

**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-EIGHTH LEGISLATURE, 2015**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 1014, RELATING TO THE HOUSELESS BILL OF RIGHTS.

**BEFORE THE:**

SENATE COMMITTEES ON JUDICIARY AND LABOR AND ON WAYS AND MEANS

**DATE:** Friday, February 27, 2015

**TIME:** 10:05 a.m.

**LOCATION:** State Capitol, Room 211

**TESTIFIER(S):** Russell A. Suzuki, Attorney General, or  
Lila C. A. King, Deputy Attorney General

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Chairs Tokuda and Keith-Agaran and Members of the Committees:

The Department of the Attorney General has concerns with this bill.

This bill seeks to define rights for individuals deemed to be houseless. While the Department supports the intent of the bill, it has the following concerns.

Section 1, on page 4, lines 16-18, provides houseless individuals with the right to sleep in a legally parked automobile. This is problematic because if passed, it would conflict with an existing traffic code section that prohibits individuals from using a parked vehicle for human habitation during the nighttime hours, specifically sleeping in the vehicle. Section 291C-112, Hawaii Revised Statutes (HRS), provides in part:

- (a) No person shall use any vehicle for purposes of human habitation, whether or not the vehicle is designed or equipped for that purpose, while the vehicle is parked on any roadway, street, or highway or other public property between the hours of 6:00 p.m. and 6:00 a.m. or while the vehicle is parked on private property without authorization of the owner or occupant authorizing both the parking of the vehicle there and its use for purposes of human habitation.
- (b) As used in this section “purposes of human habitation” includes use as a dwelling place, living abode, or sleeping place.

In order to resolve the conflict, the proposed provision contained in section 1, on page 4, lines 16-18, should be deleted. Alternatively, if the Legislature intends to leave the proposed

provision in this bill, repeal of section 291C-112, HRS, should be incorporated into another bill with a title broad enough to encompass the subject matter of that section.

In section 1, on page 5, lines 12-15, the proposed right to “equal opportunity to have twenty-four hour access to hygiene facilities and live in decent, safe, sanitary, and healthful accommodations anywhere within the State, regardless of housing status” is vague and unclear. The provision fails to state who is responsible for designing, building, and operating these twenty-four hour hygiene facilities and for ensuring “decent, safe, sanitary, and healthful accommodations anywhere in the State[.]” This bill may create responsibilities for the State or counties without appropriating funds to meet these obligations.

Section 1, on page 5, lines 16-20, provides that “[a]ction by the State, a county, or private organization shall not impede an individual’s ability to maintain access to services essential to survival, including but not limited to medical services, shelter, food, and water.” This provision does not sufficiently define the “action” that would constitute a violation. The term could be broadly interpreted to impede the State and counties’ police powers to protect public health, safety and welfare, such as law enforcement. The provision would not give sufficient warning to the government agencies and private organizations as to which “actions” are prohibited. This lack of specificity may result in (1) inconsistent application by those government agencies and private organizations charged with applying the law, (2) inconsistent enforcement by law enforcement, and (3) inconsistent interpretation by the courts.

Section 1, on page 6, lines 1-2, provides, “[a] court of competent jurisdiction may award a plaintiff if violation of these rights occurs.” The bill should specify what the prevailing plaintiff would be awarded.

The Department of the Attorney General would be happy to work with the Legislature to achieve its intent.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** \*Submitted testimony for SB1014 on Feb 27, 2015 10:05AM\*  
**Date:** Thursday, February 26, 2015 9:55:43 AM

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**SB1014**

Submitted on: 2/26/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Puanani Rogers	Ho`okipa Network - Kauai	Support	No

Comments:

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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# Ho‘opae Pono Peace Project

(808)256-6637 nativepeace@gmail.com

**Testimony of Laulani Teale, MPH  
in Support of SB1014,  
RELATING TO THE HOUSELESS BILL OF RIGHTS..  
COMMITTEE ON JUDICIARY AND LABOR**

Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

**COMMITTEE ON WAYS AND MEANS**

Senator Jill N. Tokuda, Chair  
Senator Ronald D. Kouchi, Vice Chair

2-25-15

Aloha Kākou,

I am writing today in strong support of SB 1014, 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. These 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 SB 1014 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 SB 1014 into law.

