



EXECUTIVE CHAMBERS
HONOLULU

February 3, 2022

TO: The Honorable Representative Ryan I. Yamane, Chair
House Committee on Health, Human Services, and Homelessness

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

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

Hearing: Thursday, February 3, 2022, 9:00 a.m.
VIA VIDEO CONFERENCE

POSITION: The Governor's Coordinator on Homelessness appreciates the intent of this bill and respectfully offers comments. 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 and criminal liability that may result from the administration of homeless services. In addition, the bill requires a report to the Legislature and appropriates funds for outreach related to the collection and maintenance of the database of consenting private property owners.

Homeless outreach organizations provide a critical front-line response to address the issue of homelessness. The State homeless outreach program is the primary means that unsheltered homeless individuals are identified, assessed, and connected to services, including shelter, rapid rehousing, permanent supportive housing, and civil legal services. Outreach workers meet homeless individuals where they are at, including traveling to remote rural areas, traveling under bridges and freeway overpasses, and occasionally working with landowners to

address homeless individuals on private property. When outreaching to homeless individuals on private property, outreach may encounter hazardous conditions in privately owned properties that are sometimes dilapidated or in significant disrepair.

As currently drafted, the bill provides exemptions from criminal and civil liability for homeless outreach providers on private property. Like homeless service providers conducting outreach, first responders – such as police, firefighters, and paramedics – often respond to privately owned properties under hazardous conditions to provide services for homeless individuals squatting without permission. If this measure proceeds, the Legislature may consider providing similar exemptions from liability for first responder organizations in addition to homeless service providers and narrowly tailoring the exemption to address emergencies only. The Coordinator notes that [section 663-1.5, Hawaii Revised Statutes](#), provides exceptions to liability for good samaritans rendering emergency care, as well as first responders (e.g., rescue teams, physicians, etc.) in specified emergencies.

The Coordinator notes that the bill waives liability for homeless service providers regardless of whether prior consent by a private property owner was obtained. If the waiver is provided regardless of specific consent from the private property owner, the database and collection of consent may be unnecessary.

If the provision regarding the proposed database and collection of consent from private property owners remains in the bill, the Coordinator will require additional staffing to collect the required consents, implement the database, and produce the required legislative reports. In addition, a targeted public outreach campaign may be required to promote the database and the need to collect consent from private landowners, which may require additional financial resources and time. If this measure proceeds and includes the database moving forward, the Coordinator suggests including one Full-time Equivalent (1.0 FTE) position and delaying the implementation of the database by one year until July 1, 2023, to allow time for sufficient public outreach.

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
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

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 HEALTH, HUMAN SERVICES, &
HOMELESSNESS
ON
HOUSE BILL NO. 1581

February 3, 2022
9:00 a.m.
Room 329 and Videoconference

RELATING TO HOMELESSNESS

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

House Bill No. 1581: 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 and criminal 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 HEALTH, HUMAN SERVICES, & HOMELESSNESS

Rep. Ryan I. Yamane, Chair

Rep. Adrian K. Tam, Vice Chair

DATE: February 3, 2022 9:00 A.M. - VIA VIDEO CONFERENCE – Room 329

Testimony in Support HB1581 REALTING TO HOMELESSNESS

The National Association of Social Workers – Hawai'i (NASW- HI) strongly supports HB1581, 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 and criminal 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 criminal or 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

P.O. Box 833

www.hawaiipsychology.org

Phone: (808) 521 -8995

COMMITTEE ON HEALTH, HUMAN SERVICES & HOMELESSNESS

Rep. Ryan Yamane, Chair

Rep. Adrian K. Tam, Vice Chair

Thursday, February 3, 2022 - 9:00am - Conference Room 329 - videoconference

Testimony in Support of HB1581 RELATING TO TELEHEALTH

The Hawai'i Psychological Association (HPA) supports HB1581, 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 from civil and criminal liability a homeless service provider's services, except for gross negligence or wanton acts or omissions.

