

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 3, 2014 9:00 A.M.
Room 329, Hawaii State Capitol

In consideration of

House Bill 2577
Relating to Public Housing

Honorable Chair Hashem and Members of the House Committee on Housing, thank you for the opportunity to provide you with comments regarding House Bill (H.B.) 2577, relating to public housing.

The Hawaii Public Housing Authority (HPHA) offers the following comments in regards to this measure, which will prohibit the HPHA from entering into new leases or renewing leases unless the agreement prohibits the tenant and any guest from smoking anywhere in the housing project, including in the dwelling unit. This bill further provides that failure to comply with this no-smoking requirement is grounds for termination of the lease and eviction from the unit, upon following the requisite notice provisions.

For the past year and a half, the HPHA has been working with stakeholders on revising the relevant administrative rules, and a public hearing will be held on February 28, 2014 to gather comments on the proposed administrative rule changes. This effort incorporated the input from tenants, the U.S. Department of Housing and Urban Development (HUD), the Hawaii State Department of Health, the Coalition for a Tobacco Free Hawaii, and the Attorney General's office to ensure compliance with all relevant regulations. Highlights of the proposed administrative rules allow the HPHA to designate smoking areas, evict tenants on the 4th violation (includes their guests), and provides for reasonable accommodations.

The HPHA appreciates the opportunity to provide the House Committee on Housing with the agency's comments regarding H.B. 2577. We thank you very much for your dedicated support.



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

In reply, please refer to:
File:

HOUSE COMMITTEE ON HOUSING

HB2577, RELATING TO PUBLIC HOUSING

**Testimony of Gary L. Gill
Acting Director of Health**

**February 3, 2014
9:00 am, Room 329**

1 **Department's Position:** The Department of Health (DOH) supports HB2577 which prohibits smoking
2 in and around public housing under the jurisdiction of the Hawaii Public Housing Authority (HPHA).
3 DOH agrees with the purpose of this measure to protect the residents of public housing by banning
4 smoking anywhere in the public housing project.

5 **Fiscal Implications:** None.

6 **Purpose and Justification:** This measure proposes to protect the residents in public housing from
7 involuntary exposure to secondhand smoke (SHS) by empowering the HPHA to require a provision in
8 any new or continuing tenancy agreements that prohibits smoking by any tenant or guest anywhere in a
9 public housing project. This measure also provides that failure to comply with the no smoking policy is
10 grounds for termination of legal contracts or agreements (e.g., lease, permit, etc.) as well as eviction
11 from a dwelling unit.

12 The scientific findings and recommendations of the United States Surgeon General regarding the
13 hazards of involuntary exposure to tobacco smoke by nonsmokers disclosed that: 1) There is no safe
14 level or amount of exposure to SHS, and breathing even a little amount can be dangerous; 2) Children
15 are more likely to have lung problems, ear infections, and severe asthma from being around tobacco
16 smoke; 3) Breathing SHS is a known cause of sudden infant death syndrome; 4) SHS is a known human

1 carcinogen (cancer-causing agent); and 5) Inhaling SHS causes lung cancer and coronary heart disease
2 in nonsmoking adults.

3 Hawaii's current smoke-free workplace and public places law, enacted in 2006, protects the
4 public in enclosed and partially-enclosed areas, but does not cover and excludes private residences. The
5 federal Housing and Urban Development Authority actively supports and encourages the creation of
6 smoke-free residential public housing properties governed under that authority.

7 The DOH supports this measure to improve the living conditions of the residents of public
8 housing projects and state low-income housing projects by prohibiting smoking, and will continue to
9 collaborate with the HPHA in its implementation of education and smoking cessation efforts. The
10 DOH respectfully suggests clarifying language to Section 1, §356-A, line 10, to read, ". . . smoking
11 tobacco products . . ."

12 Thank you for the opportunity to testify.



To: The Honorable Mark Hashem, Chair, Committee on Housing
The Honorable Justin Woodson, Vice Chair, Committee on Housing
Members, House Committee on Housing
From: Tiffany Gourley, Policy & Advocacy Director
Date: January 31, 2014
Hrg: House Committee on Housing; Mon., February 3, 2014 at 9:00 a.m. in Rm 329
Re: **Support for HB 2577, Relating to Public Housing**

Thank you for the opportunity to offer testimony in support of HB 2577 which prohibits smoking in and around public housing or State low-income housing projects as defined in Section 356D.

