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# Exhibit 2

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

SONIA DAVIS, JESSICA LAU,  
LAURALEE B. RIEDELL, and ADAM M.  
WALTON,

Plaintiffs/Appellants,

v.

MICHAEL P. VICTORINO, County of Maui  
Office of the Mayor, SCOTT TERUYA,  
County of Maui Department of Finance, and  
COUNTY OF MAUI,

Defendants/Appellees.

Civil No. 2CCV-21-0000305

Agency Docket/Case No. n/a

DECLARATION OF JESSICA LAU

**DECLARATION OF JESSICA LAU**

I, Jessica Lau, declare as follows:

1. I make this declaration based on my personal knowledge and if called to testify I could and would do so competently as follows.

2. I am 52 years old. I am of Hawaiian, Filipino, and Chinese descent. I was born and raised on Maui but lived on the continent for a few decades. In 2015, I decided to return home to Maui.

3. I have been houseless since March 2020 and remain houseless today. This past year and a half has been the first time in my life that I have been houseless.

4. As of Friday, October 22, I have been staying (along with my 30-year-old son) at Ka Hale A Ke Ola emergency shelter.

5. In September 2021, I was living on Amala Place in the Kanahā Area when the Kanahā Sweep occurred. I was present in the area for most of the time that the sweep occurred.

6. I filed a request for a contested case around September 6, 2021, soon after I heard rumors that the County might be sweeping Pu‘uhonua o Kanaha in the near future. In my request, I argued that I have property interests in my shelter and belongings that must be afforded procedural due process before the County could permanently deprive me of that property.

7. While I was able to save most of my property—including my car, which is my life-line since it is my main form of shelter and transportation—I lost some of my personal property during the Kanahā Sweep.

8. I was also one of the Pu‘uhonua o Kanaha community members who attended the meeting with Mayor Victorino and his wife a few days before the Kanahā Sweep began.

9. I understand that the American Civil Liberties Union of Hawai‘i Foundation (“ACLU of Hawai‘i”) is representing me in the agency appeal lawsuit that was recently filed.

## **Before the Sweep**

10. For about 3.5 to 4 months before the Kanahā Sweep, I was living on Amala Place in the Kanahā Area with my adult son.

11. I grew up on Maui, spent time away on the continent, and returned to Maui in 2015. For about 4 years after moving back, I was a driver and tour guide for Polynesian Adventure Tours and Roberts Hawaii, mainly taking tourists on the Road to Hana.

12. I became houseless in March 2020. At the time, I was in the process of changing occupations because of health problems I was experiencing from long days of driving. At around the same time, my 30-year-old son—who has a series of disabilities, including autism, OCD, anxiety, bipolar disorder, and schizophrenia—had an emergency situation and urgently needed money. He had nowhere to turn to. I gave him \$500 that I would have used to pay rent because I knew he desperately needed the money at the time, and I love my son. But that meant being short on rent for my unit at Harbor Lights Condominium Complex.

13. I was evicted by my landlord in early March 2020 for nonpayment of rent.

14. After being evicted, I became houseless for the first time in my life.

15. In the beginning, when I first became unsheltered, I was afraid because I'd never been houseless before. I also didn't know what to do. I started by sleeping in my car at Kahului Harbor. I stayed there for most of 2020. The police knew that there were houseless people living at the harbor but they mostly didn't harass us. They told us that that was because we cleaned up our mess (and other people's mess) and people weren't calling the police to complain about us. But at some point during the pandemic, the police began telling us we couldn't be at the Harbor.

16. At the beginning of the pandemic, the police had also been telling me that I should go down to Amala Place and that I would be "safe" (from being hassled) if I went there.

By the end of 2020, I was starting to get worried that, while I was at work during the day, police would tow my car and my belongings would be thrown away. So I decided to do what the police had specifically told me to do: I moved to Amala Place and began living at Pu'uhonua o Kanaha.

