



TESTIMONY OF DAVE ERDMAN
INTERIM PRESIDENT & CEO
RETAIL MERCHANTS OF HAWAI'I

Friday March 20, 2026, 3:15 Room 016

Committee on Safety and Military Affairs

IN SUPPORT OF HB 1957 HD1 – RELATING TO SAFE ENTRYWAYS

Aloha Chair Fukunaga, Vice Chair Lee, and Members of the Committee:

My name is Dave Erdman, and I serve as Interim President and CEO of Retail Merchants of Hawai'i (RMH), a statewide nonprofit trade association representing retailers, shopping centers, restaurants in retail centers, and allied businesses across Hawai'i.

RMH supports HB 1957 HD1, which establishes enforcement procedures to prevent obstruction of private doorway and entranceways in cities with populations greater than three hundred thousand.

Retail storefronts depend on safe, clear, and accessible entrances. Across many of Hawai'i's urban commercial districts, retailers and their employees regularly experience situations where doorways, service entrances, or emergency exits become blocked by individuals or personal property. When entrances are obstructed, it can create safety concerns for customers, employees, delivery personnel, and especially for kupuna, keiki, and individuals with disabilities who require unobstructed access.

Clear entryways are not simply a matter of convenience. They are essential for life-safety, accessibility, and the basic ability for businesses to operate. In some situations, blocked entrances can interfere with fire exits, delivery access, and ADA-compliant pathways, which places both businesses and the public at risk.

HB 1957 HD1 takes a measured and balanced approach. The bill focuses specifically on situations where access to doorways or entranceways is materially obstructed, while providing reasonable safeguards including a verbal warning, an opportunity to comply, and exemptions for individuals waiting to enter a business or otherwise present with permission. This graduated enforcement framework recognizes the importance of compassion and due process while also addressing legitimate public safety concerns.

Retailers across Hawai‘i work hard to maintain welcoming storefronts and safe environments for their employees and customers. Ensuring that entrances remain accessible helps support safe commerce, protects accessibility for all members of the community, and allows businesses to continue serving residents and visitors alike.

For these reasons, **Retail Merchants of Hawai‘i respectfully supports HB 1957 HD1.**

Mahalo for the opportunity to provide testimony.

Dave Erdman
Interim President & CEO
Retail Merchants of Hawai‘i



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Mar 20, 2026

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The Honorable Carol Fukunaga, Chair
Senate Committee on Public Safety and Military Affairs
The Thirty-Third Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

SUBJECT: HB1957 HD1 – Relating to Safe Entryways

Chair and Members of the Committee:

Aloha Independent Living Hawaii (AILH) is a statewide, cross-disability, non-residential Center for Independent Living (CIL) that supports people with all types of disabilities to live, work, and participate fully in their communities in Hawaii. We respectfully **oppose HB1957 HD1**.

HB1957 HD1 would create a new Penal Code offense, “prohibited activity at an entranceway,” in cities with populations over 300,000, by making it a violation for a person to intentionally, knowingly, or recklessly sleep, lie, sit, remain standing, or place personal property within ten feet of a private doorway or entranceway of a wide range of “protected locations,” in a manner that obstructs or materially interferes with ingress or egress. The bill establishes a three-step enforcement process (verbal warning, citation after one hour, and then initiation of a county encampment or obstruction clearance protocol), and authorizes removal of personal property, including summary disposal of certain items.

The House Committee on Judiciary & Hawaiian Affairs (JHA) report explains that this measure is intended to respond to increases in unsheltered homelessness and “ensure that there is safe ingress and egress from private doorways and entrances,” particularly for kupuna, keiki, and people “with disabilities or limited mobility.” AILH fully supports safe, accessible entranceways, and we share the concern for the safety of disabled community members who need clear paths of travel. However, because



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people experiencing unsheltered homelessness are disproportionately disabled, and because HB1957 HD1 relies on criminal enforcement, citations, and encampment clearance protocols, this bill is likely to harm many of the same disabled community members it is intended to protect.

According to the 2024 Oahu Point in Time Count, Oahu saw a 12 percent increase in the total number of people experiencing homelessness between 2023 and 2024, and 62 percent of those individuals were unsheltered. Unsheltered people have high rates of physical, mental health, and cognitive disabilities; some PIT reports have found that roughly one in five adults experiencing homelessness report a physical disability, with substantial overlap with behavioral health conditions. From an Independent Living perspective, HB1957 HD1 risks layering yet another criminal tool onto a population that is already disproportionately disabled and already faces barriers to housing, healthcare, and access.