The Coalition for a Tobacco Free Hawaii (Coalition) is a program under the Hawaii Public Health Institute working to reduce tobacco use through education, policy and advocacy. Our program consists of over 100 member organizations and 2,000 advocates that work to create a healthy Hawaii through comprehensive tobacco prevention and control efforts. The Coalition also supports the public through its Smoke-Free Homes Initiative, designed to create smoke-free apartments and condos through voluntary policy adoption.

The U.S. Department of Housing and Urban Development encourages Public Housing Authorities to implement non-smoking policies.

Housing units can adopt their own rules to prohibit smoking. The U.S. Department of Housing and Urban Development (HUD) states that “PHAs are permitted and strongly encouraged to implement a non-smoking policy at their discretion, subject to state and local law.”¹ A 2007 letter from the Honolulu HUD office indicates that “[r]egulating smoking in public housing units or in common areas is a local decision. In addition, according to the Fair Housing and Equal Opportunity Civil Rights analyst, smokers are not a protected class under the Fair Housing Act.”

PHAs across the country have been implementing smoke-free policies and have developed enforcement processes whereby residents are given multiple notices prior to eviction. Just this month, the Houston Housing Authority, one of the largest housing authorities in the country, joined Seattle, Boston, San Antonio, Detroit, and 250 other PHAs to implement a smoke-free policy at its 25 public housing and tax credit properties.²

During the 2012 session, a law was passed to prohibit smoking in public housing. The Governor vetoed the bill allowing the Hawaii Public Housing Authority (HPHA) a chance to implement an administrative policy. Since then, the Coalition and Department of Health have been working with the HPHA to develop a policy and assist with education and outreach to ensure a successful outcome, however more than eighteen months after the veto, we still do not have an official policy in place.

¹U.S. Department of Housing and Urban Development (2009). “Non-Smoking Policies in Public Housing” Notice. <http://www.hud.gov/offices/pih/publications/notices/09/pih2009-21.pdf>

² <http://www.pr.com/press-release/539721>



Secondhand smoke has killed 2.5 million Americans and should be eliminated.

Secondhand smoke is dangerous; the 50th Anniversary U.S. Surgeon General Report released on January 17, 2014 states that any level of exposure to secondhand smoke is dangerous and can be harmful and over 2.5 million people have died from secondhand smoke.³ The International Agency for Research on Cancer and the U.S. Environmental Protection Agency both note that environmental tobacco smoke (or secondhand smoke) is carcinogenic to humans. Secondhand smoke contains 7,000 identifiable chemicals, 69 of which are known or probable carcinogens.

The Coalition receives calls from residents who reside in public housing units and who have asthma and other health issues affected by secondhand smoke exposure. There is little assistance the Coalition can provide them. It is clear, however, that all residents—regardless if they have asthma, COPD or other health issues—are impacted by the hazards of secondhand smoke.

All families deserve to live free of second-hand smoke. The only way to ensure this is to prohibit smoking in units.

The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) adopted a position that states, “[a]t present, the only means of effectively eliminating health risks associated with indoor exposure is to ban smoking activity. . . No other engineering approaching, including current and advanced dilution ventilation or air cleaning technologies, have demonstrated or should be relied upon to control health risks from ETS [environmental tobacco smoke] exposure in spaces where smoking occurs.”

Furthermore, although there have been eviction cases due to smoking violations, they have been rare. The goal is not to punish residents but to encourage residents to have a healthier home free from the dangers of secondhand smoke and to protect all residents.

Thank you for the opportunity to testify on this matter.

A handwritten signature in black ink, appearing to read "Tiffany L. Gourley". The signature is fluid and cursive, with a large loop at the end.

