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## A BILL FOR AN ACT

RELATING TO HOMELESSNESS.

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

1           SECTION 1. The legislature finds that Act 234, Session  
2 Laws of Hawaii 2016, was enacted with the best of intentions,  
3 but has resulted in unintended negative consequences. The  
4 original goal of Act 234 was to establish certain minimum  
5 requirements for homeless shelters so that the shelters would be  
6 more appealing to homeless people than the streets, sidewalks,  
7 and parks. Act 234 also based homeless shelter stipend payments  
8 on the performance of a shelter. Unfortunately, Act 234 made  
9 the operation of homeless shelters more costly and caused the  
10 closure of some shelters. Thus, the Act caused more homeless  
11 people to return to the streets, sidewalks, and parks.

12           Accordingly, the purpose of this Act is to repeal the  
13 provisions of Act 234, Session Laws of Hawaii 2016, that had  
14 negative impacts on homeless shelters.

15           SECTION 2. Act 234, Session Laws of Hawaii 2016, is  
16 amended as follows:

17           1. By repealing section 2.



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

4           ~~"§346 — Emergency shelter; minimum requirements. (a)~~  
5 ~~This section shall apply to every emergency shelter operated by~~  
6 ~~a provider agency that is under contract with the department to~~  
7 ~~receive homeless shelter stipends for providing shelter and~~  
8 ~~services to homeless families or individuals at the emergency~~  
9 ~~shelter.~~

10           ~~(b) The department shall require an emergency shelter to~~  
11 ~~comply with the following:~~

12           ~~(1) The shelter shall have the number of showers and~~  
13 ~~bathrooms that the department deems appropriate and~~  
14 ~~sufficient for the number of homeless families or~~  
15 ~~individuals that use the shelter and the capacity of~~  
16 ~~the shelter. The showers and bathrooms may be part of~~  
17 ~~the shelter building or portable and unattached to the~~  
18 ~~shelter building;~~

19           ~~(2) The shelter shall have partitioned space for each~~  
20 ~~homeless family or individual that provides separation~~  
21 ~~from other homeless families or individuals in the~~



1           ~~shelter. The minimum area of the partitioned space~~  
2           ~~and height of the partition shall be determined by the~~  
3           ~~department and may differ among transitional shelters,~~  
4           ~~according to the number of homeless families or~~  
5           ~~individuals that use the shelter and the capacity of~~  
6           ~~the shelter. A shelter that provides separate rooms~~  
7           ~~or portable dwelling units for homeless families or~~  
8           ~~individuals, including converted shipping containers~~  
9           ~~or school classrooms, shall be deemed to exceed this~~  
10          ~~minimum requirement; and~~

11          ~~(3) The shelter shall provide storage for the personal~~  
12          ~~possessions of each homeless family or individual~~  
13          ~~served by the shelter. The storage shall be securable~~  
14          ~~by the homeless family or individual. The type and~~  
15          ~~number of the storage equipment, space, or area shall~~  
16          ~~be determined by the department.~~

17          ~~(c) The department may require an emergency shelter to~~  
18          ~~comply with any other requirements that the department deems~~  
19          ~~appropriate or necessary. The requirements established by the~~  
20          ~~department may vary among emergency shelters.~~



1       ~~(d) A provider agency contracted to operate or manage an~~  
 2 ~~emergency shelter not owned by the department shall comply with~~  
 3 ~~the minimum requirements of subsection (b). The provider agency~~  
 4 ~~shall bear all costs of compliance, unless the department~~  
 5 ~~provides or contributes state funding assistance; provided that~~  
 6 ~~the state funding assistance shall be:~~

7       ~~(1) In addition to homeless shelter stipends paid to the~~  
 8       ~~provider agency under section 346-374;~~

9       ~~(2) Subject to the availability of legislative~~  
 10       ~~appropriations; and~~

11       ~~(3) Recoverable, in whole or part, by the department if~~  
 12       ~~the provider agency does not perform satisfactorily~~  
 13       ~~under or for the duration of the term of its contract~~  
 14       ~~with the department to operate or manage the shelter.~~

15       ~~(e) Any emergency shelter owned by the department shall~~  
 16 ~~comply with the minimum requirements under subsection (b),~~  
 17 ~~regardless of whether the department contracts with a provider~~  
 18 ~~agency to manage or operate the emergency shelter." ]~~

19       2. Repealing section 5.

20       ["SECTION 5. Section 346-374, Hawaii Revised Statutes, is  
 21 amended to read as follows:



1           ~~"[[§346-374]] Homeless shelter stipends. [(a) The~~  
2           ~~stipend limits per shelter unit of zero bedrooms shall be~~  
3           ~~adjusted by the department annually on the first day of July~~  
4           ~~pursuant to standards established by rule, which may consider~~  
5           ~~changes in the cost of operating homeless facilities, the fair~~  
6           ~~market rents, the consumer price index, or other relevant~~  
7           ~~factors. A "shelter unit of zero bedrooms" means a living unit~~  
8           ~~that is a studio unit or a single room occupancy unit. The~~  
9           ~~homeless shelter stipend at transitional shelters for larger~~  
10          ~~shelter units shall be proportional to the difference in unit~~  
11          ~~size.~~

