

Aloha,

I am writing in support of SB1014. The Homeless here in Hawai'i are treated like second class citizens. The Honolulu County Council has passed a series of laws that essentially make it illegal to be poor and Homeless in Hawai'i. The police and City workers use these laws to take all of the belongings of the Homeless and destroy them, including, but not limited to their only shelter, bedding, food, identification, legal documents, etc., leaving the Homeless destitute and hampered from getting services because they lack identification, etc. Just like the illegal voting laws of the 1960s, these laws passed by the Honolulu County Council violate the Civil Rights of the poorest of the poor here in Hawaii, who do not have the funds or legal resources to fight for their Rights. Passage of SB1014 will help to ensure that the Civil Rights of the Homeless here in Hawai'i are honored.

Mahalo for your kind attention,

David Mulinix
Ahuimanu



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

**TESTIMONY FOR SENATE BILL 1014, RELATING TO THE HOUSELESS PERSON'S
BILL OF RIGHTS**

**Senate Committee on Human Services and Housing
Hon. Suzanne Chun Oakland, Chair
Hon. Josh Gren, Vice Chair**

**Saturday, January 31, 2014, 1:15 PM
State Capitol, Conference Room 229**

Honorable Chair Chun Oakland and committee members:

I am Kris Coffield, representing the IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 300 local members. On behalf of our members, we offer this testimony in support of SB 1014, relating to the houseless bill of rights.

Over the past three years, Honolulu Mayor Kirk Caldwell and the Honolulu City Council have enacted several ordinances aimed at “compassionately disrupting” homelessness on O’ahu. The most prominent of these ordinances are recently enacted sit-lie bans, which were originally implemented in high commerce areas like Waikiki, but have been expanded to commercial properties located in all regions of O’ahu, including windward and leeward towns and, most recently, malls bordered by businesses. Additionally “obstruction” ordinances target property stored on sidewalks and houseless persons remaining in parks after operating hours.

City officials erroneously argue that these measures are intended to preserve the legitimate, largely pedestrian, use of public space necessary for commercial and recreational conduct. If people can’t walk down the sidewalk, city leaders contend, local entrepreneurs will not be able to receive customers and pedestrians will not be able to safely enjoy the unique cultural experience of our island home.

We believe these arguments are false for three reasons. First, the city ordinances amount to an unconstitutional criminalization of the homeless. Councilmembers have stated that the new laws do not specifically target the homeless, but rather anyone engaging in obstructive activity. Many judges and legal experts around the country have repeatedly argued that these laws are selectively enforced against the homeless in the form of unannounced property raids, which constitute an unconstitutional violation of the Fourth Amendment’s search and seizure protections. For clarity, the Fourteenth Amendment provides that:

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Again for clarity, the terms “search” and “seizure” were concisely summarized in the majority opinion to *United States v. Jacobsen*, 466 U.S. 109 (1984), which declared that Fourth Amendment, “protects two types of expectations, one involving 'searches', the other 'seizures'. A *search* occurs when an expectation of privacy that society is prepared to consider reasonable is infringed. A *seizure* of property occurs where there is some meaningful interference with an individual's possessory interests in that property.” According to these understandings, When law enforcement, without notice, raid a homeless encampment and usurp—and often destroy—homeless people's belongings, including basic government documents and identification, the city is infringing homeless people's civil rights.

Second, these ordinances, and sit-lie bans in particular, are ineffective, serving neither to increase local economic activity or improve services to the homeless. Instead, these ordinances place a significant cost upon local taxpayers. Every raid on a homeless encampment costs the City and County of Honolulu approximately \$15,000, according to Mayor Caldwell, and similarly burdensome expenses are borne by the storage and destruction of confiscated property and potential arrest, prosecution, and incarceration of violators. A 2012 report from the University of Berkeley School of Law's Policy Advocacy Clinic found that empirical claims about the economic benefits of nuisance ordinances that disproportionately target the homeless are “neither proven nor promising” and suggested, instead, that supportive housing strategies, such as Housing First initiatives, would better accomplish municipal goals of reducing homelessness, cutting crime rates, and boosting fiscal growth.

Third, the aforementioned city laws do not and cannot incentivize housing, unless an adequate supply of shelter space and affordable housing is available. Currently, Hawai'i has an adequate supply of neither. According to a 2011 planning study, up to 50,000 new housing units will need to be built by 2016 to satisfy demographic and economic demand. Failure to produce sufficient units for low- and moderate-income households at a time when the overall economy continues to stutter and consumer prices escalate could place more people on the streets. Shelter space, too, exceeds the total number of homeless people in the islands. In Honolulu alone, the Institute for Human Services emergency shelter houses 390 people, with Next Step Shelter housing another 220 individuals. Yet, in the 2014 State of Homelessness in America report, Hawai'i ranked highest among in the nation for homeless people per capita. A 2014 state-sponsored point-in-time tally found there were more than 4,700 homeless in Honolulu and another 2,200 on the neighboring islands, totals that likely underreport reality given the reluctance of large numbers of homeless to participate in government studies.

Criminalization will not cure homelessness, as this bill acknowledges by granting rights to homeless people that contravene city crackdowns. Only housing will help. Our efforts to end

poverty for our state's most vulnerable citizens should be spent toward increasing the supply of shelter space and truly affordable housing, including micro-housing and Housing First operations, available to those in need. Because the aforementioned nuisance laws disproportionately target the homeless, we submit that lawmakers have a responsibility to pass this bill establishing an enumerated bill of rights for people being turned into a suspect class through the repeated violation of their civil liberties. Criminal convictions often morph into discrimination, creating a legal trail that impairs a person's ability to obtain housing, employment, higher education, and more. As the National Coalition for the Homeless wrote in 2014, as many as 70 percent of homeless people are already subject to "economic profiling," a form of discrimination in which law enforcement, private business, medical, and even social programs deny services because of real or perceived houselessness.

We additionally note that this bill could correct shelter abuses experienced by homeless people, including denial of personal banking information and inability to sleep in legally parked vehicles (currently criminalized under section §291C-112). That said, we request consideration of two amendments to confront shelter abuses not covered by the bill. First, we suggest adding an additional subsection to address exorbitant shelter fees, which range from \$90 to \$300 per month at IHS. We proposed the following language to enact this amendment: **"The right to participate in an emergency homeless shelter or program without financial harm and to the return of any fees paid for participation in an emergency homeless shelter or program."** We also encourage you to address the lack of a substantive appeals process for evicted shelter residents by adding an additional subsection to the bill to read: **"The right to access information about the rules for participating in a homeless shelter or program, a notice of cause upon eviction from a homeless shelter or program, and a process for appealing an eviction from a homeless shelter or program."** Lastly, we urge you **delete subsection (10)(b) from the bill regarding shelter savings programs**, since participants in these programs have been routinely denied access to basic information about their accounts and, thus, the ability to make sound fiscal decisions based on complete and accurate knowledge of their financial circumstances.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 30, 2015 10:51 PM
To: HSH Testimony
Cc: hdougtestimony@gmail.com
Subject: Submitted testimony for SB1014 on Jan 31, 2015 13:15PM
Attachments: SB1014.pdf

SB1014

Submitted on: 1/30/2015

Testimony for HSH on Jan 31, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
H. Doug Matsuoka	Individual	Support	Yes

Comments:

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Honolulu, January 30th, 2015

To: The Senate Twenty Eighth Legislation, 2015 State of Hawaii Committee Members:

Amnesty International Honolulu Chapter fully supports and testifies in favor of bill SB1014 (Hawaii Houseless Bill of Rights). Last year, the city of Honolulu approved sit-lie ordinances 42, 43, 46 and 48 in fifteen districts. In theory, these ordinances were created and were supposed to be applied to everyone who lie or sit on sidewalks, public benches, beaches and parks where these ordinances are in effect. The reality is that these bills are being selectively enforced and used to target homeless individuals and children who used to live in these districts.

One of the biggest problems with the sit-lie ordinances that are enforced all over the United States, and in Honolulu, is its own enforcement practices. We also must not forget the discrimination that selected groups (homeless individuals, families and children) are being subjected to, as well as our systemic failure as a government to ensure their equal protection clause in the 14th amendment to the U.S. Constitution is respected and enforced for everyone.

Amnesty International Honolulu Chapter had an opportunity to investigate and document how Honolulu's sit-lie ordinances 42, 43, 46 and 48 are being enforced in the fifteen districts it is in effect. Our findings does not differ and follow the same trend of cities/states across the U.S. that enforces sit-lie ordinances targeting homeless individuals. In the Waikiki district, for example, bill 42 is enforced 24/7. However, its enforcement is done selectively by Honolulu Police officers, as well as our judiciary system that chooses to enforce such practices. Enforcement discretion of sit-lie laws are systematically exercised. They have the power to choose whether and how someone has violated sit-lie ordinances, as well as the discretion on how they enforce such law, or punish an individual or group, based on who they are targeting/profiling.

