

HSGtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 03, 2013 10:10 AM
To: HSGtestimony
Cc: rodlynb@juno.com
Subject: Submitted testimony for HB1158 on Feb 4, 2013 08:45AM

HB1158

Submitted on: 2/3/2013

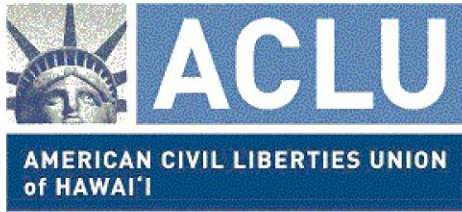
Testimony for HSG on Feb 4, 2013 08:45AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Rodlyn Brown	Individual	Support	No

Comments: No one should continue to be chastised for a minor law. If they have no other minor law breakage in five years they should not have that keep them from getting housing. That does not mean that they should not be kept out of housing for the other offenses of more major offenses such as those listed.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Committee: Committee on Housing
Hearing Date/Time: Monday, February 04, 2013, 8:45 a.m.
Place: Conference Room 329
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 1158, Relating to Public Housing

Dear Chair Cabanilla and Members of the Committee on Housing:

The American Civil Liberties Union of Hawaii (ACLU of Hawaii) stands in opposition to H.B. 1158, which permits public housing authorities to discriminate against prospective tenants who have committed crimes involving drugs, violence, and alcohol. Whereas current policy justly mandates that tenants be selected based on need, H.B. 1158 unduly allows authorities to ban certain low-income individuals with criminal records—further exasperating the latter’s economic woes and alienating a group from society.

Individuals with criminal convictions face a host of barriers to obtaining housing, employment, education, and subsistence benefits for themselves and their families. Public housing is oftentimes a person’s only option as he or she attempts to reintegrate into society. By permitting authorities to consider past convictions, relating to drugs, alcohol, or violence, H.B. 1158 creates a new class of homeless and fails to treat these issues as a public health concern. Past crimes should not indefinitely and detrimentally impact individuals’ ability to succeed, punishing them as they strive to sustain a home, job, or education.

Thank you for this opportunity to testify.

Sincerely,
Laurie A. Temple
Staff Attorney and Legislative Program Director
ACLU of Hawaii

The American Civil Liberties Union of Hawaii (“ACLU”) has been the state’s guardian of liberty for 47 years, working daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii. The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society’s most vulnerable members are denied, everyone’s rights are imperiled.

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii'i 96801
T: 808-522-5900
F: 808-522-5909
E: office@acluhawaii.org
www.acluhawaii.org

HSGtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 6:27 PM
To: HSGtestimony
Cc: WestsideServiceProviderNetwork@gmail.com
Subject: *Submitted testimony for HB1158 on Feb 4, 2013 08:45AM*

HB1158

Submitted on: 1/30/2013

Testimony for HSG on Feb 4, 2013 08:45AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
R Tenno	Westside Service Provider Network	Support	No

Comments:

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NEIL ABERCROMBIE
GOVERNOR



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

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON HOUSING

February 4, 2013 8:45 A.M.
Room 329, Hawaii State Capitol

In consideration of
House Bill No. 1158
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 1158, relating to public housing.

The Hawaii Public Housing Authority (HPHA) strongly opposes enactment of this measure, which will not allow the HPHA, when selecting tenants, to deny applicants who were convicted of a petty misdemeanor, or misdemeanor five years or more prior to the application date, except for convictions of drug-related criminal activity, violent criminal activity, a sexual offense as defined in section 846E-1 of the Hawaii Revised Statutes, and the abuse of alcohol.

The HPHA is dedicated to promoting adequate affordable housing, economic opportunity, and a suitable living environment free from discrimination. To achieve this goal, one of the objectives in the agency's Admissions and Continued Occupancy Policy (ACOP) is to lawfully deny the admission of applicants, or the continued occupancy of residents, whose habits and practices reasonably may be expected to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood, or create a danger to HPHA employees.

When considering the health, safety, comfort or welfare of residents, the agency goes through a thorough screening and suitability examination to assess that the applicant will not cause a negative impact in the assigned public housing community. Petty misdemeanor and misdemeanor offenses include harassment, disorderly conduct, theft, domestic abuse, or a violation of an order of restraint, and these offenses could become problematic for our public housing resident communities. Furthermore, there are also

possible situations where an applicant did not get convicted of a serious crime, but instead got probation.

Please know that the agency also has a section in the ACOP for screening applicants who claim mitigating circumstances. If there is evidence of successful rehabilitation, evidence of the applicant family's participation in and completion of social service or other appropriate counseling service approved by the HPHA, or evidence of successful and sustained modification of previous disqualifying behavior, the agency could accept the applicant.

The HPHA appreciates the opportunity to provide the House Committee on Housing with the agency's position regarding H.B. No. 1158. We respectfully request the Committee to hold this measure, and we thank you very much for your dedicated support.



HB1158
RELATING TO PUBLIC HOUSING
House Committee on Housing

February 4, 2013

8:45 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) Beneficiary Advocacy and Empowerment (BAE) Committee **SUPPORTS** HB1158, which prohibits the Hawai'i Public Housing Authority from considering a prospective tenant's criminal history if it is for a minor crime that happened more than five years ago.

In 2010, OHA produced a comprehensive report detailing the disparate treatment of Native Hawaiians in the criminal justice system. Since then, OHA administered the Native Hawaiian Justice Task Force (NHJTF), which was tasked by the Legislature to address this multi-faceted issue. A copy of the NHJTF 2012 legislative report and related materials are available at: www.oha.org/nativehawaiianjusticetaskforce

This bill is necessary to further the findings and recommendations of the NHJTF report. Specifically, finding B.11 on page 20:

In the present economy, ex-offenders face barriers in securing employment, housing, and reintegration into the community based on their arrest and court record. These barriers may affect the recidivism rate for Native Hawaiians.

HB1158 addresses this finding by eliminating a barrier to housing.

At summits held across Ka Pae 'Āina, former pa'ahao (prisoners) testified that even after they served their time, their punishment for what appeared to be a minor crime turned out to be a life sentence. The inability to access public housing made reentry difficult and recidivism more likely. Additionally, kūpuna, who had a youthful indiscretion with the criminal justice system, are unable to apply for public housing and are left without a safety net. In short, the punishment does not fit the crime, and HB1158 seeks to resolve this issue.

Therefore, the OHA BAE Committee urges the committee to **PASS** HB1158. Mahalo for the opportunity to testify on this important measure.