

JAN 19 2018

A BILL FOR AN ACT

RELATING TO HOMELESSNESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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PART I

SECTION 1. The legislature finds that chronic, unsheltered, nomadic homelessness is a humanitarian disaster that endangers public health and safety. The legislature recognizes that multiple national studies show that Housing First programs are enormously effective, mostly because the stability of a permanent home, combined with supportive services and treatment, fosters recovery from addiction, mental illness, and other afflictions.

The legislature also finds that for many years, the State used homeless shelters and transitional group homes as an interim measure, while attempting to place as many homeless persons as possible into subsidized rentals and traditionally-constructed apartments under a Housing First paradigm. Unfortunately, economic constraints, construction delays, and landlords' resistance to homeless tenants have made the supply of subsidized rentals and traditionally-constructed



1 housing inadequate. Moreover, many persons who are mentally ill
2 or who struggle with substance abuse cannot live in close
3 quarters with others in a shelter or group home, and thus
4 continue to live unsheltered.

5 The legislature notes that technical innovations now make
6 it possible to build enough dwellings for every homeless person
7 in Hawaii at a lower cost than the State spends on the ancillary
8 costs of unsheltered, nomadic homelessness. The legislature
9 believes that the best way to achieve this on a scale large
10 enough to end homelessness is to incorporate alternatively
11 constructed homes into villages using Housing First practices.
12 The legislature further finds that there is sufficient
13 unutilized or under-utilized state land suitable for the
14 construction of homeless villages.

15 Accordingly, the purpose of this Act, which shall be known
16 as the "Puuhonua Homeless Villages Act", is to make certain
17 parcels of state land available for establishing puuhonua
18 homeless villages under a Housing First paradigm with an
19 aggregate total of eight thousand units.

20 SECTION 2. Within one year after the effective date of
21 this Act, the governor shall take all steps and engage in all



1 actions necessary to make available not less than an aggregate
2 total of one hundred sixty acres of state land to be distributed
3 as needed among all the counties in the State for the purpose of
4 providing housing and supportive services to homeless persons.
5 Where practical, the governor shall endeavor to choose parcels
6 of land that do not interfere with the continuity of existing
7 residential, commercial, retail, and tourist areas.

8 SECTION 3. (a) There is established within the department
9 of human services a puuhonua homeless villages program that
10 provides housing and supportive services to homeless persons
11 under a Housing First paradigm. The department shall operate
12 the program in a manner reasonably consistent with the following
13 requirements:

14 (1) The department shall construct no less than eight
15 thousand homes, which shall be completed no later than
16 two years after the effective date of this Act, or two
17 years after the date the governor makes the land
18 available to the department for the puuhonua homeless
19 villages program, whichever occurs later;

20 (2) The cost to the department to construct each home
21 shall not exceed \$15,000 per home;



- 1 (3) Each home shall contain at least three hundred square
2 feet of living space, have electricity with lighting,
3 and have no less than eight standard electrical
4 outlets;
- 5 (4) Homes shall be private dwellings for homeless
6 individuals and families; provided that homeless
7 persons who are not related shall not be required to
8 share a home;
- 9 (5) Applicable housing, utilities, and supportive services
10 shall:
- 11 (A) Be provided free of charge for homeless
12 individuals or families with no income;
- 13 (B) Not exceed, in total costs charged to an
14 individual, twenty per cent of the gross income
15 for a homeless individual with income; and
- 16 (C) Not exceed, in total costs charged to a family,
17 twenty per cent of the combined gross income for
18 a homeless family with income, less \$100 per
19 month for each dependent family member that
20 resides in the home;



- 1 provided that the department may adjust these amounts
2 for inflation;
- 3 (6) To facilitate proper management and delivery of
4 supportive services, each village shall be no less
5 than two acres in size and contain no more than one
6 hundred homes;
- 7 (7) Each village shall have a community center for
8 residents, which shall include:
- 9 (A) A reasonable number of communal showers;
10 (B) Bathrooms;
11 (C) A kitchen;
12 (D) Lockers for residents' valuables;
13 (E) Mailboxes for incoming mail; and
14 (F) A multipurpose room for residential meetings and
15 supportive services;
- 16 (8) The department shall make reasonable efforts to
17 complete each community center at a cost of \$100,000
18 or less;
- 19 (9) Each village shall have systems to dispose of trash
20 and other waste; and



1 (10) Each village shall allow residents to keep and have
2 pets, if practical.

3 (b) The department shall establish rules for residents of
4 the villages that are reasonably consistent with what are
5 commonly known as Housing First practices. To the extent
6 practicable, the rules shall allow residents to participate in
7 self-government.

8 (c) The department may designate some villages to
9 exclusively or non-exclusively accommodate certain sub-
10 populations of the homeless community, including but not limited
11 to:

- 12 (1) Severely mentally ill persons;
- 13 (2) Persons addicted to drugs or alcohol; or
- 14 (3) Persons who are prone to violence.