Amnesty International Honolulu Chapter shares with you an example that was witnessed and documented by our co-director on October of 2014 that illustrates selective enforcement practices involving sit-lay ordinance 42 in the Waikiki district. We also share pictures of what we have witnessed, as we do believe that images are worth a thousand words. The pictures shows two female seniors sitting on public benches not even 10 feet apart. One of the female seniors was homeless. The other did not appear to be homeless. The homeless female senior was approached by Honolulu Police officers, who gave her a warning to leave the public bench, take her belongings and move to a different area where the new sit-lay ordinance was not being enforced. She received a warning, but was also told that if she failed to comply with the new sit-lay ordinance warning, that she ran the risk of being cited and ticketed up to \$1,000.00, have a criminal record against her for breaking the new law and possibly be sent to jail for up to 30 days. The other female senior, who was sitting on the bench next to the bench where the homeless female senior was sitting was not approached by Honolulu police officers. She was not given a warning, asked to leave the bench where she was sitting, or move to an area where sit-lie ordinance is not being enforced, nor given a citation for the same violation that homeless female senior committed. Why? She did not appear to be homeless.

For months now, over 8,000 homeless individuals in 15 different districts have their most basic human and civil rights; as well as U.S. Constitutional Amendment Rights breached on a regular basis. Specifically their first, fourth, right and 14th U.S. Constitutional Amendment rights. Honolulu's new sit-lie ordinances criminalizes the homelessness. It perpetuates homelessness through increasing marginalization, by creating arrest records, which impacts and negatively impacts a homeless individual's chances to obtain employment, or housing. Funds that could be used to support permanent and adequate services and affordable housing for homeless individuals are now allocated and being used to cover the costs of police, jail, medical and court time to enforce these ordinances.

SB1014 bill is the first step to bring back human and civil rights to the state of Hawaii with regards to our homelessness issues. As policymakers, you have an important duty and the privilege to set a new and much needed legacy to reevaluate our state's current homelessness problems by emphasizing housing as a necessary human right issue. This bill will also allow us as a community to start treating the causes and not the effects of homelessness in the state of Hawaii, especially in Honolulu, where sit-lie bills are being selectively enforced against homeless individuals, families and children. They are the most vulnerable members of our society. With your support and legislative work, we can work as a community and state to change this reality. Civil and human rights, as well as the U.S. Constitutional Amendment Rights must be valued, enforce and applied equally to everyone, including the homeless.

Respectfully Submitted,

Beatriz Cantelmo, Co-Director
Amnesty International Honolulu Chapter

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, January 31, 2015 10:27 AM
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Cc: rainawhiting@gmail.com
Subject: Submitted testimony for SB1014 on Jan 31, 2015 13:15PM

SB1014

Submitted on: 1/31/2015

Testimony for HSH on Jan 31, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
K. Raina Whiting	Individual	Support	Yes

Comments: I support this measure.

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SB1014

Submitted on: 1/31/2015

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

Comments: I support this Bill 1014, even though it falls short of turning back the right to reside in public parks at night past park closure hours, hopefully it will adequately undo all the harm of the sit and lie resolutions. It's unfortunate that we find ourselves needing to provide a specific bill of rights for the houseless. This demonstrates how the fabric of our communities are so deteriorated that we consider the vulnerable to be prey. The Bill of Rights should be already standing for all including houseless. Instead there should be laws against hoarding of property at a time when land has unnaturally become commodity. How is it that we have inadequate low-income or free surplus housing when we have enough empty residences to house the homeless many times over?

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TO THE COMMITTEE ON HUMAN SERVICES AND HOUSING
Senator Suzanne Chun Oakland, Chair
Senator Josh Green, Vice Chair

DATE: Saturday, January 31, 2015

TIME: 1:15 pm

PLACE: Conference Room 229 State Capitol, 415 South Beretania Street

The growing problem of homelessness in Hawaii needs to be addressed from a more compassionate standpoint than has thus far been taken by the State and the City and County (C&C) of Honolulu. By relentlessly harrassing the homeless and criminalizing even the most basic of survival activities, the C&C is only exacerbating the problems facing these extremely vulnerable members of our society. Ample research (*) exists to show that these tactics are not only ineffectual but are also NOT cost effective. Many brilliant researchers around the world have dedicated their careers and lives to finding evidence for how best to approach the issues of poverty, inequality, and homelessness; please listen to their conclusions rather than the clamor of public and/or media rhetoric regarding homelessness. Our current approach of absurdly oxymoronic 'compassionate disruption' leads to tremendous amounts of wasted resources in an endless game of cat-and-mouse that results in homeless populations being chased around the island from place to place, with no hope of remedying their situation.

This 'bill of rights' will allow the homeless enough of a degree of security and stability to seek shelter and employment without the ever-present threat of C&C sweeps, unconstitutional sit/lie prohibitions, and other discriminations based solely on their housing status. Please do your part to acknowledge that *something* needs to change. You are all capable of being the agents of this change and standing up to confront the unjust and inhumane policies currently espoused by Mayor Caldwell.

For whatever reason, boldly defending the homeless and aligning yourself as a champion of the most impoverished members of our society isn't a politically popular stance (perhaps because these are precisely the people who have the least voice in politics and aren't a particularly useful ally for reelection). However, doing so is a very popular moral stance as it reflects the respect for all and the aloha spirit that the residents of Hawaii still wish to believe are our core values. As inequality continues to grow in the islands, and as property values and rental prices continue to skyrocket, we the people of Hawaii are increasingly looking for progressive leaders to make bold steps to protect the interests of the most impoverished members of our society. Please support this measure as a first step toward re-humanizing Hawaii's homeless and providing them with the dignity and equal treatment under the law that we all deserve.

Thank you for hearing this bill and giving the public this opportunity to testify.

Aloha,
Michael Bishop
Honolulu, HI

(*) For starters, please see:

<http://www.law.berkeley.edu/files/1023sit-lie2.pdf>

AND

<http://homeless.samhsa.gov/resource/a-story-of-success-housing-first-saves-dollars-37780.aspx>

LATE

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SB1014

Submitted on: 1/31/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
K. Raina Whiting	Individual	Support	Yes

Comments: Aloha My name is Raina Whiting. I am the director of the local organization In The Streets, a homeless outreach group. Today, I am here speaking to you about my personal experience about why I think a homeless bill of rights is important in the State of Hawaii. First, here are the states Considering HBoR California Delaware Minnesota Missouri Oregon Tennessee Vermont Cities with a HBoR Madison, Wisconsin Baltimore, Maryland States that Currently Have a HBoR Connecticut Illinois Rhode Island Puerto Rico The current criminalization of our houseless ohana here in Hawaii has proven that our leadership on the city level believes that houseless individuals have less rights than those that are housed. I work with houseless individuals whose rights have been directly impacted based on the measures that have passed on the city level. While these measures were said to be applicable to all individuals its clear whom they were intended for, houseless individuals. I've worked with high school students who had their school books taken in raids who were unable to receive their diploma because they didn't have the money to pay for the books the city stole from them. The city have no regard for a houseless's individuals basic necessities. A homeless young woman I work with regularly was holding her urine over night because of the all the tickets her and her family had received for using the beach park bathroom after hours (between 10pm and 6am the bathroom is closed). It's a 100\$ ticket each time. She received a bladder infection that later turned into a kidney infection, it was extremely dangerous. I spent the night in the ER with her and we were lucky that her condition was caught before it caused irreversible damage. I've experienced numerous raids by the city. One raid happened at 3am on May 6, 2014. I was documenting what it was like to be houseless for 48 hours in honolulu. A houseless friend allowed me to document his story and stay with him. A 75 year old Native Hawaiian man had his backpack stolen in the raid when city officials refused to allow him to take it with him. The backpack included the only photograph of his late wife, a sweater, soap, a toothbrush, his identification and his heart medication. To me, all of the above was basic necessities, but to the city none of it was and they took it. a houseless individual should be able to pay 200\$ to reclaim anything that was taken from them. However, in this man's case, the city improperly labeled his belongings/or never actually stored them and his belongings were lost. That same night, a family of four, including a 3 and 4 year old daughters also had their belongings taken in the raid. The family finished out the night after their tent and belongings were stolen on the grass cuddled together with nothing else. Additionally, the friend that i was staying with had his tent, jacket, blanket, pillow, water and food taken. It took him more than 6 months to retrieve his belongings after applying for a fee waiver. However, I was able to take my belongings with me that night because I told the city officials that I was NOT homeless. This is discrimination. I've consistently seen houseless individuals rights be encroached upon because of raids. While city officials are supposed to store

property that they confiscate I've repeatedly seen them take an entire tent and all of its contents and dispose of it directly into the trash compactor never to be seen again. On one occasion in Kakaako this past summer a woman's sleeping baby was inside a tent. A raid began and city officials came to dispose of the tent. They held the woman back while she hollered in her native language, that her baby was inside. She managed to break free and grab her baby out of the tent prior to the city officials compacting her tent in the giant rubbish truck. Our state is NOT treating our houseless ohana equally, they have proven time and time again that houseless persons rights are not as valued as those of tourists and housed individuals. As the current laws and practices stand there is nothing protecting the rights of houseless Ohana and Keiki. This bill will not fix all of the issues, but it's a step in the right direction to recognize that our houseless Ohana has rights too. I'm asking you chair and committee to pass this bill to ensure that our houseless ohana and houseless keiki have a law that proves to them that we are invested in them getting out of houselessness and that we will compassionately and fairly advocate for them to get the tools to do so. This bill, the houseless bill of rights, will ensure that they have a voice and that their rights matter. Thank you

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SB1014

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Submitted By	Organization	Testifier Position	Present at Hearing
Evern Williams	Individual	Support	No

Comments: Please schedule both SB269 and SB1014 for hearing and pass the measures.

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