

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N.S. CHANG
Chairperson

Before the House Committee on
HEALTH AND HUMAN SERVICES

Friday, January 26, 2024
1:00 PM

State Capitol Conference Room 225 and Videoconference

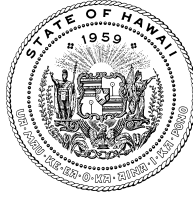
In Consideration of
SENATE BILL 471
RELATING TO LIVING ACCOMMODATIONS

Senate Bill 471 Part I prohibits camping in public areas not designated for camping by the State or a county; makes the violation a petty misdemeanor; allows the court to order participation in homeless services in lieu of prosecution, sentencing or fines; defines camping; defines public property; defines a "shelter;" and provides funding to establish a drop off center for homeless people camping on public property. Part II of the requires the governor to establish safe zones for homeless persons on lands designated by the governor. **The Department of Land and Natural Resources (Department) supports this bill.**

The Department supports Part I of this bill because it clarifies that camping on public property is a criminal offense and provides a court with alternatives to fines or prison. As an agency with large amounts of public lands, homeless encampments present continuing maintenance challenges and often prevent members of the public from enjoying the State's public lands.

The Department believes that the Governor's Kauhale shelter program substantially meets the safe zone requirement. Kauhale are being established on Maui and O'ahu now. The Department supports continued funding for this program, and other programs that provide alternatives to homelessness.

Mahalo for this opportunity to comment in support of this measure.



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
Senate Committee on Health and Human Services
January 26th, 2024
1:00 p.m., Conference Room 225

In Consideration of
Senate Bill No. 471
RELATING TO LIVING ACCOMODATIONS

Aloha Chair San Buenaventura, Vice Chair Aquino, and Committee Members,

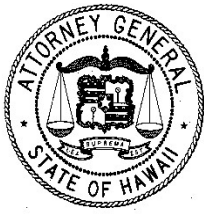
The purpose of this bill is to prohibit camping in public areas that are not designated as camping locations by the State or county. It requires the Governor to establish safe zones for homeless individuals and allows the court to order participation in homeless services in lieu of prosecution or sentencing. It makes appropriations to require the Governor to implement safe zones.

I am writing to provide comments on this bill. I am deeply concerned with the criminalization of camping in public spaces. This will result in thousands of homeless individuals being charged with a crime, which will be on the record for the rest of their lives. Criminalizing homeless individuals will prolong the status of homelessness and will add severe implications in securing housing, employment, and educational opportunities.

This measure allows the court to order placement into the Homeless Programs' contracted emergency and transitional shelters. I agree that this is a better alternative to prosecution and sentencing, however there is not the adequate space to accept the capacity of housing thousands of homeless individuals.

I appreciate the proposal to create safe spaces for homeless individuals, however, safe zones are a temporary solution to a larger issue, which is the lack of permanent, deeply affordable housing. Rather than appropriating funds for a temporary solution, I humbly request that the legislature increase our housing inventory and allow time for the Statewide Office on Homelessness and Housing Solutions (SOHHS) to implement Kauhale, Ohana Zones, and the Supportive Housing Pilot program.

Mahalo for the opportunity to provide comments on this measure.



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

ON THE FOLLOWING MEASURE:

S.B. NO. 471, RELATING TO LIVING ACCOMMODATIONS.

BEFORE THE:

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

DATE: Friday, January 26, 2024 **TIME:** 1:00 p.m.

LOCATION: State Capitol, Room 225 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Michael F. Minkin, Deputy Attorney General

Chair San Buenaventura and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments with suggested amendments.

The purposes of this bill are to: (1) prohibit camping in public areas that are not designated as camping locations by the State or a county; (2) allow courts to order participation in homeless services in lieu of prosecution for unauthorized camping on public property; and (3) require the Governor to establish safe zones in which homeless persons may reside.

"The Eighth Amendment's prohibition on cruel and unusual punishment bars a city from prosecuting people criminally for sleeping outside on public property when those people have no home or other shelter to go to." *Martin v. City of Boise*, 920 F.3d 584 at 603 (9th Cir. 2019). While this bill allows for an alternative to prosecution in the form of court ordered participation in homeless services, the United States Court of Appeals for the Ninth Circuit ("Ninth Circuit") also views the Eighth Amendment's ban on criminal prosecution for homelessness when no shelter is available as extending to civil sanctions for the same. See *Johnson v. City of Grants Pass*, 72 F.4th 868 (9th Cir. 2023) (Petition for Writ of Certiorari to the Supreme Court of the United States granted January 12, 2024). However, the Eighth Amendment's stricture "does not cover individuals who *do* have access to adequate temporary shelter, whether because they

have the means to pay for it or because it is realistically available to them for free, but who choose not to use it." *City of Boise*, 920 F.3d at 617 n.8.

Thus, to ensure compliance with the Ninth Circuit's interpretation of the Eighth Amendment, the Department suggests adding a provision to this bill that would specify that the prohibition on unauthorized camping on public property is only enforceable when free shelter space is available.

The definition of "camp" or "camping" as set forth on page 2, lines 11-19, of this bill appears overly broad for the stated purpose of prohibiting unauthorized camping on public property. The Department suggests the following amendment:

""Camp" or "camping" means the use of a public area for living accommodation purposes, including:

(1) Using a tent, shelter, other structure, or vehicle for a living accommodation;

~~[(2) Storing personal belongings for an extended period of time;~~

~~(3)] (2) Making a campfire; or~~

~~[(4) Eating; and~~

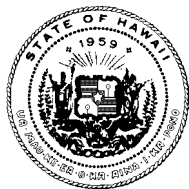
~~(5)] (3) Sleeping."~~

Limiting the definition to: (1) using a tent, shelter, or other structure, or vehicle for a living accommodation; (2) making a campfire; or (3) sleeping, i.e., removing "storing personal belongings for an extended period of time" and "eating", should satisfy the stated purpose of this bill while reducing the potential for the bill to be viewed as overbroad and inadvertently impacting expressive activity.

Sections 3 and 6 of this bill contain proposed appropriations of unspecified amounts out of the general revenues for fiscal years 2023-2024 and 2024-2025. In order to comply with the constitutional and statutory requirements for exceeding the general fund expenditure ceiling for fiscal year 2023-2024 and in the event that the general fund expenditure ceiling is exceeded for fiscal year 2024-2025, we recommend that appropriate wording be added to the bill for the declaration needed for exceeding the general fund expenditure ceiling for those fiscal years.

Thank you for the opportunity to submit our comments and suggested amendments on this matter.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

January 24, 2024

To: The Honorable Senator Joy A. San Buenaventura, Chair
Senate Committee on Health & Human Services

FROM: Cathy Betts, Director

SUBJECT: **SB 471 – RELATING TO LIVING ACCOMMODATIONS.**

Hearing: January 26, 2024, 1:00 p.m.
Conference Room 225, State Capitol & Video Conference

DEPARTMENT'S POSITION: The Department of Human Services (DHS) provides comments.

PURPOSE: This bill prohibits camping in public areas that are not designated as camping locations by the State or a county. Allows the court to order participation in homeless services in lieu of prosecution or sentencing. Requires the Governor to establish safe zones for homeless persons. Makes appropriations.

DHS understands the proposal aims to address health and safety issues and create designated safe zones for individuals lacking shelter; the measure does not, however, offer means to increase housing inventory or rental subsidies to prevent homelessness or provide additional mental health and substance abuse treatment.

