

HB 1692



HB 1692, HD 2 Relating to Housing
Senate Committee on Education and Housing

March 18, 2009

2:00 p.m.

Room 225

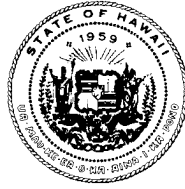
The Office of Hawaiian Affairs **supports** the purpose and intent of HB 1692, HD 2.

The Hawaii Housing Policy Study Update, 2006 confirmed Hawaiians are more likely to be renters and most may face significant challenges because of their relatively low income per household member.

Public Housing has been an alternative for Hawaiians. The inventory of public housing has not been able to keep up with demand. The purpose and intent of this bill to break the vicious cycle of welfare and public housing will work only if HPHA promotes programs of homeownership counseling, financial literacy, and individual development accounts for the down payment. HPHA need to look at setting aside a part of the monthly rent for the purpose of using the funds for the tenant to move to a market rent unit or for the purchase of an affordable unit.

We recognize that physical solutions by themselves will not solve social and economic problems, but neither can economic vitality, community stability, and environmental health be sustained without a coherent and supportive physical framework.

Mahalo nui loa for the opportunity to provide this testimony.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
POST OFFICE BOX 17907
Honolulu, Hawaii 96817

Statement of
Chad K. Taniguchi
Hawaii Public Housing Authority
Before the

SENATE COMMITTEE ON EDUCATION AND HOUSING

March 20, 2009 1:30 P.M.
Room 225, Hawaii State Capitol

In consideration of
H.B. 1692, HD2
RELATING TO HOUSING

The Hawaii Public Housing Authority (HPHA) **supports the intent** H.B. 1692, HD2, to encourage upward mobility, prevent multigenerational tenancy, and increase the supply of low income housing; however more discussion of this issue and planning for its implementation must take place. This measure would restrict leases for tenants to no more than 5 years (except tenants 55 years and older, with mental or physical disabilities, or retired for medical reasons) for state public housing units.

The Legislature can decide to restrict length of leases to tenants for the 288 state family public housing units, but it should be pointed out that we are not able to impose such a limit on the 5,331 federal public housing units statewide because they are governed by federal law and regulations, which do not allow for a time limit on occupancy.

A JOINT LEGISLATIVE EFFORT

Sent via E-Mail: EDHTestimony@capitol.hawaii.gov
Regarding: Senate EDH Committee
Hearing on: March 20, 2009 @ 1:30 p.m. in room #225

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Date: March 16, 2009
To: Senate Committee on Education & Housing
Senator Norman Sakamoto, Chair
Senator Michelle Kidani, Vice-Chair
From: Dennis Arakaki
Executive Director
Hawaii Family Forum / Hawaii Catholic Conference
Re: Opposition to HB 1692 HD2 Relating to Housing

Honorable Chair and members of the Senate Committee on Education & Housing, I am Dennis Arakaki, **representing both the Hawaii Family Forum and the Roman Catholic Church in the State of Hawaii.**

Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii. The Roman Catholic Church in Hawaii, under the leadership of Bishop Larry Silva, represents over 220,000 Catholics in Hawaii.

We are **opposed** to this measure because this bill would impose a 5 year limit for all public housing except for people who are elderly, disabled or retired for medical reasons.

In order to break the cycle of multiple generations living in public housing, there must be a concerted effort and adequate funding to provide the services needed to move families onto market housing. If there is no affordable housing for people at 15% to 30% to 40% of median income, where would they go? There must be a plan and adequate programs implemented before a measure such as a 5 year limit should be considered.

Along with our community partner, Catholic Charities Hawaii, we would support measures to encourage those who have increased their incomes to pay more as their income grows, with **no cap** on the amount of rent that would be paid (e.g. 30% of income). We also would support counseling and moving assistance once families have reached a higher level of income; however, families may not be stable and may have wide swings in income, so care must be taken in developing the administrative rules to allow for stability in income, before forcing a family out of housing and possibly into homelessness.

Mahalo for the opportunity to testify.

TESTIMONY IN OPPOSITION TO HB1692 - RELATING TO PUBLIC HOUSING

March 18, 2009 at 2:00 p.m.

