

NEIL ABERCROMBIE  
GOVERNOR



DENISE M. WISE  
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  
**Denise M. Wise**  
Hawaii Public Housing Authority  
Before the

**SENATE COMMITTEE ON HUMAN SERVICES**

February 3, 2011 1:15 P.M.  
Room 016, Hawaii State Capitol

In consideration of  
**S.B. 907**  
**RELATING TO HOUSING**

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Madam Chair and Members of the Senate Committee on Human Services, thank you for the opportunity to provide you with comments regarding Senate Bill 907, relating to housing.

The Hawaii Public Housing Authority (HPHA) **supports** enactment of this measure which amends criminal trespass to include public housing projects.

This measure will significantly improve the ability of the Hawaii Public Housing Authority to ensure a livable community for our residents. HPHA will continue to work with police to refine our policies and procedures to effectively apply the provision.

The HPHA appreciates the opportunity to provide the Senate Committee on Human Services with the agency's position supporting S.B. 907. We respectfully request the Committee to pass this measure favorably.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
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PETER B. CARLISLE  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DELBERT T. TATSUYAMA  
RANDAL K. MACADANGDANG  
DEPUTY CHIEFS

OUR REFERENCE MH-LE

February 3, 2011

The Honorable Suzanne Chun Oakland, Chair  
and Members  
Committee on Human Services  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Chun Oakland and Members:

Subject: Senate Bill No. 907, Relating to Public Housing

I am Moana Heu, Acting Major of District 2 (Wahiawa) of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department (HPD) opposes Senate Bill No. 907, which seeks to authorize police officers to warn or request persons to leave public housing projects under the Criminal Trespass 1<sup>st</sup> section of the Hawaii Revised Statutes. The HPD is opposed to this bill because a public housing representative is not always available to advise officers if the person in question is a resident of that public housing project. The HPD requires that a property owner or a representative establish the trespass element prior to our enforcement action.

The Honolulu Police Department urges you to not pass Senate Bill No. 907, Relating to Public Housing.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Moana Heu".

MOANA HEU, Acting Major  
District 2

APPROVED:

A handwritten signature in black ink, appearing to read "DC Louis M. Kealoaha".  
\_\_\_\_\_  
LOUIS M. KEALOHA  
Chief of Police

**TO: The Honorable Suzanne Chun Oakland ,  
The Honorable Les Ihara Jr. ,  
and members of the Human Services Committee**

**Chair  
Vice Chair**

**DATE: Thursday, February 3, 2011  
1:15pm Room 016**

**RE: SB 907, Relating To Public Housing**

**POSITION: STRONG SUPPORT**

**As a resident of public housing , I Fetu Kolio , strongly encourage the passage of this bill SB-907, that broadens criminal trespass in the first degree it would help deter the criminal elements that use our State Public Housing for their criminal activities .**

**SB-907, can help eliminate gang members that use and deal drugs on public housing property, and also on city streets that are around Mayor Wright Housing, and block parties types of public drinking of alcoholic beverage .**

**Tremendously this measure would add the solution, that the property owners responsibility to support any measures to help keep the peace in our communities by having a safety plan, because it should never be the tenants responsibility , because we are not the (HPHA) AMP # management of the Hawaii Public Housing authority .**

**Thank you for hearing this and my testimony please pass bill SB-907 .**

**FETU KOLIO , ( Mayor Wright Homes )**

 **( Tenants Association President )**

**SB908**

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

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

In reply, please refer to:  
File:

WRITTEN ONLY

SENATE COMMITTEE ON HEALTH

**S.B 908, RELATING TO PUBLIC HOUSING**

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

February 3, 2011  
1:15PM

1 **Department's Position:** The Department of Health supports the intent of S.B. 908 to prohibit smoking  
2 in public housing, under Chapter 356D, Hawaii Revised Statutes but believes that a similar result can be  
3 accomplished through the internal policy of the Hawaii Public Housing Authority (HPHA).

