

Electronically Filed
SECOND CIRCUIT
2CCV-21-0000305
27-OCT-2021
06:51 PM
Dkt. 15 EXH

Exhibit 4

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 ADAM M. WALTON

DECLARATION OF ADAM M. WALTON

I, Adam M. Walton, 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 a 40-year-old man currently living in Maui, Hawaii. I identify as indigenous. I have been with my partner, Lauralee B. Riedell (“Laura”), for more than 10 years, and can fully attest to the statements in her declaration because I have personally observed and shared the experiences that she went through.

3. We’ve both been here on Maui for over 20 years. I graduated from high school here. My son lives here and my children were born here.

4. We’ve been houseless for the last 10 to 11 months (though we were also houseless for about a year about 10 years ago), and have been staying in the Kanahā Area. We became houseless because we did not want to overstay our welcome with our hanai family, who we had been staying with after returning from the mainland (my father was having heart problems so we went to the mainland to take care of him). We have been looking for housing for the past 10 months but find it extremely difficult due to the current state of the rental market in Maui.¹

5. I am currently employed as a house cleaner. I work with Laura cleaning vacation rentals. We currently make about \$500 per month, which is not enough to get by or find housing here. We’d like to take on more jobs, but it’s hard to do that while we’re houseless because we are constantly on the move—we have to set up and break down, retrieve things from storage,

¹ See Chelsea Davis, *Renters left scrambling as more homeowners take advantage of hot market*, Hawaii News Now (Oct. 21, 2021), <https://www.hawaiinewsnow.com/2021/10/22/maui-renters-left-scrambling-more-homeowners-take-advantage-hot-market> (noting Maui County’s median sales price increased 25% in the last year to \$998,000 in September 2021 and describing how market rents have increased across the board).

watch our dogs, and have other similar obligations. We always feel frazzled and strapped looking for things.

6. Laura and I are both currently staying at the Family Life Center pallet facility. As I'll explain in more detail, our experience there has been horrible.

7. I filed a request for a contested case on September 20, 2021, arguing that I have a property interest in my shelter and belongings and must be afforded procedural due process before the County may deprive me of that property.

8. I understand that the American Civil Liberties Union of Hawai'i Foundation ("ACLU of Hawai'i") is representing me in the ongoing agency appeal.

Before the Sweep

9. We never received notice from any County official or police officer about the impending sweep. Instead, we learned about it from one of the houseless residents who had an extra copy and we learned then that we needed to leave the premises. There were no other days that I can recall where additional notices were distributed. So we found out about the sweep through our neighbor and not from an official County entity.

10. There were no other types of notices distributed. There were no follow-up announcements regarding the upcoming sweep.

11. The "No Trespassing" signs were also put up without notice. One day we woke up with a group of police officers overseeing the signs being put up all around us. We were not told what was going on.

12. I read the notice of the upcoming sweep. It provided no opportunity to contest what was about to happen. There was no contact information provided to ask questions or learn more about the process. We did not do anything, because the way the notice was written

indicated that there was nothing that could be done except accept the fact that our lives would be uprooted once more. Had we known that there were options, we most definitely would have gone through that process and asked for accommodations. We would have asked for guidelines or further instructions on where to find a safe place to sleep without being harassed by police or criminalized. We probably would have asked for more time.

13. I was not able to attend the meeting with the Mayor's a few days prior to the sweep due to my work obligations. Had I known that the Mayor and his wife were coming, I would have made time to listen and get the opportunity to speak with them.

14. I prefer to lay low on the radar and consider myself lucky to have little to no interaction with law enforcement officials besides on the day of the sweep when they ran our plates. Nothing has come of it thus far and we hope to keep it that way.

During the Sweep

15. We decided to stay in our spot in the Kanahā Area during the sweep. We made sure to wake up early and be ready for what was to come. Around 9:00 AM on September 20, 2021, a large group of police officers showed up and began informing everyone through a loud speaker that everyone needed to "leave or they will get arrested." Officer John Kawika came to our camp and informed us that "You know you got to go, right?" We informed him we understood and that we were contesting the sweep, so we were going to stay. He got upset and took down our license plate number and immediately called it in when we declined to identify ourselves. The other officers who were present also declined to identify themselves when we asked for their names.

16. We decided to stay that first night in our spot in the Kanahā Area because we heard from other residents that the mayor was allowing us to stay overnight. We packed up and left for work the following day but we came back Tuesday night as well.

17. At some point, we received information about moving into a temporary shelter at the Family Life Center (FLC) pallet facility. On Wednesday morning, we spoke with an FLC staff member who initially came down to Kanahā to gather paperwork from us. While our paperwork was being processed, we stayed with our friends as we were trying to figure out the logistics of moving into FLC. We finally moved in to the FLC on the following Monday (September 27, 2021).

18. We did not lose any property during the sweep since we packed up and left no trace every morning before we went to work. Our neighbors were not so lucky.

After the Sweep

19. It has been a challenging month; I am still in a haze from the whole sweep and transitioning into the FLC pallet facility has not been easy. I am still scrambling to get back to our routine, including our work.

