

JAN 23 2015

A BILL FOR AN ACT

RELATING TO HOMELESSNESS.

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

1 SECTION 1. Chapter 346, Hawaii Revised Statutes, is
2 amended by adding a new section to part XVII be appropriately
3 designated and to read as follows:

4 "§346- Participant rights; provider agency. (a) A
5 provider agency or the department operating and managing its own
6 homeless facility shall:

7 (1) Provide participation in an emergency shelter or any
8 other program for the homeless for a fee of not more
9 than \$75; provided that:

10 (A) Participation in an emergency shelter or any
11 other program for the homeless shall be free for
12 any participant who is unemployed; and

13 (B) Any fees paid by a participant for participation
14 in an emergency shelter or any other program for
15 the homeless shall be refunded to the participant
16 within ten business days after the participant
17 leaves, is evicted from, or becomes ineligible



1 for participation in an emergency shelter or any
2 other program for the homeless;

3 (2) Post in a conspicuous place and provide each
4 participant a poster no smaller than eight and one-
5 half inches by eleven inches in size that states the
6 house rules for participating in the homeless
7 facility; and

8 (3) Upon request by a participant in a homeless facility
9 or any other program for the homeless, provide access
10 to banking information for any account managed by a
11 participant's representative payee, including account
12 balances, deposits, and withdrawals.

13 (b) Any provider agency who wilfully and knowingly fails,
14 neglects, or refuses to perform any act required by this section
15 shall be fined not more than \$1,000 for each separate violation.
16 Each day the violation continues shall constitute a separate
17 violation. Any action taken to impose or collect the penalty
18 provided for in this subsection shall be considered a civil
19 action. Fines collected pursuant to this section shall be
20 deposited into the housing first special fund.



1 SECTION 2. Section 346-361, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding four new definitions to be appropriately
4 inserted and to read as follows:

5 "Hearings officer" means any person or panel of persons,
6 duly appointed and authorized by the department to hold a
7 hearing for the purpose of taking evidence or oral argument and
8 making a decision in any matter concerning participants in a
9 homeless facility or any other program for the homeless subject
10 to this part.

11 "House rules" means rules that provide for the internal
12 management of a homeless facility and that participants are
13 required to follow.

14 "Notice of cause" means a notice by the department, or
15 provider agency together with the department, to bar an
16 individual or family from further participation in a homeless
17 facility or any other program for the homeless.

18 "Participant" means a homeless individual or family that is
19 determined to be eligible for and receives shelter or services
20 in any program for the homeless authorized by this part."



2. By amending the definition of "transitional shelter" to read:

"Transitional shelter" means a homeless facility designed to provide temporary shelter and appropriate and available services to homeless families or individuals for up to ~~[twenty-four]~~ forty-eight months, pursuant to rule."

SECTION 3. Section 346-368, Hawaii Revised Statutes, is amended to read as follows:

[§]§346-368[§] Abuse of assistance. (a) The provider agency operating and managing a homeless facility or any other program for the homeless authorized by this part, or the department operating and managing its own homeless facility, shall be responsible for determining whether a participant is no longer eligible for shelter or other services at the homeless facility or for any other program for the homeless, pursuant to standards and criteria established by rule.

(b) Pursuant to rule and the right of due process, the department or its designee, or provider agencies together with the department, may act to bar homeless families or individuals from participating further in any homeless facility or services~~[, may issue a writ of possession,]~~ and take ~~[other]~~



1 actions, other than the issuance of a writ of possession, as
2 provided by rule.

3 ~~[The enforcement of a writ of possession shall be effected~~
4 ~~either by an officer appointed by the department, who shall have~~
5 ~~all of the powers of a police officer for all action in~~
6 ~~connection with the enforcement of the writ, or any other law~~
7 ~~enforcement officer of the State or any county, whose duty it~~
8 ~~shall be to enforce the writ. The person enforcing the writ~~
9 ~~shall remove all persons from the premises and put the~~
10 ~~department or its designee, or the provider agency designated by~~
11 ~~the department, in full possession thereof.]~~

12 Upon eviction, the household goods and personal effects of
13 the evicted person ~~[against whom the writ is entered,]~~ and those
14 of any persons using the premises incident to the person's
15 holding, may be removed from the premises immediately ~~[and sold~~
16 ~~or otherwise disposed of by the department or its designee or~~
17 ~~the provider agency. The department or its designee or the~~
18 ~~provider agency shall have a lien on the property so removed for~~
19 ~~the expenses incurred in moving the property].~~

20 (c) Any person who enters or remains unlawfully in or upon
21 the premises or living quarters of any homeless facility or any



