

NEIL ABERCROMBIE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

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

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON HOUSING

January 25, 2012 9:20 A.M.
Room 325, Hawaii State Capitol

In consideration of
House Bill 1885
Relating to Public Housing

Madam Chair and Members of the House Committee on Housing, thank you for the opportunity to provide you with comments regarding House Bill 1885, relating to public housing.

The Hawaii Public Housing Authority (HPHA) understands the intent of this measure, which would amend Chapter 356D, Hawaii Revised Statutes, to mandate a drug testing program as a condition of obtaining, or continuing occupancy in, federal and state low-income public housing units. However, due to concerns regarding the feasibility of the program and privacy implications as well as other issues, the HPHA must respectfully oppose the measure.

While the HPHA is aware of the rationale behind a mandatory drug testing program, our agency has very serious concerns regarding the costs that would be incurred in implementing and administering the program. As you are aware, the U.S. Department of Housing and Urban Development (HUD) provides our agency with operating subsidies to supplement proceeds received from rents that are only sufficient to cover the agency's overhead costs. For the first half of the current fiscal year, HUD was providing public housing authority's nationwide with 100% of their operating subsidies; for the second half, operating subsidy payments are being reduced to 86% of their needed amounts, with the net result of a 7% subsidy reduction over the fiscal year. This 14% reduction continues into the first half of the next fiscal year, with no information available as to the situation following that. There are no additional funds available from HUD to cover testing, program administration, or other incidental costs which might be incurred as a result of this statutory revision.

The bill proposes that current tenants and applicants would be required to submit to testing, and the agency would be required to cover the cost of testing in situations where there was a negative result. Currently, the agency randomly drug tests employees at a cost of \$43 per test. There are over 7,000 families currently housed, with only minor children exempt from testing, and over 10,000 families on the waitlist. Conservative estimates for testing every head of household (over 17,000) would cost over \$730,000. The average family size in the federal low-income public housing program is 3.42 family members, so assuming 2 family members of majority age per household, testing current tenants would cost over \$600,000 for current tenants and approximately \$900,000 for applicants, cumulatively \$1,500,000, per year.

In addition, at a minimum, the HPHA estimates the needed addition of at least 6 professional staff to the agency organization to comply with the proposal to process and review the test results. Due to the highly private and sensitive nature of the work, the Legislature would need to perform an agency reorganization, adding a new support office outside the purview of the Property Management & Maintenance Services Branch, which currently oversees applicants and tenant recertifications. Personnel estimates would include the creation of a Nurse and a Social Worker position and at least four support staff positions (possibly more depending on union consultation) to track and monitor the administration of the program at approximately \$300,000 per annum in salary and fringe benefits to be paid out of the State General Fund.

Therefore, this measure would necessitate no less than \$1,800,000 per year under current estimates. Such costs associated with this measure would not be consistent with the Executive Administration's budget and would not be supportable through the HPHA's federal funding sources.

Further, even deeper concerns must be raised in discussing this measure. Due to the highly sensitive nature of the procedure, and due to privacy issues, it is our belief that the decision to implement such a program should be addressed through an agency-developed methodology, in consultation with the Resident Advisory Board as well our Board of Directors. We have not been able to consult with the Board as of yet regarding this issue due to the limited time allowed to respond. It is my understanding from previous meetings that many members of the HPHA Board of Directors also have grave reservations concerning the protection of applicant and tenant privacy interests and hence will most likely join us in opposing this bill.

The HPHA appreciates the opportunity to provide the House Committee on Housing with the agency's position regarding H.B. 1885. We respectfully request the Committee to hold this measure, and we thank you very much for your dedicated support.

From : Curtis Kropar
Executive Director, Hawaiian Hope.
808.352.8800

This Testimony is submitted regarding HB1885.

This Testimony is in support of the bill - but with modifications.

Many individuals and agencies now recognizing the need to assist Hawaii's "most at risk" Homeless population to get off of the street, are pursuing a housing model called "Housing First." Using this model the high risk homeless are encouraged to get into housing, "as they are", and then efforts are undertaken to get them clean once they are in a stable environment. Once in a stable environment people have much more success of getting and staying clean.

I believe the bill should be be modified to reflect this effort, while preserving the primary purpose of the bill. At the end of line 10, the text of the bill could be modified to read :

"and exempting certified - 'housing first' facilities and projects"



Committee: Committee on Housing
Hearing Date/Time: Thursday, January 25, 2012, 9:20 a.m.
Place: Room 325
Re: Testimony of the ACLU of Hawaii in Strong Opposition to H.B. 1885,
Relating to Public Housing

Dear Chair Cabanilla and Members of the Committee on Housing:

The American Civil Liberties Union of Hawaii writes in strong opposition to H.B. 1885, which seeks to require the Hawaii Public Housing Authority to establish a drug testing program to be administered to any tenant or any applicant of federal or state low-income housing.

