

January 27, 2014

**COMMITTEE ON JUDICIARY**

Rep. Karl Rhoads, Chair  
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Rep. Jessica Wooley  
Rep. Ken Ito  
Rep. Bob McDermott  
Rep. Derek S.K. Kawakami  
Rep. Cynthia Thielen  
Rep. Chris Lee

NOTICE OF HEARING

DATE: Tuesday, January 28, 2014  
TIME: 2:00 p.m.  
PLACE: Conference Room 325  
State Capitol  
415 South Beretania Street

**RE: TESTIMONY IN STRONG OPPOSITION TO HB1660  
RELATING TO SIDEWALKS**

Aloha, Committee on Judiciary:

While we support the intent to maintain public safety, the Pacific Alliance to Stop Slavery is in strong opposition to HB1660 and kindly urge you to defer this unnecessary measure seeking to further criminalize and dehumanize the houseless through its application. There is no need to amend current law in this way.

The application of laws that disproportionately criminalize the houseless for finding respite on the sidewalk, because everywhere else has been outlawed, has resulted in many abuses of innocent people by law enforcement and city officials. These abuses include: verbal harassment, physical assault, and the unconstitutional seizure of property belonging to houseless persons and families.

These measures seeking to directly or indirectly criminalize the houseless do not succeed in increasing public safety and only succeed in wasting taxpayer dollars and clogging up our already overloaded criminal justice system. We must enact measures that have been proven to work and we must support current legislation seeking to provide affordable housing and funding for services. Let's now focus on the empirical argument for the fiscal irresponsibility of HB1660.

I present examples that have been implemented in other U.S. municipalities and provide a statistical picture of the unsheltered houseless population on O'ahu.

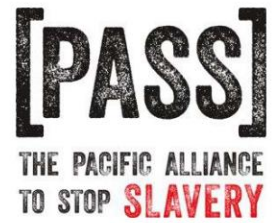
## Houselessness in other U.S. municipalities

### Costly measures to incarcerate and fine houseless individuals:

- **Issuing citations to houseless persons is expensive.** San Francisco spent \$9.8 million between 2004 and 2008 on over 56,000 “quality of life” citations, like the one proposed in Bill 6.
- **Incarcerating houseless people costs twice as much as providing them permanent housing.** In Cleveland, incarceration costs \$65 per day, versus \$30 per day for shelter. Seattle’s “Housing First” program indicated that provided permanent housing for houseless people was 53% less expensive than having them live on the street. This marginal cost saving increased over time as program participants became financially stable and independent.
- **Issuing citations does not prevent houselessness.** Minneapolis spent an estimated \$2.6 million between 1994 and 2005 issuing citations and incarcerating 33 chronically houseless individuals, with minimal desired results.
- **It may in fact make people more likely to remain houseless.** Indianapolis spends \$3 to \$7 million annually on its population of 500 houseless individuals (similar in size to Honolulu’s unsheltered houseless population estimate of 505 in 2013). The Indianapolis study notably linked contact with law enforcement with longer periods of houselessness and higher costs associated with healthcare.

### Measures that have succeeded in other municipalities:

- **Seattle’s** programs to place the chronically houseless into permanent housing cost \$1.1 annually and saved a total of \$2.5 million per year (\$2,400 per person), which was previously spent on medical expenses, bookings, and shelter.
- **Portland’s** “A Key not a Card” initiative placed 936 houseless people into permanent housing between 2005 and 2009 at a cost of \$1.9 million per year.
- A **Palo Alto, Calif.** program created kits that other municipalities could purchase to establish their own employment and housing support services for houseless individuals. **Daytona Beach, Fla.** has recently implemented its kit with success.



### **Houseless population on O'ahu**

Between 2012 and 2013, the houseless population in Honolulu County increased 4.7%, more than any other county in Hawai'i. Among O'ahu's houseless, the portion that live unsheltered is growing rapidly, by a margin of 11% since 2012 and 23% since 2009. The rate of unsheltered families with children also rose 5% since 2012.

This issue of "sidewalks" begs a compassionate response since its real target is the increase in houseless persons. It behooves this committee to defer HB1660 in consideration of the several measures on Housing and the Homeless currently moving through the legislative process that more appropriately and effectively address this concern.

Sincerely,

Kathryn Xian  
Executive Director

**HB1660**

Submitted on: 1/27/2014

Testimony for JUD on Jan 28, 2014 14:00PM in Conference Room 325

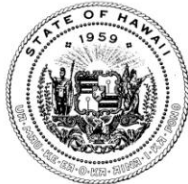
<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mitsuko Hayakawa	Individual	Oppose	No

Comments: This bill appears to criminalize the homeless and those who want to protect their rights. I find this a deliberate attack on the homeless and does not help the situation at all.