Given Hawaii's high housing cost and lack of low-income housing inventory, DHS is concerned that the criminalization of camping in public will make falling into chronic homelessness faster and exiting homelessness even more difficult. Criminal histories make it

more difficult to find employment and seek educational assistance and may make it difficult to access federal housing assistance.

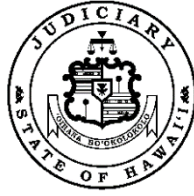
The measure may be premature as there is pending litigation, locally and nationally, that may or may not clarify the kinds of regulations that governments may take regarding camping on public property. Currently, the 2019 9th Circuit decision in Martin v. Boise is the prevailing law in the 9th Circuit. In Martin, the Court held that homeless persons cannot be punished for sleeping outside on public property in the absence of adequate alternatives in violation of the 8th Amendment.¹

The State Office on Homelessness & Housing Solutions (SOHHS) oversees the Ohana Zones Pilot Program and Kauhale and is working to increase the availability of longer-term housing for individuals experiencing homelessness state-wide.

DHS respectfully requests the Legislature to give the SOHHS initiatives more time to be realized and invest more resources in strategies that prevent homelessness for the general community, including funds for rental assistance for low-income residents and investment in services that prevent homelessness, to treat mental health and substance abuse disorders, and for wrap-around services for those at risk of homelessness. DHS also has a budget request to increase funds for homeless services contracts to assist community providers in meeting the increased costs of providing needed services.

Thank you for the opportunity to provide comments on this measure.

¹ In Martin v. Boise, the U.S. Supreme Court denied the writ of certiorari on December 16, 2019. However, on January 12, 2024, the US Supreme Court granted the writ of certiorari in the case of City of Grants Pass v. Johnson, 72 F.4th 868, with the question presented: "Does the enforcement of generally applicable laws regulating camping on public property constitute "cruel and unusual punishment" prohibited by the Eighth Amendment?"



The Judiciary, State of Hawai'i

Testimony to the Thirty-Second State Legislature, 2024 Regular Session

Committee on Health and Human Services

Senator Joy A. San Buenaventura, Chair

Senator Henry J. C. Aquino, Vice Chair

Friday, January 26, 2024, 1:00 p.m.
Conference Room 225 & Via Videoconference

WRITTEN TESTIMONY ONLY

By:

Michelle D. Acosta
Deputy Chief Court Administrator
District Court of the First Circuit

Bill No. and Title: Senate Bill No. 471 – Relating to Living Accommodations

Purpose: Prohibits camping in public areas that are not designated as camping locations by the State or a county. Allows the court to order participation in homeless services in lieu of prosecution or sentencing. Requires the Governor to establish safe zones for homeless persons. Makes appropriations.

Judiciary's Position:

The Judiciary takes no position on this measure and submits the following comments regarding this measure as there may be impacts to the courts.

Decisions regarding prosecution of criminal charges rest solely with the Attorney General and the Prosecuting Attorney in each of the four counties across the State. If a charge is filed with the court, the court is then responsible for adjudicating the case and determining any applicable sentencing for a defendant found guilty of the charge. Thus, the Judiciary would suggest deleting current subsection (c) (page 1, lines 13-14) ("The court may order participation

in homeless services in lieu of prosecution or sentence, including:”) and replacing that subsection with “In addition to or in lieu of the penalties set forth in Haw. Rev. Stat. §706-605, the court may order participation in homeless services, including:”

To effectuate the apparent intent of subsections (c)(1), (c)(2), and (c)(3), it is critical that representatives of the drop off centers, relocation programs, and emergency and transitional shelters referenced in the bill be present at each of the District Courts across the State at the time cases are adjudicated to immediately link individuals in these cases to service providers and provide for a warm hand-off from the court to such providers.

Finally, the Judiciary is concerned that the definition of “camp” or “camping” may be too broad and could cause unintended consequences. For example, the action of “eating” or “sleeping” are fairly broad; under the current definition, an employee eating on the lawn outside a State office building or a student sleeping in a vehicle parked in a university campus parking lot while waiting for classes to start might be deemed to be “camping” and subject to a citation. A more precise definition of “camp” or “camping” should be considered.

Thank you for the opportunity to testify on this measure.

State of Hawai‘i
The Office of the Public Defender

S.B. No. 471: RELATING TO LIVING ACCOMODATIONS

Chair Sen. Joy A. San Benaventura
Vice Chair Henry J. C. Aquino
Honorable Committee Members

The Office of the Public Defender **OPPOSES** this bill.

This is another attempt to criminalize those experiencing houselessness. A similar law has been declared unconstitutional by the Ninth Circuit and is currently under review by the Supreme Court of the United States. If this bill becomes law and there is another criminal law on the books targeting the houseless, it could quickly become a costly and time-consuming challenge that will tie up the courts.

It gives too much discretion to police officers and can become a tool to stifle constitutionally protected speech and assembly. Look no further than West Maui. After the wildfires burned most of Lahaina to the ground, people with no place to go went to the beach parks. There, they came together to mourn the losses, gather supplies, and find fellowship and healing. The latest gathering is the “fish-in” at Ka’anapali Beach on Maui. These Maui residents have lost their homes have resorted to camping to express their dissatisfaction with the government’s response. If this bill passes, all it would take to turn these peaceful and important campsites into petty misdemeanors is a single officer who requests that they leave.

Finally, while courts can order services in lieu of prosecution and sentencing, there is nothing in this bill that assures adequate funding and availability of these services. It could be another dead end.

SB-471

Submitted on: 1/25/2024 3:59:41 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|-----------------------------|---------------------------|------------------------|
| Lynette Cruz | Testifying for Malama Makua | Support | Written Testimony Only |

Comments:

Strongly support SB 471



HAWAI`I YOUTH SERVICES NETWORK

677 Ala Moana Blvd., Suite 904

Honolulu, Hawai`i 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Vonnell Ramos, President
Cyd Hoffeld, Vice President
Sione Ford Naeata, Treasurer
Greg Tjapkes, Secretary

Judith F. Clark, Executive
Director

Network Membership

*Big Brothers Big Sisters Hawai`i
Big Island Substance Abuse
Council*

*Bobby Benson Center
Child and Family Service
Coalition for a Drug-Free Hawai`i
Collins Consulting, LLC
Domestic Violence Action Center
EPIC `Ohana, Inc.*

*Family Programs Hawai`i
Family Support Hawai`i
Friends of the Children's Justice
Center of Maui*

*Get Ready Hawai`i
Hale Kipa, Inc.
Hale `Opio Kaua`i, Inc.
Hawai`i Children's Action
Network*

*Hawai`i Health & Harm
Reduction Center
Hawaii Island Community`
Health Center*

*Ho`ola Na Pua
Ho`okele Coalition of Kaua`i
Ka Hale Pomaika`i
Kahi Mohala*

*Kokua Kalih Valley
Kaua`i Planning and Action
Alliance*

*Maui Youth and Family Services
Na Pu`uwai Molokai Native
Hawaiian Health Care
Systems*

*P.A.R.E.N.T.S., Inc.
Parents and Children Together
PHOCUSED*

*PFLAG – Kona, Big Island
Planned Parenthood of the
Great Northwest, Hawaii
Alaska, Kentucky, Indiana*

*Residential Youth Services
& Empowerment (RYSE)
Salvation Army Family
Intervention Services*

*Sex Abuse Treatment Center
Susannah Wesley Community
Center*

The Catalyst Group

January 23, 2024

Senator Joy San Buenaventura, Chair
And members of the Committee on Health and Human Services

COMMENTS ON SB 471 RELATING TO LIVING ACCOMMODATIONS

Hawaii Youth Services Network (HYSN) is providing comments on SB 471 Relating to Living Accommodations.