1. Disparate impact on disabled and medically fragile people who are unsheltered

The JHA report frames HB1957 HD1 as necessary because unsheltered individuals are residing in public spaces, including in front of residential, commercial, and school entrances. However, national and local data show that unsheltered people are far more likely to have serious mental illness, chronic health conditions, and physical disabilities. Many disabled people cannot “move along” quickly or repeatedly, especially while managing fatigue, pain, mobility impairments, or mental health symptoms. Even with the “reasonable opportunity to comply” language that JHA added, the length and quality of that opportunity is left to officer judgment, and those who cannot move fast enough remain at risk of repeated citations.

Honolulu’s experience with sit-lie, sidewalk obstruction, and related enforcement shows how easily these tools trap unsheltered people in a cycle of citations. Civil Beat’s analysis of 17,458 cases in First District Court between August 2023 and July 2025 found almost 11,000 citations in the 12 months following the Mayor’s pledge of aggressive enforcement—a 60 percent increase from the prior year—with more than a third of these citations going to just 170 people, many cited a dozen time or more. That



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pattern illustrates how enforcement falls repeatedly on the same vulnerable individuals rather than solving underlying housing and disability-related needs.

2. Risk of enforcement against disabled residents who are not homeless

The bill's prohibitions apply to anyone who "sleeps, lies, sits, remains standing, or places personal property" within ten feet of a private doorway or entranceway of a "protected location," which includes residences, businesses, educational and religious institutions, community centers, and government entities. Even with the exemptions that JHA added for those acting under legal authorization, actively waiting to enter during business hours, or being present with permission, many disabled people may still be vulnerable to enforcement.

People with disabilities may need to sit, rest, or wait near entrances because of mobility limitations, fatigue, respiratory or cardiac conditions, psychiatric disabilities, or cognitive impairments that make it difficult to stand or walk long distances. Individuals waiting for paratransit, friends, or caregivers also may need to be close to the doorway, and mobility devices, service animals, or durable medical equipment could appear to "obstruct" a path even when they are being used appropriately. Because "obstructs or materially interferes" is inherently subjective, there is a real risk that disabled people will be cited or threatened with clearance even when they are simply exercising their right to access a location in a way that accommodates their disability.

3. Property removal threatens critical disability-related equipment and documents

HB1957 HD1 incorporates a clearance framework that allows removal of any personal property remaining at the location after enforcement, with perishable, contaminated, refuse, or hazardous items subject to summary disposal if documented by an officer. In practice, Honolulu's encampment and obstruction clearances have often resulted in the loss of essential



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personal items, including identification documents, medications, and basic belongings, even when some items are stored or tagged.

For disabled individuals, the stakes are higher: wheelchairs, walkers, canes, oxygen tanks, communication devices, and other assistive technologies may be removed or damaged, and are extremely difficult to replace in Hawaii due to cost, insurance barriers, and limited local suppliers. Losing a wheelchair or essential equipment can immediately force someone into institutional care or leave them stranded in unsafe conditions, contrary to the Independent Living philosophy and the community-integration mandate recognized in Olmstead and enforcement guidance from the U.S. Department of Justice.

4. Criminalization undermines housing, health, and safety solutions

The JHA report acknowledges that this bill is a response to growing unsheltered homelessness and that it is intended to ensure safe access, especially for people with disabilities or limited mobility. Yet, evidence indicates that increasing citations and criminal enforcement has not solved homelessness on Oahu and instead destabilizes people's ability to connect with services. ACLU of Hawaii has documented increasing numbers of citations for sit-lie, sidewalk obstruction, and related offenses, with totals rising from about 6,500 in 2021 to more than 8,500 in 2023, while unsheltered homelessness continued to increase in urban areas.

From an Independent Living perspective, the path to truly safe entranceways is through accessible, low-barrier housing, robust outreach, and peer-driven, disability-competent services—not additional violations in the Penal Code. HB1957 HD1 risks expanding criminal tools that move people from block to block, or into the court system, without addressing the shortage of accessible shelter beds, permanent supportive housing, and accommodations that many disabled residents require to leave the streets.

