



# LATE TESTIMONY

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## TESTIMONY FOR SENATE BILL 589, RELATING TO THE HOUSELESS BILL OF RIGHTS

Senate Committee on Housing  
Hon. Will Espero, Chair  
Hon. Breene Harimoto, Vice Chair

Tuesday, February 14, 2017, 3:00 PM  
State Capitol, Conference Room 225

Honorable Chair Espero and committee members:

I am Kris Coffield, representing IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 350 members. On behalf of our members, we offer this testimony in support of Senate Bill 589, relating to the houseless bill of rights.

According to the 2016 Statewide *Point In Time Count* report, 7,921 houseless persons were counted on a single night in January last year, up 4 percent from 2015. More than half of these persons were unsheltered. O'ahu accounted for 62 percent of the total (4,940 people), up 1 percent from the previous year. Kaua'i saw a 30 percent increase in the homeless population living on its shores (442 people), while the Big Island saw an increase of 12 percent (1,394 people). Overall, our state saw a 12 percent increase in the number of unsheltered homeless individuals and families and, concurrently, a 4.5 percent decrease in the number of sheltered individuals and families. Notably, the size of the houseless population on O'ahu is up 25 percent from 2009, when 3,638 homeless people were counted. Additionally, Department of Education officials said, last January, that 3,576 public school students are homeless. Last year's PITC captured just over half of them. We know, then, that our state's homeless population is not only larger than the statistics show, but growing.

Over the past few years, county governments have enacted several ordinances aimed at "compassionately disrupting" homelessness on O'ahu. The most prominent of these ordinances are 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, recently, malls bordered by businesses. Additionally, "obstruction" ordinances target property stored on sidewalks and houseless persons remaining in parks after operating hours. These city ordinances amount to an unconstitutional criminalization of the homeless.

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 Fourth 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 officers, without notice, raid a homeless encampment and usurp—and often destroy—homeless people's belongings, including basic government documents and identification, the city is violating homeless people's civil rights.

During property raids, homeless people's government-issued documents are often confiscated, documents that are necessary for employment applications, housing applications (including entrance into Housing First programs), travel, and identity verification. In December of 2014, homeless provider agencies reported that of 540 homeless people were listed as potentially eligible for the state or city's Housing First programs, only 62 had a picture ID that proving their identity and granting admittance into the program. Thus, 478 homeless families and individuals can't clear the first hurdle to getting into housing. Additionally, *Civil Beat* reported in July of 2014 that our state's jails are destroying homeless people's ID cards, purportedly because of “liability concerns.”

It can take months to replace ID cards and cost up to \$100 or more to replace government documents, including those necessary to re-obtain an ID. The Department of Public Safety's own mental health administrator, Mark Mitchell, said at the time that homeless people's ID cards were being discarded regularly, telling *Civil Beat* that homeless people's identification cards were being tossed unless he called and specifically requested a waiver for a mentally ill inmate, further claiming that about one-third of all the inmates he saw for mental health issues were homeless. Once released, mental health patients were unable to get medical assistance because health services often require an ID.

While expanding state and county homeless programs has reduced the number of raids, the problem of identification loss—really, identity theft—has not been resolved. In effect, we're forcing homeless people into a pernicious cycle. To replace a state ID, a homeless individual has to get a social security card. To get a social security card, however, they must have state

documents that require identification for obtainment. Birth certificates, for example, often must be notarized. Notarization requires ID.

Criminalization will not cure homelessness, as this bill acknowledges by granting rights to houseless 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.

Houseless assistance should not be held hostage to discrimination against the most economically vulnerable in our community. We applaud this proposal for assisting the homeless in preserving their dignity and personal security. We hope that it will be used to its fullest effect in establishing and enforcing the fundamental rights of our impoverished neighbors.

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

Sincerely,  
Kris Coffield  
*Executive Director*  
IMUAlliance

# LATE TESTIMONY

To the Senate Committee on Housing:

I am writing in support of SB 589, the Houseless Bill of Rights. The bill represents a significant opportunity for the state legislature to take leadership in crafting compassionate policies to effectively tackle one of the biggest problems facing our state.

I have been researching homelessness in Honolulu since 2009, recently completing my M.A. from the Department of Anthropology at the University of Hawaii at Manoa. I have collected many stories that demonstrated the violent and unsafe conditions faced by those in our society that are forced to live on the streets. From sexual assault on senior citizens to people throwing garbage on and spewing hateful words at houseless folks, the poorest people in our state are regularly the victims aggression from both middle class people and from police. I was, therefore, appalled when I came to find that both the City of Honolulu and the State Legislature attempted a few years ago to legally codify official harassment of unsheltered homeless people. Those attempts were successful enough, and have resulted in an ineffective campaign of criminalization “sweeps” that routinely result in the destruction of personal property and the loss of ID cards and other important documents.

My claim that the sweeps are ineffective is supported with evidence. The numbers of homeless people in the state have not been significantly reduced, in fact the period between FY 2014 and FY 2015 saw a 4.7% increase in those that needed to seek out services for the homeless. There are numerous accounts of people caught up in sweeps losing important documents, preventing them from being able to apply for waiting lists at shelters. The fact that shelters have extensive waiting lists challenges the presumption of the criminalization policy, referred to in Orwellian terms as “Compassionate Disruption”, as well as its constitutionality. There is nothing compassionate about these “sweeps” of people determined by the city and state to be too dirty to exist. A simple walk down to IHS, where encampments now stretch over three blocks is enough to show you that it is only disruptive. The recent changes to regulations for shelters have made available spaces even more tenuous. I ask that you address the issue compassionately by first stating clearly that homeless people are people, and that they deserve the same rights as any other member of society, regardless of housing status.

The United States Interagency Council on Homelessness, the main federal agency advising on this issue, has written extensively on the ineffectiveness of criminalizing homelessness. The National Law Center on Homelessness and Poverty has produced similar reports. By continuing with a policy that wastes \$15,000 per “sweep” you are only moving the problem around while wasting taxpayer money, and willfully ignoring the evidence-based advice of experts.

The bill before you is not without precedent. It is based on legislation that has already been passed in Connecticut, Rhode Island, and Illinois. Several other state legislatures are also trying to enact such a Homeless Bill of Rights to ensure basic constitutional protection extends to all of our citizens. I implore you to have the courage to join this vanguard of leaders in taking a stand for the ethical and compassionate treatment of our houseless neighbors.

Thank you for hearing my testimony.

Sincerely,  
Aashish Hemrajani  
(818) 730-0060