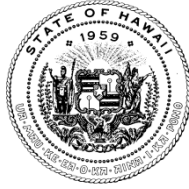


JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



EDWIN H. SNIFFEN  
DIRECTOR  
KA LUNA HO'OKELE

Deputy Directors  
Nā Hope Luna Ho'okele  
DREANALEE K. KALILI  
TAMMY L. LEE  
ROBIN K. SHISHIDO

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 14, 2024  
10:30 AM  
State Capitol, RM 329 & Videoconference

**H.B. 2084**  
**RELATING TO HOMELESSNESS**

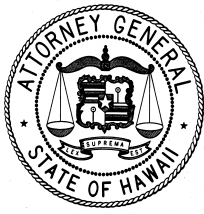
House Committee on Health and Homelessness and  
House Committee on Corrections, Military and Veterans

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The Hawaii Department of Transportation (HDOT) would like to **provide comments** to H.B. 2084 which establishes a vacated encampment clean up task force within the HDOT.

Currently, HDOT coordinates with the United States Army Garrison Hawaii in efforts to maintain state Rights-of-Ways directly adjacent to military properties. Maintaining these areas includes coordinating cleanup operations of unpermitted homeless encampments on and around military properties. The HDOT is willing to enter into agreements with US Army Garrison Hawaii to support efforts to remove biohazards, hazardous materials, and items posing immediate public health or safety risks, including materials that could be a fire hazard. Furthermore, the HDOT requests a consideration for appropriations of general funds to support this purpose.

Thank you for the opportunity to provide testimony.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2024**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2084, RELATING TO HOMELESSNESS.

**BEFORE THE:**

HOUSE COMMITTEES ON HEALTH AND HOMELESSNESS AND ON  
CORRECTIONS, MILITARY AND VETERANS

**DATE:** Wednesday, February 14, 2024      **TIME:** 10:30 a.m.

**LOCATION:** State Capitol, Room 329 and Videoconference

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Marjorie A. Lau, Deputy Attorney General

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Chairs Belatti and Hashem and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

This bill establishes a vacated encampment clean up task force within the Department of Transportation (DOT), which shall identify potential entities that may enter into intergovernmental agreements to coordinate the clean up of vacated encampments on land managed by the United States Army Garrison Hawaii (USAGH). The bill provides that the task force shall be chaired by the DOT's homelessness coordinator who shall determine the members of the task force and lists certain representatives (or their designees), which the chair may consider inviting as task force members. The bill appropriates funds out of the general revenues of the State to each of the DOT and the Department of Land and Natural Resources (DLNR) for purposes of the bill.

To better support the intent and implementation of the bill, we recommend that the Committees consider the following items.

First, the bill includes several provisions directing the USAGH to take certain actions: (1) "notify the state agency . . . and any elected officials . . . of identifying a vacated encampment on its property" (page 4, lines 7-11), and (2) "consider the following factors when determining if an appropriate period of vacancy has elapsed for

an encampment to be deemed a vacated encampment” (page 5, lines 4-6). Generally, the Supremacy Clause of the United States Constitution forbids states from regulating federal property or instrumentalities unless Congress has clearly authorized it. See Jack’s Tours, Inc. v. Kilauea Military Camp, 112 Hawai’i 150, 157, 145 P.3d 693, 700 (2006) (“[g]enerally, ‘where Congress does not affirmatively declare its instrumentalities or property subject to regulation, the federal function must be left free of regulation’” (citations omitted)). We are not aware of any congressional authorization for the State to regulate USAGH in this manner. As a related issue, section 1 of the bill, at page 1, lines 1-5, provides that the Legislature finds “there is a need to encourage collaborative intergovernmental approaches to addressing the challenges of homelessness, including ensuring the health and safety of residents on state- and federally-owned lands” and cites “debris left behind by vacated homeless encampments” (page 1, line 6) as posing potential environmental and public health hazards. However, the task force is charged with addressing vacated encampments located specifically “on lands managed by the United States Army Garrison Hawaii” and not on State-managed lands. It is not clear upon what basis or authority non-federal entities, including the State, are authorized or obligated to clean up lands under the management of USAGH. To the extent USAGH has management of the lands, it would appear to be USAGH’s responsibility to clean up such lands. The following items are subject to clarification of this first item.

