may adjust a tenant's rent between reexamination if a tenant reports a change in family income.

Section 8 - Housing Choice Voucher Program
Chapter 15-185
Hawaii Administrative Rules

§15-185-10 Verification of information. (a) The corporation shall require an applicant or participant to provide documentation verifying information provided by the family relating to the program.

(b) An applicant or participant who fails to provide documentation to verify information requested by staff shall be ineligible for participation in the program.

§15-185-21 Applications. (a) A family seeking to participate in the program shall submit a completed pre-application form prepared by the corporation. The applicant is permitted to file an application in person, or by mail and at any of the corporation's applications offices for any and all waiting list areas prescribed in section 15-185-26.

§15-185-24 Notification of eligibility.

(c) An applicant determined to be ineligible for admission or participation in the program shall be accorded an opportunity to request for an informal review as set forth in section 15-185-71.

§15-185-27 Removal from the waiting list.

(5) The applicant fails without good cause to keep a scheduled interview or to provide requested information necessary to determine eligibility.

§15-185-29 Final application process - selection and certification.

(b) Applicants shall be provided with a briefing packet containing all required materials and shall be informed of their responsibilities prior to acceptance of a voucher. A voucher shall not be issued unless the applicant or an authorized representative attends a briefing and signs the voucher.

§15-185-32 Reexaminations. (a) At least once every twelve months, the corporation may reexamine a family's income, composition and any other matter necessary to determine the participant's rent and eligibility for continued housing assistance.

§15-185-33 Interim rent adjustments. (a) The corporation may adjust a participant's rent between reexaminations if a participant reports a change in income.

§15-185-61 Inspections. (a) The corporation shall annually inspect each dwelling unit leased to a participant of the program.

(b) The corporation may conduct special inspections upon notification by the participant or owner that the unit does not meet housing quality standards or based on information from third parties such as neighbors or public officials.

§15-185-66 Termination of participation.

(c) A participant found to be ineligible for continued participation in the program shall be notified in writing by the corporation and be accorded an opportunity to request an informal hearing as set forth in these rules. Such notice shall state the reasons for the corporation's determination and that the participant has the opportunity to request an informal hearing.

§15-185-72 Informal hearing process for participants.

(d) The informal hearing shall be scheduled within fifteen days from the date the written request is received and shall be conducted by any person or persons designated by the corporation, but shall not be a person who made or approved the decision under review or a subordinate of this person.

(f) The participant and the corporation shall be given the opportunity to present evidence and may question witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

(g) The participant may be assisted by an attorney or other representative at the participant's expense.

§15-185-85 Termination or withholding services.

(b) If no progress has been made or the family self-sufficiency participant is still not complying with the contract of participation after the six-month period, the corporation shall provide the family self-sufficiency participant with a written notice of intent to terminate or withhold services and of the opportunity to request an informal hearing.

Grievance Procedure
Chapter 17-2021
Hawaii Administrative Rules

§17-2021-10 Informal settlement of grievances. (a) Any grievance shall be personally presented, either orally or in writing, to the project office of the project in which the complainant resides as a condition precedent to a hearing under this chapter. At the time of personal presentation, the complainant must explicitly notify the project office that the tenant is invoking the grievance procedure. If the project office and tenant agree to a resolution in writing, the grievance shall be terminated.

§17-2021-20 Procedures governing the hearing. (a) The hearing shall be held before a hearing officer.

(b) The complainant shall be afforded a fair hearing providing the basic safeguards of due process which shall include:

- (1) The opportunity to examine before the hearing and, at the expense of the complainant, to copy all documents, records, and rules of the authority that are relevant to the hearing. Any document not made available after request with reasonable notice by the complainant may not be relied on by the authority at the hearing;
 - (2) The right to be represented by counsel or other person chosen as the complainant's representative;
 - (3) The right to a private hearing unless the complainant requests a public hearing;
 - (4) The right to present evidence and arguments in support of the complaint, to controvert evidence relied on by project management, and to confront and cross-examine all witnesses on whose testimony or information the project management relies; and
 - (5) A decision based solely and exclusively upon the facts presented at the hearing.
- (c) The hearing officer may render a decision without proceeding with the hearing if the officer determines that the issues has been previously decided in another proceeding.
- (d) If the complainant or the authority fails to appear at the hearing, the hearing officer may make a determination to postpone the hearing for a period not to exceed five business days or may make a determination that the party has waived the party's right to a hearing. Both the complainant and the authority shall be notified of the determination by

the hearing officer, provided that a determination that the complainant has waived the complainant's right to a hearing shall not constitute a waiver of any right the complainant may have to contest the authority's disposition of the grievance in an appropriate judicial proceeding.

- (e) The complainant must first show that the complainant is entitled to the relief sought and thereafter the authority must sustain the burden of justifying the authority's action or failure to act against which the complaint is directed.
- (f) The hearing shall be conducted informally by the hearing officer and oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing officer shall require the authority, the complainant, counsel, and other participants or spectators to conduct themselves in orderly fashion. Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.
- (g) The complainant or the authority may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of the transcript.

§17-2021-34 Scheduling of hearings - expedited grievance.

Once the complainant has requested a grievance hearing under this section, the hearing officer shall promptly schedule a hearing for a time and place reasonably convenient to both the complainant and the authority. A written notification specifying the time, place, and procedures governing the hearing shall be delivered to the complainant and the authority.