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Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON HOUSING

Thursday, March 16, 2017
10:00 AM
Room 423, Hawaii State Capitol

In consideration of
SB967, SD2
RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY

Honorable Chair Brower and Members of the House Committee on Housing, thank you for the opportunity to provide testimony concerning Senate Bill 967, Senate Draft 2, relating to the Hawaii Public Housing Authority.

The Hawaii Public Housing Authority (HPHA) **strongly supports** administrative bill SB 967, SD1, which provides that certain areas within HPHA housing projects are closed to the public, amends criminal trespass in the second degree to permit the prosecution of an unauthorized entry or a violation of a written prohibition to enter into the subject housing project, and clarifies requirements for signage notifying trespassers of illegal entry.

One of the HPHA's greatest concerns and priorities is the safety and well-being of its tenants and staff. Too often, incidents arise on HPHA project grounds due to the presence of uninvited individuals. On multiple occasions, unauthorized persons have entered onto public housing property believing it was acceptable to put up tents in the middle of the property or causing property damage which is not found until morning. In other examples, people who have been evicted for criminal activities come back to the property to harass or intimidate their former neighbors. Such acts, and others, create conflict among the tenants as well as staff, especially when we are not able to effectively resolve the matter. This measure will assist the HPHA to prosecute trespassers for unauthorized entry, or violation of a written prohibition to enter a housing project based on an unlawful act, as the measure clarifies what property is closed to members of the public in a housing project.

The passage of this bill should provide a positive impact on the public, especially public housing tenants, their household members, and the surrounding community by affording a safer living environment for all.

The HPHA appreciates the opportunity to provide the House Committee on Housing with the HPHA's comments regarding SB 967, SD2. We thank you very much for your dedicated support.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 4:46 AM
To: HSGtestimony
Cc: cspellman@hawaii.rr.com
Subject: *Submitted testimony for SB967 on Mar 16, 2017 10:00AM*

SB967

Submitted on: 3/14/2017

Testimony for HSG on Mar 16, 2017 10:00AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
CSpellman	Individual	Support	No

Comments:

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**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017**

LATE

ON THE FOLLOWING MEASURE:

S.B. NO. 967, S.D. 2, RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY.

BEFORE THE:

HOUSE COMMITTEE ON HOUSING

DATE: Thursday, March 16, 2017

TIME: 10:00 a.m.

LOCATION: State Capitol, Room 423

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Jennifer R. Sugita, Deputy Attorney General

Chair Brower and Members of the Committee:

The Department of the Attorney General supports this Administration bill with minor amendments.

The purpose of this bill is to amend the crime of criminal trespass in the second degree as it applies to conduct at the Hawai'i Public Housing Authority (HPHA) housing projects. The bill expressly provides that all HPHA housing projects are closed to the public, except for certain areas such as public streets. The amendment permits the prosecution of any unauthorized entry into any closed HPHA housing project property, or violation of a written prohibition to enter such property.

The Department recommends several amendments.

The phrase "a housing project" on page 2, at lines 7, 9, 16, and 18, should be deleted and replaced with the phrase, "the housing project" to provide specificity as to which housing project is at issue. Every housing project has its own tenants, household members, live-in aides, and guests. Unless amended, every public housing tenant, household member, live-in aide, and guest of any tenant, would be able to enter and remain in any other public housing project, without permission or invitation by the tenants who actually reside in the project.

On page 2, at line 9, the word "in" should be inserted after the word "unit."

On page 11, at lines 3 – 4, the bill provides that a "[r]easonable warning or request" to leave HPHA housing projects has the same meaning as the definition of this

term for criminal trespass on commercial premises in section 708-814(1)(b), Hawaii Revised Statutes (HRS). We suggest that reference to the commercial premises' "reasonable warning or request" be deleted to avoid ambiguity, and that this term be separately defined in the criminal trespass subsection for HPHA housing projects, section 708-814(1)(e), HRS. Given the wording in the current criminal trespass statute, there could be confusion as to whether the commercial premises definition of this term applies to HPHA housing projects. The phrase "For the purposes of this paragraph," follows below the paragraph containing the commercial premises criminal trespass prohibition in subsection (1)(b). Also, in the same subsection (1)(b), on page 5, at lines 1 – 5, criminal trespass on commercial premises is specifically referenced:

will subject the person to arrest and prosecution for trespassing pursuant to [~~section 708-814(1)(b),~~] this subsection, and that criminal trespass in the second degree is a petty misdemeanor.

Accordingly, the Department requests that the definition of "reasonable request or warning" for subsection (1)(e) be replaced with the following definition:

"Reasonable warning or request" means a warning or request communicated in writing at any time within a one-year period inclusive of the date the incident occurred, which may contain but is not limited to the following information:

- (i) A warning statement advising the person that the person's presence is no longer desired in or on the areas of the subject housing project that are closed to the public for a period of one year from the date of the notice, that a violation of the warning will subject the person to arrest and prosecution for trespassing pursuant to paragraph (e), and that criminal trespass in the second degree is a petty misdemeanor;
- (ii) The legal name, any aliases, and a photograph, if practicable, or a physical description, including but not limited to sex, racial extraction, age, height, weight, hair color, eye color, or any other distinguishing characteristics of the person warned;
- (iii) The name of the person giving the warning along with the date and time the warning was given;

- (iv) The signature of the person giving the warning, and, if possible, the signature of the violator; and
- (v) The name and signature of a witness or law enforcement officer as defined in section 710-1000 who was present when the warning was given pursuant to paragraph (e).

On page 11, at line 13, the word “or” should be inserted after the semicolon to match the current statutory wording set forth in section 708-814(2), HRS.

The Department respectfully requests that this bill be passed with the proposed amendments.