Mahalo nui loa for your time and consideration.

Me ke aloha 'oia 'i' o nō,

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

Laulani Teale



# NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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February 26, 2014

Hawaii State Senate Committee on Judiciary and Labor  
Hawaii State Senate Committee on Ways and Means  
Via Capitol.Hawaii.gov

Dear Members of the Hawaii Senate Judiciary and Labor and Ways and Means Committees:

I write on behalf of the National Law Center on Homelessness & Poverty (“Law Center”) to urge the members of the Hawaii Senate Judiciary and Labor and Ways and Means Committees to take all necessary measures to support and pass **SB1014, the Houseless Bill of Rights**, which would protect the civil and human rights of people without homes. SB1014 responds to the growing discrimination and criminalization of homelessness within Hawaii and resolves to reduce the impact of homelessness on communities and individuals by establishing fundamental legal protections to safeguard homeless persons from common forms of discrimination and criminalization measures.

The Law Center is the nation’s only legal advocacy organization dedicated solely to ending and preventing homelessness. The mission of the Law Center is to use the power of the law to address the immediate and long-term needs of those who are homeless or at risk.

Since 1999, the Law Center has documented a dramatic increase in criminalization measures and the negative consequences of these discriminatory measures nationwide. A report by the Law Center, *No Safe Place: The Criminalization of Homelessness in the U.S. Cities (2014)*, demonstrates that despite record poverty and unemployment and a severe lack of affordable housing and emergency shelter, many municipalities, including those in Hawaii, have enacted or begun vigorously enforcing local measures that criminalize the life-sustaining activities of homeless people in public, even when there are no sheltered alternatives.

The report also documents that these discriminatory measures have proven to be ineffective and impractical to address the root causes of homelessness. Criminalization ordinances perpetuate homelessness, place unnecessary burdens on the criminal justice system and violate homeless individuals’ civil and human rights. Individuals cited or arrested will develop criminal records, making it more difficult for them to access needed employment, housing, and benefits. Efforts to move homeless persons out of downtown areas also disrupt existing relationships with service providers, making it more difficult for homeless persons to get the assistance they need. Thus, laws that cycle homeless people through the criminal justice system have the effect of increasing and prolonging homelessness.

Numerous studies have documented that criminalizing homelessness costs communities two to three times as much as simply providing housing to homeless individuals. In its 2012 report, *Searching Out Solutions*, the federal government condemned criminalization policies and encourages constructive alternatives, emphasizing that “in addition to violating domestic law, criminalization measures may also violate international human rights law.” This principle was affirmed three times in 2014, as three U.N. treaty monitoring bodies in their reviews of the U.S. called for the abolition of the criminalization of homelessness and the implementation of constructive alternative policies. Passing SB1014 would help

ensure Hawaii's reputation not only domestically, but internationally, as a leader in protecting human rights.

Our country has pledged in the Federal Plan to End Homelessness to end homelessness for all by 2020, and Honolulu Mayor Kirk Caldwell has joined the federal Mayor's Challenge to End Veterans' Homelessness by 2016. These goals will be impossible to achieve if criminalization measures continue in effect; statewide homeless bills of rights are among the best ways to ensure cities do not have a "race to the bottom" to criminalize and push out homeless individuals.

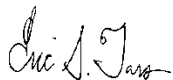
Our 2014 report *From Wrongs to Rights: The Case for Homeless Bills of Rights* shows a recent trend in cities and states taking additional measures to ensure the equal rights of homeless persons. Rhode Island, Connecticut, Illinois, and the United States territory of Puerto Rico have all enacted Homeless Bills of Rights. Similar legislation has also been proposed in California, Hawaii, Oregon, Vermont, and Missouri. These bills not only protect homeless individuals from discrimination and criminalization, but also help homeless people to realize those basic rights that most of society takes for granted.

