

LINDA LINGLE
GOVERNOR



CHAD K. TANIGUCHI
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
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POST OFFICE BOX 17907
Honolulu, Hawaii 96817

Statement of
Chad K. Taniguchi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON JUDICIARY

February 19, 2008, 3:30 p.m.
Room 325, Hawaii State Capitol

In consideration of
H.B. 1985
RELATING TO PUBLIC HOUSING

The Hawaii Public Housing Authority (HPHA) supports this measure to increase public safety at public housing projects.

Well-defined and supporting laws are required to assist the HPHA and police officers in warning and requesting persons who remain unlawfully on public housing project property to leave. This measure will help to curb activities, such as loitering, vandalism, and drinking alcohol, by non-residents and uninvited guests on public housing properties. The bill will provide an additional mechanism for HPHA managers and Honolulu Police officers to provide public housing residents with a safe living environment.

Thank you for the opportunity to testify on this important measure.

000088

**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary**

February 19, 2007

Hrg: February 19, 2008, 3:30 p.m.
5 copies required

H.B. No. 1985: RELATING TO PUBLIC HOUSING

Chair Waters and Members of the Committee:

H.B. No. 1985 would extend the offense of Trespass 1° to entering or remaining unlawfully on any public housing project after reasonable warning to leave by housing authorities or a police officer. We oppose the bill because it further specifies that a warning or request to leave need not be given between 10:00 p.m. and 5:00 a.m. This would allow the authorities to clear out a housing area after 10:00 p.m. A person may have any number of legitimate reasons for being on the grounds of a housing project during the specified time and should not be arrested or cited without a warning.

The bill also is vague on what would constitute an “implied” invitation of a resident. An implied invitee is exempted from the trespass law. Is someone who accompanies an express invitee but who is not objected to by the resident an “implied” invitee?

Thank you for the opportunity to comment.

000080



Via e-mail: JUDtestimony@capitol.hawaii.gov

Committee: Committee on Judiciary
Hearing Date/Time: Tuesday, February 19, 2008, 3:30 p.m.
Place: Room 325
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 1985, Relating to Criminal Trespass, First Degree

Dear Chair Waters and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in opposition to H.B. 1985, which seeks to make criminal trespass in the first degree applicable to public housing projects administered by the Hawaii Public Housing Authority.

- Extending the Criminal Trespass Statute to Public Housing Poses Grave Constitutional Concerns Similar to Those of Act 50 of 2004

The proposed amendments to H.R.S. § 708-813 not only infringe upon traditional First Amendment freedoms, but also implicate settled principles of due process and the fundamental right to move freely (which is protected under both the U.S. Constitution and Article I, § 2 of the Hawaii Constitution). The grounds of public housing projects should be treated as public fora, and restricting access to these areas (which are public in nature) would overextend trespass statutes and may very well violate the free speech and association rights of both tenants and visitors.

The problems with this Bill are similar to those with Act 50 of 2004. As you may recall, in 2004, the legislature proposed Act 50 to combat the “squatting” problem. Act 50 proposed an amendment to H.R.S. § 708-814 that simply inserted the words “public property” two times into an existing criminal trespass statute that had previously applied to commercial premises only. Act 50 of 2004 made H.R.S. § 708-814 a vaguely worded law sweeping in its scope. By its very terms, Act 50 provided that anyone could be banned from public property for up to one year simply by being given a written trespass warning “stating that the individual’s presence is no longer desired on the property[.]” H.R.S. § 708-814(1)(b) (2004).

American Civil Liberties Union of Hawaii
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000090

Hon. Rep. Waters, JUD Committee
and Members Thereof
February 19, 2008
Page 2 of 2

Although Act 50 of 2004 was proposed to the Hawaii Legislature as a necessary tool to combat the homelessness problem, Act 50 was nothing less than a return to the street-sweeping laws of America's past and no different in substance than those constitutionally infirm laws. As you may also recall, the ACLU of Hawaii filed a lawsuit challenging the validity of Act 50 as to public property on the grounds that it was unconstitutional and gave public officials overly broad powers to ban individuals from using public spaces such as beaches, streets or sidewalks. The lawsuit was based on over six decades of U.S. Supreme Court precedent that condemned the inherent vagueness of laws like the challenged statute, and the Legislature subsequently repealed Act 50.

H.B. 1985 is potentially more dangerous than Act 50 of 2004. For example, it is possible that the grounds of a particular public housing development should be treated as a public forum. Restricting access to these areas (which are public in nature) would overextend trespass statutes and may very well violate the free speech and association rights of both tenants and visitors. This unnecessary, misguided and potentially unconstitutional measure does not accurately reflect sound public policy. We strongly urge this Committee to hold this measure.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Daniel M. Gluck
Senior Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawai'i
P.O. Box 3410
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000091

Strong Support for HB1985
Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

My name is Genevive [REDACTED] and I am a resident of Mayor Wright Homes. I am testifying today in strong support of HB1985. I am asking for safety for my family and all the people who live in Mayor Wright Homes.