Runaway and homeless youth are the most vulnerable segment of Hawaii's homeless population. This bill does not address the needs and issues of unaccompanied youth who are living on the streets, parks, or beaches without family guidance or support.

Young people run from abusive or neglectful families, They often have untreated mental health or substance abuse issues. And sometimes they are thrown out of their homes by the adults who are supposed to care for and protect them. Living on the street is difficult and dangerous and young people do not choose to do it for fun or adventure.

If even a fraction of the homeless minors who are camping on public property were cited by law enforcement, they would far exceed the available bed space in youth emergency shelters. Camping in a designated safe zone is not safe and appropriate housing for these youth.

This bill will not help our homeless youth.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark
Executive Director

SB-471

Submitted on: 1/25/2024 10:21:06 AM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------------------------------|--------------------|-------------------|
| Dave Mulinix | Testifying for Food Not Bombs Hawaii | Oppose | Remotely Via Zoom |

Comments:

Aloha Health and Human Services Committee Members: [San Buenaventura](#), Aquino, Keohokalole, Shimabukuro, [Awa](#)

I am writing in STRONG OPPOSITION to SB471

I am a Cofounder of Food Not Bombs Hawaii, and we have been feeding the Houseless every week for the past 13 years. We deliver food directly to the Houseless from Honolulu to Wahiawa and Waianae. We feed roughly over 500 families and individuals every week.

I have testified many times in support of respecting the Human and Civil Rights of the Houseless, and against legislation like SB471 that makes criminals out of Hawaii's poorest of the poor. The reason the Houseless camp on the side of the road, on the sidewalk, or in the park is because they literally have no place else to go.

SB471 is similar to the City & County of Honolulu Sit Lie Laws that criminalize homelessness. Former Mayor Kirk Caldwell called his Draconian Sit Lie Laws by the 1984-esque title of "Compassionate Disruption". There is nothing compassionate about forcing the poorest of the poor from poverty into destitution. The false claim is these Sit Lie Laws will force the Houseless off the street into shelters. One huge problem with that is there are literally thousands more Houseless than there are shelter spaces or affordable housing.

The City and County of Honolulu has had these Sit Lie Laws on the books for many years and they have been a complete failure in cutting down on homelessness.

The actual two main reasons we have a homeless problem in Hawaii is because we have some of the highest housing costs and the lowest wages in the country. Until you address the real reasons we have homelessness, SB471 will also be a complete failure. If you really want to end homelessness in Hawaii then you need to Raise the Minimum Wage to a Living Wage, Provide Affordable Housing, Expand Hawaii's Housing First programs to include all the Houseless, and Provide Rental and Move-In Assistance.

The reason the Houseless return to the same area that they were evicted from is because this is where their housed family lives, their job is, and their kids go to school. And no matter how

many laws you pass to force them out of a particular area, they will keep returning to what they see as their home community.

We support the plan for safe-zones, only if they are in areas where the Houseless person lives, works, and their kids go to school. If a safe-zone is located in Waianae, and the Houseless person lives, works, and their kids go to school in town, that Houseless family will not use the Waianae safe-zone. So for safe-zones to be effective in getting the Houseless off the street, there will have to be safe-zones in every community where the Houseless now live.

Finally, the Hawaii State Constitution protects the Right of the People of Hawaii to lie by the roadside unmolested. Section 10 of the Hawaii State Constitution: The law of the Splintered Paddle, Mamala-hoe 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.

Please vote in Opposition to SB471, and instead work on legislation that will actually help the Houseless get into permanent housing by providing Affordable Housing and raising the minimum wage to a Living Wage

Mahalo for your kind attention,

Dave Mulnix, Cofounder, Food Not Bombs Hawaii

HAWAII GUERRILLA VIDEO HUI
H. Doug Matsuoka

Re: Strong opposition to HB 471 RELATING TO LIVING ACCOMMODATIONS

Aloha Chairs Senator San Beunaventura, Senator Aquino, and the Committee,

I voice my strong opposition to SB 471 Relating to Living Accommodations. Although the measure appropriates funds for Safe Zones, it requires the further criminalization of the poor.

There is no reason to create a statewide “sit/lie ordinance” to criminalize the poor. Open living of the public in public places is not detrimental to our economic well being or real estate values. I point out that **the most consistent and reliable indicator of a “Hot Real Estate Market” has been and continues to be the number of people living in public**. The more people living on the streets, the hotter the real estate market.

For the past 12 years, I have participated in Food Not Bombs, a volunteer meal service project that feeds the hungry every Sunday at Thomas Square. I am familiar with the people and conditions of homelessness and lack of food security.

I am also a volunteer Director of Kokua Council, Hawaii’s advocates for Hawaii’s seniors/kūpuna. I have seen more and more seniors of our public forced to fend for themselves in our public areas. **These public places should already be safe zones**, but citizens who live in public places are often not protected by our public laws. This bill denies them the protection of Hawaii’s First Law, the Kānāwai Māmalahoe, and instead makes them criminals.

I support the funding and designation of Safe Zones, affordable housing, and widely available social services. We can reasonably predict that members of the public will no longer have to live in public once these are put in place.

No to Bill 471.

Sincerely,

/s/ H. Doug Matsuoka
Founding Member, Hawaii Guerrilla Video Hui
Alewa Heights
doug@hdougatsuoka.com

SB-471

Submitted on: 1/25/2024 1:14:55 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---|---------------------------|---------------------------|
| Paul Normann | Testifying for Neighborhood Place of Puna | Oppose | Written Testimony Only |

Comments:

Aloha,

Neighborhood Place of Puna opposes SB471 and we encourage you to likewise vote against SB471. There are several good reasons to oppose this bill.

1. There is insufficient affordable housing for fully employed low wage workers, which forces some employees into homelessness.
2. There is insufficient deeply affordable housing and supports for individuals who struggle to remain housed because of a wide variety of issues that might include: Health issues, trauma, mental health issues, substance use, as well as childhood abuse and neglect, etc.
3. Homeless services and supports are wildly underfunded. The language of the bill is disingenuous in proposing that engaging with homeless services is a viable alternative to prison or jail.
4. We as a society and a nation have a long history of using law enforcement and punitive measure
5. es to deal with "unsightly" or "undesirable" people. Hawaii has its own unique history of this with Native Hawaiians and the Japanese communities in particular. In other parts of the Country these were laws that criminalized people of color, or sexual orientation, or nationality, or being indigenous.
6. This bill provides no solutions. The solution to the problem of homelessness is more deeply affordable housing and services to support folks who struggle to remain housed.

The responsibility for addressing homelessness is in the hands of the legislature. The solutions of more housing, and restricting profiteering on rental housing, and drastically limiting short term rentals, and taxing the super rich, is going to require courage and sacrifice by our legislatures. The only question really is do we want to find a solution to homelessness or do we want to stay stuck and play the blame game.

Please Oppose SB471

Paul Normann, Executive Director

SB-471

Submitted on: 1/25/2024 12:36:55 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|----------------|
| gina salcedo | Individual | Support | In Person |

Comments:

SUPPORT WITH AMENDMENTS. BILL LANGUAGE IS VAGUE & AMBIGUOUS. MEMORANDUM OF AGREEMENT WITH STATE & HONOLULU CITY DPP CONDITIONAL USE PERMIT (CUP) IS MANDATORY REQUIREMENT.

SB-471

Submitted on: 1/25/2024 12:35:13 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|----------------|
| austin salcedo | Individual | Support | In Person |

Comments:

1. WITH AMENDMENTS. BILL LANGUAGE IS VAGUE & AMBIGUOUS.
MEMORANDUM OF AGREEMENT WITH STATE & HONOLULU CITY DPP
CONDITIONAL USE PERMIT (CUP) IS MANDATORY REQUIREMENT.