17. Despite all the challenges that being houseless has created, I have been working throughout the pandemic and almost this entire time that I have been houseless. In March 2020, I knew I needed to get my paycheck to get gas and pay bills and do what I need to do to get back on my feet. But around that time, the County had issued a stay-at-home order due to the COVID-19 pandemic, and a lot of businesses shut down. After the order was changed to allow businesses to operate in June 2020, I went to Jobline X-Press, which is a temporary worker staffing agency. Through Jobline, I worked first at the Maui YMCA as a program assistant, and then at a variety of other local businesses, including Uptown Chevron, Enterprise Rent-A-Car, and Kihei Rent A Car.

18. In fact, for most of the pandemic, I have been working 2 jobs at a time. About two months ago, however, things got so overwhelming for me, so I stopped working my jobs. That was around the time when my son was supervised released from jail into my custody and I had to help him get to his appointments and attend court dates.

19. I was in the Kanahā Area when the County started preparing to sweep us in early September. I saw the County install all the “no trespassing” signs. I asked the County workers what they were doing, and they would not explain what they were doing and why the signs were being installed. They also covered up the signs at some point with black trash bags. They did not explain why they did that, either.

20. I was also there about a week before the sweep when the police started handing out the flyers telling us about the sweep. On the day that the police were handing out flyers, I

saw them violating our rights. Some of the police were doing the right thing and handing the notices to people, and putting them on people's windshields and outside their cars. But several officers—without people's consent—were opening people's car doors and searching around the inside of their cars. I even saw police taking things from inside people's cars, including from inside people's glove boxes. Police were also opening tents, lifting up tent canopies, moving aside tarps, and looking and peeking inside people's living quarters. I knew that what they were doing was wrong and a violation of our rights, so I told them "you're not supposed to be doing that!" But they ignored me. And there was nothing I could do to stop them.

21. About a day after the police distributed the notices, they started patrolling and tagging our cars and belongings with "abandoned" stickers. One police officer walked into the area where I was residing and began tagging cars and personal property in the area. When I asked him what he was doing, he said that this was their way of marking things as abandoned and to be removed. He continued tagging people's stuff as he walked down Amala Place. Shortly after that, the same officer came back to my area and intentionally tagged both of my cars and marked my tires with yellow chalk, even though he knew that those were both my cars and they were not abandoned. I was very alarmed that the police were tagging vehicles and property that they knew were not abandoned.

22. Police also said that if we didn't leave by the date on the flyer, we would be arrested.

23. I also was one of the community members at the meeting with Mayor Victorino (and his wife) in September, a few days before the sweep began. We asked for more time. I personally asked him in front of everybody else whether it was true that he would give us another week, and he said "that is not true." I told him that it was not true that the houseless

people on Amala Place did not want shelter or housing. We wanted shelter but we had been told by shelter staff that we were ineligible for their services. The mayor also said that if we used duct tape or caution tape to mark our belongings, the County would not touch that property. He also promised that nothing would happen until all residents were settled into new accommodations. He said that he would find places where people could go to get into housing and that he would be setting up other pallet shelters inside a vacant lot. But he broke these promises.

### **During the Sweep**

24. On the morning of September 20, 2021, I observed the sweep starting. At around 5:45 a.m., the police first came through with lights and sirens on. By around 7 a.m., they started making loudspeaker beeps and announcements. They told us that we needed to vacate the premises and, if we didn't, we were going to be arrested.

25. At some point that morning, the mayor actually showed up with coffee and donuts. As if that was going to make things better for us when he was the one who criminalized us and forced us to leave after breaking his promise.

26. As the police were coming through, I scrambled to get my stuff out of the sweep area. The first thing I took out was my main car with most of my belongings. After I got that out, I jumped on a bike and cycled up and down Amala Place to help others. But we just didn't have enough time to take our stuff out. My neighbor lost two whole dressers full of stuff. I also had to leave stuff behind, including my big portable water tank, fishing poles, and my Bluetooth speakers.

