

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

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MAYOR

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MANAGING DIRECTOR  
  
GEORGETTE T. DEEMER  
DEPUTY MANAGING DIRECTOR

August 19, 2015

The Honorable Ernest Y. Martin  
Chair and Presiding Officer  
and Members  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

Dear Chair Martin and Councilmembers:

As you know, I continue to support the intent and purpose of the sit-lie laws, including Ordinance 15-1, Relating to Public Pedestrian Malls in the Downtown and Chinatown Areas (formerly Bill 62 (2014), CD2, FD1) ("Ord. 15-1"), which prohibits persons from sitting and lying in certain public malls in the Downtown and Chinatown areas to help ensure pedestrian access to businesses, shops, restaurants and other commercial enterprises.

It is, therefore, only after serious deliberation that I return to you, with my veto, Bill 44 (2015), Relating to Public Pedestrian Malls in the Downtown and Chinatown Areas ("Bill 44").

Bill 44 proposes to extend (1) the prohibitions against sitting and lying under Ord. 15-1, to College Walk Mall and Kila Kalikimaka Mall, and (2) the hours prohibit sitting and lying on Fort Street Mall to Sunday through Saturday, from 5 a.m. to 10 p.m., and on Union Mall to Sunday through Saturday, all hours.<sup>1</sup>

Bill 44 proposes amendments that unlawfully expand Ord. 15-1. Bill 44 clearly goes beyond the intent and purpose of Ord. 15-1 because it seeks to include malls that do not provide access to business or commercial activities.

The fact that the Department of the Corporation Counsel has refused to approve Bill 44 as to form and legality reflects that it contains legal deficiencies. As with Bill 6 (2015), CD1, FD1, Relating to Public Sidewalks ("Bill 6"), which I also vetoed after serious deliberation, the legal deficiencies of Bill 44 make it more likely that the City will be subjected to unnecessary legal challenges and to the payment by the City's taxpayers of costly attorneys' fees incurred by plaintiffs. As with Bill 6, I am gravely

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<sup>1</sup> The prior hours of prohibition on Fort Street Mall and Union Mall were Monday through Friday, from 5 a.m. to 7 p.m.

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concerned that the passage of Bill 44 may result in a challenge to the legitimacy of not only Ord. 15-1, but of other sit-lie laws such as Ordinance 14-26, Relating to Public Sidewalks (formerly Bill 42 (2014)).

Rather than attempting to expand the sit-lie laws, we should focus our collective energies and attention to working together to find, create, and provide affordable housing for all the people of the City, so that those less fortunate persons who live on the public rights-of-way have other options than simply moving into different public rights-of-way as more laws are passed.

For the reasons stated above, I am returning Bill 44 with my veto, and I urge you to sustain it.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Caldwell". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirk Caldwell  
Mayor