



National Association of Social Workers Hawaii Chapter

Date: January 29, 2015

To: **Hearing: SB 269**
Senate Committee on Human Services and Housing
Saturday, Jan. 31, 1:15 pm
Hawaii State Legislature, Room 229

The National Association of Social Workers, Hawaii Chapter (NASW) strongly supports Senate Bill 269 , relating public order violations, petition to vacate conviction.

Criminalizing homeless people for sitting and lying on sidewalks is not an approach to solving the complex issue of homelessness in Hawai'i. NASW Hawai'i supports the ability of individuals to file a petition to vacate the conviction.

- Measures that criminalize homelessness and the fines and criminal records associated with this action create barriers to becoming re-housed and reinforce negative stigma towards people who find themselves homeless
- The US Interagency Council on Homelessness disagrees with criminalization and has strongly advised local governments against this practice, as it makes access to services more difficult and undermines the ability of service providers to help, all while creating more barriers to finding housing.
- In addition, homeless people that have been ticketed for sleeping or sitting on sidewalks have been subject to violations to their constitutional rights.
 - *4th Amendment protection from unreasonable search and seizure* – Law enforcement being allowed to destroy a homeless person's belongings.
 - *8th Amendment protection from cruel and unusual punishment* – Imposing criminal penalties for engaging in necessary life activities.
 - *14th Amendment protecting citizenship, due process, and equal protection* – Vague statutes which don't give a person notice of prohibited conduct and encourage arbitrary enforcement.¹

Sincerely,

Sonja Bigalke-Bannan, MSW, LSW
Executive Director
National Association of Social Workers, Hawaii Chapter

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¹ National Coalition on Homelessness 2015

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 30, 2015 4:25 PM
To: HSH Testimony
Cc: zertle13@gmail.com
Subject: Submitted testimony for SB269 on Jan 31, 2015 13:15PM

SB269

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
Seena Clowser	Individual	Support	No

Comments: I am in support of SB269 because I believe that the already underserved houseless and unsheltered persons among us have enough to worry about without having to incur harrassment, fines, possible jail time and a criminal record. On practical and moral grounds, I am against the de facto criminalizing of poverty Thank you for your attention and concern for human dignity. Mahalo, Seena Clowser

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 30, 2015 7:24 PM
To: HSH Testimony
Cc: lynneronderko@gmail.com
Subject: Submitted testimony for SB269 on Jan 31, 2015 13:15PM

SB269

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
Lynn Onderko	Individual	Support	No

Comments: This is an important measure that will protect our homeless from further unreasonable consequences. Please do the right thing and pass this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 30, 2015 8:54 PM
To: HSH Testimony
Cc: ezlchirpz@gmail.com
Subject: *Submitted testimony for SB269 on Jan 31, 2015 13:15PM*

SB269

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
Lezlie Kiaha	Individual	Support	No

Comments:

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Date: March 24, 2014

To: Senator Suzanne Chun Oakland, Chair
Senator Josh Green, Vice Chair
Committee on Human Services and Housing

From: Mike Golojuch, Sr.

Subject: Strong Support for SB296

It is important to allow homeless people to petition the court to vacate a conviction for obstructing a public place on grounds that the person was homeless at the time of committing the offense. We need to allow the homeless to have the dignity they need to look for employment or get the help they may really need.

Thank you for the opportunity to express my view.

Michael Golojuch, Sr.

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 SB269 (related to public order). 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, parks, etc, 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.

Since Honolulu sit-lie ordinances were approved and expanded, 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 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. Homeless city raids occur regularly. Homeless individuals belongings and documents are illegally seized and on many instances, treated as garbage. Such practices are a violation of individuals most basic human and civil rights. It also creates unnecessary trauma and anxiety to those who are already living under a lot of stress and endured a lot of trauma.

SB269 bill is necessary legislative step that aims to help homeless people, and decriminalize the sit-lie bills that were recently approved and are now fully enforced in Honolulu. Sit-lie ordinances are not the answers to help address homelessness roots in the state of Hawaii. We need sustainable, long term solutions and a genuine comitment to restore and protect homeless individuals human and civil rights, as well as their dignity in this process. Housing is a necessary human right issue. With your support and legislative work, we can work as a community and state to change this reality and create policies that truly makes a positive impact in the lives of those who need the most.

