



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

In reply, please refer to:
File:

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

H.B. 396, H.D.1, RELATING TO TOXIC PRODUCTS

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

**February 20, 2013
3:00 P.M.**

1 **Department's Position:** The Department of Health supports this measure.

2 **Fiscal Implications:** None to DOH.

3 **Purpose and Justification:** HB396, HD1 seeks to prohibit the manufacture, sale, and distribution of
4 reusable drink and food containers for use by children under three containing bisphenol-A (BPA). The
5 Department agrees with the need to protect young children from exposure to this persistent and
6 potentially toxic compound. In July 2012, the United States Food and Drug Administration banned the
7 use of BPA in infant feeding bottles and spill-proof cups.

8 Studies have found that BPA in plastics can transfer to food and liquids, especially when the
9 liquid is hot. Some states have banned BPA in children's bottles and drinking cups while others have
10 expanded the ban to reusable food and drink containers intended for use by young children. The
11 Department supports this measure to add Hawaii to the growing list of states banning the use of BPA in
12 reusable food and drink containers for young children. This law will protect our most vulnerable
13 population from this potentially harmful chemical.

14 Thank you for the opportunity to testify on this important measure.

Promoting Lifelong Health & Wellness

February 20, 2012

The Honorable Angus L.K. McKelvey, Chair
House Committee on Consumer Protection & Commerce
State Capitol, Room 325
Honolulu, Hawaii 96813

LATE

RE: H.B. 245, Relating to Domestic Violence

HEARING: Wednesday, February 20, 2013 at 3:00 p.m.

Aloha Chair McKelvey, Vice Chair Kawakami, and Members of the Committee:

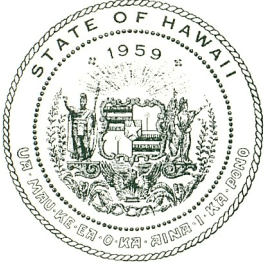
I am Myoung Oh, Government Affairs Director, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,000 members. HAR submits **comments** on H.B. 245, which prohibits landlords from terminating the tenancy, failing to renew a tenancy, or refusing to enter into a rental agreement of tenants who are victims of domestic abuse.

HAR understands that the National Conference of Commissioners on Uniform State Laws is evaluating a draft proposal to protect the interest of both victims and landlords through the Uniform Residential Landlord and Tenant Act (URLTA). HAR respectfully requests that a balanced approach be considered before passing legislation and requests a thorough review of URLTA.

However, should the Committee be inclined to pass this measure, HAR respectfully requests a November 1, 2013, effective date. This will allow HAR to review the measure and make any necessary changes to its Rental Agreement.

Mahalo for the opportunity to testify.

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



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Email:
DHS.HSCSW@hawaii.gov
Visit us at:
humanservices.hawaii.gov
/hscsw/

235 S. Beretania #407
Honolulu, HI 96813
Phone: 808-586-5758
FAX: 808-586-5756

February 20, 2013

Comments on HB 245

To: Representative Angus McKelvey, Chair
Representative Derek Kawakami, Vice Chair
Committee on Consumer Protection & Commerce

From: Annie Hollis, MSW candidate (2013), practicum student
Hawaii State Commission on the Status of Women

Re: Comments on HB 245, Relating to Domestic Violence.

LATE

The Commission wishes to provide comments on HB 245, which would prohibit landlords from terminating the tenancy of tenants who are survivors of domestic violence. The Commission supports the intent of the bill, but would like to offer comments.

Protection from housing discrimination should exist for all survivors of intimate partner violence. Not all survivors choose to pursue Temporary Restraining Orders or other law enforcement interventions, nor do all survivors have equitable access to services such as healthcare providers or licensed clinical social workers. This burden of proof is onerous for victims, especially those who are low-income, uninsured, or who do not speak English as a first language. In addition, many of the employees of organizations providing domestic violence support services are not licensed healthcare providers or clinical social workers. In my former career as a domestic violence advocate, I provided comprehensive legal advocacy and case management to survivors as a bachelor's-level paraprofessional, often for months or years at a time for each survivor. If this bill were passed, my documentation would not be sufficient verification for these victims. These specific requirements except a large number of working professionals who are experts in their field. Therefore, we recommend the language in this bill take from Act 206, which allows survivors to provide a statement from an employee, volunteer or agent of a victims service organization; an attorney or advocate; a healthcare provider; a member of the clergy; or a police or court record. Act 206's language recognizes the broad variety of formal and informal networks and systems that survivors access for safety and support.

The Commission is also concerned with Section 1, 1(A). Perpetrators often stalk and follow victims to try to maintain control over them, especially if a relationship has ended. Section 1(A) could easily be interpreted to hold a survivor responsible for the actions of a perpetrator.

We hope the Committee will consider these comments before advancing HB 245. Thank you for this opportunity to testify.

Annie Hollis, BA, MSW candidate (2013)
Hawaii State Commission on the Status of Women, practicum student

LATE

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

To: Chair Angus L.K. McKelvey
Vice-Chair Derek S.K. Kawakami
COMMITTEE ON CONSUMER PROTECTION & COMMERCE

From: Veronika Geronimo, Executive Director
Hawaii State Coalition Against Domestic Violence

Hearing Date and Time: Wednesday, February 20, 2013, 3:00 p.m.

Place: Conference Room 325

RE: HB245 – Comments only

The Hawaii State Coalition Against Domestic Violence wishes to offer comments on HB245, which would prohibit landlords from terminating the tenancy of tenants who are victims of domestic abuse.

While we recognize the need for domestic violence survivors to be protected from discrimination because of their status, the bill may have some unintended consequences.

Protection from housing discrimination should exist for all domestic violence survivors, not just those who choose to obtain Temporary Restraining Orders/Protective Orders, or those who seek out law enforcement, a licensed clinical social worker, or healthcare providers, as required in the bill. In addition, many advocates that provide domestic violence support services are not licensed healthcare providers or clinical social workers. Therefore, we recommend the language in Act 206, which allows survivors to provide a statement from an employee, volunteer or agent of a victims service organization; an attorney or advocate; a healthcare provider; a member of the clergy; or a police or court record. The bill should extend these critical protections to all domestic violence survivors and should reflect the variety of informal and formal networks and systems from which victims of domestic violence seek support and safety.

Furthermore, Protective Orders are a valuable tool which victims of domestic violence can use to help protect them from abuse, but seeking this protection could also be very dangerous for domestic violence survivors. Batterers often see the survivor as being directly responsible for excluding them from their home or prohibit contact with their children and may seek retaliation or continuing to threaten, assault and intimidate victims. Therefore, placing emphasis on obtaining a temporary restraining order or protective order may place victims at greater risk and danger.

Finally, we are concerned with Section 1, 1(A): The tenant allows the person against whom a protective order has been issued, or the person identified in an applicable police report as the perpetrator of a domestic abuse act, to visit the property;

It is not uncommon for perpetrators to convince bystanders such as landlords that the victim allowed them on the property. Perpetrators also often stalk and follow victims to try to maintain control over them, especially if a relationship has ended. This provision could potentially hold the victim responsible for the actions of the perpetrator, and jeopardize the safety and protection of the true victim.

We hope the Committee will consider these comments before moving forward with HB245. Thank you.

Hawaii State Coalition Against Domestic Violence
810 Richards Street, Suite 960
Honolulu, HI 96813
vgeronimo@hscadv.org | www.hscadv.org
Tel: 808-832-9316 ext. 104 | Fax: 808-841-6028

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