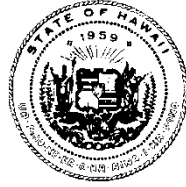


DAVID Y. IGE
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Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON HOUSING

Tuesday, January 31, 2017
9:30AM
Room 423, Hawaii State Capitol

In consideration of
HB 829
RELATING TO PUBLIC HOUSING

Honorable Chair Brower and Members of the House Committee on Housing, thank you for the opportunity to provide comments regarding HB 829, requiring the Hawaii Public Housing Authority (HPHA) to document prohibited acts of smoking and retain all violation on a resident's record permanently.

The HPHA welcomes any effort to improve the health and well-being of our tenants. The HPHA is grateful to the Legislature for passing the no-smoking ban at HPHA properties back in 2013. Prior to the ban, the HPHA adopted administrative rules after consultation with the Resident Advisory Board, our tenants and the public and has since adopted lease addendums to administer the no-smoking policy. Additionally, any violation of the lease, administrative rules or statute by a tenant is already documented by management, added to the tenant's file and may be used in a case for eviction.

The HPHA offers these comments:

- Of particular concern is the word "each" in the language "the Authority shall document each violation" and "for application to any future lease agreements with the authority" provide concerns and hereby seeking clarifications. The HPHA staff would be unable to document every violation inside tenants' units without their consent to enter and during afterhours and weekends while no staff is present. Would evidence of violations

provided by a tenant afterhours be permitted or do violations need to be witnessed by staff specifically?

- Does “for application to any future lease agreement with the authority” mean that we would not provide housing in future years if the tenant was evicted for violating the smoking ban? Additionally, is there a time limit on how long the HPHA must maintain smoking records after an eviction?
- Does the requirement to “retain a record of all violations on a resident’s record permanently” suggest that violation of the smoking policy, no matter how far in the past, could or should be used in present day eviction proceedings.?

During the past two years, the HPHA has also worked with the Department of Health and the Coalition for a Tobacco free Hawaii to provide cessation measures for tenants. Worth mentioning, however, is the unintended consequences on the elderly or disabled who currently have difficulty complying with the rules due to various tobacco dependency issues.

The HPHA has made great efforts and have documented multiple violations to the smoking ban and look forward to working with you to further enhance our existing policies.

The HPHA appreciates the opportunity to provide the House Committee on Housing with the HPHA’s position regarding HB 829. We thank you very much for your dedicated support.



Date: January 30, 2017

To: The Honorable Tom Brower, Chair
The Honorable Nadine Nakamura, Vice Chair
Members of the House Committee on Housing

From: Trish La Chica, Policy and Advocacy Director, Hawai'i Public Health Institute

Re: **Comments for HB829, Relating to Public Housing**

Hrg: January 31, 2017 at 9:30am at Capitol Room 423

Thank you for the opportunity to provide comments on HB829 which requires the Hawai'i Public Housing Authority to document violations related to prohibited acts of smoking.

The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute (HIPHI) that is dedicated to reducing tobacco use through education, policy, and advocacy. With two decades of history in Hawai'i, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.

The Coalition supports initiatives that aim to protect all public housing residents from the dangers of secondhand and thirdhand smoke.

In 2014, the State Legislature enacted a law prohibiting smoking in all public housing, elder or elderly household (HRS 356D-1) and state low-income housing project (HRS 356D-51) affecting more than 80 properties. This rule provides protections from smoking in all indoor private and common areas as well as outdoor common areas and within 20 feet of buildings and common areas on properties that are managed by the Hawai'i Public Housing Authority (HPHA). The Coalition supports and partners with HPHA, Hawai'i State Department of Health (DOH) Tobacco Prevention and Education Program (TPEP) and Public Health Nursing Branch (PHN) to assist with the implementation of smoke-free living in all public housing projects in the State.

The Coalition understands that the implementation of smoke-free policies is an iterative process that requires continued engagement and communication.

HPHA engages with its partners to host monthly manager meetings and provide presentations that focus on topics that property managers have identified as priority. The Coalition regularly attends these meetings. Having a space for dialogue and interaction among different stakeholders is an important step to develop a common understanding on the implementation and enforcement of smoke-free policies.