Tiffany L. Gourley, esq.
Policy and Advocacy Director

³ U.S. Department of Health and Human Services. (2014). “The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General.” Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.

woodson1-Brina

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 31, 2014 9:43 AM
To: HSGtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB2577 on Feb 3, 2014 09:00AM*

HB2577

Submitted on: 1/31/2014

Testimony for HSG on Feb 3, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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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For Hearing Date: Monday, February 3, 2014, 9:00 a.m, House Conference Room 329

Testimony Submitted By: Daria A. Fand
Honolulu, Hawaii

To: House Committee on Housing

The Honorable Representative Mark Hashem, Chair; The Honorable Representative Justin Woodson, Vice Chair; Members of the House Committee on Housing

Subject: HB2577, RELATING TO PUBLIC HOUSING

Position: Support, with Amendments

Honorable Committee Members:

Thank you for allowing me to comment on this measure, HB2577. I am a public housing resident, advocate, and community leader who has suffered extensively for 3 years from the impact of secondhand smoke (SHS) on my health and quality of life. As I have a disability that is particularly susceptible to toxic air contamination, the chronic infiltration of SHS into my dwelling unit has caused extreme debilitation at my neighbors' hands. I have had to flee my dwelling for respite — prompting the question, how is this acceptable housing in a situation of socioeconomic immobility, where the only alternative is living on the streets?

It is not just for the restoration of my own home, but for all of Hawaii's most vulnerable tenants that **I STRONGLY URGE YOU TO PASS HB2577, WITH THE AMENDMENTS RECOMMENDED IN MY DRAFT PROPOSAL, CONTAINED.**

Accompanying materials to this testimony are as follows, which I will refer to:

1. MY DRAFT PROPOSAL FOR AMENDMENTS TO HB2577 — most important part of this submission
2. HPHA's current objectionable No-smoking draft Administrative Rules, explained
3. Supportive documentation recommending Designated Smoking Areas (DSA's) on public housing campuses
4. 2 Hawaii Public Housing Authority (HPHA) Notices to Residents, dated Jan. 31, 2013 and March, 2013

Please see my accompanying DRAFT PROPOSAL FOR HB2577, as indicated above, which is comprehensive in that it replaces much of the current language of HB2577 with language mirroring the bill that passed the full Legislature in 2012. My contained DRAFT PROPOSAL eradicates the two objections the Governor had with that measure and includes crucial provisions that the current HB2577 does not.

The most significant problem with HB2577 is that it's a 100% properties-wide ban which

does not allow for any Designated Smoking Areas (DSA's). [SEE ACCOMPANYING DOCUMENT SUPPORTING DSA'S.] There is a strong movement by various organizations to go "totally smoke-free" in various public venues, such as beaches, parks, and school campuses. For the unique reason that PEOPLE LIVE IN PUBLIC HOUSING, we can't graft those same approaches onto public housing. As a long-time resident of public housing, I can assert unequivocally **that a 100% smoking ban without the option of DSA's is simply UNREALISTIC AND WILL NOT WORK ON MANY PROPERTIES**, PARTICULARLY LARGER, URBAN ONES WITH MORE SMOKERS PER CAPITA, based on general behaviors, enforcement problems, and related lease violation issues we deal with -- including smoking in common areas which is already illegal! Such a draconian mandate will backfire by creating potentially more smoke indoors, where eradicating SHS is most crucial. Smokers are very likely to hide their smoking activity more indoors rather than be caught violating outside. This would, in turn, combined with reporting challenges, create a never-ending problem of unresolved complaints for nonsmokers. Nationally, having DSA's has been found to be conducive to better compliance, especially when residents are acclimating to the new policy. It would certainly save HPHA extra effort to install DSA's, but the costs would be minimal, and cutting corners is no way to start a policy that is sustainable and sound for future generations. **It behooves this Committee to include in this measure language that leaves final discretion to HPHA, while allowing for the flexibility to create DSA's.**

Other changes that need to be made to HB2577 regard the violations and eviction language, which do not abide by standard protocols. Also, more inclusive definitions are required to clarify specific topics, such as where smoking is prohibited, what constitutes smoking activity, and other terminology absent in HB2577. My DRAFT PROPOSAL incorporates these and needed language about how DSA's should be outfitted, where they exist; and the effective date is amended to a 120-day period after approval, to give HPHA maximal time to implement the policy, given that the Governor vetoed the bill in 2012 over this issue (though if less time is needed, I'd gladly support that).

