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## HOUSE RESOLUTION

REQUESTING A STUDY ON THE FEASIBILITY AND EFFECTIVENESS OF  
IMPLEMENTING DRUG TESTING TO TENANTS, SELECTED APPLICANTS,  
AND APPLICANTS OF FEDERAL AND STATE LOW-INCOME HOUSING IN  
THE STATE.

1           WHEREAS, congressional findings under Title 42, United  
2 States Code, Chapter 124, state that public and other federally  
3 assisted low-income housing in many areas suffers from rampant  
4 drug-related or violent crimes; and

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6           WHEREAS, there is a recent national trend toward requiring  
7 applicants and recipients of public assistance, including  
8 welfare benefits and public housing, to submit to drug screening  
9 in order to qualify for such assistance; and

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11           WHEREAS, a number of congressional proposals have been  
12 proposed, calling for nationwide testing of welfare recipients,  
13 including public housing recipients; and

14  
15           WHEREAS, to combat drug-related crimes and to promote  
16 safety in public-assisted housing, some states are considering,  
17 and other states have implemented, drug testing as a condition  
18 of entering into a lease for low-income housing; and

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20           WHEREAS, a number of cities, such as Chicago, Illinois and  
21 Flint, Michigan, have considered drug testing public housing  
22 residents; and

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24           WHEREAS, according to The New York Times article, "States  
25 Adding Drug Test as Hurdle for Welfare," dated October 10, 2011,  
26 policy makers in three dozen states, including Arizona, Indiana,  
27 and Missouri, proposed drug testing for persons receiving  
28 benefits like welfare, unemployment assistance, job training,  
29 food stamps, and public housing; and



1           WHEREAS, The New York Times article states that proponents  
2 of such laws claim that the laws ensure that tax dollars are not  
3 being misused and critics of such laws say that the laws  
4 reinforce stereotypes about the poor; and

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6           WHEREAS, most of the legislative proposals have failed to  
7 win support because of concerns about legality regarding  
8 mandated drug testing for welfare recipients as a violation of  
9 the constitutional protection against unreasonable search and  
10 seizure; and

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12           WHEREAS, while drug testing of public housing tenants,  
13 selected applicants, and applicants is being considered in the  
14 United States, the act of drug testing persons in low-income  
15 housing raises legal, economic, social, ethical, and practical  
16 considerations and implications, as well as concerns regarding  
17 the feasibility and effectiveness of its implementation; now,  
18 therefore,

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20           BE IT RESOLVED by the House of Representatives of the  
21 Twenty-sixth Legislature of the State of Hawaii, Regular Session  
22 of 2012, that the Legislative Reference Bureau is requested to  
23 conduct a study on the feasibility and effectiveness of  
24 implementing drug testing to tenants, selected applicants, and  
25 applicants of federal and state low-income housing in the State;  
26 and

27  
28           BE IT FURTHER RESOLVED that with respect to the study, the  
29 Legislative Reference Bureau examine the legal, economic,  
30 social, ethical, and practical considerations and implications  
31 of drug testing on tenants, selected applicants, and applicants  
32 of federal and state low-income housing in the State, including:

- 33  
34           (1) Housing, anti-discrimination, and privacy laws as they  
35 relate to drug testing tenants, selected applicants,  
36 and applicants of federal and state low-income  
37 housing;  
38  
39           (2) The legal effects of random and suspicionless drug  
40 testing on tenants, selected applicants, and  
41 applicants of federal and state low-income housing;



- 1 (3) Drug testing proposals nationally and in other states
- 2 on tenants, selected applicants, and applicants of
- 3 federal and state low-income housing, and the status
- 4 of the proposals;
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- 6 (4) The feasibility and effectiveness of drug testing on
- 7 tenants, selected applicants, and applicants of
- 8 federal and state low-income housing, including the
- 9 accuracy and reliability of drug tests; and
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- 11 (5) The costs and resources necessary to implement fair,
- 12 accurate, and reliable drug testing; and
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14 BE IT FURTHER RESOLVED that the Legislative Reference  
 15 Bureau is requested to submit its findings and recommendations,  
 16 including any proposed legislation, to the Legislature no later  
 17 than 20 days prior to the convening of the Regular Session of  
 18 2013; and

19 BE IT FURTHER RESOLVED that certified copies of this  
 20 Resolution be transmitted to the Regional Director of the United  
 21 States Department of Housing and Urban Development, Acting  
 22 Director of the Legislative Reference Bureau and the Executive  
 23 Director of Hawaii Public Housing Authority.  
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OFFERED BY:

*Rich T. P. Rubnik*  
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