The Coalition defers to HPHA and the DOH on the implementation and education of smoke-free policies.

The Coalition continues to educate the legislature in advancing policies that aim to protect the public from secondhand and thirdhand smoke. The Coalition defers to HPHA and DOH on the enforcement and education on smoke-free public housing. As a resource and partner, the Coalition will support any requests to assist in the successful implementation of smoke-free policies such as providing training to educate the residents and administrative staff on smoke-free environments, as well as providing online resources on implementation and enforcement.

Thank you for the opportunity to provide comments on HB829.

Mahalo,

A handwritten signature in black ink, appearing to read 'Trish'.

Trish La Chica
Policy and Advocacy Director

For Hearing Date: Tuesday, January 31, 2017, 9:30 am
House Conference Room 423

Testimony Submitted By: Daria A. Fand
Honolulu, Hawaii

To: House Committee on Housing (HSG)
The Honorable Representative Tom Brower, Chair
The Honorable Representative Nadine Nakamura, Vice Chair
Members of the House Committee on Housing

Subject: HB829, RELATING TO PUBLIC HOUSING

Position: Strong Support

Honorable Committee Members:

I am a public housing resident of Kalakaua Homes, disabled with a medical disorder greatly worsened by secondhand smoke. Over the last 7 years, I have been a consistent, highly engaged activist for smoke-free public housing. I have worked with Legislators in both houses, and alongside the Coalition for a Tobacco-Free Hawaii (CTFH) and the Department of Health (DOH) for the smoke-free public housing law that passed in 2014, which was a key victory for public health and consumer protection in one of the most vulnerable populations of Hawaii.

However, that law was just a start, and unfortunately, there continue to be many challenges enforcing the law, since violators have found ways to hide their activity. However, HPHA has made the problem worse by fostering a climate where violations may be stricken from residents' records, which a resident may negotiate.

Given how difficult it is for a resident to be officially cited for a violation in the first place, and how nearly impossible it would

be to evict a resident for smoking, the very least the policy should stipulate is that any violation remains on a resident's record permanently, with no caveats. *HB829 would facilitate this important step towards much-needed effective enforcement, closing a loophole favoring smokers that HPHA created to get around the "3-strikes" rule, encouraged in the law.*

Without this measure, HPHA will continue to deal in a revolving door of violators, where smokers do not take accountability for their actions, have no regard for consequences, and nonsmokers continue to bear the brunt.

At HPHA public hearings in 2014, both the CTFH and DOH also opposed HPHA's policy of striking smoking violations in exchange for attending smoking cessation programs.

In addition to causing greater threat to non-smokers, HPHA's caveat potentially runs afoul of anti-discriminatory practices, because it ties a resident's smoking status to their lease agreement. It is not HPHA's place to ask residents to quit smoking, or to make "being a smoker" a condition of their lease. It is only incumbent upon a resident to refrain from smoking on the premises.

Finally, the smoke-free law extends to a resident's guests, which would mean the HPHA smoking cessation provision would extend to non-residents, to clear a resident's record. Practically speaking, this is a grievously ineffectual, even nonsensical idea.

As a worthy footnote, HPHA's original vision for the smoke-free policy was appropriately strict, without allowing violations to be negotiated, but then they compromised it in an attempt to satisfy a small, vocal minority of smokers who were against a smoke-free policy. **HB829 would conform to and lend support to HPHA's original intent, as it should be restored.**

Keeping smoking and other lease violations on record is the standard of all other Public Housing Authorities nationally, as an obviously common-sense practice of enforcement. There is no reason HPHA should deviate.

The appropriate methods to help residents comply should involve education and community outreach. These are appropriate, positive strategies to motivate residents. However, it is inappropriate to sacrifice the necessary enforcement arm of the policy as a motivational tool. *Expunging violations only sends the unintended, insidious message that a violator is expected to violate again, and may be granted a clean slate to do so* – which is absolutely contrary to the spirit of compliance!

As this bill, HB829 points up the urgency of curbing the lethal and long-lasting impact of second and thirdhand smoke we are suffering in public housing, I plead that you pass this measure to move HPHA towards a more viable, respectable policy.

Help us making public housing *actually* smoke-free.

Mahalo for your time and consideration.