



PRESS RELEASE
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HAWAII SUPREME COURT TO HEAR CASE AFFIRMING DUE PROCESS RIGHTS OF HOUSELESS PEOPLE DURING SWEEPS

Honolulu (November 18, 2022) – The Hawai'i Supreme Court decided yesterday to hear a lawsuit challenging the legality of a September 2021 sweep that Maui County officials conducted of a houseless encampment known as Pu'uhonua o Kanahā near Kanahā Beach Park.

The lawsuit, filed in October 2021 by the American Civil Liberties Union (ACLU) of Hawai'i on behalf of several residents who lived in the Kanahā encampment, challenges Maui officials' decision to conduct the sweep without providing adequate due process. It alleges that the County violated residents' constitutional rights to notice and an opportunity to be heard before it evicted encampment residents and seized and destroyed their property.

The County moved forward with the sweep even though dozens of residents filed requests for a contested case hearing before the sweep began. ACLU lawyers say the County ignored those requests. As court filings show, the basis for the County's disregard of constitutional due process is the assertion that, because the houseless residents and their property were located in a public space, allegedly in violation of the law, they forfeited all constitutional protections over their property.

In March of this year, the Second Circuit Court ruled in favor of houseless residents, concluding that "here, constitutional due process required a contested case hearing before [Maui County] conducted the Kanahā Sweep." The County has appealed that decision. Yesterday, the Hawai'i Supreme Court, recognizing that the case presented an issue of fundamental public importance, granted the ACLU's request to transfer the appeal to the State's highest judicial forum.

On hearing the news, **Kanahā plaintiff Sonia Davis**, said, "I'm grateful. This makes me feel like there really are people out there who care about what we go through living on the streets."

Lisa Darcy of Share Your Mana, who has worked alongside the Kanahā community as a houseless advocate said, "The opportunity for the plaintiffs to be heard by the Supreme Court

honors the gravity of their situation. This space is an opportunity to create a safer and a more equitable future for every person, regardless of housing status."

"We hope the Hawai'i Supreme Court rejects Maui County's stunning argument that houseless people forfeit their constitutional rights simply because they live in public spaces. Constitutional due process does not turn on whether one is housed in a structure with four walls and a roof," said **ACLU of Hawai'i Legal Director Wookie Kim**.

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Copies of the Court's order and the ACLU's transfer application are attached.

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 statewide. 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 funds.