

SB1072



Robin K. Matsunaga
Ombudsman

David T. Tomatani
First Assistant

**OFFICE OF THE OMBUDSMAN
STATE OF HAWAII**

465 South King Street, 4th Floor
Honolulu, Hawaii 96813
Tel: 808-587-0770 Fax: 808-587-0773 TTY: 808-587-0774
complaints@ombudsman.hawaii.gov

**TESTIMONY OF ROBIN K. MATSUNAGA, OMBUDSMAN,
ON S.B. NO. 1072, A BILL FOR AN ACT
RELATING TO CUSTOMER SERVICE**

**SENATE COMMITTEE ON EDUCATION AND HOUSING
FEBRUARY 9, 2009**

Chair Sakamoto and Members of the Committee:

Thank you for the opportunity to present **comments** on S.B. No. 1072. The purpose of this bill is to require the Ombudsman to develop and implement a pilot program using informed customers to investigate customer service at the Hawaii Public Housing Authority (HPHA). The bill also requires the Ombudsman to submit a report on the pilot program to the Legislature no later than 20 days before the convening of the 2011 Regular Session.

As you know, the function of the Ombudsman is to investigate complaints from the public about administrative acts of executive branch agencies. We determine whether a complaint is substantiated or not substantiated by measuring the agency's action against the standards of the statutory law; the decisional law of the courts; administrative rules and regulations; practices and procedures of the agency involved; and the principles of administrative fairness.

If we determine that an agency has acted in a mistaken, unfair, arbitrary, or illegal manner, we may make recommendations for corrective action. However, the Ombudsman has no power to enforce these recommendations or to compel an agency to take any corrective action, and instead, must rely on reasoned persuasion. Therefore, the findings, conclusions, and recommendations we make must be fair and reasonable, firmly grounded in fact, administratively sound, and in accordance with law. It is only when these conditions are met that the Ombudsman's recommendations can be effective and persuasive. The credibility and effectiveness of the office thus depends on the objectivity and high professional standards of our work.

The manner in which the HPHA delivers services to the public can be considered to fall within the definition of "administrative act" and therefore would be within the jurisdiction of the

Ombudsman. However, in order to not adversely impact the credibility of the office, the proposed pilot program will need to be structured to impartially evaluate the quality and level of customer service delivered by the HPHA.

In order to not adversely affect our inquiries with HPHA on matters apart from the pilot program, and as we lack the physical office space to hire and house additional staff, sufficient funding will need to be appropriated to the office to allow us to contract a private firm to carry out the pilot program, including selecting and training persons to act as the informed customers who will be observing the HPHA. At this time, I do not know the amount of funding that would be required for such a contract.

Certain factors may adversely impact the effective execution of the proposed pilot project. These factors include, but are not limited to:

1. The passage of this bill will alert the HPHA that it will be the subject of an investigation of its delivery of services to the public, which may cause a change in the delivery of services only during the period of the investigation.
2. If the lack of adequate staffing is one of the reasons the HPHA does not deliver services in the manner or at the level desired, then conducting the investigation itself could exacerbate the problem if the informed customers engage the limited staff resources that would otherwise be available for members of the public who are applicants or recipients of HPHA's services.
3. In order to get a thorough and accurate understanding of the quality of services being delivered, which I believe is necessary before any findings and recommendations can be made, each of the HPHA offices and facilities should be observed over a period of time. Single snapshots of the HPHA's interactions with the informed customers may lead to flawed findings and recommendations that lack adequate bases.
4. The use of telephone visits will probably not be effective in testing the HPHA's response to youth, seniors, and persons with disabilities, since age and many disabilities are not discernible over the telephone, but the use of physical visits will increase the cost of the pilot program; and
5. It may be difficult to find impartial informed customers to investigate the HPHA's delivery of services to tenants of HPHA facilities since the HPHA staff know or can easily check

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who the tenants of an HPHA facility are. Using existing tenants, however, may introduce bias to the investigation and negatively impact the credibility of any findings or recommendations.

Thank you, again, for the opportunity to provide comments on S.B. No. 1072. If you have any questions regarding my comments, I would be happy to answer them.

LINDA LINGLE
GOVERNOR



CHAD K. TANIGUCHI
EXECUTIVE DIRECTOR

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 EDUCATION AND HOUSING

February 9, 2009 1:15 p.m.
Room 225, Hawaii State Capitol

In consideration of
S.B. 1072
RELATING TO CUSTOMER SERVICE

The Hawaii Public Housing Authority (HPHA) **supports the intent** of S.B. 1072, which would appropriate funds for a study by the ombudsman of customer service at HPHA.

The HPHA opposes this measure because it would adversely impact the priorities set forth in the Executive Biennium Budget for Fiscal Years 2009-2010. The HPHA appreciates the intent of this measure; however, given the current fiscal difficulties, it would not be prudent to pursue enactment at this time.

The Hawaii Public Housing Authority works hard to respond to resident concerns and regularly informs residents of the process for making requests and filing complaints, and their rights to take unresolved matters to a formal grievance. Most requests are handled satisfactorily by property managers on a day-to-day basis. Unresolved issues are escalated to agency staff and managers. Residents have also been made aware of the services of the Office of the Ombudsman, which responds to approximately 60 tenant complaints per year.

From: mailinglist@capitol.hawaii.gov
To: [EDH Testimony](#)
Cc: hceocgy@hawaii.rr.com
Subject: Testimony for SB1072 on 2/9/2009 1:15:00 PM
Date: Monday, February 09, 2009 10:17:42 AM

Testimony for EDH 2/9/2009 1:15:00 PM SB1072

Conference room: 225
Testifier position: support
Testifier will be present: No
Submitted by: George Yokoyama
Organization: Hawaii Cty Economic Opportunity Council
Address: 47 Rainbow Drive Hilo, Hawaii 96720
Phone: 808-961-2681
E-mail: hceocgy@hawaii.rr.com
Submitted on: 2/9/2009

Comments:

We **support** this measure for a public housing ombudsman. Often we get reports of rude and mean treatment of public housing residents/applicants by some state public housing staff.