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Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON HOUSING

Tuesday, March 21, 2017
10:40 AM
Room 423, Hawaii State Capitol

In consideration of
HCR 114/ HR 68
REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY DOCUMENT VIOATIONS OF THE
PROHIBITION ON SMOKING IN AND AROUND PUBLIC HOUSING

Honorable Chair Brower and Members of the House Committee on Housing, thank you for the opportunity to provide testimony in opposition to Housing Concurrent Resolution 114 and House Resolution 68, requesting the Hawaii Public Housing Authority (HPHA) to permanently document violations of public smoking in and around public housing.

The HPHA is grateful to the Legislature for passing the no-smoking ban at HPHA properties back in 2013, and welcomes efforts to improve the health and well-being of our tenants. However, the HPHA does not feel that this resolution is necessary in the enforcement of the law, as our current practices include documenting violations (below) and allow tenants an opportunity to remedy their violations rather than punish indefinitely. Prior to the passage of the no-smoking law, the HPHA adopted administrative rules after consultation with the Resident Advisory Board, our tenants, and the public, and has since adopted lease addendums to administer the no-smoking policy. Any violation of the lease, administrative rules or statute by a tenant is already documented by management, added to the tenant's files and may be used in a case for eviction.

Additionally, the requirement to retain an incident in the tenant's file permanently fails to provide the tenants an opportunity to cure the violation. Under the proposed resolution, when a tenant violates the smoking ban in their unit the HPHA is required to consider that infraction for the life of their tenancy in public housing. Even if no other smoking violation is committed and the tenant complies with the smoking ban, the HPHA would be required to retain

documentation on that incident and consider the incident for years into the future effectively removing any possibility of curing the violation and removing any statute of limitations.

It's important to note that our Resident Advisory Board, representing HPHA tenants across our Asset Management Projects (AMPs), have come out against the passage of this resolution as well as bill HB 829. With the exception of one HPHA tenant, the Authority has not received any complaints regarding the application and enforcement of the smoking law.

Although it is very difficult to administer this policy while tenants are inside their units and during afterhours and weekends while no staff is present, the HPHA has made great efforts and have documented multiple violations as follows:

HPHA Asset Management Project (AMP)	Number of Violations Issued in 2016	Tracks Smoking Complaints from Tenants
30 - Puuwai Momi	15	Yes
31 - Kalihi Valley Homes	4	Yes
32 / 33 - Mayor Wright Homes	3	Yes
34 - Kalakaua Homes	4	Yes
35 - Kalanihuia	2	Yes
37 - East Hawaii	0	Yes
38 - Kaua'i	0	Yes
39 - Maui / Moloka'i	0	Yes
40 - Kuhio Homes	0	Yes
42 - Hale Po'ai	1	Yes
43 - West Hawaii	10	Yes
44 - Waimaha Sunflower	0	Yes
45 - Ko'olau Village	0	Yes
46 - North Hawaii	1	Yes
49 - Kauhale Nani	3	Yes
50 - Palolo Valley Homes	0	Yes

The HPHA appreciates the opportunity to provide the House Committee on Housing with the HPHA's comments regarding HCR 114/ HR 68 and ask that this Resolution be deferred. We thank you very much for your dedicated support.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 19, 2017 4:22 PM
To: HSGtestimony
Cc: fromwayne@gmail.com
Subject: *Submitted testimony for HCR114 on Mar 21, 2017 10:40AM*

HCR114

Submitted on: 3/19/2017

Testimony for HSG on Mar 21, 2017 10:40AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
E. Wayne Johnson	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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nakamura1 - Natalie

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 19, 2017 12:34 PM
To: HSGtestimony
Cc: annamaui2008@yahoo.com
Subject: Submitted testimony for HCR114 on Mar 21, 2017 10:40AM

Categories: Green Category

HCR114

Submitted on: 3/19/2017

Testimony for HSG on Mar 21, 2017 10:40AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Anna Barbeau	Individual	Support	No

Comments: Aloha. Please review and support/pass HCR 114 as it will help to keep Hawai'i values intact. We need to close all loopholes so that Hawai'i does not become a commodity to be toyed with by developers who have no regard for the hard working Hawai'i residents. We are a unique state with much to be preserved and not turned into a place identical from which others flee iso our lifestyle. I trust you love this aina as I do and you will help in keeping it Hawai'i by supporting and passing HCR 114.