Second, section 2 adds a new chapter to the Hawaii Revised Statutes, which establishes the task force with the chair as the only designated member of the task force. While the chairperson of the DLNR (or designee) may be invited to be a member, it is not required. It may be appropriate that the chairperson of the DLNR (or designee) be a designated member because DLNR is one of the expending agencies of appropriated funds.

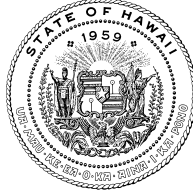
Third, it is not clear whether (1) the task force is to “identify the potential entities that may enter into intergovernmental agreements to coordinate the clean up of vacated encampments” (page 2, line 19, to page 3, line 1), or whether (2) “the entities represented on the task force shall enter into intergovernmental agreements to coordinate clean up activities” (page 3, line 20, to page 4, line 1). With these provisions

being unclear, it could be inferred that the bill allows the task force to identify specific vendors to do the clean-up. However, the appropriations are to DOT and DLNR as the expending agencies with such expenditures subject to compliance with law, including procurement law, such that it should be clarified how the appropriations to DOT and DLNR are intended to be spent. As a related consideration, perhaps entering into the intergovernmental agreements should be discretionary (as opposed to mandatory) in the event the parties are unable to reach agreement.

Fourth, certain terms in the bill could be defined for clarity. As used in sections -2 and -3, it is not clear whether “entities” means “members.” An “intergovernmental agreement” could be defined to mean an agreement between two or more governments to confirm who are the intended contracting parties. It is not clear whether “lands managed by the United States Army Garrison Hawaii” mean lands owned in fee by the federal government or lands leased by the Army (or both).

Fifth, on page 4, at lines 7-8, it is not clear what is meant by “the state agency with the closest jurisdiction to the United States Army Garrison Hawaii land.” And it is not clear what the purpose is for the USAGH to provide notice to that state agency.

We respectfully ask the Committees to consider our comments. Thank you for the opportunity to testify.



EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

Testimony of **John Mizuno**  
Governor's Coordinator on Homelessness  
Before the  
**House Committee's on Health and Homelessness/ Corrections, Military, and Veterans**  
February 14, 2024  
10:30 a.m., Conference Room 329

In consideration of  
**House Bill No. 2084**  
**RELATING TO HOMELESSNESS**

Aloha Chair Belatti, Chair Hashem, Vice Chair Takenouchi, Vice Chair Chun, and Committee Members,

I am writing to provide comments on HB2084, which appropriates funds and establishes a vacated encampment clean up task force to identify potential entities to enter into intergovernmental agreements to coordinate the clean up of vacated encampments located on lands managed by United States Army Garrison Hawai'i.

I appreciate that this measure focuses on clean ups of **vacated** encampments. I have witnessed the harmful effects that enforcement and/or sweeps have on individuals experiencing homelessness.

I recommend the following amendments:

- The appropriate period of vacancy be specified in the measure. I recommend it to be at least 48 hours or longer to ensure that it is truly vacant.
- The definition of vacated encampment state that all homeless persons previously living there no longer reside there.
- Remove "consider" from section B to specify the persons involved in the task force. I prefer to be on the task force to ensure intergovernmental collaboration, especially related to homelessness.

Thank you for the opportunity to provide comments for HB2084.