Here is why we need to legislate a No-smoking policy and not leave it to HPHA:

1. The State has an obligation, a duty of care, to protect all it's citizens equally from the threats of SHS, in parity with Hawaii's existing smoke free laws, which did not leave the choice to go smoke-free up to individual establishments and workplaces. In her paper for the Tobacco Control Legal Consortium, "Legal Authority to Regulate Smoking and Common Threats and Challenges, 2009" lawyer Cheryl Sbarra states:

"It is a long recognized principle of American jurisprudence that a municipality has broad latitude to adopt local ordinances and regulations that protect and promote the health, safety, moral and general welfare of its residents...public health protection is 'uniformly recognized as a most important municipal function' and is '**not only a right but a manifest duty of a city.**'" [footnote]

We can extrapolate from "city" here to "State", when it comes to public health protection

and welfare. There is no reason for our most vulnerable citizens — children, the elderly, and the disabled, who, combined, make up the majority in public housing — should suffer greater risk than those protected for 8 hours by workplace laws. Such residents can spend nearly their whole day in their homes, with upwards of 60% of air shared between units in multi-unit dwellings. Regardless of the climate of any given HPHA administration, it for the State to ensure their safety.

2. Public housing residents' illness is paid for by the public: why should Hawaii taxpayers be asked to pay for the SHS-related sickness that I, as a (disabled) nonsmoker, suffer at the hands of someone else's hazardous addiction?

3. The current proposed Administrative Rules of HPHA's no-smoking policy are unviable and unsound policy. In 2013, HPHA corrupted their original intent (which was fairly sound) to capitulate to a small minority of smokers. [SEE ACCOMPANYING DOCUMENT CONTAINING OBJECTIONABLE ADMIN RULES LANGUAGE.] To summarize some of these egregious flaws, the Rules:

- Contain discriminatory provisions against smokers (i.e., inquiring about "tobacco use" at application, as well as asking that smokers prove in certain cases that they have quit smoking)
- Contain discriminatory provisions against non-smokers, and in particular those with disabilities worsened by SHS, by allowing for exemptions to smoke in individual units
- Allow for "exemptions" to smoke in units as Reasonable Accommodations, where ANY smoking in the building defeats the purposes and protections of a no-smoking policy, per accepted engineering science (and smokeless forms of tobacco are available instead)
- Pervert and violate Fair Housing law's Reasonable Accommodation Request (RAR) process, which does not recognize smoking as a disability under the ADA, and therefore cannot be used to invoke the RAR process, as HPHA has allowed
- Contain disciplinary language for violations that is so convoluted, lax, vague, and impractical that it would make enforcement of the policy IMPOSSIBLE

4. HPHA has failed to deliver on their promises time and again, and have changed course for the worse. They have proven they cannot meet stated goals. [SEE ACCOMPANYING HPHA NOTICES TO RESIDENTS ANNOUNCING THE NO-SMOKING POLICY IN 2013 AND ITS IMMINENT IMPLEMENTATION.] A year after distribution of these notices, nothing has manifested, leading only to confusion and contempt of residents. In this very Committee last year, HPHA detailed in their testimony steps about to take place, including No-smoking signage and DSA's to be established, none of which has happened.

Whatever intentions HPHA may have had, it's clear from these last two years of non-communication with residents and deviant policy creation that HPHA cannot create a sound policy on its own terms, which must be supplanted by the firm enshrinement of sound law.

The DRAFT PROPOSAL I'VE SUBMITTED closes all these loopholes, strengthens the language so as to accord with nationally-recognized models of smoke-free "best policy practice", and allows HPHA as well as residents the latitude to exercise their voice to create the most effective, enforceable, and manageable smoke-free policy that is appropriately responsiveness to the needs of each public housing community in Hawaii.

woodson1-Brina

From: HedrickHNECA@aol.com
Sent: Saturday, February 01, 2014 12:44 PM
To: HSGtestimony
Cc: daria@hawaiiantel.net; jessica@tobaccofreehawaii.org; jill.tamashiro@doh.hawaii.gov; sally@tobaccofreehawaii.org
Subject: HB2577 Position: Support concept

To: The House Committee on Housing
Rep. Hashem, Chair
Rep. Woodson, Vice Chair
Members of the House Committee on Housing

From: Hannah L. Hedrick, PhD
Fern Forest, Puna District
County of Hawaii

Date: February 1, 2014

Subject: Testimony in Support of the concept of HB 2577
Hearing; 9:00 AM, Conference Room 329

Honorable Committee Members,

Thank you for this opportunity to comment on HB 2577, relating in general to "Public Housing" and specifically to "Section 1. 356D--A Lease, rental agreement; smoking prohibition."