The Law Center would only make one friendly amendment to the bill: in Sec. 4, (p.2, line 21) we would clarify that the bill of rights "includes the following guarantees *to all, including* houseless individuals" [added text in *italics*]. This would affirm both the principle and spirit demonstrated through the rest of the bill that homeless persons are not seeking special privileges, but simply asking to be treated with the equal dignity and respect given to all citizens. Homeless persons have particular challenges in that unlike permanently housed individuals, they have no private space to perform many of the daily, life-sustaining tasks most of us take for granted, or face other challenges in navigating in society, and SB1014 provides the clarification to ensure they have the equal right to conduct these activities.

The Law Center urges the Hawaii Legislature to take all necessary steps to protect homeless individuals by passing SB1014, and encourages your committees to give it your unanimous endorsement. Our Founding Fathers proclaimed that all men are created equal and throughout the generations, our nation has continually labored to live up to this declaration. Now, it is time for Hawaii to affirm equality and dignity for all by passing SB1014, demonstrating to the nation and the world that no one's human rights should be jeopardized simply because they lack a permanent home.

Thank you for the opportunity to present these views. Please feel free to contact me at [etars@nlchp.org](mailto:etars@nlchp.org) or 202-638-2535 x. 120 with any questions or concerns.

Sincerely,



Eric S. Tars  
Senior Attorney



January 28, 2015

COMMITTEE ON HUMAN SERVICES & HOUSING

Sen. Suzanne Chun-Oakland, Chair  
Sen. Josh Green, Vice Chair  
Sen. Breene Harimoto  
Sen. Gil Riviere  
Sen. Sam Slom

COMMITTEE ON WAYS AND MEANS

Sen. Jill N. Tokuda, Chair  
Sen. Ronald D. Kouchi, Vice Chair  
Sen. Suzanne Chun Oakland  
Sen. Donovan M. Dela Cruz  
Sen. J. Kalani English  
Sen. Brickwood Galuteria  
Sen. Breene Harimoto  
Sen. Lorraine R. Inouye  
Sen. Gil Riviere  
Sen. Russell E. Ruderman  
Sen. Sam Slom

NOTICE OF HEARING

DATE: Friday, February 27, 2015  
TIME: 10:05am  
PLACE: Conference Room 211  
State Capitol  
415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF **SB1014 WITH AMENDMENTS**  
RELATING TO THE HOUSELESS BILL OF RIGHTS**

Defines specific rights granted to a person who is houseless including equal access to housing, jobs, and shelters, equal treatment by government agencies, and access to life-sustaining activities and essential services.

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Dear Committee on Judiciary and Ways & Means:

The Pacific Alliance to Stop Slavery (PASS) strongly supports SB1014. It is unfortunate that we must reify these basic rights for the houseless population, but due to recent policies resulting in the selective enforcement of unconstitutional City ordinances unlawfully targeting the houseless, we must create a living document to protect the basic human rights of the poor, which have been effectively eroded by City policies.

Due to the City's Sit-Lie, Sidewalk Nuisance, Park Closure, and Stored Property laws, coupled with the costly City raids enforced by these laws, the Houseless community suffers significant constitutional abuses of property and person.

Such violations include: the confiscation and disposal of identification documents including driver's licenses, state picture ID, social security cards, passports, and birth certificates. Many of these important documents are impossible to replace once taken. These documents are required to gain employment to exit out of poverty, maintain health care and required medication, obtain housing, and even enter into Housing First programs.





Other necessities are also taken by the City through these abusive laws, such as children's immunization records, school books, ambulatory aids for seniors, essential medication for serious illnesses such as heart disease and diabetes, and family heirlooms impossible to replace.

The unconstitutional confiscation and disposal of such property not only lead the houseless further into poverty and despair but also prevent them from accessing health care, housing, employment, education, and basic needs such as food and sanitary needs.

