
From: Tom Marzec [adamtm@lava.net]
Sent: Wednesday, February 03, 2010 5:42 AM
To: HSGtestimony
Subject: Testimony in SUPPORT of HB2358 public housing rent, 3Feb10

February 3, 2010

To: Rep. Rida Cabanilla, Chair
Rep. Pono Chong, Vice Chair
Committee on Housing

LATE TESTIMONY

From: Tom Marzec

Subj: Testimony in **SUPPORT** of **HB2358** public housing rent

Hearing: Wednesday, February 3, 2010; 9:00 a.m.; Room 325, State Capitol

Requiring the Hawaii public housing authority to establish minimum rent for state public housing units, with annual consumer price index adjustments, is prudent and fair public policy. Also, recovering full costs from the tenant to repair damage to a unit is necessary to preserve and maintain public housing without further encumbering tax payers.

LATE TESTIMONY

February 2, 2010

TESTIMONY IN OPPOSITION TO HB2491

Housing Committee
February 3, 2010 9:00 a.m. in Room 325

The Legal Aid Society of Hawai'i hereby provides testimony to the House Committee on Housing in opposition to HB2358 – Relating to Public Housing; Common Area Assessment

The Legal Aid Society of Hawai'i provides free legal services to the low-income population of the State of Hawai'i. In addition to providing services to clients who currently reside in public housing, we also assist individuals who are on the waiting list to gain access to public housing. In 2009, we received 317 calls requesting assistance on public housing matters and represented approximately 10% of these callers in administrative and/or court hearings. Many of our clients are on limited, fixed incomes such as Social Security, General Assistance and Temporary Assistance to Needy Families. Many of our clients are the working poor.

This bill would (1) establish assessments for common area expenses and 30 day notification to tenants and (2) preference for public housing for disabled veterans, dependent parents of the veteran and the veteran's widow.

This bill also proposes other provisions which are already common practice of public housing: (1) Tenant to pay any common area expense caused by the misconduct of the tenant; and (2) authority shall seek reimbursement from the tenant for any damages to the unit caused by the tenant. These provisions are not discussed in this testimony.

ASSESSMENT FOR COMMON AREA EXPENSES/30 DAY NOTIFICATION OF INCREASE

Federal law currently restricts tenant rent to 10% of monthly income, or 30% of adjusted income for any housing which receives federal funds. Adding an assessment for common area expenses, over and above rent, will violate Federal law. This proposed bill would have serious legal and financial consequences to the State of Hawai'i unless federally funded public housing is expressly exempted from this proposal.

HOUSING; TENANT SELECTION

This bill proposes to eliminate the preferences for victims of domestic violence, homeless families that are residing in a transitional shelter for the homeless and who are in compliance with a social service plan and involuntarily displaced persons.

Federal law allows local PHAs to adopt preferences. However, there are mandatory procedures which must be followed. Federal rules state that the local preferences a PHA uses must be related to the Statement of Housing Needs in its Annual Plan (See 24 CFR § 903.7(a)). New or revised local preferences require a change by Board resolution to the Admissions and Continued Occupancy Policy (ACOP) and are adopted as part of the Annual PHA Plan process or the PHA Plan Significant Amendment process.

HUD specifically suggests that PHAs consider establishing a preference for victims of domestic violence. While this is not a requirement, many PHAs have agreed that victims of domestic violence deserve and need preferential treatment in admissions. Without a preference, victims of domestic violence will be forced to choose between homelessness and staying in an abusive situation. This proposed bill may very well result in more violence against women and children.

The current guidelines give preference to the homeless. Without the current preference there would be increased need for homeless shelters and transitional housing facilities. Families would be unable to find affordable housing once they have exhausted the allowable period in transitional shelters. The people who have worked hard to become more self-sufficient will be re-sentenced to homelessness. More people would be living in the parks, beaches and on the streets of Hawai'i. Passage of this bill will mean that more families will be homeless for longer periods of time.

Thank you for the opportunity to testify.

Sincerely,

Sheila P. Lippolt
Supervising Attorney
Housing Unit