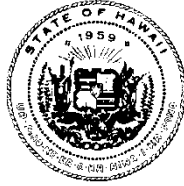


DAVID Y. IGE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

STATE OF HAWAII
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
POST OFFICE BOX 17907
HONOLULU, HAWAII 96817

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the
SENATE COMMITTEE ON HOUSING

Tuesday, February 1, 2022
1:30 PM – Room 225, Hawaii State Capitol

In consideration of
SB 2870
RELATING TO PUBLIC HOUSING

Honorable Chair Chang and Members of the Senate Committee on Housing, thank you for the opportunity to provide testimony concerning Senate Bill (SB) 2870, relating to public housing.

The Hawaii Public Housing Authority (HPHA) offers the following **grave concerns** on SB 2870, which, if adopted, would substantially modify our existing eviction procedures by adding at least two new confusing steps. First, the bill adds a new requirement that the HPHA consider the “severity” of the reason to terminate and evict, and second, it requires HPHA to make a determination that “no other alternative remedy is available” prior to terminating any lease, rental agreement, permit, or license and evicting from any premises any tenant, licensee, or other occupant.

Currently, the HPHA’s procedure essentially works as follows:

When the HPHA proposes to terminate a lease or rental agreement and evict a tenant, an independent “eviction board” is convened, and an eviction hearing is held to determine whether cause exists. Eviction board members are volunteers from the community with experience in various professional fields, and each board panel that presides over a hearing is required by law to include at least one public housing tenant.

At the eviction hearing, the HPHA presents evidence on the question of whether the Tenant has violated their Rental Agreement, and the board determines whether: (1) the violations have occurred; (2) whether the violations are curable; and (3) whether eviction is appropriate. Curable and Non-Curable Violations are defined under HAR §17-2020-33.

To restate, the current process asks whether the Rental Agreement has been violated, and if so whether the violation is curable. If it is not curable, the tenant is ordered evicted.

If adopted, SB 2870 would replace the simple and workable standard of whether the Rental Agreement has been violated with a new standard of “severe” and “non-severe” violations. The bill does not define severity or explain how this would interact with the curability framework in existing statutes.

Moreover, and most concerning to the agency, SB 2870 would prohibit agency evictions without a prior finding that “no other alternative remedy is available.” The bill is silent on acceptable remedies, and this expansive language will invite litigation in literally every eviction matter. A litigant will always be able to argue that an alternative remedy existed and was not implemented.

Examples:

- A tenant is sent multiple notices requiring that person to perform their mandated annual recertification of household and income. After multiple deadline extensions, they fail to do so and are referred for eviction. They finally bring the necessary documents to the eviction hearing and request more time. An “alternative remedy” could be to push back the deadline yet another month. They could do the same thing the next year and every year, and the HPHA would have to bring them to the brink of eviction each time just to enforce basic compliance.
- A tenant decides to not pay rent for a year and is brought to an eviction hearing. An alternative remedy could be to have them pay \$5.00 a month or to put them on an eighty-year payment plan.
- A tenant is disruptive and a danger to the public housing community. An alternative remedy could be to try relocating this tenant to another property where they may be disruptive and a danger to that public housing community.

Under this new standard, tenants will always be able to argue that there is an “alternative remedy” because an “alternative remedy” will always be available. The new standard would also eliminate the board’s discretion to find that a violation is not a first offense and therefore not curable.

This measure will increase the amount of litigation the HPHA will face, interfere with the “eviction board’s” duties to be independent in conducting a full and fair due process, and lead to unintended consequences that will jeopardize the program.

The HPHA appreciates the opportunity to provide the Committee with the HPHA’s testimony regarding SB 2870. We thank you very much for your dedicated support.

TESTIMONY IN SUPPORT OF SB 2870

TO: Chair Chang, Vice Chair Kanuha, & Housing Committee Members

FROM: Nikos Leverenz
Grants & Advancement Manager

DATE: February 1, 2022 (1:00 PM)

Hawai'i Health & Harm Reduction Center (HHHRC) **supports** SB 2870, which Requires the Hawai'i Public Housing Authority (HPHA) to consider the severity of the reason to terminate and evict and determine that no other alternative remedy is available prior to terminating any lease, rental agreement, permit, or license and evicting from any premises any tenant, licensee, or other occupant.