4 **Fiscal Implications:** No appropriations requested.

5 **Purpose and Justification:** The Department of Health strongly recognizes and supports the scientific  
6 findings and recommendations of the U.S. Surgeon General regarding the involuntary exposure of  
7 tobacco smoke to nonsmokers. Those findings disclosed that: 1) There is no safe level or amount of  
8 secondhand smoke (SHS) and that breathing even a little SHS can be dangerous; 2) Breathing SHS is a  
9 known cause of sudden infant death syndrome (SIDS) and that children are more likely to have lung  
10 problems, ear infections, and severe asthma from being around tobacco smoke; SHS causes heart disease  
11 and lung cancer; separate "no smoke" sections do not provide protection from SHS, and neither does air  
12 filtration.

13 Hawaii's current smokefree workplace and public places law, enacted in 2006, does not cover,  
14 and excludes private residences. The federal Housing and Urban Development authority, (HUD) now

1 actively supports the creation of smoke free residential public housing properties governed under that  
2 authority.

3 The Department of Health is in support of the Hawaii Public Housing Authority's position that  
4 the intent of this bill can be accomplished through the internal policy of HPHA. Further, DOH is willing  
5 to work closely with HPHA on both assessment of residents to determine need and on smoking cessation  
6 efforts to help current smokers link up with the many available cessation services to help smokers to  
7 quit.

8 Thank you for the opportunity to testify.

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GOVERNOR



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**STATE OF HAWAII**  
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**SENATE COMMITTEE ON HUMAN SERVICES**

February 3, 2011 1:15 P.M.  
Room 016, Hawaii State Capitol

In consideration of  
**S.B. 908**  
**RELATING TO HOUSING**

Madam Chair and Members of the Senate Committee on Human Services, thank you for the opportunity to provide you with comments regarding Senate Bill 908, relating to housing.

The Hawaii Public Housing Authority (HPHA) appreciates the intent of this measure; however, we **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, along with the Department of Health, agree that this is a positive bill, with respectable aims to improve the quality of living environment provided to the HPHA's residents. We wholeheartedly support the intent of the measure and philosophically agree with the policy it would be setting. We also appreciate 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. These populations need protection from the deleterious effects of tobacco smoke and should be able to enjoy their homes free from the impact of smoking.

However, we feel that this measure would be an administratively onerous policy for the agency to initiate and enforce. The HPHA is responsible for overseeing over 6,000 state and federal housing units and over 15,000 individuals. This measure would impact every unit 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.

Further, this legislation proposes to make a policy change which is exactly the type of decision making the Legislature has entrusted to the HPHA's Board of Directors 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.


The HPHA appreciates the opportunity to provide the Senate Committee on Human Services with the agency's position regarding S.B. 908. We respectfully request the Committee to hold this measure.

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COALITION FOR A  
TOBACCO-FREE HAWAII

To: The Honorable Suzanne Chun Oakland, Chair, Committee on Human Services  
The Honorable Les Ihara, Jr., Vice Chair, Committee on Human Services  
Members, Senate Committee on Human Services  
From: Trisha Y. Nakamura, Policy and Advocacy Director   
Date: February 1, 2011  
Hrg: Senate Committee on Human Services; Thurs, February 3, 2011 at 1:15 p.m. in Rm 016  
Re: Comments on SB 908, Relating to Public Housing

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Thank you for the opportunity to offer comment on SB 908 which prohibits smoking in and around public housing or State low-income housing projects.

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.” In other words, the only way to protect

Thank you for the opportunity to testify on this matter.