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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NEIL ABERCROMBIE  
GOVERNOR



Testimony of  
GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
FORD N. FUCHIGAMI  
RANDY GRUNE  
AUDREY HIDANO  
JADINE URASAKI

IN REPLY REFER TO:

**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097  
January 28, 2014  
2:00 p.m.  
State Capitol, Room 325

**H.B. 1660**  
**RELATING TO SIDEWALKS**

House Committee on Judiciary

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The Department of Transportation (DOT) **supports the intent** of H.B. 1660 to remove obstructions on highways or public passages. The DOT would recommend the following amendments to Section 1 of the bill:

1. Delete paragraph (1), (b) since there are some walkways which are less than one meter wide.

Thank you for the opportunity to provide testimony.

**H. Doug Matsuoka**  
PO Box 22046 / Honolulu HI 96823  
@hdoug on Twitter

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27 January 2014

**Re: Testimony in opposition to HB1660 RELATING TO SIDEWALKS**

Aloha Chair Rhoads and the House Judiciary Committee,

The amendments to HRS §711-1105 proposed in HB1660 are clearly aimed at the homeless and street protesters of the sort Chair Rhoads has been seen walking past on Ward Avenue.

Like all laws targeting the homeless and political protesters, enforcement will necessarily be selective, which violates the 14th Amendment guarantee of equal enforcement. No one expects that the statute will be enforced against sympathetic political campaign sign wavers, even those who obstruct the sidewalk and leave less than a meter of space for passage. No one expects the statute will be enforced against the City and County of Honolulu for obstructing the sidewalks fronting Thomas Square with 130 planters. People will expect such a law to be enforced against the personal and political opponents of those who hold state power.

Keep in mind that sidewalks and parks have for centuries been places for the public forum, for discussion to take place, and for people to gather peaceably. These activities are supposed to be protected under the 1st Amendment.

There are many paved sidewalks throughout the State with less than a meter of space for passage. Anyone on those sidewalks would become offenders at the discretion (or indiscretion) of a law enforcement officer. Handing that sort of power to the police takes us one step closer to a police state. As convenient as a police state may be for some, it violates the rule of law, as our governance is supposed to be by the consent of the governed, not by the threat of police violence.

Our sidewalk areas are designated as safe zones for the poor by the Law of the Splintered Paddle in Article IX Section 10 of the Hawaii Constitution. The safety of these zones should not be compromised by advancing police state actions targeting the homeless and personal political enemies.

In short HB1660 unfairly targets the homeless and the political adversaries and personal enemies of those who hold state power. It degrades the rule of law and ignores the civil rights of all of us, especially those of the most humble in material circumstance.

HB1660 should be withdrawn in deference to the rule of law and as an act of good faith to the community.

Sincerely,

H. Doug Matsuoka

**HB1660**

Submitted on: 1/28/2014

Testimony for JUD on Jan 28, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Skye Moore	Project D.A.T.E.	Oppose	No

Comments: Project D.A.T.E. would care to mention that RHOADS, BROWER, NISHIMOTO, & SAIKI's HB 1660 measure does not reach out with a moral heart to solve the problem of homelessness, but instead criminalizes a victimless economic social issue just to appease those that refuse to handle the real structure of Hawaii's Homelessness that has been so over looked & almost put aside. To mention the fact that Hawaii has been ranked in the top 5 for the pass 7yrs by the Nat'l Attorney Assoc. out of D.C. for the high level of unconstitutional mistreatment of the Homeless. Don't be in top five again this year, by proving the point that locals don't share in the resolution to plight of our homeless Ohana.\*\*\*

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# Ho‘opae Pono Peace Project

(808)256-6637 [nativpeace@gmail.com](mailto:nativpeace@gmail.com)

## Testimony of Laulani Teale, MPH in Opposition to HB 1660, Relating to Sidewalks

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Sharon E. Har, Vice Chair

1-28-2014

Aloha Kākou,

I am writing today in opposition to HB 1660, which specifies that the offense of Obstruction would include any activity that does not provide at least one meter of space on any public sidewalk.

