

# LATE TESTIMONY

**DATE:** Wednesday, February 1, 2012

**TO:** Representative Rida Cabanilla, Chairwoman; Representative Ken Ito, Vice Chair;  
Members of the House Committee on Housing

**RE:** Written Testimony for H.B. 2629 – Relating to Public Housing

Madam Chair and Members of the House Committee on Housing, thank you for allowing me this opportunity to submit comments in strong favor of House Bill 2629.

My name is Daria Fand, and I'm a single, lifelong resident of Hawaii, who is now a resident in the public housing development Kalakaua Homes, managed by Hawaii Public Housing Authority (HPHA) and subsidized federally by Housing and Urban Development (HUD). The reason I moved into low-income housing in 1999 was because I developed a disability that curtailed my professional life and along with that, regular income. Consequently, I qualified for public assistance, including subsidized housing, which I have been very blessed to have up until recently, when a grave public health threat became personal to me.

In February of last year (2011), I began to experience the incursion of secondhand smoke seepage into my apartment on a regular basis. This is not the first time I've encountered the problem of secondhand smoke (SHS) in my home – over the last 12 years that I've lived here, I have been bothered by its wafting into my living space on and off, but never with the intensity and persistence of this last year. My disability partially involves an autoimmune disorder that is drastically worsened by the inhalation of toxic contaminants; and due to the multiple toxins present in SHS, over the last year this has resulted in such deterioration of my quality of life, and physical incapacitation, that I have been unable to function even in everyday affairs and personal upkeep. I have had to wear a carbon-lined mask throughout the day in my home, including during the night when trying to sleep, which has barely even mitigated the problem. I've been awakened to my home smelling like a smoky bar that I could not escape. The desperation and feeling of helplessness of this plight has compounded my physical decline with acute anxiety and depression. Needless to say, my entire life has been paralyzed and my unit turned into a torture chamber nearly every day due to neighbors who have an addictive habit that they are imposing upon me, as if their right to engage in these deadly behaviors trumps my right to breathe clean air in my own apartment and protect my health. Every time my neighbors smoke, I am forced to become – against my will – a smoker as well, with all the concomitant medical costs that entails.

This state of affairs is completely upside down. According to Serena Chen, Policy Director of the American Lung Association in California, 70% of public housing residents are non-smokers, while 30% are smokers. What this means is that currently, the minority is legally allowed to impose hazardous health practices upon the majority. Those of us in public housing who wish to opt for a healthier lifestyle, protecting our own longevity, our children's health, and the health of those loved ones whose health is already compromised, are currently unable to do so by any policy or law.

Current law prohibiting smoking in "common areas" (such as stairwells, walkways, lobbies, elevators, etc.) simply does not go far enough to protect residents. It is well-established, irrefutable scientific fact, as quoted by indoor air quality experts (see attached PDF document), that SHS knows no boundaries: once smoking is taking place anywhere in a building, it travels in the air through air ducts, ventilation, plumbing and electrical systems, elevators shafts, and cracks in the building structural elements. It is indiscriminately distributed throughout all indoor spaces and can affect anyone in the building. So the notion that smoking in one's own apartment provides any relief to one's neighbors in exposing them to SHS is utterly false. I have personally experienced this, when I closed all my windows and doors (which blocked off all my airflow, and thus wasn't a sustainable practice), and I still could smell "hot pockets" of smoke in various places in my apartment. Furthermore, it's ludicrous to believe that smoke in units will confine itself without seeping out into the "common areas", where smoke is already not allowed.

Indoor experts state that there are no ventilation systems or techniques to rid the air SHS. The only way to protect residents from the threat is to ban smoking in buildings.

The Surgeon General has issued particularly strong statements about the dangers of SHS recently: it is now established fact that there is NO safe level of SHS inhalation. What this means is that air containing even minute amounts of SHS, or in brief exposures, is a health hazard to any healthy person; but to those who have pre-existing health disorders aggravated by it, to babies, children and the elderly who are particularly vulnerable, it may prove deadly. In my case, it has been catastrophic.

