

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

LATE TESTIMONY

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

HOUSE COMMITTEE ON HOUSING

HCR135/HR102, ENCOURAGING THE HAWAII PUBLIC HOUSING AUTHORITY TO PROHIBIT SMOKING IN ALL PUBLIC HOUSING PROJECTS AND STATE LOW-INCOME HOUSING PROJECTS

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health

March 21, 2012
9:00AM, ROOM 325

- 1 **Department's Position:** The Department of Health (DOH) supports the HCR135/HR102 to prohibit
- 2 smoking in all public housing projects and state low-income housing projects.
- 3 **Fiscal Implications:** No appropriations requested.
- 4 **Purpose and Justification:** This resolution encourages the Hawaii Public Housing Authority (HPHA)
- 5 to prohibit smoking in all public housing projects and state low-income housing projects. DOH supports
- 6 the scientific findings and recommendations of the U.S. Surgeon General regarding the involuntary
- 7 exposure of tobacco smoke to nonsmokers. Those findings disclosed that: 1) There is no safe level or
- 8 amount of secondhand smoke (SHS) and that breathing even a little SHS can be dangerous; 2) Breathing
- 9 SHS is a known cause of sudden infant death syndrome (SIDS) and that children are more likely to have
- 10 lung problems, ear infections, and severe asthma from being around tobacco smoke; SHS causes heart
- 11 disease and lung cancer; separate "no smoke" sections do not provide protection from SHS, and neither
- 12 does are filtration.

1 Hawaii's current smokefree workplace and public places law, enacted in 2006, does not cover,
2 and excludes private residences. The federal Housing and Urban Development authority, (HUD) now
3 actively supports the creation of smoke free residential public housing properties governed under that
4 authority.

5 DOH continues to encourage HPHA to adopt and implement a smoke-free policy to protect
6 residents living in public housing as indicated in their testimony of February 1, 2012 on HB 2629. The
7 DOH looks forward to collaborating with the HPHA on their recommendation to implement smoke free
8 housing as an issue that will become a priority item and can successfully be accomplished through
9 internal policy. Further, DOH is willing to work closely with HPHA on both assessment of residents to
10 determine need and on smoking cessation efforts to help current smokers link up with the many
11 available cessation services to help smokers to quit.

12 Thank you for the opportunity to testify.

NEIL ABERCROMBIE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

LATE TESTIMONY

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

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON HOUSING

March 21, 2012 9:00 A.M.
Room 325, Hawaii State Capitol

In consideration of
House Concurrent Resolution 135 / House Resolution 102
Encouraging the Hawaii Public Housing Authority
To Prohibit Smoking In All Public Housing Projects and
And State Low-Income Housing Projects

Honorable Chair and Members of the House Committee on Housing, thank you for the opportunity to provide you with comments regarding House Concurrent Resolution 135 / House Resolution 102, encouraging the Hawaii Public Housing Authority to prohibit smoking in all public housing projects and State low-income housing projects.

The Hawaii Public Housing Authority (HPHA) respectfully opposes this measure because we are already in the process of prohibiting smoking in a phased approach throughout our portfolio statewide. The HPHA agrees that this is a positive measure, with respectable aims to improve the quality of living environment provided to the HPHA's residents. Our agency also appreciates legislative support for the issues involved, particularly with respect to preventing second-hand smoke exposure in environments that are home to children, the disabled, and other vulnerable low income populations.

However, the determination of smoking prohibitions, particularly through the adoption of administrative rules, is soundly within the Board's purview and we would respectfully request the Legislature to allow the Board to exercise its governance in the development of such policies. The HPHA would prefer the development of such policy to be undertaken through an agency developed methodology that would allow us to incorporate participation from the Department of Health, our Resident Advisory Board, property management staff, public hearings, and the tenants that would be directly impacted by this measure.

Further, the agency has already undertaken the process to effectuate smoking prohibitions by approving language within this year's draft PHA Annual Plan. Our agency's draft Fiscal Year 2013 PHA Annual Plan, Section 6.0(a)(1) states:

Controlled Substances Policies: HPHA will evaluate and amend current controlled substances policies at the agency and asset management project (AMP) level. This may include, but not be limited to, studying the potential for non-smoking buildings; developing and implementing a policy to allow the use of medical marijuana pursuant to a lawful prescription; and prohibiting possession of alcohol in common areas.

This PHA Annual Plan has been finalized and approved by the HPHA Board of Directors, and is pending submission to and approval by the U.S. Department of Housing and Urban Development (HUD). Once final approval is received from HUD, our agency will be able to work with stakeholders on revising the relevant administrative documents. This effort would include amending 17-2028, Hawaii Administrative Rules (HAR) with respect to federal public housing, 15-186, HAR, and 15-193, HAR with respect to state public housing, as well as the HPHA Admissions and Continued Occupancy Policy, and lease agreements. The agency will be able to incorporate tenant, HUD, and Attorney General input throughout this process, and ensure compliance with all relevant regulations.

The HPHA appreciates the opportunity to provide the House Committee on Housing with the agency's comments opposing H.C.R. 135 / H.R. 102. We thank you very much for your dedicated support.

Date of Hearing: March 21, 2012

To: House Committee on Housing

Re: HCR135

LATE TESTIMONY

Position: Support

My disabled daughter lives in a Hawaii Public Housing Project and has been suffering from second-hand smoke from other units seeping into her unit and exacerbating her health problems seriously. It is absolutely necessary for the Housing Authority to remedy situation as soon as possible with a total ban on smoking throughout Public Housing for the sake of all tenants. Another year in her case would be intolerable, and may be too late for the most serious cases.

While this resolution requires action, it should also specify a time within this year to accomplish its goal.

In any case, even if this resolution is carried out in a timely way, it will be necessary to pass a law to back up the principle of public safety protection in Public Housing as a general ongoing policy, not merely as a commitment for this particular administration. A law would make sure that other Housing Administrations are required to continue the same policy.

Thank you for considering the larger picture.

Roxanne J. Fand
Retired UH Faculty

Date of Hearing: March 21, 2012

To: House Committee on Housing

Re: HCR135

LATE TESTIMONY

Position: Support

My name is Daria Fand, and I'm a disabled person living in public housing. My health has been severely worsened for over a year by the impact of secondhand smoke that seeps into my apartment from other units. It is absolutely imperative that Hawaii Public Housing Authority (HPHA) adopt total no-smoking policies throughout public housing to protect the health and safety of all residents.

I support this measure's encouragement of HPHA to prohibit smoking in public housing.

However, given that protection of the public good goes way beyond any particular HPHA administration, and way beyond the "birth pangs" of the development of a no-smoking systemic policy, I believe this resolution is insufficient. A law is what is needed to insure the public's protection, not just in the coming months, but into the future, permanently. Even if HPHA were to convert overnight to a no-smoking policy, I would stand by this as a civil rights protection.

To sum up, I support the intent of this measure and its passage, but with the qualification that it alone is not enough to bind HPHA to its obligations. A timely (i.e., within this year) legally mandated smoking ban for Hawaii's public housing must be the goal of the Legislature, and I strongly recommend that this resolution reflect that explicitly.

Thank you for hearing my testimony.

Daria A. Fand

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 21, 2012 8:01 AM
To: HSGtestimony
Cc: mikenakas@hotmail.com
Subject: Testimony for HR102 on 3/21/2012 9:00:00 AM

Testimony for HSG 3/21/2012 9:00:00 AM HR102

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Michael S. Nakasone
Organization: Individual
E-mail: mikenakas@hotmail.com
Submitted on: 3/21/2012

LATE TESTIMONY

Comments: