

LATE

03.11.14

To the members of the Committee on Human Services,

I am writing in strong support of Bill 1889, which would enable a Homeless Bill of Rights. This has effectively worked in multiple cities around the US as a way for those who are houseless to have equal rights to medical care, free movement, free speech, voting, opportunities for employment, and privacy. We cannot continue to treat our fellow human beings as less than. Each person deserves the same rights whether or not they have a home to live in. I kindly urge you to allow the same rights to each person regardless of the circumstances they may be facing.

Respectfully,

Emily Krause

# Ho‘opae Pono Peace Project

**LATE**

(808)256-6637 nativpeace@gmail.com

**Testimony of Laulani Teale, MPH  
in Support of HB 1889,  
RELATING TO A HOMELESS PERSON'S BILL OF RIGHTS.  
COMMITTEE ON HUMAN SERVICES**

Senator Suzanne Chun Oakland, Chair  
Senator Josh Green, Vice Chair

3-12-2014

Aloha Kākou,

I am writing today in strong support of HB 1889, the Houseless Bill of Rights.

My appeal to you is this: precious resources are being wasted in misdirected efforts to combat houselessness through the persecution of houseless persons. They are not working. **What we need to do is to begin where these efforts should have begun in the first place: with the protection, first and foremost, of the human rights of all people.** From here, we can build solutions that truly work for everyone.

I work directly in our community with activists, social workers, police, and many, many houseless people. One thing that we should all commonly understand by now is that these are not easy problems to solve.

Until the rights of houseless people are protected, nothing will get better. Brutality and undue oppression are used in frustration, because it feels like “nothing else is working”. What we need to do is to cut off these ineffective, abusive avenues, and focus on real solutions. Only then, by building the consensus that we will all act with civility and respect toward every person first and foremost, will real solutions – which are not easy, but very possible – be developed.

Human rights need to be protected before anything else. This is an international standard that Hawai‘i was famous for upholding during the days of the Hawaiian Kingdom, long before the Universal Declaration of Human Rights, with which HB 1889 aligns beautifully. Hawaii must strive to meet this level of greatness again. Kānāwai Māmalahoe, the Law of the Splintered Paddle, is not to be taken lightly. It speaks not only to the

protection of the well-being of all people, but also of the very ability of any government to stand. For not only is it true that the measure of any society is the well-being of the poorest of its citizens, but that any government that cannot protect all of its people from harm is destined to fall quickly.

Please pass HB 1889 into law.

Mahalo nui loa for your time and consideration.

Me ke aloha 'oia'i'o nō,

A handwritten signature in black ink that reads "Laulani". The signature is written in a cursive style with a large initial "L" and a decorative flourish at the end.

Laulani Teale

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 10, 2014 9:27 PM  
**To:** HMS Testimony  
**Cc:** KMurray.testimony@gmail.com  
**Subject:** Submitted testimony for HB1889 on Mar 11, 2014 13:30PM

**HB1889**

Submitted on: 3/10/2014

Testimony for HMS on Mar 11, 2014 13:30PM in Conference Room 16

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Murray	Individual	Support	No

Comments: With or without this bill, the homeless are entitled to the same rights as anyone else. However we are in dangerous times when money speaks louder than the voices of a majority of living breathing people. The value of people connected in a society and the intangible valuable contributions that are made can be taken as commodity pillaged, and those persons discarded. Thus there is now a need to emphasize basic human rights, especially of those who can least defend themselves. Cowardly persons who hide behind a system of laws not based on constitutionality or human decency have sought to strip our community of its common resources and communal ties. We feel compelled to reaffirm our decency as a society with legislation such as this.

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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**LATE**

To: Senator Suzanne Oakland Chun, Chair  
Senator Josh Green, Vice Chair

Date: Tuesday March 11, 2014, Conference Room 016, 1:30 p.m.