As a 50+-year soldier in the "Tobacco Wars" and an outspoken advocate for tobacco control, I had the privilege of working with a succession of Surgeon Generals of the Public Health Service, most actively with C. Everett Koop, MD. As advocates for the rights of people with disabilities before he was appointed as Surgeon General, we were acutely aware of the adverse affects of second-hand smoke on people with special health needs. We saw transformations in attitudes toward tobacco use during my 22 years in medical education at the American Medical Association.

Our State now stands at the threshold of landmark legislation related to reducing exposure to second-hand smoke via proposed bills to protect our most vulnerable residents: children and adults with chronic or life-threatening diseases or disabilities who live in public housing. **These bills are our State's only hope of alleviating the known fatal impact of continued unabated exposure to second-hand smoke on persons with compromised immune systems.**

Although I do not have hospital or emergency department admissions data, no one can deny that children with asthma, adults with COPD and heart disease, etc, will have suffered unnecessary exacerbations during the past two years. Some of the permanent declines in health could have been prevented simply by eliminating exposure to second-hand smoke in the residences that many of them are unable to leave.

Public housing residents, with high numbers of diseases caused or aggravated by smoking or exposure to second-hand smoke, would already have this protection from second-hand smoke had the Governor not vetoed earlier legislation, had legislators not deferred proposed smoke-free public

housing bills, and had the Hawaii Public Housing Authority been able to develop a sound policy and appropriate implementation process.

While I applaud what I understand to be the intent of the opposition of the Hawaii Public Housing Authority to the earlier legislation, which resulted in the Governor's veto and in deferring legislation last year, I would like to go on record related to this and other smoke-free public housing legislation that the **original policy became so flawed that developing appropriate Administrative Rules is no longer viable.**

I therefore hope you share my sense of urgency about passing legislation during this legislative session. I feel personally responsible for not taking a more aggressive stand subsequent to the Governor's veto. Having written books and articles related to end of life care and life-threatening illnesses, I cannot plead ignorance with regard to the damage that is being done to public housing residents each day that they are not protected.

With regard to HP 2577 in particular, while I support the general purpose of prohibiting smoking, I prefer wording that has been developed during the past several months by the Coalition for Tobacco Free Hawaii in general and by Daria Fand in relation to *Designated Smoking Areas* in particular. Please consider Ms. Fand's comments related to *Designated Smoking Areas* as a part of my testimony. I have been looking at smoke-free policies and programs in various multi-unit facilities for several years, and "Best Practices" across the nation appear to indicate that having DSAs serves a variety of purposes, including alleviating tensions between smokers and non-smokers. Creating *DSAs* provides residents with an opportunity to work together in a "win/win" mutual support relationship.

Developing a Bill that reflects input from the Coalition for Tobacco Free Hawaii and Daria Fand would rectify the egregious flaws in the HPHA documents and process.

woodson1-Brina

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 02, 2014 12:43 PM
To: HSGtestimony
Cc: hedrickhneca@aol.com
Subject: Submitted testimony for HB2577 on Feb 3, 2014 09:00AM

HB2577

Submitted on: 2/2/2014

Testimony for HSG on Feb 3, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Hannah Hedrick	Individual	Support	No