I am 80 years old with a disabled son. Gangs have taken over my son's wheelchair ramp with their public drinking. They occupy the ramp every night and all day on weekends when we have no management, and I am terrified to confront them. Why should I have to say Excuse me, please, to gangs who do not belong here so my son can use his wheelchair ramp?

Please help stop the criminal trespass of outside gangs in Mayor Wright Homes. Please pass HB1985 so that all the residents of Mayor Wright can live in safety and peace.

Thank you for allowing me to testify.

Genevive [REDACTED]
Mayor Wright Homes

[REDACTED]
Honolulu, HI 96817

000002

Strong Support for HB1985
Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

My name is Shirleen [REDACTED], and I am a neighbor from outside of Mayor Wright Homes. I am testifying today in strong support of HB1985. I am asking for safety for myself and for the community surrounding Mayor Wright Homes.

The gangs in this area go both inside and outside Mayor Wright. When they are outside, their drinking, fighting, and loud disturbance goes into the early morning hours. They take everything from our yards, and they rob our cars, then they run back inside Mayor Wright when the police arrive. Please help the residents of this community by denying safe haven to gangs in Mayor Wright Homes.

Please stop the criminal trespass of gangs into Mayor Wright Homes. Please pass HB1985 so that the entire Mayor Wright neighborhood can live in safety and peace.

Thank you for allowing me to testify.

Shirleen [REDACTED]
[REDACTED]

Honolulu, HI 96817

000033

Strong Support for HB1985
Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

My name is Daniel [REDACTED], and I live near to Mayor Wright Homes. I am testifying today in strong support of HB1985. I am asking for safety for myself and all the people who live in or near in Mayor Wright Homes.

When we call the police, the gangs run into Mayor Wright, but when the police go to Mayor Wright, the gangs just leave and use the outside streets again. We have public drinking, visible drug use, and gangs that take over our streets and parking structures. We need to stop the criminal trespass of gangs in Mayor Wright Homes, to deny them that safe have from the police, so we can take back our streets from these gangs.

Please pass HB1985 so that we can all begin to live in safety and peace.

Thank you for allowing me to testify.

Daniel L. [REDACTED]
[REDACTED]
Honolulu, HI 96817
[REDACTED]

Strong Support for HB1985
Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

My name is Binasita [REDACTED] and I am a resident of Mayor Wright Homes. I am testifying today in strong support of HB1985. I am asking for safety for my family and all the people who live in Mayor Wright Homes.

I have a paraplegic son, and gang members beat him one day with his own crutches. They left fractures and even punched me when I tried to intervene, then they broke my windows. These same gang members also beat my 9 year old nephew bad with a baseball bat, and they have beaten other of my neighbors as well. I have a restraining order, but these gang members are still on the property.

Please help us to stop the criminal trespass of outside gangs in Mayor Wright Homes, so we can stop the gangs from terrorizing our community. Please pass HB1985 so that all the residents of Mayor Wright can live in safety and peace.

Thank you for allowing me to testify.

Binasita [REDACTED]
Mayor Wright Homes
[REDACTED]
Honolulu, HI 96817

000005

Strong Support for HB1985
Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

My name is Cardy [REDACTED] I am a member of the Kalihi-Palama Neighborhood Board and a neighbor of Mayor Wright Homes. I am testifying today in strong support of HB1985. I am asking for safety for our entire community as well for all the people who live in Mayor Wright Homes.

Gang activity is a tremendous problem in this area. Gang drinking, drugging, and fighting moves from corner to corner, going all the way down to Banyon Street. I strongly support enforcing criminal trespass in public housing as a good beginning to stopping the gang activity that uses Mayor Wright property as a safe haven.

Please pass HB1985 so that our entire community can begin to live in safety and peace.

Thank you for allowing me to testify.

Cardy [REDACTED]
[REDACTED]

Honolulu, HI 96817
[REDACTED]

000090

Strong Support for HB1985
Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

My name is Fia, and I am a resident of Mayor Wright Homes. I am testifying today in strong support of HB1985. I am asking for safety for myself and all the Mayor Wright Homes community.

A crowd of gang members gathers here every night. They sit and climb on cars and leave bottles, cigarettes, and graffiti. We have no protection from their noise, drinking, and vandalizing our vehicles. Please stop the criminal trespass of gangs in Mayor Wright Homes, so we can stop the gang behavior.

Please pass HB1985 so that all the residents of Mayor Wright can live in safety and peace.

