

Honolulu, Hawaii
March 18, 2010

RE: S.B. No. 2278
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Housing, to which was referred S.B. No. 2278, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC HOUSING,"

begs leave to report as follows:

The purpose of this bill is to help provide additional protections for tenants of public housing projects by amending the criminal trespass statute to include entering or unlawfully remaining on the premises of any public housing project or state low-income housing project after receiving a reasonable warning or request to leave by housing authority management or a police officer.

The Hawaii Public Housing Authority (Authority) and several concerned individuals testified in support of this bill. A concerned individual supported the intent of this measure. The Honolulu Police Department and American Civil Liberties Union of Hawaii opposed this bill.

Your Committee notes the Honolulu Police Department's concerns that this measure presumes that a representative from public housing would always be present to assist the police officer in determining the status of a possible trespasser while in most public housing complexes, there is no security or management representative on location making verification and enforcement difficult. However, your Committee also notes that

the Authority is currently developing a program to train tenant monitors and some public housing projects already employ tenant monitors or additional security. These tenant monitors or additional security may be able to assist in the confirmation and enforcement of trespassing provisions to help provide additional security and protection for public housing residents.

Upon further consideration, your Committee has amended this bill by:

- (1) Inserting language to state that unaccompanied guests of public housing tenants who violate any state law, county ordinance, or Authority rule will be considered to be trespassing if they remain on the premises after reasonable warning or request to leave;
- (2) Inserting language to state that public housing tenants whose guests repeatedly violate any state law, county ordinance, or Authority rule will be subject to eviction; and
- (3) Making technical, nonsubstantive amendments for consistency and style.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2278, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2278, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Housing,



RIDA CABANILLA, Chair