1 other program for the homeless authorized by this part, after
2 ~~[reasonable warning or request to leave by that]~~ receiving a
3 notice of cause from the provider ~~[agency's agents,]~~ agency, or
4 the department or its designee, ~~[or a police officer,]~~ shall be
5 guilty of a ~~[misdemeanor,]~~ violation; provided that the offense
6 in this subsection shall be in addition to any other applicable
7 offense in the Hawaii Penal Code. A ~~[warning or request]~~ notice
8 of cause shall only be issued if the person has engaged in
9 unlawful conduct or ~~[has]~~ repeatedly violated house rules and
10 ~~[regulations,]~~ been provided with information on how to appeal
11 the decision to a hearings officer. ~~[The house rules shall be~~
12 ~~reasonable and a copy shall be provided to each tenant or~~
13 ~~participant.]~~ The ~~[warning or request]~~ notice of cause shall
14 supersede any invitation by a tenant or participant at the
15 shelter, facility, or program to that person to visit the
16 premises or living quarters. The provider agency, or the
17 department or its designee, shall create and maintain records of
18 any notice of cause issued pursuant to this section.

19 (d) An appeal may be made in person or in writing to the
20 department not more than thirty days after the receipt of a
21 notice of cause. The record of issuance of notice of cause



1 required under subsection (c) shall be a required element of a
2 finding of ineligibility for services or violation under this
3 section."

4 SECTION 4. Section 346-371, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By amending subsection (a) to read:

7 "(a) The department shall require any provider agency that
8 dispensed shelter or assistance for any homeless facility or any
9 other program for the homeless authorized by this part to submit
10 to the department a financial audit and report when requested,
11 but no ~~[later]~~ less than every three years. The audit shall be
12 conducted by a certified public accounting firm. This audit and
13 report shall contain information specific to the funds received
14 under state homeless program contracts. The audit shall include
15 recommendations to address any problems found."

16 2. By amending subsection (c) to read:

17 "(c) Failure to carry out the recommendations made by the
18 auditing agency ~~[may]~~ shall be grounds for the department to bar
19 a provider agency from further contracts for programs authorized
20 by this part ~~[until the barred provider has addressed all~~
21 ~~deficiencies]~~."



1 SECTION 5. Section 346-377, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There is established in the state treasury the
4 housing first special fund, into which shall be deposited:

5 (1) Appropriations by the legislature to the special fund;

6 [and]

7 (2) Fines collected pursuant to section 346- ; and

8 [+2+] (3) Gifts, donations, and grants from public agencies
9 and private persons.

10 Each county may provide matching funds, which shall also be
11 deposited into the housing first special fund."

12 SECTION 6. Section 291C-112, Hawaii Revised Statutes, is
13 repealed.

14 [~~"§291C-112 Certain uses of parked vehicles prohibited~~
15 ~~between 6:00 p.m. and 6:00 a.m.; definition; exceptions. (a)~~
16 ~~No person shall use any vehicle for purposes of human~~
17 ~~habitation, whether or not the vehicle is designed or equipped~~
18 ~~for that purpose, while the vehicle is parked on any roadway,~~
19 ~~street, or highway or other public property between the hours of~~
20 ~~6:00 p.m. and 6:00 a.m. or while the vehicle is parked on~~
21 ~~private property without authorization of the owner or occupant~~



1 ~~authorizing both the parking of the vehicle there and its use~~
2 ~~for purposes of human habitation.~~

3 ~~(b) As used in this section "purposes of human habitation"~~
4 ~~includes use as a dwelling place, living abode, or sleeping~~
5 ~~place.~~

6 ~~(c) This section does not apply to the parking of vehicles~~
7 ~~and their use for purposes of human habitation in parks, camps,~~
8 ~~and other recreational areas in compliance with law and~~
9 ~~applicable rules and regulations, or under emergency conditions~~
10 ~~in the interest of vehicular safety.~~

11 ~~(d) The department of health shall promulgate rules and~~
12 ~~regulations, pursuant to chapter 91, necessary for the~~
13 ~~administration of this section."]~~

14 SECTION 7. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 8. This Act shall take effect upon its approval.
17

INTRODUCED BY:

Erzanne Chun Oakland
By Request



S.B. NO. 270

Report Title:

Homeless Facilities and Programs; Habitation in a Parked Vehicle

Description:

Establishes participant rights for homeless facilities.
Increases the accommodation period at a transitional shelter to 48 months. Amends the requirements for eviction or exclusion from a homeless facility or program. Repeals the prohibition on using a parked vehicle for human habitation.

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