27. I also had another car that someone had donated to us that my son was using to sleep in (when we first became homeless, my son had anxiety about sleeping in the same car as his mom) and store his stuff in. It wasn't operable and we were waiting for replacement parts to

come through. It was clearly occupied. Yet it had been tagged by the County for removal. Thankfully, a friendly business owner near Hale Nanea helped me tow the car out before the County could take it away.

28. Later in the day, the County brought very large heavy construction vehicles, including a backhoe and a forklift, to help remove property. They also had dump trucks that they were discarding people's stuff into. I saw the County staff throwing away a lot of my neighbors' personal property. In fact, one of my neighbors had covered her personal property with a tarp and marked it with an "X" and the County still threw all her stuff away. That property was all the stuff that she had, and it was gone just like that.

29. If County workers saw a vehicle with people's stuff inside it, they pried the doors open with crowbars, cleaned and threw out all of that property onto the ground so that the bulldozer could then pick it up. I tried to stop the County from throwing out stuff from cars that I knew were not abandoned. I tried to explain, for example, that the person who owned the car and the property inside wasn't here at the moment. But the County ignored me.

30. By the time it was 7:30am, basically everyone in Pu'u honua o Kanaha was gone and there were probably only 10 of us still on the strip.

31. Later in the week (I think it was the morning of Wednesday, September 22), the County brought in a bunch of tow trucks to tow out the cars that were still in the area. I saw several cars that I knew were not abandoned being towed out by the County. The County never said what they were doing with the cars.

### **After the Sweep**

32. During the sweep, I moved my car and my son's car back to the harbor (where I'd stayed before). I've been living there since leaving Amala Place.



33. The sweep was very traumatic and disruptive, and I'm feeling overwhelmed with everything. In addition to doing whatever it is that I need to do, I'm currently taking care of my son and making sure that he gets to all of his doctor's appointments and court dates.

34. There is so much about the sweep that is so upsetting. I wish the County had given us more time before conducting the sweep. I wish they could see that we are people too. I wish the mayor and the County had held to their promise of finding us shelter before doing the sweep. There are so many things promised that were not met.

35. People keep saying that we (houseless people) don't want shelter. That's not true. I want to find some kind of housing. In fact, I had been calling the shelters (both Ka Hale A Ke Ola and Family Life Center) every day for the past three weeks and they weren't able to find shelter or alternative housing for me. They mentioned that they didn't have space. A big problem is that the shelter staff really have not been doing outreach to us. And even when we've inquired, we're told we're ineligible for their services. For example, the staff told me that I need somebody to verify that my son is homeless (with a "homeless verification letter") before we could even get into a shelter.

36. On October 22, 2021, Ka Hale A Ke Ola staff reached out and offered me and my son emergency shelter. We have been staying there since then. However, I'm only allowed to stay for 90 days. I don't know where I'll go once my time at the shelter runs out.

37. Staying in Ka Hale A Ke Ola has been very uncomfortable because staff have been treating my son like he is a criminal. It is not a very welcoming place.

38. It's extremely upsetting that the mayor and the County keep saying that they've found shelter for everyone who was swept from Amala Place. That's not true. Until a few days ago, I was unsheltered, even though I had been looking for shelter every day since being swept

out of the Kanahā Area. I also know several other people who are currently living at Kahului Harbor who came from Amala Place and they still do not have shelter or housing.

39. Things have been pretty rough, but I'm just trying to keep my head above water. I'm thankful that I have my paddle board. Some days I just go on my board and paddle out into the harbor to leave everything—all of my problems—behind.

40. Right now, I just try to stay focused and do what everyone asks me to do. Whatever the end of the road looks like, I thank God each and every day that I'm not a quitter.

41 I, JESSICA LAU, declare under penalty of law that the foregoing is true and correct.

DATED: Kahului, Hawai'i, October 27th, 2021.

Respectfully submitted,

Jessica Lau  
JESSICA LAU

→ because I still do not have shelter that Mayor Victorino promised. I am living on the streets in fear of my son's dad. I am a domestic violence victim. He has busted my car windows, dented my car, and chased me in traffic.