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 criminal liability or 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



Kealahou West Oahu
87-132 Farrington Hwy, Waianae, HI 96792
P.O. Box 1912, Waianae, HI 96792
Ph: (808) 696-5667 Fax: (808) 696-1869

Bldg. 50 & Bldg. 48 Belleau Woods, Kapolei, HI 96707
Ph: (808) 782-4342
admins@kwohawaii.org

Partnerships in Building Community

"I put my hand in your hand, what I cannot do alone, we will do together"

Mission
Provide Comprehensive services with Aloha to individuals & families in need so they can become Self-Sufficient

Vision
Healthy Self-Sufficient Resilient Individuals & Families

Values
Understanding
Respect
Responsibility
Integrity
Compassion
Honesty

TO THE HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022
COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS
Rep. Ryan I. Yamane, Chair
Rep. Adrian K. Tam, Vice Chair

NOTICE OF HEARING
DATE: Thursday, February 3, 2021
TIME: 9:00 AM
PLACE: VIA VIDEO CONFERENCE
Conference Room 329
State Capitol
415 South Beretania Street

POSITON: STRONG SUPPORT

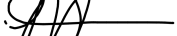
Bill H.B. NO. 1581 RELATING TO HOMELESSNESS, the passage of H.B. NO.1581 is significant to programs that provides Outreach Services to unsheltered homeless residing on private property, for two significant reasons.

1. In some cases, the surrounding community's members may have little to no understanding of what is required for Outreach Program's to gain access and provide services to addressing the needs of those unsheltered homeless residing on private property, and the time it consumes to initial the approvals process for an Outreach Provides to gain the access in providing services to unsheltered homeless residing on private properties. If H.B.NO. 1581 passage, it allows Outreach Programs to provide immediate services to highly vulnerable populations and exempt the Outreach Program from civil and criminal liability for any injury or damage resulting from the homeless service provider's administration of homeless services.
2. If the database managed by the governor's coordinator on homelessness allows all Outreach Programs access to a private property, of where an unsheltered homeless person resides will demonstrate better coordination for all Outreach Programs, as the Outreach Provider shall have

one point of access to verify access into a private property where an unsheltered homeless is residing.

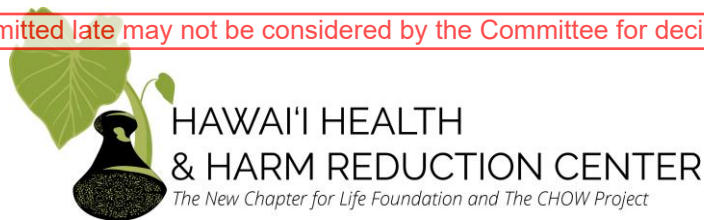
In closing, this bill should pass out of this committee and is a step in the right direction toward a more coordinated system, in dealing with private property owners and providing services to the unsheltered populations along with providing for increased health and safety of the population. Thank you for taking the time in reading my testimony.

Mahalo,



Tanya Tehotu

Executive Director



To: Committee on Health, Human Services & Homelessness

Hearing Date/Time: Tuesday, February 1, 2022

Re: Testimony in Support of HB 1581

From: Heather Lusk, Hawaii Health and Harm Reduction Center

Dear Chair Yamane, Vice Chair Tam and members of the committee

The Hawaii Health & Harm Reduction Center (HHHC) support HB 1581 which would support the Governor's Coordinator on Homelessness to track private property database where owners will allow homeless outreach workers to conduct outreach and give immunity to liability for the outreach.

HHHC's mission is to *reduce harm, promote health, create wellness and fight stigma in Hawaii and the Pacific*. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBTQ and the Native Hawaiian communities.

HHHC is the state-funded homeless outreach provider for Region 1 and 6 (Aiea to Piikoi Street and upper Windward/North Shore) and being able to safely access private land for outreach is a real issue – and we encourage the committee to consider including first responders in the immunity provision as often our outreach staff may need first responder support

Thank you for the opportunity to testify.

Heather Lusk, Executive Director, Hawaii Health and Harm Reduction Center