

Honolulu, Hawaii

FEB 14 2013

RE: S.B. No. 518

S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committee on Human Services, to which was referred S.B. No. 518 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC HOUSING,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the Hawaii Public Housing Authority, when selecting tenants, from considering a prospective tenant's conviction for a minor crime that occurred five years or more before the application date; provided that the Authority may consider any conviction involving criminal drug-related offenses, violent criminal activity, sexual offenses, or alcohol abuse.

Your Committee received testimony in support of this measure from Legal Aid Society of Hawaii, Community Alliance for Mental Health, Hawaii Appleseed Center for Law and Economic Justice, and one individual. Testimony in opposition on this measure was submitted by the Hawaii Public Housing Authority and American Civil Liberties Union of Hawaii.

Your Committee finds that public housing agencies are allowed to consider criminal activity that would threaten the health, safety, or right to peaceful enjoyment on the premises by other residents or would threaten the health and safety of the public housing agency or staff. However, automatic denials against broad categories of applicants with criminal records are particularly vulnerable to fair housing challenges. Fair housing concerns include whether a public housing agency criminal history policy



has a disparate impact based on an applicant's race. Because certain racial minorities have disproportionately more contact with the criminal justice system than the general population, housing policies that ban people with criminal records adversely affects those racial minority groups.

Your Committee further finds that policies must consider an applicant's individual attributes and the time, nature, and extent of the applicant's conduct, including the seriousness of the offense. Many applicants for housing will have histories that include information that may be considered adverse. Public housing agencies need a policy on how to respond to such adverse information. The policy should address how, when, and under what circumstances mitigating factors will be considered. Consideration may be given to evidence of rehabilitation, the applicant's willingness to participate in social service programs, and other factors indicating favorable future conduct.

Your Committee has heard testimony expressing concerns about policies regarding individuals committing multiple offenses that are petty misdemeanors. Your Committee finds that this issue merits further consideration and requests that your Committee on Judiciary and Labor further examine this issue.

Your Committee has amended this measure by:

- (1) Clarifying that this measure applies to the selection of elderly and disabled tenants; and
- (2) Amending the types of offenses that the Hawaii Public Housing Authority may consider when selecting elderly and disabled tenants by:
  - (A) Adding evictions and any violation of an order of restraint, trespassing, domestic abuse, or any crime that includes weapon involvement; and
  - (B) Deleting violations involving drug-related or violent criminal activity, sexual offences, or alcohol abuse.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 518, as amended herein, and recommends that it pass Second



Reading in the form attached hereto as S.B. No. 518, S.D. 1, and  
be referred to the Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,

  
SUZANNE CHUN OAKLAND, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <b>SB 518</b>	Committee Referral: <b>HMS, JDL</b>	Date: <b>2/12/13</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
GREEN, Josh (VC)	✓			
KIDANI, Michelle N.				✓
TANIGUCHI, Brian T.				✓
SLOM, Sam	✓			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Josh Mull</div>				
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\*Only one measure per Record of Votes