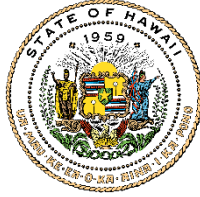


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N.S. CHANG
Chairperson

Before the House Committee on
HUMAN SERVICES AND HOMELESSNESS

Thursday, January 30, 2025
9:35 AM

State Capitol Conference Room 329 and Videoconference

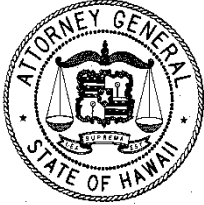
In Consideration of
HOUSE BILL 877
RELATING TO ENCAMPMENTS

House Bill 877 creates a 100-foot buffer zone around the property line of public or private K-12 schools in Hawai'i in which encampments of any kind are not allowed. **The Department of Land and Natural Resources (Department) supports this bill.**

Encampments near schools are generally very problematic for the schools and can pose real or perceived dangers to school children, particularly if they have to walk past the encampment to enter the school grounds. Campers often access school facilities after school hours to use the water and electricity at the school, which raises costs for the school, and often places additional burdens on janitorial staff who must clean up these areas in the morning.

This bill provides law enforcement with a clear and enforceable framework to address encampments near schools, helping ensure the safety of students and reducing the operational and financial impacts on schools.

Mahalo for the opportunity to provide comments **in support** of House Bill 877.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:
H.B. NO. 877, RELATING TO ENCAMPMENTS.

BEFORE THE:
HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

DATE: Thursday, January 30, 2025 **TIME:** 9:35 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Anne T. Horiuchi or Randall Wat, Deputy Attorneys General

Chair Marten and Members of the Committee:

The Department of the Attorney General has concerns about this bill and provides the following comments.

This bill prohibits the erection, placement, construction, or maintenance of an encampment within one hundred feet from the property line of a K-12 public or private school or facility. The bill defines "encampment" as a "tent, makeshift shelter, or any other temporary structure used for habitation."

The bill proposes adding a new chapter to the Hawaii Revised Statutes, "School Encampment Buffer Zone." Any person in violation of new section ___-2(a) shall be subject to immediate removal, pursuant to new section ___-2(b). Page 2, lines 6-10. Additionally, the bill allows the Department of Education, charter schools, and private schools to collaborate with law enforcement to identify and remove encampments within the 100-foot buffer zone surrounding schools and facilities.

First, we recommend that the bill make a violation of section ___-2(a) a petty misdemeanor to allow for the violator's arrest, to effectuate the legislative intent. The bill requires any person in violation of new section ___-2(a) to be subject to "immediate removal," but it does not specify how the person is to be removed. Making a violation of section ___-2(a) a petty misdemeanor would allow for the person's arrest and immediate removal.

Second, while the bill states that the hazards to student safety are the presence of encampments, it says little about the disposition of the encampment itself. The bill should provide more guidance regarding the removal of an encampment that also takes into account the due process rights of the individual found to be in violation of section ___-2(a). See *Davis v. Bissen*, 154 Hawai'i 68, 82 (2024) (Hawai'i Supreme Court holding that "unabandoned possessions of houseless persons constitute property protected by the due process clause of article I, section 5 of the Hawai'i Constitution.").

The Department further notes that the bill does not clarify whether the buffer zone applies only to public spaces. The Department suggests adding clear definitions to specify which types of land are included and excluded from the buffer zone.

We respectfully ask the Committee to consider these issues. Thank you for the opportunity to provide comments on this bill.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 01/30/2025

Time: 09:35 AM

Location: 329 VIA VIDEOCONFERENCE

Committee: House Human Services &
Homelessness

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: HB 0877 RELATING TO ENCAMPMENTS.

Purpose of Bill: Prohibits the erection, placement, construction, or maintenance of an encampment within one hundred feet from the property line of a K-12 public or private school or school facility.

Department's Position:

The Hawaii State Department of Education (Department) supports HB 0877. The Department's overall goal is to maintain a safe and secure environment for all students. While the Department is committed to fulfilling this goal, it understands there's a sensitivity concern when relocating displaced people, especially in cases where children are involved. Homeless encampments can be unsafe and violent places. Research shows that 23 to 47 percent of subjects residing in a homeless encampment have a felony arrest on their record. It also shows that 77 percent have ongoing mental health concerns in relation to depression, substance abuse, antisocial personality disorder, bipolar disorder, and schizophrenia. The Department believes the ongoing concerns at homeless encampments within 100 feet of a school pose a significant safety and security risk for students.

The Department would also suggest that the committee consider adding pre-K classrooms in addition to public and private school facilities.

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