Re: HB1889 – Relating to A Homeless Person’s Bill of Rights

Chair Chun and Committee Members:

Thank you for the opportunity to submit written testimony in STRONG SUPPORT of HB 1889 Relating to A Homeless. Person’s Bill of Rights. My name is Mark Crumpton and I am Social Work Student at Hawaii Pacific University and live in the Puck’s Alley area of Honolulu. The passage of this bill is vital as:

**THE RIGHTS OF OUR MOST VULNERABLE CITIZENS MUST BE PROSECUTED TO STOP FURTHER SUBJEGATION  
OF THOSE IN NEED**

Recently, I have been exposed to the countless challenges of the unsheltered in my work as an Intern with the Institute of Human Services and with social work practitioners in the area of homelessness and more personally with my interactions with the numerous unsheltered individuals and families in my area of Mo’i’iliili. The most recent data indicates that in Hawaii there are 13, 870 homeless individuals and families (Center for the Family – UH Manoa –Hawaii2012) in Hawaii and as we prepare for the possibility of a sustained economic recovery, more families may encounter the challenges of homelessness. It is my sincere hope that our lawmakers and those we entrust with the safety of all our citizens maybe equipped with the knowledge and tools to mitigate harm and to aid those that are most vulnerable in their growing challenges by enforcing laws that are enacted to protect them

As everyday citizens and proud residents of this beautiful State, we urge that our elected officials of the State of Hawaii to continue to provide assistance to those of us who are suffering or are vulnerable. Our daily news has indicated that crimes have been waged toward our homeless populations resulting in the needless loss of civil rights and more severe , the loss of life. Without the services of the strict laws that may act as a deterrent against those who may prey on our vulnerable citizen’s, further violence and exploitation may continue and grow.

I urge you to support our most vulnerable citizens by voting yes on HB 1889.

Mark Crumpton

BSW Candidate – Hawaii Pacific University

Puck’s Alley / Honolulu

LATE

To the members of the Committee on Human Services:

I am a graduate student in Anthropology at the University of Hawaii at Manoa, and I have been conducting research on homelessness in Hawaii since 2009. I strongly urge you to support the passage of HB 1889 to protect the basic civil rights of the poorest members of our state.

Over the past few years, the city has gone to extreme, and possibly unconstitutional, lengths to criminalize the homeless members in our community and further ostracize them from full participation in our society. While the presence of poor bodies living in public areas like sidewalks and parks are problematic for a number of reasons, the criminalization of these bodies is an ineffective means of remedying homelessness and poverty, and only works to define these persons as falling outside of a social system that consists of only its more wealthy members. It is imperative to pass HB 1889 to ensure that basic constitutional rights are extended to all members of society, regardless of wealth.

The financial burdens of city laws that criminalize the homeless have fallen unfairly onto the poor and onto taxpayers. Imprisoning people for no other crime than being poor in public only burdens an already overcrowded prison system. Expecting people who must resort to sleeping in tents or on sidewalks to pay fines ranging in proposed city legislation from \$50-\$1000 is not only unconscionable, it is unrealistic. They are being fined the cost of a room for the night or the cost of rent for the month precisely because they cannot afford these basic living necessities. Confiscating and storing the private property of homeless people is a further burden on the government, and causes homeless people to start from scratch because the confiscated property often constitutes everything a homeless person has. By contrast, HB 1889 will prevent this and future legislation from further spending tax dollars and impoverishing the homeless at very little cost to the state. In fact, it will result in less arrests, fines, and confiscation and storage of private property, saving the state money.

HB 1889 is an act in the right direction. Having worked extensively with the homeless, one of the largest barriers to accessing social services is trust. Even before the criminalizing legislation was passed, the arrest and confiscation of property from homeless people I have worked with was routine, often on the pretext of a complaint. Negating my repeated pleas for them to seek help at hospitals and shelters, these homeless men and women refused based on the assumption that these were punitive spaces rather than spaces of rehabilitation. Years of harassment from the public sector have conditioned them to mistrust help from anyone with an official title, and from any institution. Now, the slew of bills that officially criminalize the homeless seek to only drive them further away, while dissent is met with empty rhetoric stating that "they can go to shelters if they want to." We are aware of many of the problems affecting our effective treatment of homelessness: shelters are often full, there is not enough affordable housing to meet demand, and wages do not meet the high cost of living in the state. The passage of HB 1889 works in a twofold way, regaining the trust of the poorest members of our society, and giving us the time to address effective treatment models.