SB-471

Submitted on: 1/23/2024 11:10:56 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Sara Perry | Individual | Support | Written Testimony Only |

Comments:

I support removing homeless from public property, including our parks and recreation areas. If this bill does that, I fully support it. I further support mandating that the homeless except services if and when offered.

SB-471

Submitted on: 1/23/2024 11:52:04 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------------|---------------------|---------------------------|------------------------|
| Kathleen Moses Benson | Individual | Support | Written Testimony Only |

Comments:

Dear legislators,

Please be aware of my support for this bill. I firmly believe that this is the most compassionate way to care for ALL the people of Hawaii, including the homeless. Many of the homeless are experiencing behavioral health issues that require treatment that they cannot receive as homeless campers. We can no longer ignore them, or pretend that they are capable of taking care of themselves. Not only do the homeless suffer, those of us who aren't homeless suffer too: the trash, human waste, crime, disturbing or dangerous behavior, drug use, trespassing, disruption to business, etc. The current efforts are not working for anyone. The time to act is now. Some ideas: Convert those empty town office buildings to housing for the homeless, or care facilities for those with behavioral health problems. Or ship in FEMA trailers and quickly establish villages with necessary facilities, food, mobile clinics, and 24/7 security.

Thank you for considering my testimony.

Respectfully Submitted,

Kathleen Moses Benson

SB-471

Submitted on: 1/24/2024 11:39:41 AM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Victor K. Ramos | Individual | Support | Written Testimony Only |

Comments:

I support this bill. Consider increasing the penalty from petty misdemeanor to misdemeanor for stronger enforcement.

SB-471

Submitted on: 1/24/2024 2:12:07 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|----------------------|---------------------|---------------------------|---------------------------|
| Robin Michele Sheaks | Individual | Support | Written Testimony Only |

Comments:

I believe that the homeless need a safe place to live and the public needs to feel comfortable taking their family to the beach. We also need to accommodate the tourists who bring money into the state.

SB-471

Submitted on: 1/24/2024 2:51:16 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Antoinette n anduha | Individual | Support | Written Testimony Only |

Comments:

Yes, I strongly agree with SB471. I do not appreciate the homeless camping where ever they want to. We desparately need to take control and have designated areas for them to camp without the public being intimidated by the homeless in public areas like public beaches and parks. We need more places being built for the homeless like the one being built in upper Waianae Valley.

Aloha, I am a West Oahu resident in support of the SB471 bill.

Here is my testimony:

When my family first moved to West Oahu (Makaha Valley) a few years ago, there were hardly any homeless tents on beaches/parks along Farrington Highway. Perhaps because of the COVID quarantine lift, the homeless tents population has exploded. My main concern is the long-term loitering, littering, and feces/bacteria in the sand and waters, e.g., Pokai Bay. I understand there is sympathy for the houseless, however, taxpayers should be able to enjoy the West Oahu beaches and parks without threat. Some homeless tents occupants have expanded/are expanding their camping areas with their belongings, clutter, and garbage. Because of the homeless population living in tents on the beaches, taxpaying families cannot enjoy the beaches and parks because of the unclean and unsafe conditions.

The following statements were emailed (by me) to government officials regarding Mauna Lahi Lahi. I am sure the issues mentioned here also apply to many other Hawai'i beaches and parks.

11/21/23 - A few months ago, homeless tents began to creep up on the Mauna Lahi Lahi beach area, to the right of the park. Because the number of tents is growing, we ask that authorities please step in to move them away from the beach. Not only are their activities illegal (long-term loitering and littering), but the homeless there contribute to polluting the land and ocean (feces, bacteria, etc.).

11/25/23 - Two days ago, a few young men pitched their tents right next to the road, same Lahi Lahi location, and it is their daytime socializing area. They did this because they see that others have raised their tents there with no consequences.

12/19/23 - ...houseless individuals parking on beach property and expanding their living compound—because nothing is being done about it.

I spoke with a few individuals regarding Hawai'i homelessness and would like to provide you with their statements:

1) Homeless person from mainland: "I don't want to stay in the shelters because of bed bugs and there's no internet."

2) Kauai homeless shelter worker: "Homeless from the mainland come in and show me their one-way tickets. These individuals are given a choice on the mainland, to enter a shelter there or go to Hawai'i where it's warmer." She states the Hawai'i government is seeking proof of one-way tickets provided by authorities.

3) West Oahu resident: "I don't bother complaining because no one does anything about it."

I understand that homeless individuals can store their personal property for 90 days. Is there an authority among the email recipients who can provide this service to the individuals ... in tent compound(s)?

1/05/24 - I pass the Mauna Lahi Lahi homeless tents every day and have observed that one big draw to the area are the picnic tables—some houseless are using them to support their tents and many houseless there congregate at the tables during the day. I understand that we are doing our best to help the homeless, but I request that the picnic tables be removed as taxpayers and tourists are not enjoying the picnic tables at all.

I am aware that there is outreach for drug users and the mentally ill living in tents; however, I have observed some of these individuals are perfectly capable to work but just don't want to.

Please let me know if you need photos to accompany my testimony. I would be happy to oblige. Mahalo,

Megan Mirabel

01/24/24

SB-471

Submitted on: 1/25/2024 6:30:42 AM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| DEAN HERNANDEZ | Individual | Support | Written Testimony Only |

Comments:

I support SB471 because tax-paying residents and their children need to have clear access to these areas.

SB-471

Submitted on: 1/25/2024 12:52:22 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Nancy Jones | Individual | Support | Written Testimony Only |

Comments:

Testimony SUPPORTING SB471

Aloha Chair San Buenaventura, Vice-Chair Aquino, and Senate Committee Members:

I respectfully present this testimony to support SB471, which seeks to prohibit camping in public areas not designated for camping by the State or Counties AND to require the Governor/Governor’s office to establish “safe zones” for houseless persons. I also support this bill’s intent to order houseless campers to participate in homeless services in place of prosecution or sentencing.

My family and I have lived and worked on the Wai`anae Coast since 1989 and my relatives – many cousins – all grew up along this Coast and have lived here since the 1950s or before. Just since 1989, we have seen a MASSIVE influx of houseless individuals and families who not only choose to live in organized homeless encampments like the one adjacent to Wai`anae Boat Harbor, but also an abundance of mini-houseless-colonies that now dot the ENTIRE Leeward Coastline – beaches AND roadsides. These permanent encampments block access to many of us from enjoying our beaches, allow their “opala” to stack up and collect – some of it hazardous to beachgoers. We’ve also noticed more than once that some have set fires (presumably for cooking) DANGEROUSLY close to long-standing homes on the beach (this was on Ma`ili Beach across from the 7-Eleven). With this bill SB471, we are hopeful that the houseless folks would be forced to take advantage of services and into some type of affordable dwelling units rather than continue scavenging for their very existence and posing a danger to themselves as well as those of us who would just like to enjoy the beach without exposure to someone’s tent on the beach surrounded by assorted stolen shopping carts with all their worldly possessions. Naturally – some of these folks desperately need mental health services (especially Vets), but there are MANY others who just prefer to NOT pay rent or utilities to anyone.

For all of the above reasons, we NEED SB471 to establish Safe Zones for houseless roadside and beach-dwellers. So, in the interest of reducing Hawai`i's houseless population and arranging support services for these individuals and families, we urge you to please SUPPORT SB471 and allow it to move forward during this 2024 Legislative session.

