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Aloha, Mayor Caldwell:

We are a group of homeless advocates with many years of experience working with Oahu's homeless population. We are glad that your administration is addressing the plight of our growing homeless population. It's clear that we have come to a mutual understanding that the issue of homelessness must be addressed.

However, we are here to urge you to veto Bill 48, due to its unconstitutionality. Ongoing research supports that the enforcement of sit-and-lie laws can be unconstitutional (Cooter, et al 2012). Findings indicate that enforcement of such measures may violate First and Fourteenth Amendment rights. Accordingly, Berkeley's sit-lie bill was overturned after the conclusion of this research. U.C. Berkeley Law school issued its report in 2012, of sit-and-lie laws, with the following conclusion:

“we find no meaningful evidence to support the arguments that Sit-Lie laws increase economic activity or improve services to homeless people.”

Locally, there is also a dearth of evidence to justify the continued assertions that the homeless populations are negatively impacting tourism on Oahu. On the contrary, the Hawaii Tourism Authority shows record-breaking visitor numbers and revenues for 2014. Finally, Kānāwai Māmalahoe, the Law of the Splintered Paddle, found in Article 9, Section 10 of our state constitution, states that every elderly person, woman, and child may lie by the roadside in safety.

Evidence-based research shows that sit-and-lie laws do not work. What does work, and is more cost-effective than enforcing sit-and-lie laws, is supportive housing, which you have poignantly addressed in your affordable housing plan. The implementation of ordinances such as Bill 48, designed to force the homeless into shelters will not succeed. Rather, it will result in an endless and costly game of cat-and-mouse between the city and the homeless population.

We need to work together to find solution-based ideas rather than criminalizing the actions of our homeless 'ohana. In Madison, Wisconsin a “tiny-homes” project has shown that a very small parcel of land can cheaply house many individuals. Similar supportive housing efforts are underway in Utah, New York, Oregon, California, and Florida; each of these projects have been successful (<http://www.nbcnews.com/business/real-estate/tiny-houses-big-idea-end-homelessness-n39316>).

We kindly urge you to veto Bill 48 in the best interest of Oahu's houseless population, rather than pursuing a discriminatory path of criminalization that has been shown to be ineffective and costly.

Mahalo,

SOURCES CITED:

<http://www.law.berkeley.edu/files/1023sit-lie2.pdf>

<http://www.nhchc.org/wp-content/uploads/2012/03/Dec2003HealingHands.pdf>

<http://www.nbcnews.com/business/real-estate/tiny-houses-big-idea-end-homelessness-n39316>