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nakamura1 - Natalie

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 19, 2017 12:48 PM
To: HSGtestimony
Cc: annamaui2008@yahoo.com
Subject: Submitted testimony for HCR114 on Mar 21, 2017 10:40AM

Categories: Green Category

HCR114

Submitted on: 3/19/2017

Testimony for HSG on Mar 21, 2017 10:40AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Anna Barbeau	Individual	Support	No

Comments: Please support HCR 114 re smoking because..ewe. It is gross and innocents are not to be forced to inhale other's pilau grossness. It is an infringement upon common area and to soil the air is plain wrong. Also, by passing this Amendment, you may help people to STOP smoking and ruining their health and costing our Medical System as they acquire negative afflictions to themselves.
Mahalo

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nakamura1 - Natalie

From: nakamura1 - Natalie
Sent: Monday, March 20, 2017 8:33 AM
To: HSGtestimony
Subject: FW: HCR 114 REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY TO DOCUMENT VIOLATIONS OF THE PROHIBITION ON SMOKING IN AND AROUND PUBLIC HOUSING.

Importance: High

From: Carmie [mailto:Carmie@hawaii.rr.com]
Sent: Monday, March 20, 2017 8:23 AM
To: nakamura1 - Natalie <nakamura1@capitol.hawaii.gov>
Subject: HCR 114 REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY TO DOCUMENT VIOLATIONS OF THE PROHIBITION ON SMOKING IN AND AROUND PUBLIC HOUSING.
Importance: High

Hello my name is Carmie Spellman. I live at the Front Street Apartments in Lahaina, Maui, Hawaii. I am in Support of HCR 114 REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY TO DOCUMENT VIOLATIONS OF THE PROHIBITION ON SMOKING IN AND AROUND PUBLIC HOUSING.

I am in support of HCR114. I have worked with Fair Housing regarding this very issue in the past but management does not comply thusly neither do tenants. Accountability is sorely needed thank you.

Mahalo Nui Loa,
Carmie Spellman
cspellman@hawaii.rr.com (sign-in name but your system is down)

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 21, 2017 9:43 AM
To: HSGtestimony
Cc: daria@hawaiiintel.net
Subject: Submitted testimony for HCR114 on Mar 21, 2017 10:40AM

LATE

HCR114

Submitted on: 3/21/2017

Testimony for HSG on Mar 21, 2017 10:40AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Daria Fand	Individual	Support	Yes

Comments: RE: HCR 114 Honorable Chair, Vice Chair, and House Housing Committee Members: This Resolution is so important to the improvement of the no-smoking compliance and enforcement strategies within Public Housing, which Hawaii Public Housing Authority (HPHA) has been remiss in initiating. Currently, HPHA has a policy whereby a resident may have a documented violation expunged from their record if they agree to attend a smoking cessation program. Not only does this foster a climate of laxity around the idea of community accountability, undermining the whole spirit of the 2014 smoke-free law (since it is already VERY HARD to evict a resident from public housing for non-felonious misconduct), but that in turn then results in further covert violation, which forces non-smokers to endure continued protracted exposures to secondhand and thirdhand smoke. It is hard enough to cite ANY violation of the smoking law — so ones that CAN be documented should always be retained on a residents' record without exception. Furthermore, it is inappropriate for HPHA to ask a resident to become a non-smoker in exchange for something that affects their lease. Residents may remain as smokers — as long as they follow the law and don't smoke on the premises. Quitting is a personal decision, and should not be conflated with the lease. Finally, the caveat to strike smoking violations off a resident's record is an aberration, an anomaly, of the lease agreement, in that no other lease violation is ever expunged. This resolution will bring the smoking Admin. Rules of HPHA into greater alignment with the law, the spirit of true compliance, and consistency with their other lease provisions. I STRONGLY URGE YOU TO PASS THIS RESOLUTION, FOR THE GREATER PROTECTION OF NON-SMOKERS, UNAMENDED. Mahalo for your consideration, Daria Fand Public Housing Resident, Community Health and Public Health Advocate

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