

NEIL ABERCROMBIE
GOVERNOR



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Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON JUDICIARY

February 15, 2013 2:00 P.M.
Room 325, Hawaii State Capitol

In consideration of
House Bill No. 740
Relating to Open Containers of Intoxicating Liquors in Public Housing

Honorable Chair Roads and Members of the House Committee on Judiciary, thank you for the opportunity to provide you with comments regarding House Bill (H.B.) No. 740, relating to open containers of intoxicating liquors in public housing.

The Hawaii Public Housing Authority (HPHA) supports the enactment of this measure, which would prohibit the possession or storage of open containers holding intoxicating liquors on any sidewalk or common area of a public housing project under the jurisdiction of the HPHA.

Section 281-78, Hawaii Revised Statutes (HRS), currently prohibits the consumption of intoxicating liquors on public sidewalks, including any sidewalk within a public housing project as defined in sections 356D-1 and 356D-91, HRS. It further prohibits the consumption of intoxicating liquors in public housing common areas. However, there are two deficiencies with the statute that the agency believes need correction.

First, this prohibition can be difficult to enforce since it is limited by the word "consumption" which requires that either: A police officer visibly observe a perpetrator in the action of imbibing intoxicating liquor; or a witness be willing to testify to visibly observing a perpetrator in the action of imbibing intoxicating liquor. By broadening the prohibition to storage and possession, the requirement of physically observing a perpetrator in the act of imbibing in order to support prosecution is removed. Violations would be easier to report and enforce, thereby promoting a reduction in violations of the prohibition.

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Second, the statute is limited to public housing projects as defined in sections 356D-1 and 356D-91. These statutes correspond only to properties in the HPHA's Federal low-income public housing inventory. By changing the statute to refer to public housing projects as defined in sections 356D-1 and 356D-51, the prohibition would apply to the HPHA's State low-income public housing in the same manner.

The HPHA appreciates the opportunity to provide the House Committee on Judiciary with the agency's position regarding H.B. No. 740. We respectfully request the Committee to pass this measure favorably, and we thank you very much for your dedicated support.