Drug testing public housing tenants and applicants as a condition of eligibility is a policy that is scientifically, fiscally, and constitutionally unsound. At a time when increasing number of Americans are struggling financially and relying on public assistance, implementing mean-spirited and ineffectual mandatory drug testing policies is both unconscionable and unconstitutional.

Most recently, in a 37-page opinion, a U.S. District Judge halted enforcement of Florida's new law mandating drug tests for all applicants for the state's Temporary Assistance for Needy Families program.¹ The judge ruled that the compelled drug testing is a search under the 4th Amendment, and that individuals retain a right of privacy against such intrusive, suspicionless searches by the state, event when applying for temporary assistance.² In short, any such similar imposition of drug testing in Hawaii would very likely be subject to legal challenge by the ACLU of Hawaii and found to be unconstitutional. Thus, we respectfully ask this Committee to defer this measure.

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.

¹ *Lebron v. Wilkins*, No. 6:11-cv-01473-Orl-35DAB (Oct. 24, 2011). Available at <http://www.aclufl.org/pdfs/2011-10-24-ACLUtanfOrder.pdf>.

² *Id.*

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Rep. Cabanilla, Chair, HSG Committee
and Members Thereof
January 25, 2012
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Sincerely,

Laurie A. Temple
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the
**Drug Policy
Forum**
of hawaii

January 25, 2012

February 12, 2009

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To: Rep. Rida Cabanilla, Chair
Representative Ken Ito, Vice Chair and
Members of the Committee on Housing

From: Jeanne Y. Ohta, Executive Director

Re: HB 1885 Relating to Public Housing
Hearing: January 25, 2012, 9:20 a.m., Room 325

Position: STRONG OPPOSITION

I am testifying today in strong opposition to HB 1885 Relating to Public Housing which requires that applicants of federal or state low-income housing submit to drug tests as a condition of applying and renting the housing. It further requires that those who test positive attend and pay for a six-month drug treatment program before becoming eligible to apply for a housing unit.

Drug testing is an expensive policy that has been proven ineffective in reducing the use of drugs; it is a waste of taxpayer money. In fact, drug testing policies can actually push people to use more dangerous drugs that dissipate quickly in the body and do not show up on drug tests.

A drug test does not determine if someone needs treatment. Assessments by trained professionals should be used to determine if someone needs treatment and for how long. Legislation should never be used to determine the length of treatment. Such requirements are counter-productive and may actually create more harm.

Previous requirements for drug testing, in Florida for example, showed that welfare recipients are no more likely to use drugs than the general population (about 2-3%).

DPFH suggests that more emphasis be placed on funding residential and out-patient drug treatment programs rather than on drug testing specific groups of Hawai'i residents.

Hawaii State Capitol

Housing committee

Chair Rida Cabanilla

To chair Cabanilla and the members of the Housing committee, I Christina Simms am in support of HB1885 relating to drug testing of public housing residents. I truly believe that there are many undeserving drug addicts in public housing, if these drug users were removed many needy family could get the help they deserve. Also, I think if people in public housing were drug tested it would lower the use and sales of drugs in public housing making it safer for children to play and elderly security. As a resident of public housing I have seen, first hand, people using and selling drugs in the parking lots. I don't feel safe walking outside my home at night because of these drug dealers and users but if public housing residents were drug tested it would lower the amount of drug users in public housing and with no users there would be no drug dealers because they would have no one to sell to in the public housing areas. Please pass HB 1885 so that the honest, deserving and truly needy people in public housing can be safe and feel safe knowing that the community they live in is a drug free zone.

Sincerely

Christina Simms

To whom it may concern:

I am a resident of public housing and I strongly support Rep. Cabanilla's bill regarding the drug testing of public housing tenants and applicants. I have two children and I often worry about their safety due to the considerable drug activity I see in and around the housing projects. I often worry about the influence that the obvious drug use will have on my children. I fear that this environment will have a very negative effect on my kid's future. I am very grateful that I have this wonderful opportunity to give my children a home and only wish it was a safer and more positive place. I think one of the main reasons it is lacking is due to the rampant drug use that takes place in these facilities. I feel that by testing the residents and applicants that the housing projects would be much safer. I also feel it would clear space for those who are trying to make a better life for themselves and their children and not let people think they can get a free ride and get loaded and cause trouble in our neighborhood. These places are a privilege and people who break the law shouldn't be given this privilege. I understand some people may have issues with drugs and need help, but if that is the case they should be required to be seeking help to remain.

Thank you,

Niyommoh Thanomsap