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Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

SENATE COMMITTEE ON HOUSING

Tuesday, March 12, 2019
1:30 PM - Room 225, Hawaii State Capitol

In consideration of
HB 699, HD1
RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY

Honorable Chair Chang and Members of the Senate Committee on Housing, thank you for the opportunity to provide testimony concerning House Bill (HB) 699, HD1, relating to the Hawaii Public Housing Authority.

The Hawaii Public Housing Authority (HPHA) **supports** the enactment of HB 699, HD1, which allows the HPHA to evict a tenant convicted of a misdemeanor or felony committed during the term of the tenancy and related to the HPHA's property or funds or its employees and their property.

One of the HPHA's greatest concerns and priorities is the safety and well-being of its tenants, employees, and its properties. When a tenant commits a misdemeanor or felony related to the HPHA's properties or funds or employees, he/she not only abuses their privilege as a tenant but undermines the peaceful enjoyment of all the other law-abiding public housing tenants and wastes tax payers' money that could be used to house our most disadvantaged populations. It is in everyone's best interest that tenants convicted of misdemeanors or felonies related to the HPHA's property or funds or employees should not be allowed to continue to reside at any of HPHA's properties.

The HPHA appreciates the opportunity to provide the Committee with the HPHA's testimony regarding HB 699, HD1. We thank you very much for your dedicated support.

HB-699-HD-1

Submitted on: 3/10/2019 1:46:24 PM

Testimony for HOU on 3/12/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Goodman	Testifying for Hawaii Kai Homeless Task Force	Oppose	Yes

Comments:

TO: The Committee on Housing

FROM: Mike Goodman, Hawaii Kai Homeless Task Force & Member Partners in Care

HEARING: Tuesday March 12, 1:30 PM in Rm 225

RE HB699

Dear Senator Chang, Chair, Senator Kanuha, Vice Chair, and all Members of the Committee on Housing.

Thank you for the opportunity to testify in opposition to HB699. The Hawaii Kai Homeless Task Force appreciates the intent of this bill. However, we respectfully submit this bill will do little to deter crime, while having unintended adverse consequences.

Just like anyone who lives in private housing, tenants of public housing who are duly convicted of crimes, should be sentenced appropriately, and then be able to resume a normal life after they have paid their debts to society.

By evicting convicts from public housing as an additional punishment, we could trigger the unintended consequence of making them homeless. This would exacerbate the homeless crisis and make it much harder to rehabilitate them. A person who is homeless is far more likely to engage in illegal conduct just to survive.

Thank you for your time.



Dedicated to safe, responsible, humane and effective drug policies since 1993

TO: Senate Committee on Housing
FROM: Carl Bergquist, Executive Director
HEARING DATE: March 12, 2019, 1:30PM
RE: HB699 HD1, Relating to the Hawai'i Public Housing Authority, **OPPOSITION**

Dear Chair Chang, Vice Chair San Kanuha and Committee Members:

The Drug Policy Forum of Hawai'i (DPFHI) **opposes** this measure to increase the authority of the Hawai'i Public Housing Authority (HPHA) to evict tenants convicted of any misdemeanor or felony on HPHA property. This measure is simply overbroad and can result in an increase in homelessness.

Federal law permits, but does not require, local authorities to evict tenants for e.g. drug offenses.¹ In fact, the federal government already explicitly underscores that local authorities have wide discretion in when to e.g. evict medical cannabis patients who are complying with state law.²

We would contend that many of those arrested or convicted of small amount drug possession offenses, whether a petty misdemeanor for marijuana or a class C felony for e.g. methamphetamine, are also in need of compassion. Evicting them after they have had contact with the criminal justice system is recipe for disaster. This would be compounded if entire families are impacted.

While this bill does not mandate eviction for e.g. a drug conviction, it sends the signal that HPHA should consider that option. If the intent of the bill is to protect HPHA personnel and property from harm, this bill should be revised to reflect this narrow purpose, ensuring that families are not collateral damage in the process.

Mahalo for the opportunity to testify.

¹ See, e.g., Department of Housing and Urban Development v. Rucker, 535 U.S. 125 (2002).
<https://supreme.justia.com/cases/federal/us/535/125/>.

² <https://www.marijuanamoment.net/trump-official-wants-to-legally-permit-medical-marijuana-in-federally-subsidized-housing/>.



HAWAII

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MAILING ADDRESS

P.O. Box 23404
Honolulu
Hawai'i 96823

March 11, 2019

LATE

TO: Honorable Chair Chang & HOU Committee Members

RE: HB 699 HD 1 RELATING TO THE LOW-INCOME HOUSEHOLD RENTERS CREDIT.

