

FOR IMMEDIATE RELEASE

October 2, 2023

MEDIA CONTACT: Kim Moa
kmoa@acluhawaii.org, (808) 203-9945

Hearing Scheduled for Lawsuit Challenging Honolulu Houseless Sweeps

HONOLULU, HI – The First Circuit Court will be holding an evidentiary hearing on October 4, 2023, in a lawsuit filed by the American Civil Liberties Union of Hawai'i (ACLU of Hawai'i) against Honolulu City & County for civil rights violations in the use of houseless sweeps.

The lawsuit filed in July, alleges that in the absence of sufficient shelter space for Honolulu's houseless community, the City's enforcement of anti-houseless laws unjustly criminalizes innocent acts of survival that houseless people have no choice but to perform in public places.

The plaintiffs' preliminary injunction motion filed in August argues that the City's sweeps of houseless encampments constitute cruel or unusual punishment under the Hawai'i Constitution and asks the court to order the City to stop such targeted enforcement actions to prevent further irreparable harm while the merits of the case are being litigated.

During the October 4 hearing, the court will hear testimony from the five named plaintiffs as well as other houseless and non-houseless witnesses regarding the significant harm caused to houseless residents by the City's sweeps and other enforcement actions.

ACLU of Hawai'i Legal Director, Wookie Kim, also issued this statement in response to a [press statement](#) released by Mayor Blangiardi last week Wednesday regarding the lawsuit:

The City's response to our complaint is disappointing to say the least. The Mayor made campaign promises to end the City's use of sweeps and strategy of "compassionate disruption." Instead, he is doubling down on the use of these harmful tactics and wasting millions of taxpayer dollars on ineffective sweeps.

Reframing the enforcement of laws that were clearly designed to target houseless people as some sort of "public welfare" service perpetuates harmful stereotypes about the people who are most vulnerable in our community and blames them for every single societal problem we face here in Honolulu.

To be clear, the preliminary injunction we're seeking does not tie the City's hands to protect the rights of the public to use public spaces safely. We are simply holding them accountable for finding realistic alternatives that protect the rights of all residents and don't criminalize basic human acts of survival.

The evidentiary hearing will take place on Wednesday, October 4, 9:00 a.m. – 4:00 p.m. in the First Circuit Court, Ka'ahumanu Hale (777 Punchbowl Street), 4th floor, Room 17, with Judge John M. Tonaki presiding.



Plaintiffs' reply to the City's opposition brief attached and here:

https://www.acluhi.org/sites/default/files/field_documents/117_-_pltfs_reply_to_pi_injunction.pdf

Copies of the filed complaint here:

<https://www.acluhi.org/en/cases/mahelona-v-city-and-county-honolulu>

Press release about the preliminary injunction motion here:

<https://www.acluhi.org/en/press-releases/houseless-residents-ask-court-to-stop-hnl-sweeps>

###

The mission of the Hawai'i affiliate of the ACLU is to protect the civil liberties contained in the state and federal constitutions through litigation, legislative, and public education programs. The ACLU is funded primarily through private donations and offers its services at no cost to the public. The ACLU does not accept any government.