5. ADA and reasonable-modification concerns

Title II of the ADA requires state and local governments to provide reasonable modifications to policies, practices, and procedures when



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necessary to avoid discrimination based on disability. Ordinances that require people to move quickly, relocate long distances, or risk citation can be especially burdensome for people with mobility impairments, chronic pain, respiratory conditions, psychiatric disabilities, or cognitive impairments that affect processing, memory, or compliance.

HB1957 HD1's "reasonable opportunity to comply" standard lists factors such as the volume of personal property and the person's apparent physical or mental condition, but it still relies on the subjective judgment of officers and does not expressly require disability-related reasonable modifications or extensions of time. Without explicit protections and clear guidance, disabled people who cannot quickly relocate themselves or their belongings will remain at high risk of citations, clearance, and loss of property, raising significant ADA concerns.

6. JHA amendments do not cure disability-rights concerns

We acknowledge that the JHA Committee amended HB1957 to: codify the offense in the Penal Code; narrow and define some conduct; add exemptions; clarify the three-step enforcement framework; define "protected location," "private doorway or entranceway," and "reasonable opportunity to comply"; and clarify property-handling procedures, while setting a July 1, 3000 effective date to "encourage further discussion." AILH appreciates the intent behind these amendments and the desire for clear procedures. However, they do not resolve the core problem: an enforcement-first approach that will predictably fall hardest on disabled people who are unsheltered or who must rest or wait near entrances for disability-related reasons.

The JHA report also notes that the committee received testimony from only one individual in support and one individual with comments. In our view, this limited record does not reflect robust engagement with disability, Independent Living, housing, or homeless-services stakeholders. Before enacting a new Penal Code offense that will shape how law enforcement interacts with people at doorways and on sidewalks, the State should fully consult with disabled people, including those who are currently or formerly



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unsheltered, Centers for Independent Living, and providers of accessible housing and services.

7. Better paths to safe, accessible entranceways

AILH supports policies that keep doorways accessible for everyone, including people using wheelchairs, walkers, canes, and other mobility devices. Instead of creating a new criminal violation, we urge the State and counties to:

- Invest in low-barrier, truly accessible shelter and housing options, including permanent supportive housing, so that people with disabilities are not forced to sleep near doorways and entrances.
- Strengthen coordinated street outreach that includes peers and disability advocates who can help people relocate to safer, more accessible spaces and connect to services voluntarily.
- Ensure existing obstruction and trespass laws are enforced in a way that is consistent with the ADA, including clear reasonable-modification policies that protect disabled people who must rest or wait near entrances.
- Track and publicly report enforcement data disaggregated by disability status wherever possible, to monitor impacts on disabled residents and guide future policy.

Requested Committee Action

For these reasons, Aloha Independent Living Hawaii respectfully urges the Senate Committee on Public Safety and Military Affairs to HOLD HB1957 HD1. Given that the bill is already drafted with a July 1, 3000 effective date “to encourage further discussion,” this is the appropriate time for the Senate to fully consider disability-rights, ADA, and Independent Living concerns, rather than moving another enforcement-focused measure forward.



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If the Committee elects to move HB1957 HD1 despite our opposition, we strongly request substantial amendments to:

- Explicitly protect people with disabilities from discriminatory or disproportionate enforcement, including clear ADA-compliant reasonable-modification procedures.
- Prohibit removal or destruction of essential disability-related equipment and medications, and require safeguards to prevent loss of vital identification and medical documents.
- Tie any enforcement to demonstrate availability of accessible shelter or safe alternatives, developed in partnership with disability and housing advocates.
- Require meaningful consultation with people with disabilities, Centers for Independent Living, and homelessness service providers before implementation and during any future amendments.

Mahalo for the opportunity to testify on this important measure and for your consideration of the impact of HB1957 HD1 on people with disabilities across Oahu.

Respectfully submitted,

Roxanne Bolden

Executive Director

HB-1957-HD-1

Submitted on: 3/16/2026 9:21:00 PM

Testimony for PSM on 3/20/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael A. Cobb Jr	Individual	Support	Written Testimony Only

Comments:

I support this bill, the issue is enforcement will not happen enough to deter the individuals who are causing this problem. We need to change the laws of the state to reflect our current situation.