Thank you for allowing me to testify.

Fia
Mayor Wright Homes


Honolulu, HI 96817

000097

Strong Support for HB1985
Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

My name is Fetu [REDACTED], my wife is Eleanor, and we are residents of Mayor Wright Homes. We are testifying today in strong support of HB1985. We are asking for safety for our family, for all of Mayor Wright Homes, and for the entire community surrounding Mayor Wright.

Gang drinking, fighting, late-night noise, and intimidation make it impossible to sleep at night and make our community unsafe to live in. My neighbors are terrorized, and my wife has nightmares and asthma attacks at night. Police say this is public housing on private property, so it is a matter for security, then security does almost nothing. Even if police stop the gang activity one night, they just move outside to city streets, and they come back in the next night. My neighbors are terrified of gang retribution, so that people are afraid to speak out.

We need the standards and the tools to rid our entire community of this gang violence. We need the police to be able to do their job on Mayor Wright property, and we need real and accountable security. We need HB1985. Please help us to stop criminal trespass in Mayor Wright Homes, so we can begin to stop gang activity throughout our entire community, both inside and outside Mayor Wright. Please pass HB1985 so that our entire community can live in safety and peace.

Thank you for allowing us to testify.

Fetu & Eleanor [REDACTED]
Mayor Wright Homes
[REDACTED]

Honolulu, HI 96817

C00098

Strong Support for HB1985
Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

My name is Leonard [REDACTED], and I am a resident of Mayor Wright Homes. I am testifying today in strong support of HB1985. I am asking for safety for myself and for all the Mayor Wright Homes community.

I was beaten on the head and arms by gang members with pipes. I was seriously injured enough to miss work. Now the gang members know me, and they surround me and threaten me regularly. We have public drinking, trespassing, and lots of drugs here. We have people on our property lying down and sleeping on stairways, sometimes for days from drugs.

If we could stop the criminal trespass of outsiders in Mayor Wright Homes, this would help stop the illegal gang behavior that often comes from outside gang members. Please pass HB1985 so that all the residents of Mayor Wright can live in safety and peace.

Thank you for allowing me to testify.

Leonard [REDACTED]
Mayor Wright Homes
[REDACTED]

Honolulu, HI 96817

000099

Strong Support for HB1985

Relating to Public Housing

Tuesday, February 19, 2008

3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

My name is Randy [REDACTED], my wife is Aosy [REDACTED], and we are residents of Mayor Wright Homes. We are testifying today in strong support of HB1985. We are asking for safety for our family and for all the families who live in Mayor Wright Homes.

All the uninvited outsiders, public drinking, and lack of security creates a great problem here. Our nephews were beaten with baseball bats by two pickup truck loads of gang members and left lying on the ground in critical condition. Gangs use Mayor Wright as a safe haven—these criminals are still loose, there have been no arrests.

Stopping the criminal trespass of outside gang members will help us to stop these gangs from hanging around here. Please pass HB1985 so that all the residents of Mayor Wright can live in safety and peace.

Thank you for allowing me to testify.

Randy [REDACTED]
Aosy [REDACTED]
Mayor Wright Homes
[REDACTED]

Honolulu, HI 96817

Strong Support for HB1985
Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

My name is Awleen [REDACTED], my husband is Francis [REDACTED] and we are residents of Mayor Wright Homes. We are testifying today in strong support of HB1985. We are asking for safety for ourselves and all the people who live in Mayor Wright Homes.

I had to get a restraining order against several gang members after they repeatedly threatened my husband and me with Micronesian racial slurs, chased my husband with a sword, and attacked me with kicks and punches. I am epileptic, and I even went into shock and had a seizure after one attack. The police know who these gangs are, but they are still on the property.

We are active church members, do not believe in violence, and we have done nothing to deserve this. We are terrified and confused by this criminal activity. We do not know who to rely on.

Please stop the criminal trespass of gang members in Mayor Wright Homes to help us get rid of these gangs. Please pass HB1985 so that all the residents of Mayor Wright can live in safety and peace.

Thank you for allowing us to testify.

Awleen [REDACTED]
Francis [REDACTED]
Mayor Wright Homes
[REDACTED]
Honolulu, HI 96817
[REDACTED]

000101

Strong Support for HB1985
Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

Our names are Rina [REDACTED], Nancy [REDACTED], and Ceimomi [REDACTED], and we are neighbors of Mayor Wright Homes. We are testifying today in strong support of HB1985. We are asking for safety for our neighborhood and for all the Mayor Wright Homes community.

We are elderly residents who live near to Mayor Wright Homes, and we are losing our property. We have gang activity every night in front of our apartments with their drinking and fighting and loud noise. When the police come, the gangs go back into Mayor Wright. When the police leave, the gangs come back to our city streets. There are never any arrests.