20. Life at the pallet facility is terrible. It feels like we are being incarcerated.

21. Let me describe the facility for you. It's called the "pallet facility" because we live in temporary structures shipped on pallets that have been placed in the park next to Hale Makana. There are 23 units that have been set up, one is an office and the other is storage. Each unit is only 65 square feet. It's essentially a modular tiny home made of corrugated plastic.

22. They're assembled very poorly. There's a leak in the beam so we get wet. We get cut on metal pieces that haven't been secured properly. Laura got her finger trapped in the door and lost a nail.

23. Inside each pallet unit, there are metal shelves with air mattresses with only a top sheet. The air mattress is dirty and grimy. It was so bad that we ended up bringing in our own mattress from our car.

24. It's not accurate to call this facility "shelter." There's no bathroom access (we use the bathrooms in the park, even though there's signage saying that the park is closed). We can't cook in the unit (we have to cook outside in the park). The conditions are very poor. In fact, there's one resident we know who actually sleeps in her car in the parking lot as much as possible because it's more comfortable than the pallets.

25. It's also my understanding that the pallet facility was originally set up as a quarantine location for houseless people who had contracted COVID or were at high risk of getting it. But now the County is cramming people who've been caught up in sweeps into the units.

26. The staff keep telling us that we need to clean our unit and the showers every day to follow the house rules, but they've never even given us any cleaning supplies to use, so we've had to use our own personal cleaning supplies.

27. There have been multiple times where we felt like leaving the Center due to an ongoing issue with a security guard, who has been harassing folks who live in the facility and have threatened multiple individuals with eviction. Some of the incidents that personally involved me were the following: (1) he followed me into the restroom and watched me as I used the facility, (2) I saw him near our van and he made the alarm go off, (3) he caused a commotion with the residents in the unit next to us. All in all, we do not feel safe with his presence.

28. Also, the facility is at full capacity and as a result the units are really close to each other. A lot of us have pets and we grow concerned about the safety of our belongings, especially

our vehicle. Our vehicle is our home, our safe haven, our storage, our kitchen. A neighbor of ours had to park her car a certain way because she believes that her gasoline is being siphoned. We feel confined in this facility because we are right in the middle of the action. In Kanahā, we were free to go about with our lives peacefully without interruption.

29. With the rules changing daily and the security constantly in our midst, living in the facility is similar to incarceration. Even though the park is technically closed, they are implementing park rules which determines the majority of the things we can and cannot do. We have been provided two separate sets of documents with house rules requiring us to wear badges at all times, even though that was not mentioned in the house rules. These rules were supposed to be issued by FLC, but the security guard is the one who asked us to sign. Some of these rules include: (1) not being able to walk dogs in the park, and (2) not being able to use the basketball and baseball field and picnic benches. But there are no signs saying that the park is closed or that these activities are prohibited inside the park. We have received conflicting sets of rules from the County and the service providers. It is confusing to not know what I am allowed and not allowed to do.

30. Ten years ago, I was told that shelters were a safe place to be but after stepping in the office and seeing how it is ran, it did not seem like a place I wanted to live in. Since I had the option to sleep in our van, I would rather give up my spot for someone who truly needs it.

31. Moving forward, I would like to see safe spaces or safe parking lots. I would also like to see a community resource center where people can find help with jobs, food, and a place to rest at night. I would also like to know what FLC is using with Housing First funding and why housing projects are stalling. Apparently, FLC has \$9 million which they claim will fix homelessness yet the situation remains unchanged.

32. I would also really like to see more of the FLC staff interact with the affected folks. The most I have seen them was probably a few hours out of a whole week. I was under the assumption that staying in the facility would allow increased contact with caseworkers but that has not happened at all. We almost never see caseworkers here.

33. At some point, FLC told us that they had just approved us for a program that would cover a rental unit for \$1,500. The staff told us "congratulations" and that we'd be able to get into a place now. But then they told us that we needed to find the rental unit ourselves and apply for it on our own. In other words, we're supposed to go out there and find the unicorn, and then they'll catch it for you. But there is no unicorn. It's not like we've been sitting around doing nothing for the past year. We've been looking on Craigslist, Zillow, etc., every day for the past 11 months looking for a rental and there's absolutely nothing affordable available on Maui—let alone for \$1,500. One-bedroom apartments are starting at \$2,500 and then can go as high as \$3,500. So we don't even bother applying to whatever comes up because they are well outside our budget.

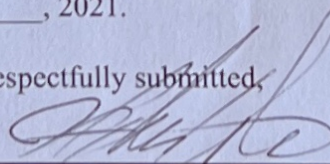
34. Our lives are more chaotic because of the Kanahā Sweep. We've lost all peace of mind. We were doing everything we could to get back on top of everything and the carpet got pulled out from underneath us and we're back to zero.

I, ADAM M. WALTON, declare under penalty of law that the foregoing is true and correct.

DATED: ~~Kahului~~, Hawai'i, 10-27, 2021.

Waialeale

Respectfully submitted,



ADAM M. WALTON

35. As I was meeting with my attorney to sign this declaration, FLC staff informed me that we would be required to leave the premises immediately and that we can no longer sleep at the pallor facility. *AMW*