

NEIL ABERCROMBIE
GOVERNOR



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DEPARTMENT OF HUMAN SERVICES
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Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON HOUSING

February 1, 2012 8:45 A.M.
Room 325, Hawaii State Capitol

In consideration of
House Bill 2629
Relating to Public Housing

Honorable Chair and Members of the House Committee on Housing, thank you for the opportunity to provide you with comments regarding House Bill 2629, relating to public housing.

The Hawaii Public Housing Authority (HPHA) appreciates the intent of this measure, which would add a new section to Chapter 356D prohibiting smoking in federal and state public housing units under the jurisdiction of the HPHA and would institute a \$100 fine for violating the new section to fund vocational training programs. The HPHA agrees that this is a positive bill, with respectable aims to improve the quality of living environment provided to the HPHA's residents. Our agency also appreciates legislative support for the issues involved, particularly with respect to preventing second-hand smoke exposure in environments that are home to children, the disabled, and other vulnerable low income populations. However, the HPHA must respectfully oppose enactment of the measure since it would be administratively difficult to enforce and would be more appropriately handled by the HPHA via existing administrative protocols.

The HPHA feels that this measure would legislate on agency staff an administratively onerous procedure that would require undue resources to initiate and enforce. The HPHA is responsible for overseeing over 6,000 state and federal housing units housing over 15,000 individuals. This measure would impact every unit in the inventory and would initiate a dramatic change in policy that would require the revision of every lease to include a provision prohibiting smoking. It would also place a heavy monitoring burden on HPHA staff and could multiply the number of tenant complaints regarding lease violations that are already taxing our overburdened staff. Some HPHA managers

administer over 500 units, and would have an extremely difficult time responding to and verifying every complaint alleging a violation of this statutory provision.

Also, if implemented, this measure could have an extremely negative impact on the HPHA with respect to U.S. Department of Housing and Urban Development (HUD) annual ratings. Under the current interim Public Housing Assessment System framework, the financial health of public housing agencies (PHAs) is rated on a variety of factors, an important one being Tenant Account Receivables (TARs). While HUD is analyzing this factor to ensure appropriate rent collection rates, the unpaid fines from this procedure would be booked as TARs, which would inflate the amount of outstanding TARs. This would result in a lower financial factor score and could result in a reduced overall score for the agency and possible negative financial impact.

Further, as stated in the measure, this type of policy change is being handled by PHAs nationally through their own administrative processes. Similarly, the HPHA's Board of Directors is able to institute an agency prohibition of smoking through its rulemaking and policy development powers. The HPHA feels that the determination of a policy banning smoking on the HPHA's properties is one that is soundly within the Board's purview and would respectfully request the Legislature to allow the Board to exercise its governance in the development of such policies. The HPHA would prefer the development of such policy to be undertaken through an agency developed methodology that would allow us to incorporate participation from the Department of Health, our Resident Advisory Board, property management staff, public hearings, and the tenants that would be directly impacted by this measure.

In fact, since discussing House Bill 46 in this Committee last session on February 15, 2011, the HPHA has initiated the agency protocol necessary to institute such a policy in federal public housing units. In our agency's draft Fiscal Year 2013 PHA Annual Plan, Section 6.0(a)(1) states:

Controlled Substances Policies: HPHA will evaluate and amend current controlled substances policies at the agency and asset management project (AMP) level. This may include, but not be limited to, studying the potential for non-smoking buildings; developing and implementing a policy to allow the use of medical marijuana pursuant to a lawful prescription; and prohibiting possession of alcohol in common areas.

Once this PHA Annual Plan is finalized and approved by the HPHA Board of Directors and HUD, the agency will be able to work with stakeholders on revising the relevant administrative documents. This effort would include amending 17-2028, Hawaii Administrative Rules (HAR) with respect to federal public housing, 15-186, HAR, and 15-193, HAR with respect to state public housing, as well as the HPHA Admissions and Continued Occupancy Policy, and lease agreements. The agency will be able to incorporate tenant, HUD, and Attorney General input throughout this process, and ensure compliance with all relevant regulations.

The HPHA appreciates the opportunity to provide the House Committee on Housing with the agency's position regarding H.B. 2629. We respectfully request the Committee to hold this measure, and we thank you very much for your dedicated support.



COALITION FOR A
TOBACCO-FREE HAWAII

To: The Honorable Rida T. Cabanilla, Chair, Committee on Housing
The Honorable Ken Ito, Vice Chair, Committee on Housing
Members, House Committee on Housing
From: Deborah Zysman, Executive Director
Date: January 31, 2012
Hrg: House Committee on Housing; Wed, February 1, 2012 at 8:45 a.m. in Rm 325
Re: **Comments on HB 2629, Relating to Public Housing**

Thank you for the opportunity to offer comment in support of the intent of HB 2629 which prohibits smoking in and around public housing or State low-income housing projects, however, we have concerns with possible eviction as a consequence. We urge the Hawaii Public Housing Authority to provide smoke-free housing for residents, action they lawfully can take now without legislation.

The Coalition for a Tobacco Free Hawaii (Coalition) is the only independent organization in Hawaii whose sole mission is to reduce tobacco use through education, policy and advocacy. Our organization is a small nonprofit organization of over 100 member organizations and 2,000 advocates that works to create a healthy Hawaii through comprehensive tobacco prevention and control efforts. The Coalition also supports the public through its Smoke-Free Homes Initiative, designed to create smoke-free apartments and condos through voluntary action.

A 2007 letter from the Honolulu HUD office indicates that “[r]egulating smoking in public housing units or in common areas is a local decision. In addition, according to the Fair Housing and Equal Opportunity Civil Rights analyst, smokers are not a protected class under the Fair Housing Act.” Going smoke-free is lawful and promotes health. Housing units can already adopt their own rules to prohibit smoking.

Secondhand smoke is dangerous; the **U.S. Surgeon General in 2010 notes that any level of exposure to secondhand smoke is dangerous and can be harmful.** The International Agency for Research on Cancer and the U.S. Environmental Protection Agency both note that environmental tobacco smoke (or secondhand smoke) is carcinogenic to humans. Secondhand smoke contains 7,000 identifiable chemicals, 69 of which are known or probable carcinogens.

The Coalition receives calls from residents who reside in public housing units and who have asthma and other health issues affected by secondhand smoke exposure. There is little assistance the Coalition can provide them. It is clear, however, that all residents—regardless if they have asthma, COPD or other health issues—are impacted by the hazards of secondhand smoke.

All families deserve to live free of second-hand smoke. The only way to ensure this is to prohibit smoking in units. The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) adopted a position that states, “[a]t present, the only means of effectively eliminating health risks associated with indoor exposure is to ban smoking activity. . . No other engineering approaching, including current and advanced dilution ventilation or air cleaning technologies, have demonstrated or should be relied upon to control health risks from ETS [environmental tobacco smoke] exposure in spaces where smoking occurs.”

Thank you for the opportunity to testify on this matter.

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