

**OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU**

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DEPUTY MANAGING DIRECTOR

May 26, 2017

The Honorable Ron Menor  
Chair and Presiding Officer  
and Members  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

Dear Council Chair Menor and Councilmembers:

SUBJECT: Veto of Bill 20 (2017), CD1 – Relating to Public Sidewalks

As I have stated in prior communications to the Council, particularly with respect to Bill 6 (2015), I continue to wholeheartedly support the intent and purpose of Honolulu's recently adopted Sit-Lie Laws (Ordinances 14-26 and 14-35), which prohibit persons from sitting or lying on public sidewalks in certain areas zoned for commercial and business activities so that the general public can use the sidewalks for pedestrian access. Through those laws, the public sidewalks in those areas continue to be accessible so that pedestrians can safely and effectively move about from place to place, and businesses can provide entertainment, goods and services to the people of the City and County of Honolulu.

I am also acutely aware of the many challenges faced by the people of the City who either are forced or choose to live on the sidewalks, in unsanitary and unsafe conditions. Their living conditions are undesirable from not only their perspective, but also that of the people of the City who walk, drive, own a business, live in a house or apartment or attend a school next to them.

It is an untenable situation, and one that we – the City Council, this Administration, and each and every community of this great city - must address, working together.

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Chair and Presiding Officer  
and Members  
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It is, therefore, only after serious and considerable deliberation, that I return to you with my veto, Bill 20 (2017), CD1, Relating to Public Sidewalks ("Bill 20").

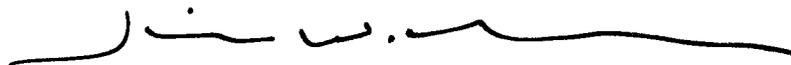
The fact that the Department of the Corporation Counsel has refused to sign Bill 20 as to form and legality reflects that Bill 20 contains legal deficiencies, thus making it more likely that the bill will be subjected to unnecessary legal challenges and to the payment by the City's taxpayers of costly attorneys' fees incurred by plaintiffs. I am also gravely concerned that the passage of Bill 20 may result in a challenge to the legitimacy of the Sit-Lie Laws, which are clearly intended to maintain pedestrian access over sidewalks in business and commercial areas and which have been extremely effective in the areas in which they have been enforced.

The Sit-Lie Laws already identify the areas zoned for commercial and business activities in which the general public most urgently requires use of the sidewalks for pedestrian access for those activities. Those laws are working, but rather than attempting to expand those laws through the approval of Bill 20, we should focus our collective energies and attention to working together to find, create and provide affordable housing for all of the people of the City, including those of us who are less fortunate.

I am committed to working with the City Council to improve the Sit-Lie Laws, and I sincerely hope you will join me in doing so. Towards this end, if the Council wishes to expand those laws beyond the existing geographical areas, then I urge you not to override this veto and I enclose with this message for your consideration a proposed bill for an ordinance that will pass legal review and that addresses the concerns that led to the introduction of Bill 20. I request that this bill be introduced for consideration by the City Council. The attached proposed bill includes the expansion of the Ala Moana – Sheridan Zone A alone without the expansion of the southern portion of Makahiki Way. If the Council passes this proposed bill, I will sign it.

For the reasons stated above, I am returning Bill 20 (2017) CD1, with my veto, and I respectfully urge you to sustain it.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Caldwell", with a long horizontal flourish extending to the right.

Kirk Caldwell  
Mayor

Attachment