This measure will help to ensure that families currently living in subsidized housing have some level of recourse within HPHA's decision making process before eviction and falling into unsheltered homelessness. HHHRC Executive Director Heather Lusk currently serves as Board Chair of [Partners in Care O'ahu](#), a planning, coordinating, and advocacy alliance that develops recommendations for programs and services to fill needs within O'ahu's continuum of care for homeless persons.

HHHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawaii and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those related to substance use and mental health conditions. Many of our program clients and participants have also been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this measure.



Akamai Cannabis Clinic
3615 Harding Ave, Suite 304
Honolulu, HI 96816

TESTIMONY ON SENATE BILL 2870
RELATING TO PUBLIC HOUSING

By
Clifton Otto, MD

Senate Committee on Housing
Senator Stanley Chang, Chair
Senator Dru Mamo Kanuha, Vice Chair

Tuesday, February 1, 2022; 1:30 PM
State Capitol, Room 225 & Videoconference

In **SUPPORT** of this measure, with a proposal for amendment.

Eviction from public housing is a devastating event that many of our medical cannabis patients are facing because of the ongoing conflict with the federal regulation of marijuana. This conflict needs to be addressed, and [SB2870](#) is an opportunity to do so.

Unfortunately, searching for alternative remedies for evictions could have little impact upon public housing property owners who have zero tolerance for any activities that violate federal law. A federal exemption for the state authorized use of cannabis in Hawaii is one way to eliminate this conflict. This solution was unanimously adopted by both chambers of the Legislature last Session in [HCR132](#).

The Hawaii Public Housing Authority ([HPHA](#)) may be the perfect agency to act on this issue because of its mission to “provide Hawaii residents with affordable housing and shelter without discrimination”.

Please consider inserting the following language at Page 2, Line 19:

and provided further that to reduce the risk of unwarranted evictions the authority shall file for a federal exemption under [21 CFR 1307.03](#) and [21 CFR 1308.43](#) for the state authorized use of any controlled substance that may create a conflict with federal law or regulation.

Thank you.

SB-2870

Submitted on: 1/28/2022 8:21:23 PM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair San Buenaventura, Chair Chang and members,

After the moratorium, on evictions during the pandemic, ends, let's not have a tsunami of evictions resulting in homelessness and impoverishment.

Mahalo, Ann S. Freed, Life-time activist in Mililani

SB-2870

Submitted on: 1/30/2022 10:56:12 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shannon Rudolph	Individual	Support	No

Comments:

Support

THE KŪPUNA CAUCUS



Monday, January 31, 2022

To: Senate Committee on Housing
Hon. Stanley Chang, Chair
Hon. Dru Mamo Kanuha, Vice Chair

Re: SB 2870 RELATING TO PUBLIC HOUSING

Hearing: Tuesday, February 1, 2022, 1:30 p.m., Conference Room 225 & videoconference

Position: Strong support

Aloha Chair Chang, Vice Chair Kanuha, and Members of the Committee on Housing:

The Kupuna Caucus of the Democratic Party of Hawai'i strongly supports SB 2870. This bill would require the Hawaii Public Housing Authority to consider the severity of the reason to terminate and evict and to make a determination that no other alternative remedy is available prior to terminating any lease, rental agreement, permit, or license and evicting from any premises any tenant, licensee, or other occupant.

The Kupuna Caucus supports this bill out of fairness to the tenant to protect them from being an addition to the already overwhelming houseless population. Those who are beneficiaries of public housing are so based on their financial challenges, source of income or lack thereof, veteran or military status, physical or emotional disabilities, or mental health issues, or due to a broad spectrum of other reasons. As such, leniency should be considered. Also, alternative housing should be considered as we do not want to add to the stresses of these individuals who already have difficulty in obtaining housing in the general housing market.