While I certainly would not approve of deliberate or arbitrary blockage of this kind, I oppose the measure, along with HB 1859, for the following reasons:

- It is redundant. As it stands, the law already prohibits obstruction.
- It is too open to inadvertent breakage and lengthy battles over interpretation. Unless regular citizens carry a tape measure, they could easily break the law without knowing that they are doing so. And if they do not have a tape measure in their possession at the time of citation, it would be very hard to prove that the person “knowingly or recklessly” committed the offense at all.
- The measure is clearly directed at houseless persons and protesters, and enforcement would certainly be targeted in these directions. Criminalization of either or both of these groups is simply not a good solution to concerns that may exist with them. Please consider the following:
  - Criminalization of the houseless has been repeatedly proven both ineffective and costly in other areas (examples: Los Angeles, Boston, San Francisco), as well as extremely costly. Real solutions exist, and are proven by data (Utah is a great example). They do not necessitate either jails or sledgehammers. The concept is simple: Close the “front door” to houselessness, and open the “back door”. Address the real causes of houselessness head-on, and give them shelter that they will not lose through high compliance standards. Prioritize human rights first, as is mandated by Article 25 of the Universal Declaration on Human Rights. Generate the revenue for this by charging those entities that contribute to the problem, such as the military (which drives rental prices to impossible heights and creates constant streams of veterans who cannot function in regular society), and luxury real estate (which can well afford the cost, and would ultimately benefit from a good result).
  - Protesters are much better allies than enemies. Even when their tactics are disagreeable to some, these are people who care about making a better world - enough to fight for one. Although their



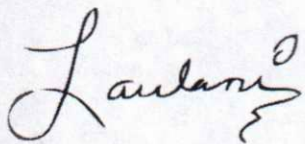
vision of what a better world looks like may differ from yours, a lot of it, believe it or not, is probably the same. A world with less crime, less cruelty, less poverty, more creative expression, more access to education, justice, and social participation. They should be your allies in positive change, and not enemies. And protesters do not make good enemies. They, like the houseless, have a very persistent tendency not to go away. Unlike the houseless, they fight back, hard. Additional citations mean additional court cases, which they will appeal again and again, until they win, at great expense to the State. And meanwhile, they will still be out on the streets, while the communication chasm between their efforts and yours grows. In the interest of peace, and for the sake of the public, I suggest that unnecessary battles with those who are fighting in their own way to protect human dignities and freedom be avoided.

Again, I would like to emphasize the need for cooperative solutions, creative thinking, and bold actions that actually work. The Ho'opae Pono Peace Project is more than willing to provide support toward achieving these ends. I urge you to please consider and engage in courses of action that are proven to work, and that benefit everyone.

Mahalo nui loa for your time and consideration.

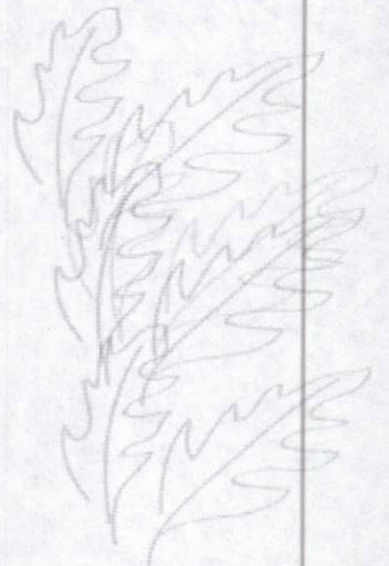
Please contact me at any time.

Me ke aloha 'oia'i'o nō,



Laulani Teale, MPH

Coordinator, Ho'opae Pono Peace Project



**HB1660**

Submitted on: 1/28/2014

Testimony for JUD on Jan 28, 2014 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Tada	Individual	Oppose	Yes

Comments: I stand opposed to HB1660. I have been involved with the De Occupy Honolulu movement for the past 2 years. Within that time frame, I have witnessed numerous raids conducted under the Department of Facilities Maintenance in which city workers would conduct raids on our encampment. During those raids I have personally witnessed basic civil/human rights violations which include throwing away in the trash prescription medications, along with items needed for daily survival on the streets. the former City Director of Housing, Ms. Trish Morikawa was quoted in Civil Beat and the Star Advertiser as saying that she helps the homeless by putting them in crisis. That to me constitutes a gross violation of basic human dignity. I strongly urge you not to pass this bill. Bills like this constitutes a dangerous anti aloha message. Please do not pass this bill! Mahalo

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**HB1660**

Submitted on: 1/28/2014

Testimony for JUD on Jan 28, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons	Individual	Support	No

Comments: I believe we, as taxpayers, have the right to unobstructed sidewalks. We have many visitors who will depart the islands with negative experiences if they are forced to walk into the street due to individuals and items blocking the way. I urge support of this bill. Mahalo for allowing this testimony.

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