Mahalo for this opportunity to present this testimony supporting SB 471.

Nancy A. Jones

PO Box 1462, Wai`anae, HI 96792 / Email: nancyhydroalt@gmail.com

SB-471

Submitted on: 1/25/2024 12:59:45 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Zeb Jones | Individual | Support | Written Testimony Only |

Comments:

Testimony SUPPORTING SB471

Aloha Chair San Buenaventura, Vice-Chair Aquino, and Senate Committee Members:

I am presenting this testimony in support of SB471, which would prohibit camping in public areas not designated for camping by the State or Counties AND will require the Governor/Governor’s office to establish “safe zones” for houseless persons. In addition, I support this bill’s intent to order houseless campers to participate in homeless services in place of prosecution or sentencing.

I have lived and worked on the Wai`anae Coast since 1989 and my wife's relatives all grew up along this Coast and have lived here since the 1950s or before. Just since 1989, we have noticed a MASSIVE influx of houseless individuals and families who not only choose to live in organized homeless encampments like the one adjacent to Wai`anae Boat Harbor, but also an abundance of mini-houseless-colonies that now dot the ENTIRE Leeward Coastline – beaches AND roadsides. These permanent encampments block access to many of us from enjoying our beaches, allow their “opala” to stack up and collect – some of it hazardous to beachgoers. We’ve also noticed more than once that some have set fires (presumably for cooking) DANGEROUSLY close to long-standing homes on the beach (this was on Ma`ili Beach across from the 7-Eleven). With this bill SB471, we are hopeful that the houseless folks would be forced to take advantage of services and into some type of affordable dwelling units rather than continue scavenging for their very existence and posing a danger to themselves as well as those of us who would just like to enjoy the beach without exposure to someone’s tent on the beach surrounded by assorted stolen shopping carts with all their worldly possessions. Obviously, I realize that some of these folks desperately need mental health services (especially Vets), but there are MANY others who just prefer to NOT pay rent or utilities to anyone.

For all of the above reasons, our community NEEDS SB471 to establish Safe Zones for houseless roadside and beach-dwellers. So, in the interest of reducing Hawai`i's

houseless population and arranging support services for these individuals and families, my family and I urge you to please SUPPORT SB471 and allow it to move forward during this 2024 Legislative session.

Mahalo for this opportunity to present this testimony supporting SB 471.

ZEBUEL C. "ZEB" JONES

PO Box 1462, Wai`anae, HI 96792

Email: zebbe3442@gmail.com

SB-471

Submitted on: 1/25/2024 7:14:05 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

LATE

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Heather Graeber | Individual | Support | Written Testimony Only |

Comments:

Support

SB-471

Submitted on: 1/25/2024 5:23:14 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Lena Suzuki | Individual | Support | Written Testimony Only |

Comments:

I am in support of bill SB471.

TESTIMONY IN OPPOSITION TO SB 471

TO: Chair San Buenaventura, Vice Chair Aquino, & Committee Members

FROM: Nikos Leverenz
Grants & Advancement Manager

DATE: January 26, 2024 (1:00 PM)

Hawai'i Health & Harm Reduction Center (HHRC) **opposes** SB 471, which prohibits camping in public areas that are not designated as such by the state or a county and allows for a court to order participation in homelessness services in lieu of prosecution or sentencing. We ask that this measure be deferred.

HHRC provides homelessness services on O'ahu in Regions 1 (urban Honolulu) and 6 (Upper Windward Coast & North Shore). We also provide syringe access services on O'ahu, Kaua'i, Maui, and Hawai'i Island. HHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals who are impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions, and have been deeply impacted by trauma from physical, sexual, and psychological abuse.

One of the articulated [core values of our work](#) with persons from under resourced communities across the state is harm reduction, which we define as "a non-judgmental approach to public health that meets people where they are and celebrates positive change, with the goal of minimizing the harms of actions that pose adverse and social health outcomes."

The coercive provision of services outlined in this bill would functionally diminish whatever agency and autonomy of our state's residents who are already facing significant hardship.

The continued criminalization of poverty and behavioral health issues in Hawai'i negatively impacts those who already face a range of short-term and long-term challenges to their health and well-being. Criminalization is the most severe and lasting stigma that is perpetuated by structures of power, often ensnaring a person into cycles of arrest, incarceration, extended supervision, re-arrest, and re-incarceration, and impacting a person's ability to obtain and maintain housing and employment throughout the span of their life.

Increased criminalization as outlined in this bill also runs contrary to the [Law of the Splintered Paddle](#) (Kānāwai Māmalahoe), which is enshrined in Article 9, Section 10 of the [state constitution](#) ("The law of the splintered paddle [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 persistent lack of affordable housing stock impacts most residents of our state, most broadly in the form of increased rent payments. That [displaced Lahaina survivors could be housed with 10-12% of Maui's short-term rental units](#) is a testament to policy choices made by state and county governments over decades. Last year's Point-In-Time Count on O'ahu showed a [marked increase in unsheltered homelessness among those over the age of 60](#), with people who are Black, Native Hawaiian, or Pasifika significantly overrepresented.

In a short assessment of a 2022 volume exploring the causes of homelessness, the U.S. Department of Housing & Urban Development notes the successes of a Housing First approach to the provision of homelessness services:

In their book, *Homelessness is a Housing Problem*, authors Gregg Colburn and Clayton Aldern examine different explanations for homelessness between communities—mental illness, substance use, poverty, weather, and more. Their analysis confirms what many have long known: homelessness is a housing problem, driven by rising rental costs and low rental vacancy rates....

Solving homelessness entails assisting people who have already become homeless to exit homelessness, namely, by re-housing them in affordable rental housing. This is done by helping households already homeless to obtain affordable housing units or rental assistance along with housing search and navigation assistance and, for a subset of people with chronic conditions, long-term supportive services. ***Scaling these interventions, without requiring treatment completion or sobriety, is known as the ‘Housing First’ approach, and it has been proven to reduce homelessness. This approach does not diminish the importance of treatment for the mental health and substance use disorders that affect some people experiencing homelessness, quite the opposite, in fact. It understands that stable housing serves as a platform for getting the individuals the support and treatment they need.***

Applying this Housing First approach enabled the Obama Administration to reduce homelessness between 2010 and 2016 by 14 percent overall and unsheltered homelessness—people sleeping in streets, parks, vehicles, and encampments—declined by 24 percent. The broad application of the Housing First approach to solve Veteran homelessness has also led to a [55 percent reduction](#) in the number of Veterans experiencing homelessness between 2010 and 2022. (Richard Cho, [“To Solve Homelessness, We Must Increase the Supply of Housing,”](#) U.S. Department of Housing & Urban Development, 06 December 2022.)

Thank you for the opportunity to testify on this measure.

24 JANUARY 2024

In the Hawaiian Islands, as part of the Polynesian Triangle

From: Liko-o-kalani Martin

likomartinhawaii@gmail.com

P.O. Box 61508

Honolulu, Hawaii 96739

Re:Submission of written testimony in OPPOSITION and OBJECTION to: _Senate Bill 471, Measure Title - Relating to Living Accomodations; Report Title: Illegal Camping; Prohibition; Homelessness; Safe Zones; Drop Off Center: Appropriation (\$).

Description: Prohibits camping in public areas that are not designated as camping locations by the State or County...Allows the Court to order participation in homeless services in lieu of prosecution or sentencing. Requires the Governor to establish safe zones for homeless persons, and makes appropriations.

