
A BILL FOR AN ACT

RELATING TO HOMELESS SHELTERS.

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

1 SECTION 1. In an attempt to make the homeless shelter
2 system more cost effective and more appealing to families and
3 individuals, the legislature enacted Act 234, Session Laws of
4 Hawaii (SLH) 2016, and revised chapter 346, Hawaii Revised
5 Statutes (HRS), by adding a new section to part XVII to
6 establish minimum requirements for every homeless emergency
7 shelter operated by a provider agency that is under contract
8 with the department of human services. Act 234, SLH 2016,
9 amended definitions in section 346-361, HRS, and amended section
10 346-371, HRS, which requires provider agencies to conduct annual
11 audits. Act 234, SLH 2016, amended section 346-374, HRS,
12 directing the department to pay homeless shelter stipends only
13 for performance measures actually achieved by the provider
14 agency, and requiring that the collection of shelter and service
15 payments from homeless families or individuals be based on
16 families and individuals ability to pay.



1 The legislature finds that there is wide variation in the
2 configuration of homeless emergency shelters across the State.
3 In particular, there are distinct differences between emergency
4 shelters located in rural areas as compared to shelters that are
5 located in more densely populated urban communities. To ensure
6 that the minimum health and safety standards adopted by the
7 department of human services provide sufficient flexibility to
8 address these diverse needs, the department needs additional
9 time to meet with shelter providers and discuss the ability to
10 bring shelter space into compliance with the requirements of Act
11 234, SLH 2016.

12 Additionally, there is concern that without flexibility for
13 the requirement for partitioned shelter spaces, if Act 234, SLH
14 2016, is implemented as currently enacted, there may be
15 significant reduction in shelter space among certain homeless
16 shelters.

17 This Act is intended to provide the department of human
18 services with discretion to determine emergency homeless
19 shelters that may require partition space for homeless persons
20 or families based upon guidelines determined by the department.
21 In addition, this Act extends the effective date of Act 234, SLH



1 2016, section 6(b), by one year to provide additional time for
2 the department to implement the Act.

3 SECTION 2. Section 346-374.5, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) The department shall require an emergency shelter to
6 comply with the following:

7 (1) The shelter shall have the number of showers and
8 bathrooms that the department deems appropriate and
9 sufficient for the number of homeless families or
10 individuals [~~that~~] who use the shelter and the
11 capacity of the shelter. The showers and bathrooms
12 may be part of the shelter building or portable and
13 unattached to the shelter building;

14 (2) The shelter [~~shall~~] may have partitioned space for
15 each homeless family or individual that provides
16 separation from other homeless families or individuals
17 in the shelter. The minimum area of the partitioned
18 space and height of the partition shall be determined
19 by the department and may differ among [~~transitional~~]
20 emergency shelters, according to the number of
21 homeless families or individuals [~~that~~] who use the



1 shelter and the capacity of the shelter. A shelter
2 that provides separate rooms or portable dwelling
3 units for homeless families or individuals, including
4 converted shipping containers or school classrooms,
5 shall be deemed to exceed this minimum requirement;
6 and

7 (3) The shelter shall provide storage for the personal
8 possessions of each homeless family or individual
9 served by the shelter. The storage shall be securable
10 by the homeless family or individual. The type and
11 number of the storage equipment, space, or area shall
12 be determined by the department."

13 SECTION 3. Act 234, Session Laws of Hawaii 2016, is
14 amended by amending section 6 to read as follows:

15 "SECTION 6. (a) For the purpose of this section,
16 "emergency shelter", "provider agency", and "transitional
17 shelter" mean the same as defined under section 346-361, Hawaii
18 Revised Statutes.

19 (b) Each contract that takes effect after June 30, [2017,
20 2018, between the department of human services and a provider
21 agency for the operation or management of an emergency or



1 transitional shelter shall comply with this Act. This
2 requirement shall apply whether the contract is entered into,
3 renewed, or extended before or after June 30, [~~2017.~~] 2018.

4 (c) Beginning July 1, 2016, the department of human
5 services shall work with provider agencies to implement this
6 Act."

7 SECTION 4. Act 234, Session Laws of Hawaii 2016, is
8 amended by amending section 8 as follows:

9 "SECTION 8. This Act shall take effect on July 1, [~~2017,~~]
10 2018; provided that subsection (c) of section 6 shall take
11 effect on July 1, 2016."

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Homeless Shelters; Requirements

Description:

Provides that emergency shelters may have partitioned space for homeless persons or families based on Department of Human Services (DHS) guidelines. Extends the emergency or transitional shelter compliance requirements per Act 234, Session Laws of Hawaii (SLH) 2016, for contracts between DHS and emergency or transitional shelter provider agencies for one year. Extends the effective date of Act 234, SLH 2016. (HB1098 HD1)

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