If these City laws did not exist, there would be no need to implement a Bill of Rights for the Houseless, but unfortunately, we have a situation wherein which a new type of class discrimination has been established: discrimination based upon economic status. As such, we must establish that those who fall into this discriminated class of persons, be protected against new laws selectively enforced to disenfranchise their pursuit of happiness. We are obligated to recognize their rights and actively promote their equal protection under the 14<sup>th</sup> Amendment of the U.S. Constitution.

As the Civil Rights Act of 1964 set out to provide similar rights to people of color and women, we seek to establish the same type of protections for houseless individuals and houseless families today.

#### **AMENDMENTS**

PASS suggests the SB1014 to be amended to allow any houseless person not only the the right to shelter but also the right to refuse shelter without discrimination or retaliation.

PASS finds that when a houseless person refuses to accept shelter, they may suffer prejudice, societal blame for their own poverty, and subsequent criminalization by recent laws outlawing their presence in public spaces.

Many houseless persons have good reason to refuse shelter. These reasons range from discrimination and mistreatment by shelter staff to being victims of serious crimes gone unaddressed and unreported within shelters. Other reasons are simple yet nevertheless also justifiable such as: infestation of bed bugs, overcrowding, security issues, threats of mistreatment, and refusal to participate in questionable programs that do not help them better themselves and their economic situation.

PASS also suggests that Section 10 be deleted from the bill. Due to several testimonies from former residents of shelter services, we find that abuse is rampant with regard to shelter services maintaining "savings accounts" on behalf of houseless persons residing in shelters. Not only is this type of "savings program" being used to coerce residents to pay into these programs at threat of eviction, this activity may be in violation of state trust law as defined by HRS 412:8-103.

The general public and state lawmakers may be unaware of these issues because state law is not adequately developed when it comes to protecting the houseless throughout their journey through the services system. Which is why we kindly and respectfully urge you to pass SB1014.

Mahalo for your consideration and time.

Sincerely,

Kathryn Xian  
Executive Director  
Pacific Alliance to Stop Slavery

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for SB1014 on Feb 27, 2015 10:05AM  
**Date:** Wednesday, February 25, 2015 10:42:19 PM

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**SB1014**

Submitted on: 2/25/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Angela Breene	Waihuena Farm	Support	No

Comments: Homelessness is not a crime, yet Honolulu C&C continues to harass and persecute one of the most vulnerable segments of our population: the houseless. Please support strong protections of human rights by supporting SB1014. Mahalo

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**To:** [JDLTestimony](#)  
**Cc:** [ericbutler777@gmail.com](mailto:ericbutler777@gmail.com)  
**Subject:** Submitted testimony for SB1014 on Feb 27, 2015 10:05AM  
**Date:** Thursday, February 26, 2015 10:50:14 AM

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**SB1014**

Submitted on: 2/26/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric Butler	WorldPeacePlan.org	Support	No

Comments: WorldPeacePlan.org supports this Bill. Especially allowing people to sleep in lawfully registered and parked vehicles.

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Dear Committees on Judiciary and Ways and Means,

I write in strong SUPPORT of SB1014. Though I am fortunate enough to have a safe, secure place to sleep every night, I understand that this is not true for many. I work in Kalihi 5 days a week and pass by the Kapalama Canal. The number of houseless individuals has grown exponentially. Families with children have made the small grassy strip adjacent to the road their home. It is heartbreaking to see that there are so many people without a safe place to sleep. The Mayor's compassionate disruption plan is not working. We lack adequate, safe, clean shelters to house the hundreds of houseless people on O'ahu.

Ratifying the Houseless Bill of Rights is necessary. It's heartbreaking that we as a society need reminders that the houseless are people too but, here we are. How quickly we forget that thousands of us are a paycheck away from being houseless too.