Opposition for hearing on March 12

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

Although we understand the intent of this measure to promote safe housing, we respectfully **oppose HB699 HD1**.

While we need to convict criminals, evicting convicts from public housing would be an additional punishment. We could trigger the unintended consequence of making them homeless. This will make it much less likely they'll be rehabilitated while increasing homelessness.

It seems especially disturbing that the bill would not only affect convicted felons, but even those who have committed a misdemeanor. This broad power to evict seems extreme.

Thank you for your consideration.

Sincerely,

John Bickel President





HAWAII HEALTH
& HARM REDUCTION CENTER

LATE

TESTIMONY OPPOSING HB 699, HD 1

TO: Senate Committee on Housing

FROM: Nikos Leverenz
Grants, Development & Policy Manager

DATE: March 12, 2019 (1:30 PM)

Chair Chang, Vice Chair Kanuha, and Committee Members:

Hawai'i Health & Harm Reduction Center (HHHRC) opposes HB 699, HD 1, which would, according to the current bill summary, allow the Hawaii Public Housing Authority (HPHA) to evict a tenant convicted of a misdemeanor or felony committed during the term of the tenancy. The current language of the bill enables HPHA to evict a tenant for any misdemeanor or felony that "occurs on the authority's premises or affects the authority's property, including its administrative offices, its employees, or its employees' property or vehicles."

As such, this bill is dangerously overbroad as it could be applied to any misdemeanor or felony that occurs anywhere on the premises of the authority. It could also place a family at risk for eviction for the activity of a single member, including a minor. Over 300 juveniles are arrested for misdemeanor cannabis possession each year in this state, and a conviction for that offense could conceivably place a whole family at risk. Simply put, low-income families should not be at risk of eviction for low-level criminal offenses that do not pose an immediate safety risk to others.

[The report issued by the House Housing Committee](#) indicates that HPHA is introducing this bill to "address situations where HPHA's administrative offices are threatened, HPHA employees are assaulted, and the vehicles of HPHA employees are vandalized."

Should this bill move forward, it should be amended to specifically note that it is applicable only to specified criminal acts where administrative offices, employees, and employees' property or vehicles are seriously threatened or damaged, and that only those convicted of such acts are eligible for eviction.

HHHRC works with many individuals who are impacted by social determinants of health, including housing instability. Many also face challenges related to substance use and mental health. As a general matter, behavioral health issues should be addressed in a therapeutic framework and not a criminal justice one. Protracted involvement in the criminal justice system for those already facing health challenges is neither wise nor humane public policy.

This bill would foreseeably decrease the health and well-being of families already negatively impacted by housing instability. With long-term homelessness and affordability crises on the housing front, Hawai'i policymakers should be wary of measures that impair access for low-income families.

One national housing advocacy organization succinctly undercores the importance of housing: "[Access to safe, quality, affordable housing – and the supports necessary to maintain that housing – constitute one of the most basic and powerful social determinants of health.](#)"

Thank you for the opportunity to testify on this measure.

THE SENATE
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2019

COMMITTEE ON HOUSING
Senator Stanley Chang, Chair
Senator Dru Mamo Kanuha, Vice Chair

DATE: Tuesday, March 12, 2019

TIME: 1:30 p.m.

PLACE: Conference Room 225
State Capitol
415 South Beretania Street

HEARING
SB699 HD1

POSITION: **OPPOSE HB699 HD1**

Though I understand the intent of this measure I must respectfully **OPPOSE HB699 HD1**. This bill was well intentioned to protect both personnel and property of Hawaii Public Housing Authority (HPHA), this bill will do little to deter crime, while having unintended adverse consequences.

Just like anyone who lives in private housing, tenants of public housing who are duly convicted of crimes, should be sentenced appropriately, and then be able to resume a normal life after they have paid their debts to society.

By evicting convicts from public housing as an additional punishment, we could trigger the unintended consequence of making them homeless. This will make it much less likely they'll be rehabilitated while increasing homelessness. Please keep in mind that a person who is homeless is far more likely to engage in illegal conduct just to survive.

Furthermore, extending this bill its logical conclusion, as removing of those persons from HPHA property, what then? Though they may not be of the considerations of HPHA, where can these persons find housing and support services should they wish to reintegrate back? In addition, since we are barring these persons from housing at all HPHA properties will they be permanently on the streets since there would be no housing within their income bracket (show they be working) that they could afford. If there is a sweep as has happened many times on Oahu where would they go?

Please consider the aforementioned above, before any consideration toward this bill as a viable policy, weighed with the intention to do better than unforeseen circumstances which this bill proposes. Thank you for taking this time in reading my comments regarding this bill.

Mahalo,

Ken Farm

Board Member, Member CAC, OMPO
Neighborhood Board No. 15
Kalihi-Palama