

SB734



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2009**

ON THE FOLLOWING MEASURE:

S.B. NO. 734, RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY.

BEFORE THE:

SENATE COMMITTEE ON EDUCATION AND HOUSING

DATE: Wednesday, February 4, 2009 **TIME:** 1:15 PM

LOCATION: State Capitol, Room 225

TESTIFIER(S): Mark J. Bennett, Attorney General
or John M. Cregor or John C. Wong, Deputy Attorneys General

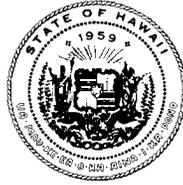
Chair Sakamoto and Members of the Committee:

The Department of the Attorney General has concerns regarding S.B. 734. The bill establishes a special master and an advisory council to assist the Hawaii Public Housing Authority (HPHA) in resolving health and safety violations at housing projects statewide by developing and implementing a comprehensive plan and long-term strategic initiatives. The bill, in effect, creates another system to deal with issues that come under the purview of, and are already being dealt with by, HPHA and its Board of Directors. This bill seemingly creates a dual line of authority over a broad range of issues—not only regarding health and safety violations at public housing project, but also regarding undefined, and therefore unlimited, "long term strategic initiatives for the authority." The bill does not set forth how the two lines of authority are to interact, if at all. This could lead to much confusion and conflict and delay the intended results for the benefit of public housing tenants.

Further, and significantly, the bill funds this initiative through the use of HPHA's revolving funds without acknowledging, or taking into account, all of the issues and expenses confronting HPHA as a whole. Neither does it acknowledge, or take into account, the funds that HPHA has already invested, or earmarked for health and safety projects and long range initiatives.

Additionally, and as the bill notes, two actions were recently filed against HPHA alleging various claims related to health and safety violations at Kuhio Park Terrace and Kuhio Homes against, among others, HPHA. While we appreciate the intent of this measure, we have concerns that the dual lines of authority will unnecessarily interfere with, or impede the progress of, our ongoing efforts to resolve the issues in litigation.

Thank you for the opportunity to share these concerns.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
POST OFFICE BOX 17907
Honolulu, Hawaii 96817

Statement of
Chad K. Taniguchi
Hawaii Public Housing Authority
Before the

SENATE COMMITTEE ON HUMAN SERVICES & PUBLIC HOUSING

February 4, 2009 1:15 p.m.
Room 225, Hawaii State Capitol

In consideration of

S.B. 734

RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY

The Hawaii Public Housing Authority (HPHA) opposes S.B. 734, which establishes a special master and advisory council.

The Hawaii Public Housing Authority already has an eleven member Board of Directors, as required by federal regulations, which provides oversight and guidance in matters of policy and operation. This measure would be a duplication of that oversight and may cause conflicts which would actually delay needed improvements.

Technical assistance is already provided by HUD and other sources; the basic problem is lack of funds.

The Attorney General's Office is assisting HPHA with the lawsuit.

lawyers for equal justice

a hawaii non-profit corporation

P. O. Box 37952
Honolulu, Hawai'i 96837-0952
(808) 587-7605



BOARD OF DIRECTORS:

Kathy Fujimori
Naomi C. Fujimoto, Secretary
Patrick Gardner
Jim Libby
Galen Nakamura
Calvin Pang
Melissa Teves Pavlicek, Vice President
David J. Reber, President
Steven Booth Songstad, Treasurer
George J. Zweibel

Testimony in Support of SB 734; Relating to the Hawai'i Public Housing Authority Hearing: 2/4/09, Conference Room 225 at 1:15 p.m.

Aloha Chair Sakamoto, Vice Chair Kidani, and Members of the Committee on Education and Housing:

Lawyers for Equal Justice (LEJ) is a non-profit law firm that advocates on behalf of low-income individuals and families in Hawai'i on civil legal issues of statewide importance. In December 2008, LEJ filed state and federal class action lawsuits against the Hawai'i Public Housing Authority (HPHA) and others regarding the hazardous conditions and discriminatory obstacles at Kuhio Park Terrace (KPT) and Kuhio Homes.

The hazardous conditions include nonfunctioning and dangerous elevators, leaking and bursting plumbing, lack of hot water, rat and roach infestations, overflowing and burning trash piles, toxic air filled with soot and other noxious particulate, and a lack of basic fire safety equipment. The HPHA has also failed to insure compliance with federal laws prohibiting discrimination against persons with disabilities. The lack of maintenance and repairs and the failure to provide reasonable accommodations to persons with disabilities at these public housing facilities violate state and federal law, including the warranty of habitability, the Americans with Disabilities Act, the Rehabilitation Act, the Fair Housing Act, and the U.S. Housing Act.

The deplorable conditions at KPT and the lack of accessible public housing for persons with disabilities at KPT and Kuhio Homes are illustrative of systemic and widespread problems in Hawai'i's public housing system. Given the immediacy and severity of these health and safety problems and the need to accommodate persons with disabilities in public housing statewide, LEJ strongly supports appointing a special master and establishing an advisory council to oversee the HPHA and assist it in developing and implementing a comprehensive plan to dramatically improve the conditions of Hawai'i's public housing and its accessibility to persons with disabilities. For these reasons, we ask that you pass SB 734.

Mahalo Nui Loa,

Elizabeth M. Dunne
Senior Staff Attorney