



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065

**ANN H. KOBAYASHI**  
COUNCILMEMBER, DISTRICT 5  
CHAIR, COMMITTEE ON BUDGET  
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January 23, 2013

The Honorable Cindy Evans, Chair  
House Committee on Water and Land  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Re: House Bill 72 - Relating to the Counties.

Dear Chair Evans and members of the Committee,

I am writing in support of House Bill 72, Relating to the Counties, which exempts counties and their employees from liability for removing personal property from public property. As you may know, the City and County of Honolulu enacted Ordinance 11-29 to ban the storage of personal belongings on public property.

In the interest of promoting the health and safety of all people, the City and County of Honolulu must regulate potentially dangerous conditions on both private and public property. All pedestrians, including but not limited to those with disabilities, must have unobstructed access to the public right-of-way. Personal property stored on public property may pose a health, safety, or security threat to others.

This bill further enhances the City ordinance by exempting the counties and their employees from liability if they are involved with the removal of personal property stored on public property.

Thank you for the opportunity to testify in support of House Bill 72.

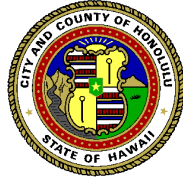
Sincerely,

A handwritten signature in black ink that reads "Ann H. Kobayashi".

Ann H. Kobayashi  
Council District V

**OFFICE OF THE MAYOR**  
**CITY AND COUNTY OF HONOLULU**

530 SOUTH KING STREET, ROOM 300 \* HONOLULU, HAWAII 96813  
PHONE: (808) 768-4141 \* FAX: (808) 768-4242 \* INTERNET: [www.honolulu.gov](http://www.honolulu.gov)



KIRK CALDWELL  
MAYOR

EMBER LEE SHINN  
MANAGING DIRECTOR DESIGNATE

GEORGETTE T. DEEMER  
DEPUTY MANAGING DIRECTOR

TESTIMONY OF KIRK CALDWELL, MAYOR  
CITY AND COUNTY OF HONOLULU  
BEFORE THE HOUSE  
COMMITTEE ON WATER AND LAND  
8:30 a.m., Conference Room 325

To: Honorable Cindy Evans, Chair  
Members of the Committee on Water and Land

Thank you for the opportunity to provide the Committee on Water and Land testimony in **support of House Bill 72, "Relating to Counties"**.

This bill is congruent to the existing Revised Ordinances of Honolulu (R.O.H.) Section 29-19.8, which states, "The City and County of Honolulu, its officers, employees, and agents shall not be liable to the owner of impounded personal property because of any disposal of the property.....".

House Bill 72 will further enable the City & County of Honolulu to enforce its ordinance relating to illegally stored private property on public sidewalks (and other City-owned properties), thereby enhancing public health and safety in the affected areas.

Mahalo for this opportunity to testify on bill. Should you have any questions or concerns, please feel free to contact me at 768-4141.



Committee: Committee on Water and Land  
Hearing Date/Time: Friday, January 25, 2013, 8:00 a.m.  
Place: Conference Room 325  
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 72, Relating to the Counties

Dear Chair Evans and Members of the Committee on Water and Land:

The American Civil Liberties Union of Hawaii (ACLU of Hawaii) stands in opposition to H.B. 72, which exempts county and county employees from liability for removing personal property from county property. This bill targets certain interest groups - protesters and homeless individuals - while granting impunity to public employees who knowingly seize private property without adherence to due process.

H.B. 72 would further the power of public employees to both seize private property stored in public space and to destroy the confiscated materials without accountability. Law enforcement officials should not be permitted to mandate that all citizens obey the law of the land while avoiding it themselves. Constitutional rights are not discretionary and it is paramount that we protect the civil liberties of all citizens while requiring accountability for those who enforce the law.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple  
Staff Attorney  
ACLU of Hawaii

*The American Civil Liberties Union of Hawaii ("ACLU") has been the state's guardian of liberty for 47 years, working daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii. The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society's most vulnerable members are denied, everyone's rights are imperiled.*

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii'i 96801  
T: 808-522-5900  
F: 808-522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
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## lowen1-Kyli

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 23, 2013 4:19 PM  
**To:** waltestimony  
**Cc:** dsferreira2@aol.com  
**Subject:** Submitted testimony for HB72 on Jan 25, 2013 08:30AM

### **HB72**

Submitted on: 1/23/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Darlene Ferreira    | Individual          | Support                   | No                        |

Comments: The corner of Isenberg and Beretania Streets are filled with homeless people on the park side. Although I have empathy for these people, I do not like having to walk on the side walk where they are camped. Its pretty scary.

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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