Please stop the criminal trespass of gangs into Mayor Wright Homes to help our entire community by stopping the gangs from hiding from the police. Please pass HB1985 so that all of us can live in safety and peace.

Thank you for allowing us to testify.

Rina [REDACTED]
[REDACTED]
Honolulu, HI 96817

Nancy [REDACTED]
[REDACTED]
Honolulu, HI 96817

Ceimomi [REDACTED]
[REDACTED]
Honolulu, HI 96817

Strong Support for HB1985
Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

My name is Marino [REDACTED], my wife is Judy, and we are residents of Mayor Wright Homes. We are testifying today in strong support of HB1985. We are asking for safety for ourselves and all the people who live in Mayor Wright Homes.

A cousin and I were attacked and punched repeatedly by two known gang members in the parking lot. My wife witnessed the whole thing from the third floor. More gang members were on the way when neighbors ran out, stopped them beating us, and called 911. We are terrified of these gangs. Everybody knows who they are, but there have been no arrests.

If we could stop the criminal trespass of outsiders in Mayor Wright Homes, that would help stop the gang behavior that often comes from outsiders.

Please pass HB1985 so that all the residents of Mayor Wright can live in safety and peace.

Thank you for allowing us to testify.

Marino & Judy [REDACTED]
Mayor Wright Homes

[REDACTED]
Honolulu, HI 96817

C00103

Strong Support for HB1985
Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,


My name is Rose, and I am a resident of Mayor Wright Homes. I am testifying today in strong support of HB1985. I am asking for safety for all the families who live in Mayor Wright Homes.

I am over 70 years old, and I have to carry an oxygen tank with me. The loud noise, drinking, and fighting in the yard awaken me every night. My sons say that I am not safe here alone, and my family has to take me out for visits to get me away from the stress. I have attempted to address this problem with management, but this leads nowhere.

Please help us to stop the criminal trespass of outside gangs in Mayor Wright Homes. Please pass HB1985 so that all the residents of Mayor Wright can live in safety and peace.

Thank you for allowing me to testify.

Rose
Mayor Wright Homes


Honolulu, HI 96817

C00104

Strong Support for HB1985
Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

My name is David [REDACTED], and I am a resident of Kukui Gardens. I am testifying today in strong support of HB1985. I am asking for safety for my family and for this entire neighborhood.

We have elderly and Asian residents getting harassed, robbed, mugged, or beaten almost every day waiting on busses, and the gangs are always seen running back into Mayor Wright Homes. There are never any suspects, never any arrests, just police reports of these incidences that are hard for my neighbors to file due to language barriers.

We need to do everything that we can to deny a safe haven to gangs in Mayor Wright Homes. Please stop the criminal trespass of gangs in Mayor Wright Homes, to help deny the gangs safe haven there. Please pass HB1985 so that all the residents of this area can live in safety and peace.

Thank you for allowing me to testify.

David Soares
[REDACTED]

Honolulu, HI 96817
[REDACTED]

000105

Strong Support for HB1985

Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

I am Keondorie [REDACTED] and I am a resident of Mayor Wright Homes. I am testifying today in strong support of HB1985. I am asking for safety for myself, my daughter Joanna, and all the people who live in Mayor Wright Homes.

I am 65 years old with a heart condition, and I am terrified of the gangs that have taken over my stairs and front porch. They drink and smoke there, and the noise and smoke come into my apartment. They harass my daughter and other family and friends who try to visit me.

If we could stop the outsiders from trespassing in Mayor Wright Homes, we could stop the gang activity that often comes from criminal trespassers. Please pass HB1985 so that all the residents of Mayor Wright can live in safety and peace.

Thank you for allowing me to testify.

Keondorie [REDACTED]
Joanna [REDACTED]
Mayor Wright Homes

[REDACTED]
Honolulu HI 96817
[REDACTED]

C00106

Strong Support for HB1985
Relating to Public Housing
Tuesday, February 19, 2008
3:30 pm

To: Rep. Tommy Waters, Chair, and Members,
House Committee on Judiciary

Dear Chair Waters, Vice Chair Oshiro, and Members,

My name is Precy [REDACTED] and I am a neighbor in support of Mayor Wright Homes. I am testifying today in strong support of HB1985. I am asking for safety for our entire community as well as the people who live in Mayor Wright Homes.

Many gangs in this area go back and forth between our city streets and Mayor Wright Homes. If we can enforce criminal trespass in Mayor Wright, then we can begin to stop all the gang activity by removing the places where they do it.

Please pass HB1985 so that all the residents of this area can live in safety and peace.

Thank you for allowing me to testify.

Precy [REDACTED]
[REDACTED]

Honolulu, HI 96817
[REDACTED]

000107