This bill emphasizes the need for thoughtful and conciliatory considerations by the housing authority in evaluating perceived bases for eviction and to avoid exacerbating already difficult housing accommodation. Respecting the difficulties facing the authority on tenant abuses of property, this bill intends to provide the authority with a more thoughtful consideration before feeling required by law to evict tenants.

We greatly appreciate your continuing support for protection for those in public housing. Thank you for the opportunity to testify.

Melodie Adyja

Kupuna Caucus of the
Democratic Party of Hawai'i

Email: Legislativepriorities@gmail.com



Monday, January 31, 2022

To: Senate Committee on Housing
Hon. Stanley Chang, Chair
Hon. Dru Mamo Kanuha, Vice Chair

Re: SB 2870 RELATING TO PUBLIC HOUSING

Hearing: Tuesday, February 1, 2022, 1:30 p.m., Conference Room 225 & videoconference

Position: Strong support

Aloha Chair Chang, Vice Chair Kanuha, and Members of the Committee on Housing:

The Health Committee of the Democratic Party of Hawai'i strongly supports SB 2870. This bill would require the Hawaii Public Housing Authority to consider the severity of the reason to terminate and evict and to make a determination that no other alternative remedy is available prior to terminating any lease, rental agreement, permit, or license and evicting from any premises any tenant, licensee, or other occupant.

The Committee supports this bill because really affordable housing options continue to be severely limited and to protect financially challenged families and individuals from adding to the already overwhelming houseless population. Those who are beneficiaries of public housing in addition to limited or no income, may be veterans, or have physical, emotional, or mental health issues. Some or all of which make it difficult or impossible to find commercial housing. As such, leniency or some alternative form of housing should be considered, rather than throwing them out on the street. The costs of dealing with the current homeless population, to the counties and therefore to the state are already prohibitively high, and not just in monetary terms. Once a good person, perhaps one of the working poor, is out on the street they can go downhill very quickly just because of the trauma of being homeless and feeling discarded like a piece of garbage.

This bill emphasizes the need for thoughtful and conciliatory considerations by the housing authority in evaluating the reasons or justifications for eviction and to avoid adding to the stresses of our limited affordable housing situation. Respecting the difficulties facing the authority on tenant abuses of property, this bill intends to provide the authority with a more thoughtful consideration before feeling required by law to evict tenants.

We greatly appreciate your continuing support for protection for those in public housing. Thank you for the opportunity to testify.

Sincerely,

Martha E Randolph

President of Democratic Precinct 4 District 25

DPH Kupuna Caucus Treasurer

DPH Environmental Caucus SCC Representative

Member of the Health Committee of the DPH



Environmental Caucus of The Democratic Party of Hawai'i

Monday, January 31, 2022

To: Senate Committee on Housing
Hon. Stanley Chang, Chair
Hon. Dru Mamo Kanuha, Vice Chair

Re: SB 2870 relating to Public Housing (Evictions)
Hearing: Tuesday, February 1, 2022, 1:30 p.m., Room 225 & videoconference

Position: Strong support

Aloha, Chair Chang, Vice Chair Kanuha, and Members of the Committee on Housing:

The Environmental Caucus of the Democratic Party of Hawai'i strongly supports this bill, which would require that, "prior to terminating any lease, rental agreement, permit, or license and evicting from any premises any tenant, licensee, or other occupant, the authority shall consider the severity of any reason to terminate and evict [listed in the law] . . . and make a determination that no alternative remedy is available."

In our view, the human environment fundamentally includes housing, and housing is one of the most scarce resources in this State. We believe that reasonable, adequate housing is a fundamental human right. This bill would be a major step toward helping ensure that evictions from public housing are only done after careful consideration of whether such evictions are just and reasonable under all relevant circumstances.

Mahalo for the opportunity to testify,

Melodie Adyja

Alan Burdick

Co-Chairs,
Environmental Caucus of the
Democratic Party of Hawai'i

Email: legislativepriorities@gmail.com