Ultimately, the choice is a moral one. Within our democratic system, this moral choice has now fallen upon you, the elected members of our state legislature. By passing HB 1889, you will be taking a stand to uphold the basic civil rights of the poorest and most vulnerable members of our society. You will be sending a strong message to those lawmakers that seek to criminalize the homeless. By extending these rights to the homeless, you will be inviting them to participate in our society, rather than shunning them. Our goal is to wage a war on poverty, not to wage a war on the poor. If you choose to defer or vote against HB 1889, you will be neglecting to ensure that basic civil rights are extended to all citizens, regardless of wealth.

Thank you for hearing my testimony.

Sincerely,



Aashish Hemrajani

LATE

**A HOMELESS PERSON'S BILL OF RIGHTS**

State: HB 1889  
March 11, 2014  
Honolulu

**Michael Daly**  
1253 Beretania Street, 2910  
Honolulu Hawai'i 96814  
alohamichaeldaly@gmail.com

**OPPOSED**

I am OPPOSED on the grounds that HB1889 is written in terms of humiliation, prejudice, lack and vagueness creating further damage against homeless people.

The seven items specified in subsection (b) already exist as fundamental civil and human rights needing no reiteration in an Act for homeless people.

No Homeless Person's Bill of Rights can be considered genuine without specifically recognizing the crisis of the homeless epidemic in Hawai'i and addressing the special needs of emergency public habitat and challenges of having, securing, moving, setting up and breaking down the reasonable belongings of homeless people.

Also, no Homeless Person's Bill of Rights in Hawai'i can be considered genuine without specifically referring to and recognizing **Kānāwai Māmalahoe (Law of the Splintered Paddle), King Kamehameha I, 1797 and State of Hawai'i Constitution, 1978.**

Further, it is noted that the rule of law has been suspended in Hawai'i since January 17, 1893 when Queen Lili'uokalani was ousted by rebels and who conspired with the USA to contrive an occupation of Annexation in 1897 and which developed into an occupation of Statehood in 1959. The occupation from 1897 to today is unlawful and the manifestation of local homelessness and poverty in Hawai'i is a direct result of maintaining that occupation.

**Kānāwai Māmalahoe (Law of the Splintered Paddle)**  
Made law 1797, King Kamehameha I

Kānāwai Māmalahoe :

E nā kānaka,

E mālama 'oukou i ke akua

A e mālama ho'i ke kanaka nui a me kanaka iki;

E hele ka 'elemakule, ka luahine, a me ke kama

A moe i ke ala 'A'ohe mea nāna e ho'opilikia.

Hewa nō, make.

**State of Hawai'i Constitution**

Made law, 1978 PUBLIC SAFETY Article 9, Section 10

**Section 10.** The law of the splintered paddle, mamala-hoe kanawai, decreed by Kamehameha I--Let every elderly person, woman and child lie by the roadside in safety--shall be a unique and living symbol of the State's concern for public safety.

The State shall have the power to provide for the safety of the people from crimes against persons and property. [Add Const Con 1978 and election Nov 7, 1978]

**Law Journals and Reviews**

Ke Kanawai Mamalahoe: Equality in Our Splintered Profession. 33 UH L. Rev. 249 (2010).

[http://www.capitol.hawaii.gov/hrscurrent/Vol01\\_Ch0001-0042F/05-Const/CONST\\_0009-0010.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/05-Const/CONST_0009-0010.htm)

I am a long-standing homeless persons' advocate.

I coordinate Save Waikiki Sidewalk to protect the rights of artists there from attacks from the Waikiki Improvement Association and the Waikiki Business Improvement District which "gifts" \$150,000 per annum to the City to have Waikiki HPD focus on sidewalk issues resulting in constant artist arrests. My work protecting artists here overlaps into protecting the rights of homeless people in Waikiki.

I am following the epidemic of homelessness on Oahu and having traveled and lived in Australia and Europe I have the advantage to knowing what zero homelessness looks like and how, when an individual or family become homeless how they can be placed in permanent housing with critical government help sometimes within 24 hours.

As an artist and media producer I understand the rights of free expression. These pertain to homeless people, something I note is missed in Bill 1889.

Between 2004 and 2009 I volunteered for StreetBeat newspaper which is a local voice and resource for homeless people. I have been a regular protest camper at DeOccupy Honolulu at Thomas Square from November 2011 when APEC conference came to Honolulu and Hawaii's corporate lobby attempted to shut down or re-locate aspects of the Public Forum inherent on every connecting public sidewalk everywhere.