Comments: To: The House Committee on Housing Rep. Hashem, Chair Rep. Woodson, Vice Chair Members of the House Committee on Housing From: Hannah L. Hedrick, PhD Fern Forest, Puna District County of Hawaii Date: February 1, 2014 Subject: Testimony in Support of the concept of HB 2577 Hearing; 9:00 AM, Conference Room 329 Honorable Committee Members, Thank you for this opportunity to comment on HB 2577, relating in general to "Public Housing" and specifically to "Section 1. 356D--A Lease, rental agreement; smoking prohibition." As a 50+-year soldier in the "Tobacco Wars" and an outspoken advocate for tobacco control, I had the privilege of working with a succession of Surgeon Generals of the Public Health Service, most actively with C. Everett Koop, MD. As advocates for the rights of people with disabilities before he was appointed as Surgeon General, we were acutely aware of the adverse affects of second-hand smoke on people with special health needs. We saw transformations in attitudes toward tobacco use during my 22 years in medical education at the American Medical Association. Our State now stands at the threshold of landmark legislation related to reducing exposure to second-hand smoke via proposed bills to protect our most vulnerable residents: children and adults with chronic or life-threatening diseases or disabilities who live in public housing. These bills are our State's only hope of alleviating the known fatal impact of continued unabated exposure to second-hand smoke on persons with compromised immune systems. Although I do not have hospital or emergency department admissions data, no one can deny that children with asthma, adults with COPD and heart disease, etc, will have suffered unnecessary exacerbations during the past two years. Some of the permanent declines in health could have been prevented simply by eliminating exposure to second-hand smoke in the residences that many of them are unable to leave. Public housing residents, with high numbers of diseases caused or aggravated by smoking or exposure to second-hand smoke, would already have this protection from second-hand smoke had the Governor not vetoed earlier legislation, had legislators not deferred proposed smoke-free public housing bills, and had the Hawaii Public Housing Authority been able to develop a sound policy and appropriate implementation process. While I applaud what I understand to be the intent of the opposition of the Hawaii Public Housing Authority to the earlier legislation, which resulted in the Governor's veto and in deferring legislation last year, I would like to go on record related to this and other smoke-free public housing legislation that the original policy became so flawed that developing appropriate Administrative Rules is no longer viable. I therefore hope you share my sense of urgency about passing legislation during this legislative session. I feel personally responsible for not taking a more aggressive stand subsequent to the Governor's veto. Having written books and articles related to end of life care and life-threatening illnesses, I cannot

plead ignorance with regard to the damage that is being done to public housing residents each day that they are not protected. With regard to HP 2577 in particular, while I support the general purpose of prohibiting smoking, I prefer wording that has been developed during the past several months by the Coalition for Tobacco Free Hawaii in general and by Daria Fand in relation to Designated Smoking Areas in particular. Please consider Ms. Fand's comments related to Designated Smoking Areas as a part of my testimony. I have been looking at smoke-free policies and programs in various multi-unit facilities for several years, and "Best Practices" across the nation appear to indicate that having DSAs serves a variety of purposes, including alleviating tensions between smokers and non-smokers. Creating DSAs provides residents with an opportunity to work together in a "win/win" mutual support relationship. Developing a Bill that reflects input from the Coalition for Tobacco Free Hawaii and Daria Fand would rectify the egregious flaws in the HPHA documents and process.

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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I support the intent of HB2577 Prohibiting Smoking in Public Housing Projects. Tenants have both a compelling need and a moral right to normal, safe, clean, smoke free air in their homes and in common areas. Employees in public housing projects also have a right to smoke free working conditions. However, I do not support the current text of the bill. Rather than respecting and protecting tenants' rights to safe living conditions it places unacceptable burdens on tenants while anyone else: employees, independent contractors, visitors, delivery people and others can smoke in public housing projects and face no consequences whatsoever.

Eviction or non-renewal of lease is not an effective or reasonable deterrent to smoking by tenants or anyone else. It is overly harsh and because of this there is a rightful reluctance to follow through with it. And it is completely ineffective against anyone other than tenants.

The Hawaii Public Housing Authority has already announced a ban on smoking and is working with tenants, health organizations, HUD and other organizations to implement the rule in a way that will work for the tenants rather than against them. HB2577 in its current form adds nothing of value to what HPHA is already doing and is not helpful or necessary.

I would support HB2577 if it were amended to replace eviction with fines. The fines would apply to anyone smoking within a public housing project, not only tenants. Fines are a very effective deterrent when actually implemented. Language specifying implementation details would be added. The fines should start at \$50 for tenants and \$100 for non-tenants.

For the record, I am a former HPHA tenant who was forced to give up my housing as a result of serious problems with secondhand smoke. I have attended hearings and strongly supported legislation prohibiting smoking in public housing projects. Unfortunately, legislators have failed to reach out to public housing tenants or to consult with them before drafting and introducing these bills. As a result, the bills do not effectively reflect the needs and concerns of the very population they will be affecting. I strongly recommend that legislators consult with HPHA tenants and former tenants before proceeding with any legislation relating to public housing. Consulting the Resident Advisory Board is not sufficient. The RAB is a very small group of tenants that do not communicate with or effectively represent the general population. They opposed HPHA restrictions on smoking which were supported by 80 percent of the tenants.