I strongly support H.B. 2629, and ask that a complete no-smoking policy be adopted in public housing. I appeal to this law-making body to understand that even smoking in nearby outdoor spaces such as parking lots may allow smoke to drift into apartments on the lower floors of buildings, putting those residents at risk even from some distance. There are places on the Mainland that have enacted smoking bans indoors, with some designated smoking area outdoors, but here in Hawaii we have many open-air lanais and exposure to weather issues that would compromise indoor air quality by nearby outdoor smoking.

Besides the obvious health issues at stake, it is a financial burden to the taxpayer and the State to allow smoking in public housing. Every apartment vacated by a smoker costs between 2-7 times as much to restore (according to the Coalition for a Smoke-Free Maine, Serena Chen, et. al.), and this doesn't even factor in fire and cigarette damage costs or human life-and-limb dangers. For each asthma attack someone has from SHS, sending them to the emergency room, the bill gets shifted to the taxpayer. Isn't it bad enough that smoking incurs millions of dollars in healthcare costs among the poor – so in addition to that, should dollars be spent on the additional healthcare costs of illness attributable to SHS? A law prohibiting smoking on public housing grounds would save the State, HPHA and other public housing providers hundreds of thousands of dollars a year not just on material and building costs, but on the healthcare collateral damage. I

hardly have to spell out all the ways, in Hawaii's strapped economy, how this money would be better spent. House Bill 2629 outlines a number of constructive ways.

Up until now, HPHA has tried to defeat efforts in the Legislature to enact a smoking ban in public housing, citing the difficulties of enforceability. It is now unequivocally clear by national precedent that these claims and fears are groundless. There are administrative templates around the country available to housing providers wishing to move with the national trend in going smoke-free. Smoke-free policies are being successfully implemented and enforced in many states, including the state of Maine, which is 100% smoke-free in all 20 of their public housing authorities. HUD has resoundingly issued memoranda "strongly encouraging" all public housing authorities to exercise their right to amend their leases to include no-smoking policies. House Bill 2629 cites a statistic that "at least two hundred-twenty-one" public housing authorities have gone smoke-free. As a matter of fact, that number is higher: according to Jim Bergman, director of the Smoke-Free Environments Law Project, by the end of 2011, 285 public housing projects have enacted bans. So Hawaii is clearly behind the trend. It is only through apathy and negligence that we are behind.

It should be recognized as self-evident that public housing creates a unique need for its populations, in that by virtue of having to live in low-income housing, we are unable to move to escape SHS, unlike persons in the private sector. We can't escape the problem by even moving to another unit for relief (an unviable option proposed to me during my grievance procedures.) As long as smoking is allowed in public housing, no one is safe or assured of security of the basics of their lease: quiet enjoyment of their dwelling, health, safety, cleanliness, habitability. A systemic policy change is the only solution.

Furthermore, the very same issues that have made smoking illegal in other places of public accommodation in Hawaii should apply here: people who are in many cases housebound are subjected to continuous SHS exposure, perhaps at even higher rates than in other venues. This is no different in theory to someone being exposed in the workplace, on public transportation, in restaurants, or anywhere else, only this is where one may spend most of one's life (at home).

It makes no sense that I moved here with a disability only to be disabled more by my neighbors. It makes no sense that I have been provided a place to live, and yet I feel that I am dying here. It makes no sense that even though I'm grateful to have a roof over my head, I have been lying in my car, staying at friends' houses temporarily to flee my abode and that in one case I'm aware of, a woman has been using her car instead of her apartment as a place to sleep. If we can't use the homes given to us because our health is jeopardized, this is a drastic travesty of justice, not to mention a terribly mismanaged use of resources.

Finally, I strongly petition this law-making body to consider these cost savings go partially towards helping those who wish to quit their smoking habit. It is my belief that we should be providing help and support, financially and otherwise, to those who require and wish to transition from the addiction to healthier living. I ask that the Legislature

consider allocating monies to appropriate organizations in the community that would increase quit-smoking services to those in low-income/public housing. It is my hope that instead of spending on SHS-related destruction of property and human life, we can foster the construction of healthier choices, opportunities and community living.

It should be everyone's birthright to choose a smoke-free life in public housing. And -- absent public housing's recognition of their accountability to the populations they are stewards of -- it is high time these protections were signed into law. For the sake of those who are not ill yet, and for the sake of Hawaii's most vulnerable populations, it's high time for H.B. 2629.