Respectfully,

Aimee Takaki

**From:** [Mandy L. Chang](#)  
**To:** [JDLTestimony](#); [WAM Testimony](#)  
**Subject:** TESTIMONY IN STRONG SUPPORT OF SB1014 - Amanda Chang:  
**Date:** Tuesday, February 24, 2015 3:42:40 PM

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February 24, 2015

DATE: Friday, February 27, 2015  
TIME: 10:05 am  
PLACE: Room 211

Amanda Layne Yesensky Chang's TESTIMONY IN STRONG SUPPORT OF SB1014

I strongly support SB1014 RELATING TO THE HOUSELESS BILL OF RIGHTS. It is a foundational principle of this great Nation that every individual has the ability to strive to better themselves and to be seen and treated with equality. This Bill of Rights ensures that the houseless have a standard of treatment that must be followed to ensure their protection and which prayerfully aides them on a path of help and healing.

Sincerely,

*Amanda Layne Yesensky Chang of Mililani, Hawaii*

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for SB1014 on Feb 27, 2015 10:05AM  
**Date:** Wednesday, February 25, 2015 3:20:06 PM

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**SB1014**

Submitted on: 2/25/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carmen Golay	Individual	Support	No

Comments: I strongly support the creation of a Bill of Rights for Houseless persons. As they continue to be criminalized by sit & lie laws, and have their few belongings stolen by state enforced raids, their existence has become a crime. Poverty is not a crime. With an only growing number of people and families living without a house on Oahu, this bill is a necessary step to ensure they get protection under the law as promised by the 14th Amendment of the US Constitution.

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## **TESTIMONY FOR SB1014**

I do not support the current course of making it impossible for houseless persons to lead comfortable lives, including being able to rest in safety and comfort; having food, water, shelter, and health care; and not being treated worse than household pets. I support SB1014 in that it defines specific rights granted to a person who is houseless including equal access to housing, jobs, and shelters, equal treatment by government agencies, and access to life-sustaining activities and essential services. We must "Stay Human".

**STRONGLY SUPPORT SB 1014**

*treated*

Aloha Senators:

Based on the disappointing behavior of some imbued with powers of their offices and their lack of compassion; it's imperative that the powerless and the most vulnerable in our society be protected. Everyone deserves to be equally as a human being.

I particularly want to share with you that the injustices upon Honolulu's poor are real.

Although I do not consider myself poor, I too became the target of governmental abuse of powers and unlawful seizures under Mayor Kirk Caldwell in 2013.

Six (6) armed policemen, a dozen city workers all the way from Halawa, a front-end loader, commercial trucks were summoned to seize my free speech signs on property owned by us in fee during the eminent domain litigation process.

The intransigent Mayor interpreted laws as he wished and hid behind the Sidewalk Bill 11-029 to bully us. Instead of seizing tents and personal belongings, he seized our free speech signs! The federal judge has since ordered the city to pay the attorney fees for these violations.



You can google-search "Eminent Domain Abuse Hawaii" for evidences of my testimony.

While it's impossible to legislate morality, kindness and respect, Bill 1014 will help to protect the most vulnerable from bullying and discrimination, it should help mitigate some impacts through equal services and standing. Mahalo!

*Choon James*

ChoonJamesHawaii@gmail.com



# DAPHNE E. BARBEE

ATTORNEY AT LAW  
CENTURY SQUARE, SUITE 1908  
1188 BISHOP STREET  
HONOLULU, HAWAII 96813  
(808) 533-0275



Hearing: 2-27-2015  
Room 211

## COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

## COMMITTEE ON WAYS AND MEANS

Senator Jill N. Tokuda, Chair

Senator Ronald D. Kouchi, Vice Chair

Dear Senators Keith –Agaran, Chair Shimabukuro, Vice Chair and the Committee members on Judiciary and Labor:

Dear Senators Jill N. Tokuda, Chair, Vice Chair Kouichi and the Committee members on Ways and Means:

### TESTIMONY IN SUPPORT OF HOUSELESS BILL OF RIGHTS - SB1014

My name is Daphne Barbee-Wooten. I am a civil rights attorney practicing in Hawaii. I support the Houseless Bill of Rights.