See VENETIAN CASINO RESORT v. LOCAL JOINT EXECUTIVE BOARD OF LAS VEGAS 226 165 <http://caselaw.findlaw.com/us-9th-circuit/1015032.html>

I experienced family homelessness on Kaua'i with my two school-aged daughters in the late nineties. In 2009 I lost my job at The Cheesecake Factory Waikiki as a kitchen worker and immediately became homeless again. Being over 55 years old the prospect of employment is increasingly difficult. At that time I experience the inhumane, debilitating and abusive conditions of a city shelter called "Next Step" and filed a report with it's coordinating agency Waikiki Health Center.

I am very aware of public sidewalk issues having four years of frustration with successive **City and County of Honolulu** lawmakers who have in that time essentially declared war with homeless people and made them a class of social persecution. Eventually the system of city torment leads to arrests and criminalization of many homeless people. Mayors Hanneman, Carlisle and Caldwell and city concurrent Councils, under the increasing control of corporate business have deliberately set forth to eliminate emergency habitat homeless people need in public spaces in Honolulu and Oahu. The city has:

- **Closed city parks at night**
  - > targeting homeless people who took refuge there for sleep at night
- **Ordinance 10-5 Banned the use of canopies, covers, tents and carts in city parks**
  - > targeting homeless people who need protection from rain, a little privacy and wheels to pull belongings as they travel by foot
- **Bill 39 restricted the sidewalk center corridor up to 8' across under to create a Public Utility Zone**



- > targeting homeless people and preventing them from accessing in most areas a reasonable yet critical section of the sidewalk for resting
- **Bill 59 banned the “storage” of property** on public sidewalks with a 24 hour warning of confiscation
  - > targeting homeless people from having even minimal cover from rain and holding their wheeled carts, bicycles and movable belongings
- **Bill 7 banned the “storage” of property** on public sidewalks as with Bill 59 except with only a 15 minutes warning of confiscation
  - > targets homeless people

This represents the evaporation of place expecting that the expendable and sub-human homeless will disappear in lock step. It is a systemic school-yard-type bully government behaviour aimed at the poor, weak and ostracized in our community – but also, it is the mission here of the corporate/city state to clear the visibility of homelessness off public spaces without having a comprehensive housing and economic program.

The city media writers and politicians default to a campaign narrative saying they are making things so intolerable for homeless people in public that the option of warehouse emergency shelters become attractive. This they call “tough-love” but it doesn’t work because over 4000 homeless people, many who have tried shelters, on any given night year after year use the concrete, exposure and danger of the sidewalk as their only sad and yet real option. Meanwhile city “tough-love” has driven homeless people to depravity, suicide, hospital, jail and drug use.

This is certainly not economic stability for the individuals and families ravaged by programs of city harassment and neither is it economic stability for the community. That kind of economic prosperity comes with providing **Rapid Transition** to housing and **Housing First** programs where positive self-esteem, safety, health care, employment, creativity and productivity can take root and grow.

But, n Hawai’i shelters and programs are riddled with human rights infringements, inadequacies, private agendas and are often just plain disingenuous. It is my observation from experience that the city and agencies merge the body of homeless people with the myriad of other human and economic personal impairments: mental health, disabilities, addictions, veteran syndromes, unemployment, crime, lack of income. This is a mistake for housing first advocates who realize that yes, these challenges are connected and important to being homeless but who also understand a person needing help or recovery in these arenas will respond better and quicker, perhaps even effortlessly having a permanent place they can retreat to, look after and call home. And in contrast to what presently happens, homeless people get hold-up for up to two years in degrading warehouse night cubical shelters and case workers orchestrate belittling, drawn-out and fabricated dependences on the first day.

These shelter-type conditions in the immediate aftermath of Hurricane Katrina in New Orleans in 2005 were condemned national as outrageous. Emergency Shelters are Emergency Shelters yet successive Mayor, Governors, Agencies, Governments, corporations and people accept Next Step warehouse shelter and Institute for Human Services HIS shelter as a long-term “relief” for women, children and men in need of a permanent private basic living space.

It should not be lost on anyone, that the corporate-military-state constituting the fraudulent State of Hawai'i cannot maintain it's occupational system without creating and maintaining an underclass. This is something the occupational force has to own up to.