A few quotes to end with:

As a landlord, you have a responsibility to provide safe housing. In a recent report, the United States Surgeon General concluded that there is no safe level of exposure to secondhand smoke. When tenants smoke, they can affect other tenants who do not...The easiest way to ensure that secondhand smoke is not a risk is to adopt a non-smoking policy...Of course this does not mean that you must refuse all smokers housing, but it does allow you to make your rental agreement conditional on no smoking within the units. -- **(Former) Maine Attorney General Steve Rowe**

There's nothing that prevents a landlord from making a rule about smoke, and we like to make it clear that it's about the smoke — the smoke is a toxic substance, it's not about the smoker. -- **John Archard, Maine Attorney General's Office**

[The goal of smoke-free policies in multiunit dwellings]...is important even in a heavily restricted environment like the one we're in, which is government-subsidized housing. -- **Richard Whiting, Executive Director, Auburn Housing Authority in Maine**

[You] Definitely can save money on apartment turnovers if you have a no-smoking policy. -- **Dorothy Igoe, Executive Director, Brewer Housing Authority in Maine**

Daria Fand  
Kalakaua Homes  
Phone: 949-5497

# LATE TESTIMONY

January 31, 2012

Manana Gardens Multi-Family Low-Income Tax-Credit Housing Project  
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Pearl City, Hawai'i, 96782

Rida T. R. Cabanilla  
Hawai'i State Representative  
42<sup>nd</sup> District  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, Hawai'i 96813

**Dear Chairwoman Cabanilla and Vice-Chair Ito and Members of the Committee,**

I hope this letter finds everyone in good spirits and well-being. Earlier this afternoon I received a call from Ms. Daria Fand, a fellow public housing tenant who I met at a breakfast meeting sponsored by the Coalition for a Tobacco-Free Hawai'i organization and the guest speaker was Serena Chen, a nationally recognized expert in smoke-free housing. The breakfast was good, but the information she shared was even better. Although I'd like to share what was discussed I don't think my testimony time-line will allow me to go further than two pages. I hope HB2629 gets passed without compromise and without further delay. After 18 years of marriage and no children, my husband and I was blessed with our beautiful and very active now, 2 year old son, Koali'i, who we call our miracle blessing. Well, just this past August, our son's Pediatrician diagnosed him with having asthma. If I'm not giving him his nebulizer (day and night), I'm giving him albuterol, his cough medicine when we're on the road. Asthma runs on my side of the family, I had it throughout my childhood and into my early adulthood, and now unfortunately, my son now has it too. Although the housing project where we live is considered a great location for most families, because of the close proximity to the local markets, stores and schools, it does not compensate for the health and well-being, our quality of life for me and my family especially for our 2 year old son. The American Academy of Pediatrics (AAP.org) have recently compiled a handful of data and research regarding Second Hand Smoke (SHS) in children when their at home, in the car and in public. I resigned from my last job 4 years ago to further my education, but when our good Lord gave us our son, our only child, I don't think there is a more rewarding, more gratifying and most passionate job, if you call it a job, then staying home and raising our son. And raising him in a smoke-free housing project would not only benefit our family physically, medically and financially, but for every

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child and family that lives in all housing project. For our children's sake, please pass this bill.  
Me ka aloha pumehana,

Stay-at-home Mom

Manana Gardens Multi-Family Low-Income Tax-Credit Housing Project

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 7:25 AM  
**To:** HSGtestimony  
**Cc:** mz9995@hotmail.com  
**Subject:** Testimony for HB2629 on 2/1/2012 8:45:00 AM

# LATE TESTIMONY

Testimony for HSG 2/1/2012 8:45:00 AM HB2629

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Micheal Zehner  
Organization: Hawaii Smokers Alliance  
E-mail: [mz9995@hotmail.com](mailto:mz9995@hotmail.com)  
Submitted on: 2/1/2012

**Comments:**

This bill is going after people in their own homes enjoying a legal product quietly. The Supreme Court has already found that people have a right to privacy in their own homes and private lives. This bill is an attack on this right.

Clearly this is social engineering legislation by the anti-smoking lobby. Section 1 makes it clear what the real goal is, to end lifestyles they think are "unhealthy" through legislation.

The professional anti-smoking lobby needs to get the hell out of other people's bedrooms.