Legislation protecting the civil and human rights of houseless people is need in Hawaii. These laws affirm that houseless people have equal rights to medical care, free speech, free movement, voting, and opportunities for employment, privacy and freedom from harassment/hate crimes. Legislation of this type is law in Rhode Island, Connecticut and Illinois, and in Puerto Rico.

“Laws that criminalize visible homelessness are immoral and offend our basic human instincts. They are contrary to the fundamental religious and political principals from which the American people seek guidance, and their existence demonstrates that we have fallen vastly short of our religious and foundational aspirations. The National Law Center on Homelessness and Poverty

See also "Hate Crimes Against the Homeless: An Organizing Manual for Concerned Citizens", National Coalition for the Homeless, January 2012.

I recall Hawaii State Representative Tom Brower on the news urging people to take a sledge hammer to houseless people's shopping carts in November 2013. The next weekend, a December 4, 2013 a homeless person was bludgeoned with a hammer and then later in December 27th here was another attack. Both houseless men died. Is this Aloha in Hawaii? We need to treat homeless people with compassion, not hatred. Hawaii is fast becoming a place for the rich. Condos are selling for 28 million dollars, while the working class is struggling to pay bills and could be houseless in the near future. This is a far cry from the Aloha Hawaii once offered to everyone.

This bill should be passed so that Hawaii can assure the world it is not a cruel, heartless place where the rich get richer and the rest of its citizens gets spat upon, beaten with sledgehammer, cannot shower and use the bathroom and denied basic human rights. Please do the right thing and Pass this bill.

  
Daphne Barbee-Wooten

**From:**  
**To:** [WAM Testimony](#); [JDL Testimony](#)  
**Subject:** Dave Mulinix Testimony In Support Of SB1014 "The Houseless Bill Of Ri ghts"  
**Date:** Tuesday, February 24, 2015 8:34:27 PM

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Aloha Committee Members,

I am writing asking you to vote in support of SB1014 "The Houseless Bill of Rights." Some have said that we don't need a Homeless Bill of Rights because we have the U.S. Constitution and Bill of Rights. It's true that we have them but that has not stopped the Honolulu City Council from passing a series of laws that target and criminalize the poor for being houseless.

We had the Constitution and Bill of Rights in the 1950s and 60s but that didn't stop Southern state and city governments from passing laws that prevented black people from voting, going to white only schools, using white only restrooms and drinking fountains, etc. So the Federal government had to pass Civil Rights legislation to ensure black people were ensured equal rights.

We have that same situation now here in the Hawai'i with the Honolulu City Council's Sit-Lie, Sidewalk Nuisance, Park Closure, and Stored Property laws, that all target the Houseless and violate their basic Civil Rights. SB1014 "The Houseless Bill of Rights" will help to ensure the poorest of the poor in Hawai'i will receive equal, fair, and just treatment.

Mahalo for your kind attention.  
David Mulinix  
Ahuimanu

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for SB1014 on Feb 27, 2015 10:05AM  
**Date:** Tuesday, February 24, 2015 11:14:20 AM

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**SB1014**

Submitted on: 2/24/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Duane Sosa	Individual	Support	No

Comments: Aloha!!! I am Testifying in SUPPORT of SB 1014. MAHALO

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**Date:** Tuesday, February 24, 2015 8:24:57 PM

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**SB1014**

Submitted on: 2/24/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Faith Ewbank	Individual	Support	No

Comments:

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**Cc:**  
**Subject:** \*Submitted testimony for SB1014 on Feb 27, 2015 10:05AM\*  
**Date:** Tuesday, February 24, 2015 11:05:30 AM

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**SB1014**

Submitted on: 2/24/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James L. Johnston	Individual	Support	No

Comments:

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**SB1014**

Submitted on: 2/24/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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**SB1014**

Submitted on: 2/26/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
K. Raina Whiting	Individual	Support	No

