
HOUSE CONCURRENT RESOLUTION

REQUESTING A STUDY ON THE FEASIBILITY AND EFFECTIVENESS OF
IMPLEMENTING DRUG TESTING TO TENANTS, SELECTED APPLICANTS,
AND APPLICANTS OF FEDERAL AND STATE LOW-INCOME HOUSING IN
THE STATE.

1 WHEREAS, congressional findings under Title 42, United
2 States Code, Chapter 124, state that public and other federally
3 assisted low-income housing in many areas suffers from rampant
4 drug-related or violent crimes; and

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6 WHEREAS, there is a recent national trend toward requiring
7 applicants and recipients of public assistance, including
8 welfare benefits and public housing, to submit to drug screening
9 in order to qualify for such assistance; and

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11 WHEREAS, a number of congressional proposals have been
12 proposed, calling for nationwide testing of welfare recipients,
13 including public housing recipients; and

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15 WHEREAS, to combat drug-related crimes and to promote
16 safety in public-assisted housing, some states are considering,
17 and other states have implemented, drug testing as a condition
18 of entering into a lease for low-income housing; and

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20 WHEREAS, a number of cities, such as Chicago, Illinois and
21 Flint, Michigan, have considered drug testing public housing
22 residents; and

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24 WHEREAS, according to The New York Times article, "States
25 Adding Drug Test as Hurdle for Welfare," dated October 10, 2011,
26 policy makers in three dozen states, including Arizona, Indiana,
27 and Missouri, proposed drug testing for persons receiving



1 benefits like welfare, unemployment assistance, job training,
2 food stamps, and public housing; and

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4 WHEREAS, The New York Times article states that proponents
5 of such laws claim that the laws ensure that tax dollars are not
6 being misused and critics of such laws say that the laws
7 reinforce stereotypes about the poor; and

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9 WHEREAS, most of the legislative proposals have failed to
10 win support because of concerns about legality regarding
11 mandated drug testing for welfare recipients as a violation of
12 the constitutional protection against unreasonable search and
13 seizure; and

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15 WHEREAS, while drug testing of public housing tenants,
16 selected applicants, and applicants is being considered in the
17 United States, the act of drug testing persons in low-income
18 housing raises legal, economic, social, ethical, and practical
19 considerations and implications, as well as concerns regarding
20 the feasibility and effectiveness of its implementation; now,
21 therefore,

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23 BE IT RESOLVED by the House of Representatives of the
24 Twenty-sixth Legislature of the State of Hawaii, Regular Session
25 of 2012, the Senate concurring, that the Legislative Reference
26 Bureau is requested to conduct a study on the feasibility and
27 effectiveness of implementing drug testing to tenants, selected
28 applicants, and applicants of federal and state low-income
29 housing in the State; and

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31 BE IT FURTHER RESOLVED that with respect to the study, the
32 Legislative Reference Bureau examine the legal, economic,
33 social, ethical, and practical considerations and implications
34 of drug testing on tenants, selected applicants, and applicants
35 of federal and state low-income housing in the State, including:

- 36
37 (1) Housing, anti-discrimination, and privacy laws as they
38 relate to drug testing tenants, selected applicants,
39 and applicants of federal and state low-income
40 housing;
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42 (2) The legal effects of random and suspicionless drug
43 testing on tenants, selected applicants, and
44 applicants of federal and state low-income housing;



- 1 (3) Drug testing proposals nationally and in other states
- 2 on tenants, selected applicants, and applicants of
- 3 federal and state low-income housing, and the status
- 4 of the proposals;
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- 6 (4) The feasibility and effectiveness of drug testing on
- 7 tenants, selected applicants, and applicants of
- 8 federal and state low-income housing, including the
- 9 accuracy and reliability of drug tests; and
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- 11 (5) The costs and resources necessary to implement fair,
- 12 accurate, and reliable drug testing; and
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14 BE IT FURTHER RESOLVED that the Legislative Reference
 15 Bureau is requested to submit its findings and recommendations,
 16 including any proposed legislation, to the Legislature no later
 17 than 20 days prior to the convening of the Regular Session of
 18 2013; and

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 20 BE IT FURTHER RESOLVED that certified copies of this
 21 Concurrent Resolution be transmitted to the Regional Director of
 22 the United States Department of Housing and Urban Development,
 23 Acting Director of the Legislative Reference Bureau and the
 24 Executive Director of Hawaii Public Housing Authority.

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 26 OFFERED BY: *Rick F. Antonilla*

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