The Legal Aid Society of Hawaii hereby provides testimony to the House Committee on Housing in **opposition** of HB1692 – Relating to Public Housing.

The Legal Aid Society of Hawaii provides free legal services to the low-income population of the State of Hawaii. In addition to providing services to clients who currently reside in public housing, we also assist individuals who are on the waiting list to gain access to public housing. In 2008, we received over three hundred calls requesting assistance on public housing matters and represented approximately thirty or 10% of these callers in administrative and/or court hearings. Many of our clients are on limited, fixed incomes such as Social Security, General Assistance and Temporary Assistance to Needy Families. Many of our clients are also victims of domestic violence, homeless and a few are displaced persons.

This bill would limit occupancy in public housing to a five year period except for persons 55 years and older, persons with a mental or physical disability, or retired for medical reasons. This bill would affect healthy single persons and families with children.

While we appreciate the intent of this measure, we are concerned that the provisions will have an unintended impact on families with children and will limit the public housing's authority to determine tenants based on need.

FIVE YEAR MAXIMUM FOR STATE-ASSISTED PUBLIC HOUSING

The housing subsidy programs have never appropriated sufficient funding to provide subsidies to all eligible persons. As a result, the number of eligible households far exceeds the number of available units. This lack of sufficient funding to serve all who need assistance has created disputes about who should receive the limited subsidies available.

This current bill will result in families with children becoming ineligible for state-assisted public housing. Families will face the same problems which caused residence in state-subsidized public housing: lack of jobs, inadequate income, and poor educational and health services. Families will need job training, available jobs and access to adequate health and educational services. Affordable housing would be necessary to have a stepping stone between public housing and private housing. In short, people cannot improve their lives by simply knowing that they will become homeless. A coordinated approach to solving the problems of poverty will be necessary if this bill is passed. Money will be needed for planned and long-term solutions to effectively solve the needs of people who will become homeless as a result of this bill.

This bill also raised a Fair Housing Act issue. The Fair Housing Act can be violated by a law which discriminates against a class of protected people, or by a neutral law having a disproportionate impact on a protected class of people. This bill may be seen as discriminating against families with children, since they are a protected class which will be evicted from state-assisted housing after five years. Even if the bill is not seen as discriminatory on its face, this bill will undoubtedly have a disproportionate impact on families with children. Violation of the Federal and State Fair Housing laws may be the ultimate legacy of this proposed bill.

March 17, 2009
Page 2

Thank you for the opportunity to testify.

Sincerely,

Sheila P. Lippolt
Supervising Attorney
Housing Unit

TESTIMONY IN OPPOSITION TO HB 1692 - RELATING TO HOUSING

March 18, 2009 at 2:00 p.m.

The Legal Aid Society of Hawai'i ("Legal Aid") hereby provides testimony to the Committee on Housing in **OPPOSITION** of HB1692 HD2.

Legal Aid is the largest non-profit, private legal services organization in the State. We provide legal services to marginalized individuals across the state of Hawaii and is one of the only legal service organizations to have a unit dedicated housing. It is also home to the State's only private fair housing enforcement program. Since its inception, Legal Aid's fair housing program has assisted approximately 500 individuals and families affected by housing discrimination.

HB 1692 raises a Fair Housing Act issue. The bill has a disproportionate impact on families with children, a federally protect class. The Fair Housing Act can be violated by a neutral law having a disproportionate impact on a protected class of people. As written, this bill targets families with children. In line 14 of the bill the intent clearly states that the bill is intended to prevent multi-generational tenancy. Further, the bill creates exemptions for protected classes such as those who are disabled NOT including families with children. On its face, this bill will undoubtedly have a disproportionate impact on families with children. Violation of the Federal and State Fair Housing laws may be the ultimate legacy of this proposed bill.

Thank you for the opportunity to testify.

Sincerely,

Jennifer La'a
Fair Housing Program Director



Hawaii
Habitat
for Humanity®
Association

*Building
houses,
building
hope*

HB1692HD2: Relating to Housing

Senate Committee on Education and Housing

Friday, March 20, 2009 1:30 p.m.

Room 225

TESTIMONY IN **OPPOSITION**

This bill, which sets a five year time limit on tenant rental in State housing projects, will not meet its stated purpose of “breaking the vicious cycle of poverty” nor will it “increase the supply of low income housing.”