Comments: I support this measure and I urge the Chairs of both committees to pass it. We must come together and look closely at the homeless situation in Hawaii and understand that what is currently in place isn't working or just simply isn't enough. Why is our homeless population growing every year? (Homeless Point in Time Count 2010-2014) When our city government has resulted in criminalizing the most vulnerable citizens at their weakest moments we must ask ourselves why is this happening. These folks are our family and their civil rights are being infringed upon. It is not simply enough anymore to say that these folks can use the same Bill of Rights than you or I can participate in. The Houseless keiki are getting their school books and supplies taken in city raids, they aren't able to pay for the books so they don't receive their diplomas. Our kupuna are getting everything taken so that they are left with nothing more than the clothes on their backs in the middle of the night. Our Houseless ohana is getting ticketed for using public restrooms after hours even when they have a medical condition that won't allow them to hold their urine or feces. Our Houseless Ohana is being displaced from Waikiki where they need access to the free or reduced cost health services for their debilitating or severe conditions. These are real life examples that I have experienced through working on the streets on Oahu for our houseless ohana and keiki. I urge law makers to take action, support ohana, all ohana across the state, not just the ones that can afford it. We must take care of our community.

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**SB1014**

Submitted on: 2/24/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karen Murray	Individual	Support	No

Comments: My name is Karen Murray and I strongly support SB1014. Please help us make history with sane, humane, compassionate and just laws as persons who went before who recognized the need for the Civil Right Acts since 1866. Stand up for justice and the constitution because its enforcement is a work in progress.

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**SB1014**

Submitted on: 2/25/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lance Duncan	Individual	Support	No

Comments: two other rights should include the right to peaceful enjoyment of their environment free from harassment, and the definition of any individual engaging in nonviolent civil disobedience to enforce these rights as lawful conduct.

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To whom it may concern,

I SUPPORT SB1014 for a Bill of Rights for those persons who are homeless.

I volunteer with families in Kaka'ako who are homeless and have a difficult time, especially now that the City of Honolulu has enacted sit-lie laws and aggressively enforces the so-called "compassionate disruption" police raids.

Everyone deserves fair and equal access, including equal access to housing, jobs, and shelters, equal treatment by government agencies and access to life-sustaining activities and essential services.

Please support this bill in order to protect the most vulnerable among us from unfair and unjust criminalization of poverty.

Thank you.

Sincerely,  
Lani Kwon

Founder and CEO of The Creating CoPOWERment® Center LLC  
and Creating YOUR Calling® LLC  
lani@coPOWERment.com  
<http://www.coPOWERment.com>

February 24, 2015

DATE: Friday, February 27, 2015  
TIME: 10:05 am  
PLACE: Room 211

Amanda Layne Yesensky Chang's TESTIMONY IN STRONG SUPPORT OF SB1014

I strongly support SB1014 RELATING TO THE HOUSLESS BILL OF RIGHTS. It is a foundational principle of this great Nation that every individual has the ability to strive to better themselves and to be seen and treated with equality. This Bill of Rights ensures that the houseless have a standard of treatment that must be followed to ensure their protection and which prayerfully aides them on a path of help and healing.

Sincerely,

*Amanda Layne Yesensky Chang of Mililani, Hawaii*

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**SB1014**

Submitted on: 2/25/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patricia Blair	Individual	Support	No

Comments: Be a good human being..pass.

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**SB1014**

Submitted on: 2/24/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Samantha Preis	Individual	Support	No

Comments: Please support this Houseless Bill of Rights. A criminalization of the houseless has been progressing through this state wasting the taxpayers money on useless raids and arrests, and harassing innocent families who have the great misfortune of being homeless. It is now necessary to pass a bill of rights for homeless people to protect them from abusive and cruel legislation our state has enacted. Do the right thing and take care of these people.

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**SB1014**

Submitted on: 2/26/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Seena Clowser	Individual	Support	No

Comments: This bill is so important. With Hawaii now number one in the nation for number of per capita unhoused individuals, it's crucial the houseless have access to equal and fair treatment from government and social service agencies, and that they know that the State acknowledges these rights. Mahalo.

