

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



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January 23, 2012

# LATE TESTIMONY

~~Testimony in Support of HB 127, HD 1~~

**To:** Honorable Chair Cabanilla  
Honorable Vice Chair Ito  
Members of the House Committee on Housing

**From:** Catherine Betts, Esq., Executive Director, Hawaii State Commission on the Status of Women

**Re:** Testimony in Opposition to HB 1885, Relating to Public Housing

On behalf of the Hawaii State Commission on the Status of Women, I would like to thank the committee for this opportunity to provide testimony on such a vitally important issue. I would like to express my strong opposition to this bill, which would require the Hawaii Housing Authority to mandate drug tests to tenants or applicants to any state or federally funded public housing.

Not only has this type of legislation been found unconstitutional by the United States Supreme Court, this legislation is not based on sound facts or evidence. This bill would further stigmatize the needy and perpetuates a stereotype that those individuals on any type of public assistance are lazy and dishonest. Nationwide, the majority of those individuals receiving state or federal assistance are women and children. This legislation would have a disproportionately negative effect on women and children.

Under the 4<sup>th</sup> Amendment, drug tests are considered to be searches. The U.S. Supreme Court, in Chandler v. Miller voted 8-1 to strike down a Georgia law requiring candidates for state office to pass a drug test. More recently, a U.S District Court judge halted the enforcement of Florida's law mandating drug tests for TANF applicants. The Court found that compelled drug testing is a search under the 4<sup>th</sup> amendment, and that the individuals retain a right of privacy against intrusive searches without suspicion.

The Commission believes this legislation to be bad public policy and urges the Committee to not pass this bill.

Thank you for this opportunity,

Catherine Betts, Esq.  
Executive Director  
Hawaii State Commission on the Status of Women

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 24, 2012 5:11 PM  
**To:** HSGtestimony  
**Cc:** thirr33@gmail.com  
**Subject:** Testimony for HB1885 on 1/25/2012 9:20:00 AM

Testimony for HSG 1/25/2012 9:20:00 AM HB1885

Conference room: 325  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Arvid Tadao Youngquist  
Organization: The Mestizo Association (est. '82)  
E-mail: [thirr33@gmail.com](mailto:thirr33@gmail.com)  
Submitted on: 1/24/2012

## LATE TESTIMONY

Comments:

Rep. Rida R. R. Cabanilla (Chair)  
Rep. Ken Ito (Vice Chair)  
Rep. Mele Carroll, Rep. Jerry Chang, Rep. Denny Coffman, Rep. Sharon E. Har, Rep. Robert N. Herkes, Rep. Derek S. K. Kawakami, Rep. Mark M. Nakashima, Rep. Kymerly Marcos Pine, & Rep. Cynthia Thielen

Dear Members of the HSG (House Housing Committee), Chair, Vice Chair, Majority & Minority Party members:

We support HB 1885 Relating to Public Housing.

Our only regret is that the referral could have been made HSG/JUD, & then to FIN, it was not, therefore, it will not be placed on a fast tract.

Therefore, we request that this bill not be held, or decision postponed.

It is a proposed legislation change to Chapter 356D, hRS, and in its effect demonstrates "tough love" only for applicants or for those who propose to be included in an extgended family in Federal and/or State/County Low Cost Housting, subsidized by the jurisdictions who aim to provide permanent, or temporary shelter and housing for single parents, etc.

Without going into details, we urge the HSG Committee with the strongest language in its Committee Report and summary of debates.

God Speed!

Arvid Tadao Youngquist  
Founder & Administrator  
The Mestizo Associatino (est. 1982)

# LATE TESTIMONY



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## TESTIMONY FOR HOUSE BILL 1885, RELATING TO PUBLIC HOUSING

House Committee on Housing  
Hon. Rida Cabanilla, Chair  
Hon. Ken Ito, Vice Chair

Wednesday, January 25, 2012, 9:20 AM  
State Capitol, Conference Room 325

Honorable Chair Cabanilla and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in opposition to HB 1885, relating to public housing.

To begin, the IMUAlliance sympathizes with the intent of this bill, which seeks to ensure that public housing residents are spared the consequences of drug use and its attendant crimes, while providing affordable homes to the most deserving. Recognizing that pervasive drug usage of hard drugs is, demographically speaking, more common among impoverished than economically stable or wealthy persons, we commend the sponsors of this bill for working to curb this trend and keep poorer individuals on the track toward prosperity.

That said, the IMUAlliance feels that the bill, as currently drafted, disregards empirical evidence that suggests a complicated relationship between drug use and economic status. Unfortunately, HB 1885 appears to take the stance that drug use and poverty are causally linked. According to the National Poverty Center, policymakers and analysts have, over the past decade, overestimated the extent of substance abuse (drug and alcohol) among welfare recipients and impoverished citizens who benefit from social programs regarding basic necessities, including food and housing. Moreover, of the 3,000-4,000 client cases overseen by the Department of Health's Alcohol and Drug Abuse Division treatment centers between 2000-2006, approximately 80 percent of discharged patients had no arrests within six months of release, bolstering the hypothesis that treatment-first approaches produce as much or greater success rates than punitive programs.

With that in mind, the IMUAlliance has four specific concerns about this measure. First, drug testing for social welfare and benefits programs, including housing, is likely to be deemed unconstitutional, if challenged in court. In a case decided in October of 2011, District Court Judge Mary Scriven (Middle District of Florida) ruled that a law requiring Florida welfare

recipients to submit to drug tests violated the Fourth Amendment's ban on illegal search and seizure because such testing can reveal private medical information about individuals that may be shared with law enforcement or other government entities. Though HB 1885 does not specify that a positive test result will be shared with law enforcement or any other government body, requiring completion of a six-month substance abuse treatment program prior to reapplication, as per §356D- (b) of this proposal, necessitates the sharing of potentially confidential information with treatment facility owners, operators, and workers. It should also be noted that the problem addressed by Florida's welfare law was hardly as exigent as its advocates claimed, as 98 percent of applicants passed the mandatory drug test, according to the Florida Department of Children and Families. Second, HB 1885 does not outline or cite a specific procedure for challenging a "false positive" drug test, aside from a passing reference in §356- (e) to drug testing standards already adopted by the Department of Health. Third, the IMUAlliance believes that this measure could add to the state's existing drug and homelessness problems by jeopardizing the residency of a public housing tenant who tests positive for drug use, as per proposed §356D-92(6) and (7). The Elements Recovery Referral Center's Everything Addiction project notes that homelessness correlates positively with lower rates of medical care and employment, as one would expect, meaning that appropriate treatment—especially for conditions related to or exacerbated by substance abuse—may be unobtainable, or less likely to be obtained, by the homeless, thereby creating an escalating cycle of dependency and economic deprivation. Fourth and finally, the implementation of drug testing by the housing authority and/or Department of Health may provide an unbearable financial encumbrance upon these agencies during a time of fiscal recovery, to say nothing of the additional cost borne by governmental agencies and non-governmental organizations that provide treatment services, providers of services to displaced individuals, and the family court system and child services centers charged with accounting for any families broken up by housing termination. Put simply, the direct and indirect cost of this bill may significantly outweigh its benefits.

At the very least, the IMUAlliance urges your committee to amend this bill by adding provisions detailing how prospective test takers may appeal false positive results and pending evictions, especially families with children under the age of eighteen. Even with the addition of such an amendment, however, we feel that the measure, as currently drafted, is too problematic to be advanced out of your committee, much less signed into law.

Mahalo for the opportunity to testify in opposition to HB 1885.

Sincerely,  
Kris Coffield  
*Legislative Director*  
IMUAlliance