History books of the future will hold this Committee on Human Services accountable in the same way as the Committee on Public Safety of 1893 is, by now, seen as facilitating a police state, defaming the words in it's title, being opportunistic and reprehensible for the coupe lead by paltry businessmen: Thurston, Dole and the gang of thirteen. See Public Law 103-150 – Apology Joint Resolution 1993.

This REMAINS the daily constitution of today's impaired, un-reconciled and un-democratic Hawaiian region. The very beginning of homelessness in Hawai'i is traced back to the day of the USA invasion. It is most striking that in "Hawaii's Story" written by ousted Queen Lili'oukalani she writes about the advent of homelessness after the coupe and notes that there was no homelessness prior to that. Why was homelessness in Hawai'i talked about in 1894 and it's history bound in violent war hostility connected without interruption to this day, March 11, 2014.

It seems that somewhere/somewhat the manifestation of homelessness was designated, as being the CORPORATE/CITY jurisdiction as opposed to a CORPORATE/STATE jurisdiction whereby the state has no instruction to interfere. EVIDENCE: In an otherwise sincere Homeless Bill of Rights, one which I could naturally support, the upper state body would have included a clause to acknowledge the mass pervasiveness of homelessness and the burden of responsibility of government to distribute resources across it's populous and adhere to the fundamental human rights to have a shelter and home.

Since that is not being done by any body, city, state or corporate, and it appears it has become the jurisdiction of the city to go beyond deliberate neglect and taunt homeless people by diminishing or eliminating their emergency public habitat, and searching, seizing

Unfortunately, what HB1889 *does* is to create discrimination against homeless people. It creates a separation between homeless persons and human beings. The clauses do not pertain to or explain the special conditions of homeless people.

Discrimination is no ordinary abuse. It is very serious and bound in legitimate sensitivity. By appropriating common Human Rights to homeless people in the way HB1889 does without identifying the existing specific law-code of civil and human rights is to say that they do not already cover homeless people and that they remain not covered by them.

The bill itself demonstrates that homeless people require a confusing segregation when in fact, enforcement of existing law covers all that HB1889 provides. In short it is prejudicial and insulting.

Where homeless people differ from regular people, and need their rights declared is in the area of emergency circumstances. Safe Zones, and Carried Safe Zones are the kinds of relief homeless people need until the housing responsibilities of the government can be achieved. Shelters are inadequate, limited and humiliating and housing is not provided to match the epidemic need.

Homeless people obviously need to be able to have and carry personal belonging essential for their survival, reasonable happiness and wellbeing. Homeless people obviously need immediate access to public spaces and facilities to use, transverse, stay and camp. Hawai'i is indeed fortunate to have Kānāwai Māmalahoe entrenched into it's laws and culture.

#### UN UNIVERSAL DECLARATION ON HUMAN RIGHTS

Recognition of the UN Universal Declaration of Human Rights, Articles 17, 22, 23, 24 and 25 will go a long way in protecting the rights of homeless people

In brief:

Article 17. 1. The right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property

Article 22. Economic, social and cultural rights indispensable for his dignity and the free development of his personality

Article 23. The right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

Article 24. The right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. 1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. 2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Further, recognition of ICCPR Treaty, The Covenant on Civil & Political Rights, Articles pertaining to Economic, Social and Cultural Rights provides existing law that protect people.

ACLU: <http://www.aclu.org/human-rights/faq-covenant-civil-political-rights-iccpr>

There is no doubt homeless people are used as fodder for private churches and a resource for some non-profits. The sovereignty of a human being is compromised as a commodity and again, this human right is not recognized in Bill 1889.

In closing I copy the seven items in subsection (b) below and note my disappointment in (1) whereby homeless have the right to "move freely" in public space – but not "stay freely" – surely this is a dignity to afford a person with no home to rest in.

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Excerpt from HB1889, (2014) - **Homeless Person's Bill of Rights**

(b) Every homeless person in this State shall have the right to:

(1) Move freely in public spaces, including on public sidewalks, in public parks, on public transportation, and in public buildings without harassment or intimidation from law enforcement officials, in the same manner as other persons;

(2) Have equal opportunities for employment;

(3) Receive emergency medical care;

(4) Register to vote and to vote;

(5) Have personal information protected;

(6) Have a reasonable expectation of privacy in one's personal property; and

(7) Receive equal treatment by state and county agencies.