

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

LATE TESTIMONY

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

HOUSE COMMITTEE ON HOUSING

HCR106/HR77, URGING HAWAII PUBLIC HOUSING AUTHORITY TO ADOPT RULES TO PROHIBIT SMOKING IN ALL FEDERAL AND STATE PUBLIC HOUSING PROJECTS IN THE STATE

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health

March 21, 2012
9:00AM, ROOM 325

- 1 **Department's Position:** The Department of Health (DOH) supports the intent of HCR106/HR77 to
- 2 prohibit smoking in all federal and state public housing projects.
- 3 **Fiscal Implications:** No appropriations requested.
- 4 **Purpose and Justification:** This resolution urges the Hawaii Public Housing Authority (HPHA) to
- 5 adopt and publish rules by 7/1/13 to prohibit smoking in all federal and state public housing projects.
- 6 DOH supports the scientific findings and recommendations of the U.S. Surgeon General regarding the
- 7 involuntary exposure of tobacco smoke to nonsmokers. Those findings disclosed that: 1) There is no
- 8 safe level or amount of secondhand smoke (SHS) and that breathing even a little SHS can be dangerous;
- 9 2) Breathing SHS is a known cause of sudden infant death syndrome (SIDS) and that children are more
- 10 likely to have lung problems, ear infections, and severe asthma from being around tobacco smoke; SHS
- 11 causes heart disease and lung cancer; separate "no smoke" sections do not provide protection from SHS,
- 12 and neither does are filtration.

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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

LATE TESTIMONY

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON HOUSING

March 21, 2012 9:00 A.M.
Room 325, Hawaii State Capitol

In consideration of
House Concurrent Resolution 106 / House Resolution 77
Urging Hawaii Public Housing Authority to Adopt Rules
To Prohibit Smoking In All Federal and State
Public Housing Projects in the State

Honorable Chair and Members of the House Committee on Housing, thank you for the opportunity to provide you with comments regarding House Concurrent Resolution 106 / House Resolution 77, urging the Hawaii Public Housing Authority to adopt rules to prohibit smoking in all Federal and State public housing projects in the State.

The Hawaii Public Housing Authority (HPHA) respectfully opposes this measure because we are already in the process of prohibiting smoking in a phased approach throughout our portfolio statewide. The HPHA agrees that this is a positive measure, 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.

The determination of smoking prohibitions, particularly through the adoption of administrative rules, is soundly within the Board's purview and we 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.

Further, the agency has already undertaken the process to effectuate smoking prohibitions by approving language within this year's draft PHA Annual Plan. 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.

This PHA Annual Plan has been finalized and approved by the HPHA Board of Directors, and is pending submission to and approval by the U.S. Department of Housing and Urban Development (HUD). Once final approval is received from HUD, our 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 comments opposing H.C.R. 106 / H.R. 77. We thank you very much for your dedicated support.

Date of Hearing: March 21, 2012

To: House Committee on Housing

Re: HCR106

Position: Support

LATE TESTIMONY

My disabled daughter lives in a Hawaii Public Housing Project and has been suffering from second-hand smoke from other units seeping into her unit and exacerbating her health problems seriously. It is absolutely necessary for the Housing Authority to remedy situation as soon as possible with a total ban on smoking throughout Public Housing for the sake of all tenants. Another year in her case would be intolerable, and may be too late for the most serious cases.

While this resolution requires action, the time limit is too late for many critical cases and should specify a time within this year to accomplish its goal.

In any case, even if this resolution is carried out in a timely way, it will be necessary to pass a law to back up the principle of public safety protection in Public Housing as a general ongoing policy, not merely as a commitment for this particular administration. A law would make sure that other Housing Administrations are required to continue the same policy.

Thank you for considering the larger picture.

Roxanne J. Fand
Retired UH Faculty

Date of Hearing: March 21, 2012

To: House Committee on Housing

Re: HCR106

LATE TESTIMONY

Position: Support

My name is Daria Fand, and I'm a disabled person living in public housing. My health has been severely worsened for over a year by the impact of secondhand smoke that seeps into my apartment from other units. It is absolutely imperative that Hawaii Public Housing Authority (HPHA) adopt total no-smoking policies throughout public housing to protect the health and safety of all residents. I agree with this resolution on that score.

However, the timeframe specified for HPHA to accomplish these goals is set 15 months from now, on July 1, 2013, which is far too long for residents whose health cannot withstand the daily assault of secondhand smoke. Secondhand smoke is a toxic substance in the same class as asbestos (i.e., a class A carcinogen), and just as we would take immediate measures to remedy any such other hazardous condition in a public space, public housing residents, who can't move, have the right to see this unsafe state of affairs remedied much sooner than this date.

Mainland precedents that have gone smoke-free, both in the public and private sectors, have demonstrated that it is practically and legally do-able in shorter time spans, with the average being 3-6 months (according to Serena Chen, Regional Policy Director of the American Lung Association in California), once communities are informed of the planned policy changes. It is reasonable to believe that this can be accomplished similarly in Hawaii. The resolution should reflect this with an expedited deadline for HPHA.

However, given that protection of the public good goes way beyond any particular HPHA administration, and way beyond the "birth pangs" of the development of a no-smoking systemic policy, I believe this resolution is insufficient. A law is what is needed to insure the public's protection, not just in the coming months, but into the future, permanently. Even if HPHA were to convert overnight to a no-smoking policy, I would stand by this as a civil rights protection.

To sum up, I support the intent of this measure and its passage, but with the qualification that it alone is not enough to bind HPHA to its obligations. A legally mandated smoking ban for Hawaii's public housing must be the goal of the Legislature, and I strongly recommend that this resolution reflect that explicitly.

Thank you for hearing my testimony.

Daria A. Fand

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 21, 2012 8:01 AM
To: HSGtestimony
Cc: mikenakas@hotmail.com
Subject: Testimony for HR77 on 3/21/2012 9:00:00 AM

Testimony for HSG 3/21/2012 9:00:00 AM HR77

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Michael S. Nakasone
Organization: Individual
E-mail: mikenakas@hotmail.com
Submitted on: 3/21/2012

LATE TESTIMONY

Comments:

HCR 106/HR7

From: kawiko@aol.com
Sent: Tuesday, March 20, 2012 8:18 PM
To: HSGtestimony
Subject: Opposed. Kawika Crowley Hawaii Bar Owners Assoc. (public housing smoking ban)

LATE TESTIMONY