

Resolution 18-280 Additional Testimony



Hawai'i

Agency: City Council, City and County of Honolulu
Date/Time: Wednesday, December 5, 2018, 10 a.m.
Place: Honolulu Hale, City Council Chamber
Re: Testimony of the ACLU of Hawai'i in Opposition to Resolution 18-280, C.D. 1, Approving the Revised 2018 Update to the City and County of Honolulu's Homeless Action Plan for All Council Districts.

Dear Chair Martin, Vice Chair Marcos Pine, and Council Members:

The ACLU of Hawai'i ("**ACLU**") writes in opposition to Resolution 18-280, C.D. 1,¹ which we understand approves the City's twice updated Homeless Action Plan and contemplates the immediate enforcement of Ordinances 18-34 and 18-35 (the "**Ordinances**"), even though Addendum No. 2 to the Plan still does not answer the questions posed in Resolution 18-246, CD 1, and does not explain how the City will make shelter and services practically available now in each district so that enforcement of the Ordinances does not constitute cruel and unusual punishment under the Eighth Amendment.²

The updated Plan is thin on details. It does not have a timetable or an enforcement plan for the Ordinances other than to "continue to implement the mentioned projects." Addendum No. 2 at 7. It has no immediate plans for housing individuals in any district other than the approval of additional, yet insufficient, affordable housing units by as late as 2022. *Id.* at 10-21. It barely mentions additional services other than one additional hygiene center. *Id.* at 7. And other than Honolulu Police Department-led initiatives, such as HELP and CIT,³ there is barely anything on how the City plans to coordinate its efforts with those of the State, community partners, and other stakeholders. *Id.* at 21-23.

Instead, the updated Plan lays bare the major pukas in shelter, services, and enforcement in each district. The Plan admits that there is no emergency shelter or transitional housing in five of the nine districts. *Id.* at 9 (showing no such shelter is available in Districts II, III, IV, V, and VIII). And yet, the updated Plan would not expand such shelter anywhere on Oahu. Similarly, the Plan is unconcerned about unmet mental health, substance abuse, and other wraparound services. Apparently, the Plan is to enforce the Ordinances island-wide without any additional shelter or services in place without regard to constitutional rights, long-term costs, or the Plan's effectiveness.

¹ The ACLU of Hawai'i is submitting substantially the same testimony to the full Council as we submitted against Resolution 18-280 when it was heard in committee, because we have not had an opportunity to review the new council draft version of the resolution.

² The Ordinances raise additional constitutional concerns. Our testimony does not opine on other legal and constitutional issues.

³ Health, Efficiency, Long-term, Partnerships and a Crisis Intervention Team.

Resolution 18-280, C.D. 1
December 5, 2018
Page 2 of 2

We urge your Committee to not write a blank check to a City Administration that, in the last four fiscal years, allowed almost \$100 million in capital improvement projects lapse, while it saw the number of unsheltered people increase by 46.6 percent and the number of people in temporary housing and emergency shelter decline by 24 percent. Instead, we ask that your Committee do no further harm or violate the constitutional rights of people who simply cannot afford housing on Oahu.

Thank you in advance for your time and attention to this matter. If you have any questions or comments, please feel free to contact me at 522-5908 or mcaballero@acluhawaii.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mateo Caballero', written over a horizontal line.

Mateo Caballero
Legal Director
ACLU of Hawai'i