

Hawaii Access to Justice Commission

2016 Access to Justice Conference

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Workshop: Problem-Solving Homelessness

Presenters: Daniel Gluck, Rep. Karl Rhoads, Julie Ford for Scott Morishige

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The panel provided different perspectives on the issue of homelessness including a perspective from the legislature, a plan from the Governor's office, and a civil rights perspective. The general consensus is that homelessness is a complex issue which is made more complex by the individual situations of each homeless person or family. There is not a single cause of homelessness so there isn't a single solution. Due to the complexity of the issue it is very difficult to legislate around homelessness and create policy. At the same time, as policies are created and laws are passed, the constitutional rights of the people who are homeless must be upheld. There are three areas of concern:

- the fourth amendment which prohibits unlawful searches and seizures;
- the eighth amendment which prohibits cruel and unusual punishment; and
- the fourteenth amendment which guarantees due process.

Specifically, concerns related to the fourth amendment are about the City's seize and destroy policy and concerns related to the eighth amendment are about punishing someone for their status. There have been a series of measures passed that criminalize the status of homelessness:

- it is illegal to sleep in a city park;
- tents are not allowed in parks;
- shopping carts are not allowed in parks;
- you cannot sleep in a car;
- you cannot sleep on a sidewalk if you obstruct the sidewalk;
- you cannot store property on public space;
- the so-called sit and lie law; and
- the prohibition against urination and defecation in public.

The presenters acknowledge that it is a balancing issue by sharing stories from the public about persons who are homeless creating unsanitary conditions

or blocking sidewalk access. Presenters also acknowledge that there are two perspectives and it is important to have the discussion. Public access, health, and safety are important. For example, encampments are not safe for residents and non-residents of the encampment. The enforcement approach of the Governor's office is to pair law enforcement with outreach services to build trust. As tools for engagement, outreach staff carry bus fare to give to people who would like to go to a shelter, but not all people are candidates for shelter. Some have a history of violent crimes or sexual assault. One solution may not fit for all of the people who are homeless and there is an element of choice that must be considered.

Possible Solutions:

- The Housing First model has been successful in getting the chronically homeless off the streets and into permanent housing.
- Assertive Community treatment for people who are a danger to self or others. A court can order you to take medication.
- Wage Increases/State Income tax Credit
- Building Affordable Housing
- Homelessness Court

There is a lot of money being spent on housing programs. The state legislature approved \$12 million in funds. The Governor's office has set up a framework for plans moving forward. There are three levers of change, public safety, health and human services, and affordable housing. All levers must work together to effectively address homelessness.