Aloha to all concerned members of the Legislature of the United States political subdivision known as the State of Hawaii. I hereby file this **OBJECTION**, as a **CONSTRUCTIVE NOTICE TO CEASE AND DESIST**, with respect to the intent and purpose of this proposed legislation, for the following reasons:

1) **Breach of Trust:** Disregard for the U.S. Congressional findings and conclusions articulated in U.S.. Pub.L. 103-150, Nov. 23, 1993, Pres. W.J. Clinton, while failing to uphold the Trust obligations of the “United States, the State of Hawaii and its People” constituting a ”breach of trust”, per the 1959 (Congressional) Statehood Admissions Act, for which suit can be brought by the United States;

2) **Harm to Peace and Reconciliation:** Failure of the United States Congress and the President, as Commander in Chief, to acknowledge the “ramifications”, with respect for the “commitment...to acknowledge the ramifications” of the purported “overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation” on the part of the United States,” in relation to the “Indigenous...people”, who “never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United states, either through their monarchy or through a plebiscite or referendum.”

3) **Deprivation of Rights:** Failure to Comply with United States Executive Proclamation 3309, Dwight D. Eisenhower, (1959) “equal footing” requirement, with respect to adherence to and compliance with the Revised Laws of Hawaii 1955, Volume I, Chapter 14, CERTAIN RIGHTS

OF THE PEOPLE, HAWAIIANA [Civil Codes of the Hawaiian Islands (1859, MISCELLANEOUS LAWS. CHAPTER XXXIV. OF CERTAIN SPECIFIC RIGHTS OF THE PEOPLE. SECTION 1477)], with respect to Title 18 U.S. Code 242 - Deprivation of rights under Color of Law, and;

4) **Impedes Attainment of International Obligations:** The “specific intent” of this, and prior legislation and ordinance promulgations, as well as policy and enforcement of these types of actions, by way of this proposed legislation, and preceding forms of such legislation as enacted, are GENOCIDAL and severely impede the United States “attaining its international obligations” - as per USPL 99-239 Compact of Free Association Act of 1986, Title III Pacific Policy Reports - Congress finds -”it does not have a clearly defined policy - regarding the United States “attaining its international obligations”, and;

5) **Disregards UN Charter:** An affront and contrary to the Charter (Treaty) of the United Nations, and obligations of the United States to fulfill the “sacred trust of civilization to protect the Inhabitants of Hawaii from “abuse”, under Chapter XI-Declaration Regarding Non-Self Governing Territories, and;

6) **Violates Convention on Genocide:** Is tantamount to gross violations of the purpose and principles of the United Nations Charter and Convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948, being the first human rights treaty unanimously adopted by the General Assembly, entering into force on 12 January 1951, (to which the United States became a signatory in 1986 and codified the Convention under U.S. Public Law 100-606, The Proxmire Act, 18 USC 1091, Chapter 50A - GENOCIDE), whereby the Member States are prohibited from engaging in genocide and obligated to pursue the enforcement of this prohibition, any perpetrators are to be tried regardless of whether they are private individuals, public officials or political leaders with sovereign immunity. The United Nations (ICJ) International Court of Justice has likewise ruled that the principles underlying the Convention represent a preemptory norm against genocide that no government can derogate, whereby the Genocide Convention authorizes the mandatory jurisdiction of the ICJ to adjudicate disputes, (leading to international litigation such as the Rohingya genocide case and the dispute over the 2022 Russian Invasion of Ukraine), recalling that in 1960 the South African government was expelled from Namibia, because it did not have a treaty of annexation and was found to be enforcing policies of apartheid based on distinction, exclusion, restriction and limitation, based on national origin, race, color, ethnicity and religion, which parallels the current situation occurring in the Hawaiian Islands, under the administering authority of the United States, its State of Hawaii political subdivision and the various municipal counties. and its people. Genocide is defined as any of five(5) “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”. These five acts were: killing members of the group, causing them serious bodily or mental harm, imposing living conditions intended to destroy the group,

preventing births, and forcibly transferring children out of the group, Victims are targeted because of their real or perceived membership of a group, not randomly, and the convention further criminalizes, complicity, attempt, or incitement of its commission);

7) **Violates ICC Ruling on War Crimes:**The intent and form of this type of legislation proposed by individuals qualifies as being subject to the jurisdiction of The “ROME STATUTE” of the International Criminal Court (ICC), by way of Article 6 Genocide, Article 7 Crimes Against Humanity, Article 8 War Crimes (8 *bis* Crime of Aggression) and Article 9 Elements of Crimes, relating specifically to individuals perpetrating crimes by way of imposed domestic laws, in this case by way of the laws of the United States and laws of its political subdivision, aka state of Hawaii’s HRS (Hawaii Revised Statutes) and ordinances promulgated and enforced through the limited “not exclusive” powers, deemed by the self-proclaimed Charters of the municipal counties on Hawaii Island, Maui (Molokai, Lanai, Kahoolawe), Oahu, Kauai and Niihau, operating under “color of law” under the United States Federal Constitution (Admiralty, Maritime and Equity), and;

8) **Violates UN Treaties.** Is in violation of The Geneva Conventions of 1949, in particular GENEVA IV- Respecting the Laws and Customs of War on Land , and its Annex Regulations Concerning the Laws and Customs of War on Land, under international law and under the United States Constitution, Article 6, Sec. 2 “...treaties, Any Law to the contrary notwithstanding”, Article 3, Sec. 8 ”...define and punish piracies on the high seas, and offenses against the Law of Nations, and Article 3, Sec. 4 “...no new states”, and United States obligations to International Human Rights Treaties, i.e ICCPR, CERD, CAT, ROC, (without limitation).

Thank you for this opportunity to submit this testimony. The protection of Human Rights is vital to the maintenance of a healthy and cohesive society.

Respectfully submitted,


Liko-o-kalani Martin

SB-471

Submitted on: 1/23/2024 10:02:06 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Michael EKM Olderr | Individual | Oppose | Written Testimony Only |

Comments:

I oppose this measure as I believe that it goes against the best interest of the homeless rather than doing them any good. It seems that this bill will only add more burden to those who suffer from homelessness (a majority of which are native Hawaiians) without sufficient resources or avenues for them to recover. Regarding the avenues this bill provides, I do not have the confidence that they can meet the needs of those in a situation where they have no choice but to camp in public places. If this committee cared about solving the homeless problem, they should build more affordable housing, look into and implement more 'housing first' initiatives, and set up safe injection sites to prevent and treat those who suffer from substance abuse from taking it on the street. Overall, I am disappointed that the committee would continue to criminally punish those suffering from a situation that they themselves did not choose and they themselves cannot escape from.

SB-471

Submitted on: 1/25/2024 10:39:40 AM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Sherry Pollack | Individual | Oppose | Written Testimony Only |

Comments:

I am writing in **STRONG OPPOSITION** to SB471.

SB471 is bad legislation that would further punish and criminalize those in our community that are poor and literally have no place to go-- as there aren't enough shelter beds for them. SB471 would not address the root causes of the problem which includes wages in our State that are not living wages. Moreover, beyond safe zones that would be created, nothing in this bill addresses the increased funding needed for homeless resources and housing.

I urge you to **OPPOSE** this misguided measure. There is much that can be done to address the crisis of houslessness in our communities. SB471 is not one of them.

Thank you for the opportunity to testify.

SB-471

Submitted on: 1/25/2024 12:35:16 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Will Caron | Individual | Oppose | Written Testimony Only |

Comments:

While I understand the intent of the bill is to get folks living unsheltered off the streets and into programs, this bill represents a continuation of a failed policy of criminalization of homelessness. The state legislature has been wrestling with this for decades. When will we realize that homelessness is a housing issue?

You cannot solve homelessness until you are able to provide adequate housing at prices even the lowest-income households can meet. That includes households with no income. Drug abuse and mental illness are, overwhelmingly, symptoms of homelessness—not causes.

The cause of homelessness is our [highest-in-the-nation housing costs coupled with our comparatively low wages](#). People simply cannot afford to stay housed. Drugs and mental illness can then become serious problems for people living unsheltered with no support system.

That's why "Housing First" is a proven, successful approach to reducing homelessness while treating symptoms like drug abuse and mental illness. You have to get folks housed and stable so they can deal with their other issues—just like any of the rest of us would.

How do we achieve a "Housing First" approach? With government commitment to fund, year-after-year, rent subsidies to keep people housed, and loans to finance truly affordable housing development at the bottom of the income scale where it is truly needed. [Using this approach](#), Finland completely eliminated unsheltered homelessness—but it took three decades of government commitment to get there, and it will take continued government commitment to stay there.

Hawai‘i can do it too, but we need to stop this approach of criminalizing people experiencing homelessness to coerce them into seeking services in an under-funded system. Instead, we need the government to make investments in our future. We need truly affordable housing; we need economic support to keep people housed; we need a health care system that is affordable, accessible and treats mental health as just as crucial as physical health.

Please defer this bill and focus attention on better policy solutions to increase housing affordability and funding for mental health and health care more generally. Mahalo.

SB-471

Submitted on: 1/25/2024 5:57:09 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Cailin Goodier | Individual | Oppose | Written Testimony Only |

Comments:

Please note my opposition to this bill. As a Social Worker in Maui County, I can attest to the lack of proper services and housing options for residents. Criminalizing residents and forcing them into services is not the answer and will not result in any positive outcomes. I feel this is a violation of human rights and individual will.

Cynthia K.L. Rezendes

rezentesc@aol.com

January 26, 2024

Committee on Health and Human Services

January 26, 2024, 1:00 pm.

SUBJECT: SB 471 RELATING TO LIVING ACCOMMODATIONS

Aloha Chair San Buenaventura and members of the committee,

Speaking on my own behalf, I am concerned about the bill as it is currently written and do not support it. While I understand the intent of the bill I do not believe, as written, it will provide good guidance to relieve our public areas, especially our beaches and parks from the current situation that I believe this bill is attempting to address.

If we are going forward with this bill to “clear” our public lands from homeless encampments, I would propose that you consider providing the resources required to move these individuals and families into a safe area while they continue to be triaged by the service providers until they are ready to be either housed in a shelter or permanent housing. This means to establish Safe Zones as recommended or provide more funds to establish more emergency/transitional shelters where people may go as these enforcements are made. Doing both actions simultaneously will only create more confusion and frustration on the part of everyone involved, the homeless, the general public and the service providers.

Also, I would like to draw your attention to the fact that the U.S. Supreme Court is considering just this type of action based on the Grants Pass Oregon decision by the 9th Circuit Court of Appeals as to its legality. You can find that as an attachment.

I urge you to either revise this bill to address safe zones or building of more emergency/transitional shelters first, or await the decision from the U.S. Supreme Court which is specifically addressing this issue.

Respectfully submitted,

Cynthia K.L. Rezendes

23-175 CITY OF GRANTS PASS V. JOHNSON

DECISION BELOW: 72 F.4th 868

LOWER COURT CASE NUMBER: 20-35752, 20-35881

QUESTION PRESENTED:

In *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019), the Ninth Circuit held that the Cruel and Unusual Punishments Clause prevents cities from enforcing criminal restrictions on public camping unless the person has "access to adequate temporary shelter." *Id.* at 617 & n.8. In this case, the Ninth Circuit extended *Martin* to a classwide injunction prohibiting the City of Grants Pass from enforcing its public-camping ordinance even though civil citations. That decision cemented a conflict with the California Supreme Court and the Eleventh Circuit, which have upheld similar ordinances, and entrenched a broader split on the application of the Eighth Amendment to purportedly involuntary conduct. The Ninth Circuit nevertheless denied rehearing en banc by a 14-to-13 vote.

The question presented is:

Does the enforcement of generally applicable laws regulating camping on public property constitute "cruel and unusual punishment" prohibited by the Eighth Amendment?

CERT. GRANTED 1/12/2024

LATE

SB-471

Submitted on: 1/25/2024 9:14:05 PM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|---------------------------|
| Laulani Teale | Individual | Oppose | Written Testimony Only |

Comments:

Aloha,

While I would love to support the good parts of this measure, such as "Safe Zones" and social service funding, I must oppose this measure strongly due to the serious human rights violations involved arising from further criminalization of the houseless.

Kānāwai Māmalahoe, the very first law of Hawai'i's Kingdom, clearly and strongly states that those who "moe i ke ala (lie in the roadway)" **MUST** be protected, both literally and figuratively, from threat of harm, especially from those with the power of violence.

I stand by this law, and work to uphold it. I ask that you do, too.

Aloha,

Laulani Teale

Kānāwai Māmalahoe :

**E nā kānaka,
E mālama ʻoukou i ke akua
A e mālama hoʻi ke kanaka nui a me kanaka iki;
E hele ka ʻelemakule, ka luahine, a me ke kama
A moe i ke ala
ʻAʻohe mea nāna e hoʻopilikia. Hewa nō, make.**

LATE

SB-471

Submitted on: 1/26/2024 2:24:14 AM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Kristen Young | Individual | Oppose | Written Testimony Only |

Comments:

I oppose SB471 as it essentially criminalizes poverty. People camp in public areas because they have nowhere else to go. The Law of the Splintered Paddle, Mamala-Hoe Kanawai, in the Hawai'i State Constituion, protects the Right of the People of Hawai'i to lie by the roadside unbothered.

Our issue of homelessness in Hawai'i cannot be solved by punishing people who are unhoused, by simply moving them or hiding them away. We must address root causes of houselessness: high housing costs and low wages. Until then, bills like this will do more harm than help.

I support safe-zones that are located in areas where those who are houseless can easily access while continuing to live, work, and care for their families.

LATE

SB-471

Submitted on: 1/26/2024 8:18:30 AM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Alyssa Souza | Individual | Oppose | Written Testimony Only |

Comments:

Hawaii County has a housing crisis, with shelters running at full capacity leaving houseless individuals and families no alternatives but to be on the streets and beach parks. We need solutions. Prohibiting individuals from camping and sweeping them from place to place, is not a solution. These targeted individuals are experiencing trauma to begin with, and sweeping, citing and harassing them is just contributing to their trauma.

SB-471

Submitted on: 1/26/2024 8:18:49 AM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Ashlie McGuire | Individual | Oppose | Written Testimony Only |

Comments:

To criminalize homelessness in a state that prioritizes tourism and not the local people is immoral and inhumane. Work to HOUSE these folks, especially our Lahaina Ohana who have had literally NO other options-do NOT criminalize humans for existing. If you want them to exist elsewhere, give them somewhere to go. So very simple. These band aid "solutions" only add to the trauma, harm, and mistrust. Do your jobs.

LATE

SB-471

Submitted on: 1/26/2024 8:20:15 AM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Connor Logsdon | Individual | Oppose | Written Testimony Only |

Comments:

The homeless population has nowhere to live. So criminalizing it only serves to further harm them. They need housing and psychiatric support to get their lives back on a good track. Putting them in jail will not help anyone. This is the lazy heartless way out of the problem of homelessness. They need more, they deserve better.

