



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. 888, Relating to Disposition of Personal Property on Public Housing Properties

Dear Chair Cabanilla and Members of the Committee on Housing:

The American Civil Liberties Union of Hawaii (ACLU of Hawaii) writes in opposition to H.B. 888, relating to disposition of personal properties on public housing properties. This bill creates significant restrictions on the repossession of property without proper and due notice.

H.B. 888 changes the process by which former residents of public housing repossess their properties by adding extremely harsh regulations that violate the due process rights of individuals. First, while the current statute mandates that abandoned or seized property cannot be disposed of until after four months of the termination of residency, this bill allows for the disposition of all items within five days of their collection. Second, while the status quo ensures that there be multiple public notices for all seized items (regardless of value), H.B. 888 permits a notice to be mailed to the owner's new address (if known), or posted within the premises of the public housing facility, for items worth less than \$500. If the seized or abandoned item is worth more than \$500, public notice must be given only once. Third, while the current statute suggests that the charges for storage be incumbent upon the claimant, this bill mandates that the owner be responsible for all handling, storage, appraisal, advertising, and other expenses. It should be noted that this bill's minimum cost for storage would be \$25 per day—regardless of the item's size or value—and that repossession of properties cannot take place until all unpaid rent, debts, charges, and fines are satisfied.

We find that a minimum of five days notice before the disposition of private property is not sufficient, particularly when the owner may not have a known or available mailing address, may not be aware that a notice will be posted at the public housing facility, and may not feel secure in returning to those premises for the same reasons that incited his or her exit. Furthermore, we find that the issuing of only one public announcement, five days before the disposition of items worth more than \$500, is not sufficient notice. We also find that the requirement that all debts, charges, and fines be settled and that all storage, appraisal, and advertizing costs be paid will guarantee that most, if not all, owners will be unable to collect their properties. A low-income individual would be prohibited from repossessing a birth certificate, for example, until he or she pays a minimum of \$125—the cost of storing a piece of paper worth less than an estimated \$500 for five days.

Because H.B. 888 removes liability for and grants impunity to the State, its officers, employees, and agents for the disposition of private properties without adherence to due process and unjustly

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restricts low-income individuals from reclaiming their properties without excessive cost or consequence, we strongly urge you to hold this bill.

Thank-you for this opportunity to testify.

Sincerely,
Laurie A. Temple
Staff Attorney
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.

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STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
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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. 888
Relating to Disposition of Personal Property on Public Housing Properties

Honorable Chair and Members of the House Committee on Housing, thank you for the opportunity to provide you with comments regarding House Bill 888, relating to disposition of personal property on public housing properties.

The Hawaii Public Housing Authority (HPHA) supports the enactment of this measure, which would provide the HPHA with greater ability to dispose of seized or abandoned property in and around state public housing developments.

Currently, when a tenant vacates the HPHA's state low-income public housing developments, statute requires that the HPHA retain possession of such personal articles for a period of four months after termination of occupancy prior to disposing of them at auction. While the statute authorizes the HPHA to place a lien on the personal property and to recover fees relating to storage and re-possession of the articles by the former tenant, costs incurred by this process far outweigh any benefits to the public. In practice, when a tenant has been evicted and has abandoned possessions at the HPHA's facilities, such possessions are of little value and it is more costly and onerous on state housing managers to process a lien, arrange storage, and follow the notice and auction processes required by current law.

The HPHA proposes a more streamlined process that takes into account the realities of the situation regarding abandoned property at state public housing projects. When a tenancy is terminated, it is either upon notice by the tenant or the authority in excess of thirty days, or by eviction through the judicial eviction process. Both situations provide the tenant with ample notice regarding potential loss of occupancy and with ample time to seek arrangements for the removal and storage of personal items. Requiring the

HPHA to store items for four months is a great administrative burden and cost on the agency, which does not possess storage facilities on site and is unlikely to recover sufficient costs from the abandoned property.

The proposal would enable the HPHA to reduce storage time, and related costs from 30 days, to five days prior to disposition. Further, it provides for the HPHA to follow different processes based on the estimated value of the abandoned or seized property, not requiring a public auction where the estimated value of the goods falls below five hundred dollars per item. This would save the HPHA all costs related to storage, notice, and disposition for abandoned articles considered "junk."

The HPHA appreciates the opportunity to provide the House Committee on Housing with the agency's position regarding H.B. No. 888. We respectfully request the Committee to pass this measure favorably, and we thank you very much for your dedicated support.



WRITTEN ONLY

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 4, 2013

TO: The Honorable Rida T.R. Cabanilla, Chair
House Committee on Housing

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 888 – RELATING TO PUBLIC HOUSING**

Hearing: Monday, February 4, 2013; 8:45 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of H.B. 888 is to provide the process by which the Hawaii Public Housing Authority (HPHA) may dispose of abandoned or seized property that it has acquired on state public housing projects.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this Administration bill. This bill proposes a more streamlined process regarding abandoned property at state public housing projects. The HPHA will be able to reduce costs resulting from storage of abandoned or seized personal items. In addition, vacated units that contain abandoned property could be made available for occupancy in less time.

Thank you for the opportunity to provide testimony on this measure.