It will, in the worst of economic times, evict very low income tenants, most of them families with children, from the only housing they can afford to rent. It will result in increased and unnecessary homelessness. It will result in family trauma and in the state having to build many more family shelters.

Hawaii lacks market rate housing that is affordable to people who make very low income wages. There will not be apartments where these people can afford to move.

If the state wishes to set time limits on tenure in public housing it must be done in a thoughtful and well planned manner. It must be correlated with increasing affordable rental housing for low and very low income renters and it must be related to realistic time frames and incentives. To do otherwise will cause great hardship for people, most of whom have no alternatives.

Habitat for Humanity works toward the elimination of substandard housing and homelessness. We believe that everyone should have a simple, decent and affordable place to live. This bill will increase homelessness. **Please do not pass this bill.**

Kathleen Hasegawa
Executive Director
Hawaii Habitat for Humanity Association
1164 Bishop St., Suite 510
Honolulu, Hawaii 96813



BY EMAIL: edhtestimony@capitol.hawaii.gov
Committee: Committee on Education and Housing
Hearing Date/Time: Friday, March 20, 2009, 1:30 p.m.
Place: Room 225
Re: *Testimony of the ACLU of Hawaii in Opposition to H.B. 1692, HD2, Relating to Housing*

Dear Chair Sakamoto and Members of the Committee on Education and Housing:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in **opposition** to H.B.1692, HD2, which seeks to restrict state low income housing leases in certain cases to no more than five years.

This bill severely and unnecessarily punishes poor families. In this time of high and rising unemployment and housing prices, we should not be considering ways to evict public housing tenants, some of our most vulnerable citizens. Evicting these already low-income families will stretch our homeless resources to the breaking point and cost us much more in the long run. Hawaii would be better served by providing support to individuals and families seeking to transition out of public housing units.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawaii
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Fax (808) 696-1654

Kanani Kaaiawahia Bulawan

Date: March 19, 2009

To: Sen. N. Sakamoto, Chair Committee on Education and Housing
Sen. M. Kidani, Vice Chair Committee on Education and Housing

Cc: Rep. Karen Awana, District Representative
Rep. Maile Shimabukuro, District Representative
Sen. Colleen Hanabusa, District Senator

Hearing: March 20, 2009 1:30pm Rm: 225

Measure: HB1692HD2: RELATING TO HOUSING

Aloha and good afternoon Chair, Vice Chair and Committee members:

As I've previously submitted testimony on this measure, I would like to ask for your **FULL SUPPORT to HB 1692HD2**. The issue here is to give all families the responsibility to be part of a housing community and not a project.

Public housing was never meant to be permanent, rather it was meant to be "affordable" so that residents would have the opportunity to gain leverage in securing permanent housing that could include homeownership. The difficulty in achieving this is no one is being held accountable for their time, resources and talent. The stay in "affordable" housing should be limited and reviewed based on a plan to secure permanent housing. There will be a group of individuals and families that will clearly be identified through this process which will need long-term stable housing such as the elderly/disabled and other "special need" groups. The majority of families that enter public housing will eventually be able to secure permanent housing or ownership.

Everyone needs to earn the opportunity to be part of this community by the way they participate and comply with the safety and wellness of the neighborhood. Once this is achieved, permanent housing can be as real as owning their home in a planned, active and secured community.

Mahalo,
Kanani Kaaiawahia Bulawan

HB1692 - 5 year limit – public housing – support

EDH

March 20 – 1:30 rm. 225

Good Afternoon Chair Sakamoto and members of the Committee,

I **support** HB 1692. As a social worker I know that Poverty is passed on through many generations. Unless the causes of poverty are addressed, it will continue. By allowing families to prolong their stay at public housing generation after generation, without a clear incentive plan that includes job and life skills training, and psychological support to move on to market housing, the cycle of poverty will continue.

HB1692 provides the "stick" part of this process. By making a clear boundary that, unless the person is eligible for elderly or disabled housing, able-bodied individuals will be required to become motivated to overcome barriers to escaping poverty.

This is only the "stick" portion of a comprehensive program to increase public housing resident's ability to move on to market housing. A bill appropriating the "carrot" of services will be required to complete this program.

Netra Halperin