Respectfully Submitted,

Beatriz Cantelmo, Co-Director
Amnesty International Honolulu Chapter

Chair Suzanne Chun Oakland

Vice Chair Josh Green

Chair members: Breene Harimoto, Gil Riviere, and Sam Slom

Human Services and Housing Committee

RE: Senate Bill 269

Hearing date: Jan 31,2015 1:15 PM Room 229

My name is Robert Fread, I am writing as a concerned citizen of the State of Hawai'i, and a constituent of Sen. Riviere who serves on this committee. I am testifying in strong **support** of Senate Bill 269. This Bill is a great first step in restoring faith in the rule of law on behalf of the most vulnerable members of the public in our State. For example, I believe that the recent courses of action taken by the City and County of Honolulu against the houseless population violate both the spirit and letter of the law as defined by Article 9, Section 10 of the Hawai'i State Constitution, as well as the equal protection rights guaranteed by the 14th Amendment of the U.S. Constitution, and require immediate legal remedy by the State:

ARTICLE 9 PUBLIC SAFETY

Section 10. **The law of the splintered paddle, mamalahoe 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.** (my emphasis)

U.S. Constitution – Amendment 14

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (my emphasis)

I believe it is clear that both the Stored Property Ordinance and the Sit/Lie Bill are in blatant violation of both Constitutions. First, the Stored Property Ordinance 13-8 (2013) not only authorizes the C&C of Honolulu to take homeless persons' property, but it also establishes what is essentially a ransom of \$200 in order for a citizen to retrieve their property, while adding additional insult to injury with an unreasonable timeframe requirement of 25 days from the date of seizure before the property is destroyed. Given the plight of the persons most affected by this Ordinance, I believe the fees and timeframe violate any semblance of due process and equal protection of the law, not to mention the total lack of moral and ethical grounding. My view is also supported by the Courts, as the C&C recently paid out a \$16,400 settlement in November 2014 to two protestors whose property was confiscated under this Ordinance.

The Sit/Lie Ordinance 14-25 (2014) is an equally egregious assault on the constitutionally protected rights of the public. This Ordinance attempts to define how citizens can use a public space, with section 1-(b) going as far to say “**Sitting or lying down is not the customary use of the public sidewalks.**” Regardless of the alleged truth of this statement, there is no legal basis for determining a “customary” act in a public space. If this law were to taken to its logical conclusion, then it would permit the C&C to criminalize other “customary” acts; imagine being ticketed for not helping an elderly person cross the street, or a child receiving a fine in the mail for not taking out the trash or helping his or her parents with groceries. As absurd as these examples may seem, it exposes that these Ordinances have little, if anything, to do with enforcing the rule of law, and are instead a clear attempt to criminalize basic human actions specifically aimed at one portion of our society. Although this particular Sit/Lie Ordinance is relatively new, I am certain that similar lawsuits and settlements will arise from its enforcement, increasing the potential for additional tens of thousands of taxpayer dollars to be spent in court defending it.

In closing, I believe that SB 269 is a great first step towards what should be a state-wide effort to start treating our houseless population as fully equal citizens, worthy of the same rights and respect that each and every one of us deserve and are guaranteed by our laws. Although I cited specific ordinances to which City and County Ordinances to which this Bill may apply, I feel that there is no place in a civilized society for *any* laws that bring additional hardship to the most vulnerable and least fortunate among us. Again, I strongly urge you to **support** SB 269 and I thank you for your consideration of my testimony.

Robert Fread

(808) 321-4395

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, January 31, 2015 10:27 AM
To: HSH Testimony
Cc: rainawhiting@gmail.com
Subject: Submitted testimony for SB269 on Jan 31, 2015 13:15PM

SB269

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.

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Sent: Saturday, January 31, 2015 12:14 PM
To: HSH Testimony
Cc: kmurray.testimony@gmail.com
Subject: Submitted testimony for SB269 on Jan 31, 2015 13:15PM

SB269

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
Karen Murray	Individual	Support	Yes

Comments: I support at least this Bill 269. I would like to see the sit/lie bills repealed. The crafters and supporters of the mean-spirited sit/lie bills should be convicted instead. It has no sense of humanity and reeks of oppression of apartheid. Are we heading toward concentration camps next? The sit/lie bills should not have even existed, especially not in Hawaii. The legislators passing these resolutions are killing aloha in the State and is an indicator of how colonized we truly are.

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Sent: Saturday, January 31, 2015 12:48 PM
To: HSH Testimony
Cc: sharon.s.coburn@gmail.com
Subject: Submitted testimony for SB269 on Jan 31, 2015 13:15PM
Attachments: Poverty is not a crime.docx

SB269

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
Sharon Coburn	Individual	Support	No

Comments: Thank you for accepting my testimony, and considering a kinder gentler approach..

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LATE

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Sent: Saturday, January 31, 2015 8:23 PM
To: HSH Testimony
Cc: evernw@aol.com
Subject: Submitted testimony for SB269 on Jan 31, 2015 13:15PM

SB269

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
Evern Williams	Individual	Support	No

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

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