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## **SB1014**

Submitted on: 2/24/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sherry Pollack	Individual	Support	No

Comments: Aloha I strongly support SB1014, which defines specific rights granted to a person who is houseless, including equal access to housing, jobs, and shelters, equal treatment by government agencies, and access to life-sustaining activities and essential services. It's unfortunate that as a result of the City targeting the poor and violating their civil rights that we now need to have a law to protect them, but that is the sad and desperate reality. These City ordinances are part of the City's strategy of "compassionately disrupting" homelessness on Oahu. The most prominent of these ordinances are recently enacted sit-lie bans, originally implemented in Waikiki, but now expanded to commercial properties located in all regions of Oahu and, most recently, malls bordered by businesses. Other "obstruction" ordinances target property stored on sidewalks and houseless persons remaining in parks after operating hours. Raids now regularly committed by City officials as a result of these ordinances have resulted in houseless individuals losing all their belongings, including personal identification cards, passports, food, school books, clothing, medication, as well as their tent (i.e. home). All of these things take money to replace which these houseless families do not have. Consequently, the raids have only accomplished making these individuals even more destitute, and in many cases now completely unable to apply for work, graduate from school, or access needed services. A violation of the Bill of Rights? Yes. But to get protection under the Bill of Rights you need the resources to hire an attorney, something these houseless families do not have the means or wherewithal to do. They are simply trying to survive. Consequently, we must have a bill like this Houseless Bill of Rights created to specifically protect them. While this bill can not fix all the serious abuses currently afflicted on Hawaii's houseless individuals and families, it's a step in the right direction. Please stand up for what is pono and pass SB1014. Prove that Hawaii truly is the aloha state, and we care about all, especially those less fortunate.  
Respectfully, Sherry Pollack Ahuimanu

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**SB1014**

Submitted on: 2/25/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sue Kinsey	Individual	Support	No

Comments:

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**SB1014**

Submitted on: 2/25/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Douglas	Individual	Support	No

Comments: it's cheaper to give them homes than to support them. other states have proven it. Mahalo!

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**SB1014**

Submitted on: 2/24/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sylvia cabral	Individual	Comments Only	No

Comments: SUPPORT SB 1014, Implement email notices to homeless, disabled. stop gestapo tactics in the aloha state. Do not steal their personal belongings. What is wrong with this State? Do unto others as it will be done to you.

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I strongly support SB1014 to establish The Houseless Bill of Rights granting houseless people equal access to housing, jobs, shelters, equal treatment by government agencies, and access to life-sustaining activities and essential services.

Criminalization of the homeless is a human rights violation recognized by the United Nations. The UN has called upon the United States to repeal laws criminalizing homelessness.

City-run sweeps or “raids” on families in homeless encampments cause:

- 1) Houseless persons losing their jobs as they miss work to tend to their belongings during raids;
- 2) Difficulty for social services providers to maintain contact with the houseless and to direct them toward permanent housing and medical services;
- 3) Confiscation and unconstitutional disposal of identification and important documents such as Social Security cards, birth certificates, and marriage licenses, all of which are documents needed to obtain and maintain benefits, housing, housing first, employment and medication for serious medical conditions;
- 4) Relegating the victims of these raids to prolonged poverty since raids are responsible for the confiscation of all property belonging to the houseless person involved.

Criminalizing the homeless has proven massively ineffective in other places (San Francisco, Los Angeles, South Carolina, Massachusetts, Florida, etc.) as well as in Honolulu, and only succeeds in wasting taxpayer dollars. Once the “offenders” have served their time, they go back to the streets and sidewalks and the State and City will have accomplished nothing. The only thing these policies do is make it even harder for homeless persons to exit out of poverty since they will then have an additional hardship: a criminal record.

Please expedite the establishment of The Houseless Bill of Rights.

Thank you,

Sylvia Pope-Young

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**SB1014**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tamaki Takada	Individual	Support	No

Comments:

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**SB1014**

Submitted on: 2/25/2015

Testimony for JDL/WAM on Feb 27, 2015 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tulsi	Individual	Support	No

Comments: Please support this bill. I strongly support this bill

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