



EXECUTIVE CHAMBERS  
HONOLULU

February 11, 2022

TO: The Honorable Representative Mark M. Nakashima, Chair  
House Committee on Judiciary and Hawaiian Affairs

FROM: Scott Morishige, MSW, Governor's Coordinator on Homelessness

SUBJECT: **HB 1581 HD1 – RELATING TO HOMELESSNESS.**

Hearing: Friday, February 11, 2022, 2:15 p.m.  
VIA VIDEO CONFERENCE

**POSITION:** The Governor's Coordinator on Homelessness appreciates the intent of this bill, respectfully offers comments, and suggests amendments if this measure proceeds.

The Coordinator requests that any appropriation not reduce or replace budget priorities identified in the executive budget.

**PURPOSE:** The purpose of the bill is to require the Coordinator to collect and maintain a database of private property owners who give prior consent for homeless service providers to enter an owner's private property for purposes of administering homeless services to a homeless individual located on that private property. The bill also exempts homeless service providers from civil liability relating to trespass that may result from the administration of homeless services. In addition, the bill makes an appropriation and requires a report to the Legislature.

The Coordinator appreciates the amendments by the House Committee on Health, Human Services, and Homelessness to limit the exemption to an exemption from any civil liability resulting from trespass, rather than a broad exemption from civil and criminal liability. However, the bill continues to waive liability for homeless service providers regardless of whether prior consent by a private property owner was obtained. Accordingly, if the waiver is

provided regardless of specific consent from the private property owner, the database and collection of consent may be unnecessary.

Regarding collecting data and maintaining the database, the Coordinator will require additional staff and resources to collect the required consents, implement the database, and produce the required legislative reports. In addition, time will be required to design and develop the required data collection, consent forms, and database. The development will include necessary consultation with the Department of the Attorney General regarding protecting personal information provided by private property owners. Sufficient time will also be needed to conduct necessary community outreach in advance of data collection and implementation of the database.

If this measure proceeds, the Coordinator requests clarification on whether an amendment to [section 663-1.5, Hawaii Revised Statutes](#), is needed to explicitly provide the exemption from civil liability for homeless service providers entering private property or if this exemption may be placed in Session Law. Additionally, the Coordinator requests amendments to establish one Full-Time Equivalent (1.0) position to implement the database and requests at least one year to establish the program.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII**  
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ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
ON  
HOUSE BILL NO. 1581, H.D. 1

**February 11, 2022**  
**2:15 p.m.**  
**Room 325 and Videoconference**

**RELATING TO HOMELESSNESS**

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 1581, H.D. 1: 1) requires the Governor's Coordinator on Homelessness (GCH) to maintain a database of private property owners that consent to homeless service providers entering their properties to provide services to homeless individuals located on those properties; 2) sets reporting requirements for the GCH regarding the database; 3) generally exempts homeless service providers who have entered private property to provide services to a homeless individual on the property from civil liability; and 4) appropriates an unspecified amount of general funds for the Department of Human Services in FY 23 to perform outreach to collect private property owner consent data and to maintain the database.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Friday, February 11, 2022 - 2:15 p.m. - Conference Room 325 - Via Videoconference

**Testimony in Support of HB1581 HD1 RELATING TO HOMELESSNESS**

The National Association of Social Workers – Hawai'i (NASW- HI) strongly supports HB1581 HD1, which would allow for property owners to provide advance consent to service providers, many of whom are licensed social workers, to enter private property to do outreach to the homeless. This bill would also exempt these service providers from civil liability when providing that service.

We believe these workers provide an essential public and mental health service to so many homeless individuals and community members. NASW-HI greatly appreciates the provisions in this bill that will allow them to focus on their work without worrying about civil liability.

Thank you for the opportunity to provide this testimony in strong support.

Sincerely,

 , MSW, LCSW

Sonja Bigalke-Bannan, MSW, LCSW

Executive Director,

National Association of Social Workers- Hawai'i Chapter



# Hawai'i Psychological Association

*For a Healthy Hawai'i*

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## COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Friday, February 11, 2022 - 2:15 p.m. - Conference Room 325 - Via Videoconference

### **Testimony in Support of HB1581 HD1 RELATING TO HOMELESSNESS**

**The Hawai'i Psychological Association (HPA) supports HB1581 HD1**, which would allow for property owners to provide consent in advance for service providers to enter private property to do outreach to the homeless. This bill would also exempt homeless service workers from civil liability for any injury or damage relating to trespass for the purpose of providing their services.

Hawaii's homeless population suffers from disproportionately higher rates of mental illness, addiction, and post-traumatic stress disorder. This bill helps facilitate our homeless population's access to critical mental health services.

There are so many barriers to access to essential social services for this vulnerable population. Without adequate shelter, it is easy for homeless individuals to decompensate. Even if they have a phone and keep a calendar – these items are often stolen or lost. Mental health providers can't expect these individuals go to their office for treatment. Our homeless mentally ill don't have much money, if any, to spend on a bus. It is difficult for them to walk into an office with all their possessions in bags or shopping carts – and risk leaving them behind.

Outreach is best practice. Outreach workers with mental health expertise are doing a great public service. They shouldn't have to worry about being sued for doing difficult, thankless, but necessary work to protect the well-being of our homeless and the communities within which we find them. HPA thus believes we should support them all we can.

Thank you for the opportunity to provide input into this important bill.

Sincerely,

Alex Lichton, Ph.D.

Chair, HPA Legislative Action Committee

## TESTIMONY IN SUPPORT OF HB 1581, HD 1

TO: Chair Nakashima, Vice-Chair Matayoshi, & Committee Members

FROM: Nikos Leverenz  
Grants & Advancement Manager

DATE: February 11, 2022 (2:15 PM)

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Hawai'i Health & Harm Reduction Center (HHRC) **supports** HB 1581, HD1, which would require the governor's coordinator on homelessness to collect and maintain a database of private property owners who give prior consent for homeless service providers to enter an owner's private property, for purposes of administering homeless services to a homeless individual located on that private property. It would also exempt homeless service providers from civil liability relating to trespass that may result from the administration of homeless services

HHRC provides homeless outreach and housing placement navigation services on O'ahu in Region 1 (Honolulu) and Region 6 (Upper Windward Coast). There have been circumstances where a lack of formal consent from a private landowner has precluded the provision of services by our staff. This bill would provide a database which providers could access to help ensure timely service delivery.

HHRC Executive Director Heather Lusk serves as Board Chair of [Partners in Care O'ahu](#), a planning, coordinating, and advocacy alliance that develops recommendations for programs and services to fill needs within O'ahu's continuum of care for homeless persons.

HHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those related to substance use and mental health conditions. Many of our program clients and participants have also been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this measure.