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Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

SENATE COMMITTEE ON JUDICIARY

Friday, March 29, 2019
9:30 AM - Room 016, Hawaii State Capitol

In consideration of
HB 699, HD1, SD1
RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY

Honorable Chair Rhoads and Members of the Senate Committee on Judiciary, thank you for the opportunity to provide testimony concerning House Bill (HB) 699, HD1, SD1, relating to the Hawaii Public Housing Authority.

The Hawaii Public Housing Authority (HPHA) supports the enactment of HB 699, HD1, SD1, 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.

Some examples of misdemeanors that affect the peaceful enjoyment of the HPHA's properties include disorderly conduct, vandalism, drug possession, assault, abuse of a family or household member, terroristic threatening, and theft. 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, SD1. We thank you very much for your dedicated support.



HAWAII

AMERICANS FOR DEMOCRATIC ACTION

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March 26 , 2019

TO: Honorable Chair Roads & JDC Committee Members

RE: HB 699 HD1 SD1 RELATING TO THE LOW-INCOME HOUSEHOLD RENTERS CREDIT.

Opposition for hearing on March 29

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 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





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

TO: Senate Committee on Judiciary
FROM: Carl Bergquist, Executive Director
HEARING DATE: March 29, 2019, 9:30AM
RE: HB699 HD1 SD1, Relating to the Hawai'i Public Housing Authority, **OPPOSITION**

Dear Chair Rhoads, Vice Chair Wakai, Committee Members:

The Drug Policy Forum of Hawai'i (DPFH) **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.

The Senate Committee on Housing also referred to this issue in its committee report, ([SSCR 1471](#)), noting "*the concerns of individuals that evicting a tenant for a misdemeanor offense is a severe punishment and may have unintended consequences, such as making tenants homeless, and encourages further discussion regarding these concerns.*"

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

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/>.

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.