February 2, 2011

To: Chair Suzanne Chun-Oakland  
Vice Chair Les Ihara, Jr.  
Members, Senate Committee on Human Services

Re: **Support intent of SB908 with recommendations**

My name is Valerie Chang. I am Executive Director of the Hawaii COPD Coalition. Our organization provides services and support and improves treatment for Hawaii's people affected by Chronic Obstructive Pulmonary Disease (COPD), more commonly known as emphysema, chronic bronchitis and similar conditions. COPD and other respiratory conditions are the third leading cause of death in the US. Our 2007 and 2008 survey data reveal that slightly under 4% or about 20,000 to 30,000 of Hawaii adults have been told they have COPD, emphysema and/or chronic bronchitis. It is estimated that at least another 20,000 to 30,000 Hawaii adults remain undiagnosed while suffering from COPD. Tobacco smoking is the major cause of these health conditions. For more information and Hawaii Department of Health's Burden of COPD in Hawaii 2010 Report to go <http://hawaiicopd.org>.

I work to help people quit smoking and also with many people who suffer from having smoked or been around smokers for many years. The State of Hawaii's Burden of COPD in Hawaii 2010 Report at our website shows that many of our poorest people have COPD. Many of our poorest people also live in public housing. COPD, asthma and other respiratory diseases can easily be triggered and worsened by exposure to lung irritants, especially tobacco smoke. This can send trigger very bad breathing problems and send them to the doctor and hospital.

The Hawaii COPD Coalition **strongly supports the *intent* of SB908, which would help the people in public housing live in a smoke free housing.** The Public Housing Authority already currently has the authority to regulate these health and safety issues within public housing. The Hawaii COPD Coalition urges that the legislature urge this authority to *properly exercise its existing authority* to protect the health and safety of our most vulnerable people, those living with lung disease in public housing.

Aloha,  
Valerie Chang, JD  
Executive Director  
Hawaii COPD Coalition  
Website: <http://hawaiicopd.org>,  
e-mail: [copd.hawaii@yahoo.com](mailto:copd.hawaii@yahoo.com)  
(808)699-9839  
733 Bishop Street, Suite 1550  
Honolulu, HI 96813

## ChunOakland2 - Tyrell

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 02, 2011 12:54 PM  
**To:** HMS Testimony  
**Cc:** mz9995@hotmail.com  
**Subject:** Testimony for SB908 on 2/3/2011 1:15:00 PM

Testimony for HMS 2/3/2011 1:15:00 PM SB908

Conference room: 016  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Michael Zehner  
Organization: Hawaii Smokers Alliance  
Address: 750 Amana st. #608 Honolulu, HI 96814  
Phone: 9520275  
E-mail: [mz9995@hotmail.com](mailto:mz9995@hotmail.com)  
Submitted on: 2/2/2011

### Comments:

The government has no right to invade the homes and bedrooms of citizens who are quietly doing otherwise legal things in the privacy of their own homes. This bill sets a very dangerous precedent on the constitutional right to privacy. We are strongly opposed to this bill as currently written.

It is also troubling that the poor that have to live in subsidized housing are being singled out.

This issue has appeared in the State Senate before. The few people that were extremely sensitive a host of airborne components including smoke were willing to be fair with both sides of the issue. If they want a non-smoking floor(s) or building(s) or a minimum distance outside of non-smoking rooms that is fine as long as those who enjoy smoking don't have their civil liberties to smoke in their own homes taken away.

The key to amending this bill is reasonable compromise to respect the needs of constituents on both sides of this issue.

Mahalo, Michael Zehner

TO: The Honorable Suzanne Chun Oakland , Chair  
The Honorable Les Ihara, Jr. Vice Chair  
and Members of the Human Service Committee

DATE: Wednesday, February 3, 2011  
1:15 PM Room 016


RE: **SB-908**, Relating to Public Housing

POSITION: **STRONG SUPPORT**

My name is **Fetu Kolio**, and as a resident of public housing we need this bill SB-908, about and the litter and trash from empty cigarette packs and cigarette butts on public housing property .

SB-908, would help with the ongoing issues about smoking problems concerning tenants and their health by inhaling second hand smoke this bill would be that solution to the problems of health issues .

Thank you for hearing this bill and my testimony  
please help pass SB-908,

FETU KOLIO , **(Mayor Wright Homes)**  
 **( Tenants Association President )**