



**HB202/SB391 (OHA-3)**

Clearing Pathways Home for People Experiencing Houselessness

**This bill seeks to alleviate the long-lasting impacts of houselessness and its criminalization on our houseless ‘ohana and on our houselessness crisis, by providing for the expungement of certain criminal records associated with one’s houseless status.**

**Who would be eligible for expungement, and to what types of records would this bill apply?**

Under this measure, a person may expunge, or clear, their arrest, conviction, and associated records for non-violent offenses arising from their houseless status, if 1) they have completed all terms of sentencing or judgement for their offense(s), if applicable, other than the payment of outstanding fines and fees (which may be waived); and 2) they express a commitment to seek mental health or financial counseling if and when available, to the extent that mental or financial health challenges may contribute to their remaining or becoming houseless.

**How does the criminalization of houselessness exacerbate our houselessness crisis?**

Too often, people experiencing houselessness are cited, arrested, and given criminal records based on laws targeted at or enforced almost exclusively against them, such as sit-lie bans, sidewalk obstruction laws, and prohibitions against sleeping in a vehicle. Such laws not only exacerbate the harsh conditions and stigma endured by houseless individuals and families, but the **resulting criminal records can prevent them from obtaining employment, education, housing, and public assistance, and finding a pathway out of houselessness.**

Notably, the reportedly excessive enforcement of such laws against houseless people during the **COVID-19 pandemic** – despite extremely limited shelter space – **may have heightened and lasting impacts on our houselessness crisis, and even further delay our economic recovery.**

**How will expungements help houseless people?**

Research and data show that the expungement of criminal records can be life changing for houseless individuals. The expungement of criminal records arising from a person’s houseless status will break the cycle of houselessness and its criminalization; help them avoid the stigma and bias they may otherwise experience from employers, landlords, and schools; **and clear a path for them to find work, obtain housing, and navigate their way off of the streets.**

**Will this measure prevent any laws from being enforced against houseless people?**

No. This measure will only apply to those who have already been cited, arrested, and/or convicted and who have satisfied any and all terms of their sentencing or judgement, other than the payment of outstanding fines or fees.

**How else will expanding expungement opportunities benefit our community?**

The expungement of houselessness-related criminal records will help to reduce the disproportionate impacts of our criminal legal system on Native Hawaiians – who are also overrepresented in our houseless community. In addition, this measure would enable and encourage houseless and formerly houseless individuals to obtain or maintain legitimate employment, support their families, and contribute to their communities and the economy.