Mahalo,

John Mizuno  
Governor's Coordinator on Homelessness



**COMMENTS ON HB 2084  
RELATING TO HOMELESSNESS**

House Committee on Health & Homelessness  
The Honorable Della Au Belatti, Chair  
The Honorable Jenna Takenouchi, Vice Chair

House Committee on Corrections, Military, & Veterans  
The Honorable Mark J. Hashem, Chair  
The Honorable Cory M. Chun, Vice Chair

Wednesday, February 14, 2024 at 10:30 AM  
Conference Room 329 & Videoconference  
415 South Beretania Street

Chairs Belatti and Hashem, Vice Chairs Takenouchi and Chun, and Members of the Committees:

The Hawaii Military Affairs Council ("MAC") wishes to offer comments on HB 2084 which establishes a vacated encampment clean up task force to identify potential entities to enter into intergovernmental agreements to coordinate the clean-up of vacated encampments located on lands managed by United States Army Garrison Hawai'i.

The MAC was established in 1985 when the Chamber was appointed by the State to serve as the liaison to the military. The MAC advocates on behalf of Hawaii's military, and is comprised of business leaders, academic institutions, State and County officials, members of the CODEL, community leaders, labor unions and organizations and retired U.S. flag and general officers. The MAC works to support Hawaii's location as a strategic U.S. headquarters in the Indo-Asia-Pacific region which is crucial for U.S. national and homeland security.

The proposal to establish an intergovernmental homelessness task force within the Department of Transportation is well-intentioned. However, there is already an existing, effective collaboration between the United States Army Garrison and the Department of Transportation which successfully works on, among other issues, the challenges of homelessness on state- and federally-owned lands.



The Department of Transportation, with its clearance capability, has been working to address the environmental and public health hazards posed by vacated encampments. The proposed task force seems redundant given this established commitment and relationship. Most respectfully, it would be more beneficial to focus on strengthening this relationship and leveraging their combined capabilities.

Thank you for the opportunity to offer comments.

*Castle & Cooke*  
*Homes Hawaii, Inc.*

Rep. Della Au Belatti, Chair  
Rep. Jenna Takenouchi, Vice-Chair  
Committee on Health & Homelessness

Rep. Mark J. Hashem, Chair  
Rep. Cory M. Chun, Vice Chair  
Committee on Corrections, Military, & Veterans

February 14, 2024  
10:30 am  
Conference Room 329

**RE: HB 2084- RELATING TO HOMELESSNESS**

Aloha Chair Belatti, Chair Hashem, Vice Chair Takenouchi, and Vice Chair Chun,

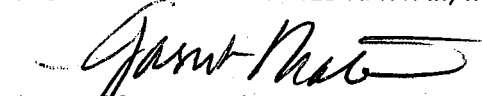
Mahalo for the opportunity to submit testimony in **support of HB 2084**. At Castle & Cooke Homes Hawaii, we wholeheartedly support the enactment of this legislation aimed at addressing homelessness and its associated challenges on state- and federally-owned lands. We recognize the importance of collaborative intergovernmental approaches in tackling such complex issues. The establishment of an intergovernmental homelessness task force, as proposed in this Act, aligns with our commitment to fostering sustainable communities across Hawaii. By bringing together relevant stakeholders, including state agencies, the United States Army Garrison Hawaii, and homeless services provider agencies, this task force can effectively coordinate efforts to identify and clean up vacated encampments, thereby mitigating environmental and public health hazards.

Furthermore, Castle & Cooke Homes Hawaii understands the significance of prioritizing the safety and well-being of both homeless individuals and surrounding communities. The provisions outlined in this legislation, such as the requirement to prioritize the removal of biohazards, hazardous materials, and items posing immediate public health or safety risks, demonstrate a proactive approach to addressing these concerns. Additionally, the consideration of factors such as public health risks, environmental concerns, and the potential for reoccupation in determining the status of vacated encampments underscores the thoughtful and comprehensive nature of this proposed framework.

In conclusion, Castle & Cooke Homes Hawaii believes that investing in solutions to homelessness not only benefits those directly affected but also contributes to the overall resilience and vitality of our state.

Mahalo for your consideration of this testimony.

CASTLE & COOKE HOMES HAWAII, INC.



Garret Matsunami  
Executive Vice President & Chief Operations Officer