15 (d) The department shall adopt rules pursuant to chapter
16 91, Hawaii Revised Statutes, as well as policies and procedures,
17 for the purpose of qualifying applicants for residency under the
18 puuhonua homeless villages program. Qualification rules,
19 policies, and procedures shall be consistent with the rules,
20 policies, and procedures of the United States Department of
21 Housing and Urban Development's Coordinated Entry System. To



1 the extent practicable, the department shall ensure that
2 procedures for residency qualification under the program provide
3 for rapid admission and use the least restrictive standards
4 practicable.

5 (e) The department shall collaborate with appropriate
6 departmental personnel and state and county law enforcement
7 agencies to provide security for the puuhonua homeless villages
8 program.

9 (f) The department shall work with appropriate agencies to
10 ensure that residents have reasonable access to public
11 transportation.

12 SECTION 4. (a) Notwithstanding any other law to the
13 contrary, and in lieu of compliance with county building
14 approval procedures pertaining to health, habitability, planning
15 and zoning, or with safety standards, procedures, and laws, the
16 State may adopt reasonable standards and procedures to ensure
17 health and safety for the design, site development, and
18 operation of homeless dwellings and facilities and the
19 structures and facilities within the puuhonua villages,
20 established under this Act, to the extent that strict compliance
21 with county standards or other laws would not materially improve



1 health and safety but would in any way prevent, hinder, or delay
2 construction of dwellings and facilities contemplated under this
3 Act.

4 (b) The State shall not be subject to county permitting
5 fees for the site development or operation of homeless dwellings
6 and facilities as contemplated under this Act.

7 SECTION 5. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$190,000,000 or so
9 much thereof as may be necessary for fiscal year 2018-2019 to
10 establish the puuhonua homeless villages program and construct
11 homes and physical infrastructure as required by section 3 of
12 this Act.

13 The sum appropriated shall be expended by the department of
14 human services for the purposes of this Act.

15 SECTION 6. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$208,000,000 or so
17 much thereof as may be necessary for fiscal year 2018-2019 for
18 the management, maintenance, and day-to-day operations of
19 puuhonua homeless villages established under section 3 of this
20 Act.



1 The sum appropriated shall be expended by the department of
2 human services for the purposes of this Act.

3 PART II

4 SECTION 7. Chapter 662, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§662- Immunity from liability for provision of housing
8 or services to homeless persons. An employee of the State who
9 provides housing or services to a homeless person shall be
10 immune from civil liability in any action based upon the acts or
11 omissions of the employee; provided that the employee was acting
12 in good faith and within the scope of the employee's functions
13 and duties as an employee of the State."

14 SECTION 8. Chapter 662D, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§662D- Immunity from liability for provision of
18 housing or services to homeless persons. A volunteer who
19 provides housing or services to a homeless person on behalf of
20 the State shall be immune from civil liability in any action
21 based upon the acts or omissions of the volunteer; provided that



1 the volunteer was acting in good faith and within the scope of
2 the volunteer's official functions and duties with the State."

3 SECTION 9. Section 662-15, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§662-15 Exceptions. This chapter shall not apply to:

- 6 (1) Any claim based upon an act or omission of an employee
7 of the State, exercising due care, in the execution of
8 a statute or regulation, whether or not such statute
9 or regulation is valid, or based upon the exercise or
10 performance or the failure to exercise or perform a
11 discretionary function or duty on the part of a state
12 officer or employee, whether or not the discretion
13 involved has been abused;
- 14 (2) Any claim arising in respect of the assessment or
15 collection of any tax, or the detention of any goods
16 or merchandise by law enforcement officers;
- 17 (3) Any claim for which a remedy is provided elsewhere in
18 the laws of the State;
- 19 (4) Any claim arising out of assault, battery, false
20 imprisonment, false arrest, malicious prosecution,



- 1 abuse of process, libel, slander, misrepresentation,
2 deceit, or interference with contract rights;
- 3 (5) Any claim arising out of the combatant activities of
4 the Hawaii National Guard and Hawaii state defense
5 force during time of war, or during the times the
6 Hawaii National Guard is engaged in federal service
7 pursuant to section 316, 502, 503, 504, 505, or 709 of
8 title 32 of the United States Code;
- 9 (6) Any claim arising in a foreign country; [ø]
- 10 (7) Any claim arising out of the acts or omissions of any
11 boating enforcement officer[-]; or
- 12 (8) Any claim arising out of the acts or omissions of a
13 volunteer acting on behalf of the State or an employee
14 of the State acting within the scope of the employee's
15 employment who provides housing or services to a
16 homeless person, or based upon the exercise or
17 performance or the failure to exercise or perform a
18 discretionary function or duty, whether or not the
19 discretion involved has been abused."



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PART III

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 11. This Act shall take effect on July 1, 2018.

INTRODUCED BY: Will Egan



S.B. NO. 2628

Report Title:

Homelessness; Governor; DHS; Puuhonua Homeless Villages Program; Appropriation

Description:

Establishes within the Department of Human Services a Puuhonua Homeless Villages program. Requires the Governor to secure state lands for the program, to be distributed as needed among the counties. Allows the State to adopt reasonable standards and procedures in lieu of compliance with certain county building approval procedures. Exempts the State from claims arising out of the provision of housing or services to homeless persons. Provides immunity from civil liability to volunteers and state employees who provide housing or services to homeless persons. Appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