12          ~~(b)] (a) The department may make or may contract to make~~  
13          ~~homeless shelter stipend payments [on behalf of one or more~~  
14          ~~homeless families or individuals] to a provider agency operating~~  
15          ~~or managing an emergency or transitional shelter [or, if the~~  
16          ~~department itself operates and manages a homeless facility, to~~  
17          ~~the department in amounts and under circumstances as provided by~~  
18          ~~rule. The contract may specify a minimum total amount of~~  
19          ~~homeless shelter stipends to be received by a provider agency~~  
20          ~~for making its shelter and services available to eligible~~  
21          ~~homeless families or individuals]. Under each contract, the~~



1 ~~department shall pay homeless shelter stipends only for~~  
2 ~~performance measures actually achieved by the provider agency,~~  
3 ~~such as the number of homeless families or individuals actually~~  
4 ~~provided with shelter and appropriate services at the emergency~~  
5 ~~or transitional shelter. The contract also may include~~  
6 ~~provisions for the automatic adjustment of the homeless shelter~~  
7 ~~stipend amounts, depending on factors agreed to by the~~  
8 ~~department and provider agency.~~

9 ~~[(c)] (b) In making homeless shelter stipend payments to a~~  
10 ~~provider agency, the department may establish minimum services~~  
11 ~~to be provided by the provider agency to homeless families or~~  
12 ~~individuals at the provider agency's shelter. The department~~  
13 ~~may also direct provider agencies to establish and manage a~~  
14 ~~savings account program as described in subsection [(d).] (c).~~  
15 ~~Additionally, the department may direct provider agencies to~~  
16 ~~subcontract for outreach services from other private agencies~~  
17 ~~specializing in programs for the unsheltered homeless.~~

18 ~~[(d) Provider agencies and] (c) When authorized under a~~  
19 ~~contract with the department, a provider agency may establish~~  
20 ~~and collect shelter and services payments from homeless families~~  
21 ~~or individuals in addition to the amount received in homeless~~



1 ~~shelter stipend payments [pursuant to rule]. To the extent~~  
2 ~~possible, the shelter and service payment amounts established~~  
3 ~~and collected by a homeless facility, other than an emergency~~  
4 ~~shelter, shall be based on the homeless families' and~~  
5 ~~individuals' ability to pay. If collection of payments based on~~  
6 ~~ability to pay is too difficult, costly, or inefficient for the~~  
7 ~~provider agency, the payment amounts may be based on other~~  
8 ~~criteria authorized under the contract or waived partially or~~  
9 ~~entirely.~~

10 ~~Provider agencies and the department may also set aside a~~  
11 ~~portion of the payments in a savings account to be made~~  
12 ~~available to homeless families or individuals when these~~  
13 ~~families and individuals vacate the shelter.~~

14 ~~(d) Any state funding assistance provided to a provider~~  
15 ~~agency for compliance with the minimum requirements under~~  
16 ~~section 346 (b) shall be in addition to homeless shelter~~  
17 ~~stipends paid to the provider agency." ]~~

18 3. By repealing section 6.

19 ["SECTION 6. (a) For the purpose of this section,  
20 "emergency shelter", "provider agency", and "transitional



1 ~~shelter" mean the same as defined under section 346-361, Hawaii~~  
2 ~~Revised Statutes.~~

3 ~~(b) Each contract that takes effect after June 30, 2017,~~  
4 ~~between the department of human services and a provider agency~~  
5 ~~for the operation or management of an emergency or transitional~~  
6 ~~shelter shall comply with this Act. This requirement shall~~  
7 ~~apply whether the contract is entered into, renewed, or extended~~  
8 ~~before or after June 30, 2017.~~

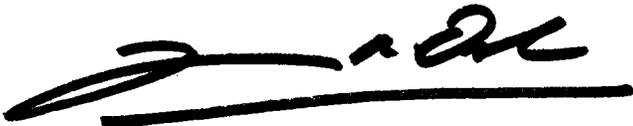
9 ~~(c) Beginning July 1, 2016, the department of human~~  
10 ~~services shall work with provider agencies to implement this~~  
11 ~~Act." ]~~

12 SECTION 3. Statutory material to be repealed is bracketed  
13 and stricken.

14 SECTION 4. This Act shall take effect on June 30, 2017.

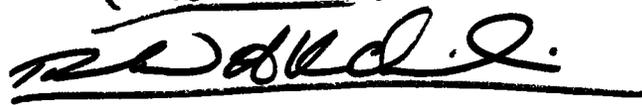
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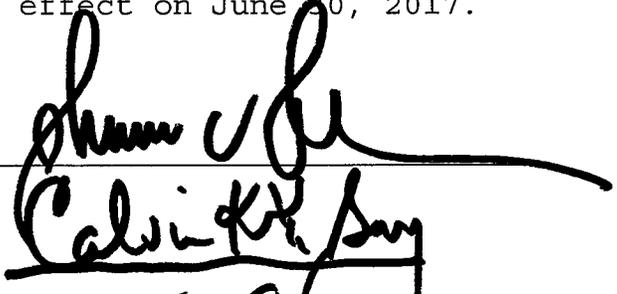
INTRODUCED BY:



Alan Ito

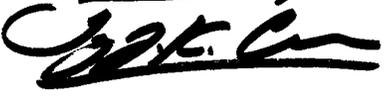
Richard King





K. Ito

Samuel King





# H.B. NO. 1171

**Report Title:**

Homelessness; Homeless Shelters; Minimum Standards; Stipend Payments; Act 234, Session Laws of Hawaii 2016; Provisions; Repealed.

**Description:**

Repeals provisions of Act 234, Session Laws of Hawaii 2016, pertaining to minimum standards for homeless shelters and homeless shelter stipend payments.

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