SB-471

Submitted on: 1/26/2024 8:24:22 AM

Testimony for HHS on 1/26/2024 1:00:00 PM



| Submitted By | Organization | Testifier Position | Testify |
|--------------------|--------------|--------------------|------------------------|
| carol lee kamekona | Individual | Oppose | Written Testimony Only |

Comments:

I am in strong opposition to this Bill. With our Maui wildfires, the loss of jobs for many have made it impossible to keep up with mortgages, rents, utilities and basic necessities. Many were already struggling from paycheck to paycheck. Prefire our housing situation was dismal. Now, it's astronomically out of reach. Many of our local families have resorted to moving off island so they could survive. Those who didn't want to leave their precious island home are either crammed into unimaginable accommodations with relatives or friends or being pushed to living in their vehicles, on the beaches, on the side of the roads or hidden in trees and bushes. We need more compassionate legislature to help nonprofits like Project Vision build more projects like Pu'uhonua o Nene in Kahului as temporary shelters. The houseless population are comprised of humans for one reason or another who need a helping hand! Treat them with dignity and respect! As you would want to be treated! The Golden Rule!!!

LATE

SB-471

Submitted on: 1/26/2024 8:40:22 AM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Anela Kelson | Individual | Oppose | Written Testimony Only |

Comments:

I strongly oppose this bill as it infringes on the rights of individuals experiencing homelessness. Restricting camping to state-designated areas neglects the harsh realities many face, often leaving them with nowhere to go. Instead, we should focus on comprehensive solutions, addressing the root causes of homelessness rather than criminalizing those in need.

LATE

SB-471

Submitted on: 1/26/2024 8:41:12 AM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Leo Nahe Smith | Individual | Oppose | Written Testimony Only |

Comments:

Aloha Pō‘alima,

Homelessness is a crisis that stems from decades of underinvestment in affordable housing, healthcare, etc. and it demands urgent action but this is not it! It is not only a waste of your money because criminalizing homeless will only ensure that it continues.

Criminalizing homeless is dehumanizing and counterproductive! Do NOT pass this bill.

Maui ‘ohana have lost everything and some people are camping in no designated areas because there is no where else that they can go. This is hewa!

I oppose this bill strongly and know many others who feel the same.

Na,

Leo Nahe, Resident of Wai‘ehu, Maui

LATE

SB-471

Submitted on: 1/26/2024 8:55:45 AM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Jordan Hocker | Individual | Oppose | Written Testimony Only |

Comments:

Aloha Committee members,

My name is Jordan Hocker, I live in Kula and I'm a housing advocate. This bill is the opposite of what my community needs at this time. It is near unfathomable that post fires on Maui, amid high housing costs and limited inventory that any bill would further criminalize being unhoused. The definition of camping as outlined in this bill is a severe case of overreach that leaves discretion of housed status on law enforcement officers. Things like eating or sleeping while unhoused should not be at the discretion of law enforcement. Further court ordered houseless services and/or a misdemeanor is putting further trauma on our most vulnerable. Houseless and housing advocates in Maui know that the services we have to offer are severely lacking.

As Red Cross and FEMA make their decisions to prune down the amount of people that they are sheltering, many are left with nowhere to go. If this bill would pass, it would compound are individual and collective trauma.

Mahalo,

Jordan Hocker

LATE

SB-471

Submitted on: 1/26/2024 9:29:29 AM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Denise Oguma | Individual | Oppose | Written Testimony Only |

Comments:

This bill requires the governor to create safe zones but prohibits and criminalizes anyone sleeping outside the safe zone with a petty misdemeanor. This bill affects our lowest-level citizens who don't have anything, no housing, no income, and to punish them because they don't have anywhere safe to sleep is not right. Instead, create space for those to sleep and be safe. In today's economy, for someone to purchase a home they need will cost them anywhere from \$200K to \$800K, with an average income of \$30K a year. Don't you think that is a greater issue than hindering or criminalizing someone who can't afford to live in a home? Let alone pay a fine?

LATE

SB-471

Submitted on: 1/26/2024 9:31:41 AM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------------|---------------------|---------------------------|------------------------|
| Deborah Michiko Fried | Individual | Oppose | Written Testimony Only |

Comments:

I do not support criminalizing houselessness. Penalties to address one aspect of houselessness - where someone sleeps - achieve nothing positive. Adding language to the measure that will make it illegal to sleep outside anywhere other than in a designated safe zone is not an effective approach to addressing the root causes and solutions to houselessness. Supporting social service organizations and shelter providers to counsel, guide, and assist individuals experiencing houselessness to meet their uniquely complex and comprehensive needs is the most person-centered, effective long-term approach. Thank you for your time and consideration.

SB-471

Submitted on: 1/26/2024 8:29:10 AM

Testimony for HHS on 1/26/2024 1:00:00 PM



| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Kehau Fontes | Individual | Support | Written Testimony Only |

Comments:

Aloha, my name is Kehau Fontes and I support this bill 110% due to myself overcoming homelessness after being unsheltered for 12 years with a serious drug addiction. The cubies, bus terminals and parks are where people unsheltered sometimes feel safe. Sometimes it is the only option they have because of the housing crisis here on Hawaii Island. Many just want a place to rest. Because of my past experience, I oppose of any Homeless sweeps on the Big Island. Imagine losing your job, your loved one, your home with no where to go. What if this was one of your family members? Your child?, Mom? Dad?, grandparent? or child? Please put yourself in their shoes just for a minute. I will always be in support of this bill until my last breath!!!!

LATE

SB-471

Submitted on: 1/26/2024 10:09:10 AM

Testimony for HHS on 1/26/2024 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Riley Bond | Individual | Oppose | Written Testimony Only |

Comments:

Subject: Opposition Testimony for SB No. 471 - Criminalizing Homelessness

I am a concerned citizen who has lived on islnd my whole life, and has seen this issue mismanged firsthand. I am writing to express my concerns and opposition to Senate Bill No. 471, which addresses homelessness in Hawai'i. While I understand the need for comprehensive solutions to the homelessness crisis, particularly in a state with the highest homelessness rate in the nation, I am apprehensive about the feasibility of the proposed short-term rental assistance pilot program given the extreme lack of available housing.

The preamble of the bill rightly highlights the severity of the homelessness crisis and acknowledges past investments in low-income housing and homelessness programs. However, the proposal to implement a short-term rental assistance pilot program may face significant challenges due to the acute shortage of housing in Hawai'i.

The bill emphasizes the importance of providing time-limited rental assistance to families and individuals who are homeless or at risk of becoming homeless. While this is a commendable goal, the reality is that the demand for housing in Hawai'i far exceeds the current supply. The shortage of affordable housing has been a persistent issue, contributing to the high rates of homelessness in the state.

It is crucial to address the root cause of homelessness by investing in the development of more affordable housing units. Without a substantial increase in available housing, any short-term rental assistance program may be limited in its effectiveness, potentially leaving many vulnerable individuals without a viable housing solution.

I urge the legislature to prioritize long-term solutions that include substantial investments in affordable housing initiatives. By addressing the chronic shortage of housing, we can create sustainable and meaningful solutions to homelessness in Hawai'i. Additionally, it is essential to consider the historical context of Hawai'i and the impact of past injustices on the current housing crisis.

In conclusion, while I appreciate the intent of Senate Bill No. 471, I recommend a reevaluation of the proposed short-term rental assistance pilot program in light of the existing housing shortage. I encourage the legislature to focus on long-term, sustainable

solutions that address the root causes of homelessness and ensure the availability of affordable housing for all residents.

Thank you for considering my concerns and for your commitment to addressing the critical issue of homelessness in Hawai'i.

Sincerely,

Riley Bond