



Young Progressives Demanding Action
P.O. Box 11105
Honolulu, HI 96828

February 25, 2020
11:00 AM

TO: House Committee on Finance
RE: Testimony in Strong Opposition to HB2607 HD1

Aloha Chair Luke, Vice Chair Cullen, Members of the House Committee on Finance

Young Progressives Demanding Action (YPDA) advocates for public policies that reflect the values of young people throughout the State of Hawai‘i. One of those values is that all people have a right to respect and dignity, whether or not they have access to housing. YPDA is respectfully in **strong opposition to HB2607 HD1**.

This measure joins a long line of policies, notably the City & County of Honolulu’s sit/lie bans that seek to continue to criminalize both those who are in poverty, and members of our community who are houseless. This is an attempt to put a problematic bandage on a systematic problem. Including a punishment of a \$100 fine is highly improper to place on people who are already struggling, and having to take to our streets for refuge because they are living paradoxical lives. Living in so-called paradise, but not being able to afford paradise.

As the Office of the Public Defender noted in their testimony, public restrooms can be a scarcity in certain communities, and houseless individuals don’t have the privilege of simply walking into businesses in order to be able to use the restroom. Without public restrooms, houseless individuals and their families will not have enough money to spend, face public health issues including in mental health, and face extra scrutiny than someone who is better-dressed to be able to do something as routine and normal as using the bathroom.

The State of Hawai‘i and by extension the legislature must remember its commitment in Article 9, Section 10 of the Hawai‘i State Constitution to the Law of the Splintered Paddle, “Let every elderly person, woman and child lie by the roadside in safety”. Protect and care for the vulnerable members of our society, including the houseless. We can do this through more public restrooms, but there are also long term fixes that we must look at. Pay all workers an actual livable wage so families don’t have to choose between being houseless or having to

move away. Housing, especially for those living paycheck to paycheck. Healthcare, including mental and drug treatment care for all. And a criminal justice system that is less focused on punishment, and more focused on rehabilitation and restoring people's lives by giving them an opportunity to not be outcasts, but become productive and fulfilled members of our society and our communities. This is where our energy and our resources should go.

Young Progressives Demanding Action **strongly opposes HB2607 HD1**. We respectfully ask you to defer this measure.

Thank you for the opportunity to testify,

Jun Shin,
Executive Committee Member
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HB-2607-HD-1

Submitted on: 2/21/2020 2:39:16 PM

Testimony for FIN on 2/25/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Oppose	No

Comments:

This is criminal behavior. Feces and urine can spread disease, i.e. COVID-19.

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

LATE

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the House Committee on Finance**

February 25, 2020

H.B. No. 2607, HD1: RELATING TO PUBLIC ORDER

Chair Luke, Vice Chair Cullen and Members of the Committee:

The Office of the Public Defender respectfully opposes H.B. No. 2607, HD1

This is simply another attempt to criminalize poverty and homelessness. Public restrooms are few and far between in most business districts. Many of us may have funds to step into a store and spend a few dollars as an excuse to use the toilet. But if you are a homeless person who is forced to live on the streets, you cannot afford to pay a business establishment in order to use their facilities to urinate or to defecate. While a well-dressed person may be able to step into a store and use the toilet with fewer questions asked, it is likely that the homeless will have more difficulty accessing the toilet. Indeed, it is almost a guarantee that a sign that reads, “restrooms are for customers only” will be enforced.

Most of the individuals targeted by this measure are not homeless by choice. They simply have nowhere else to go, especially since many of the parks and beaches are closed to the public at night. Many are unemployed, suffering from alcohol or drug abuse, or mentally ill. Some are employed but cannot afford to pay rent given the current housing prices. These are problems which our community must come to terms with. Before we criminalize urinating and defecating in public, we as a society must provide alternative housing for these individuals or at least provide public restroom facilities.

Just as it is unconstitutional to criminalize the act of sleeping outside if there is a greater number of homeless individuals in a jurisdiction than the number of available beds, *see Martin v. City of Boise*, 902 F.3d 1031 (9th Cir. 2018), it may be unconstitutional to criminalize the act of urinating and defecating in business districts if there is an insufficient number of public restrooms available in those areas.

Finally, although this measure classifies the offense of urinating or defecating in public as a violation punishable by a fine of up to \$100, many of the targeted individuals will not appear in court. This will result in an increased number of bench warrants, an increased number of arrests for not appearing in court, an increase of individuals spending at least one night in the police cellblock, and an increase of defendants appearing in court; all are added burdens on the criminal justice system which is already in need of more resources that budgetary constraints can’t supply. For these reasons, we oppose this bill. Thank you for the opportunity to comment on this measure..

LATE

HB-2607-HD-1

Submitted on: 2/25/2020 10:40:28 AM

Testimony for FIN on 2/25/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne	Individual	Support	No

Comments: