THE SENATE
TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

S.B. NO.
964
S.D. 1
H.D. 1

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 2016, and revised chapter 346, Hawaii Revised Statutes,

5 by adding a new section to part XVII to establish minimum

6 requirements for every homeless emergency shelter operated by a

7 provider agency that is under contract with the department of

8 human services. Act 234 amended definitions in section 346-361,

9 Hawaii Revised Statutes, and amended section 346-371, Hawaii

10 Revised Statutes, which requires provider agencies to conduct

11 annual audits. Act 234 amended section 346-374, Hawaii Revised

12 Statutes, directing the department of human services to pay

13 homeless shelter stipends only for performance measures actually

14 achieved by the provider agency, and requiring that the

15 collection of shelter and service payments from homeless

16 families or individuals be based on the families' and

17 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 Act 234.

11   Additionally, there is concern that without flexibility

12   with regard to the requirement for partitioned shelter spaces,

13   if Act 234 is implemented as currently enacted, there may be

14   significant reduction in shelter space among certain homeless

15   shelters.

16   This Act is intended to provide the department of human

17   services with the discretion to determine the emergency homeless

18   shelters that may require partition space for homeless persons

19   or families based upon guidelines determined by the department

20   of human services. In addition, the measure will extend the

21   effective date of Act 234, Session Laws of Hawaii 2016, by one

1   year to provide additional time for the department to implement

2   the Act.

3   SECTION 2. Act 234, Session Laws of Hawaii 2016, is

4   amended by amending subsection (b) of section 346- , Hawaii

5   Revised Statutes, established in section 2 of this Act to read

6   as follows:

7   "(b) The department shall require an emergency shelter to

8   comply with the following:

9   (1)   The shelter shall have the number of showers and

10   bathrooms that the department deems appropriate and

11   sufficient for the number of homeless families or

12   individuals [that] who use the shelter and the

13   capacity of the shelter. The showers and bathrooms

14   may be part of the shelter building or portable and

15   unattached to the shelter building;

16   (2)   The shelter [shall] may have partitioned space for

17   each homeless family or individual that provides

18   separation from other homeless families or individuals

19   in the shelter. The minimum area of the partitioned

20   space and height of the partition shall be determined

21   by the department and may differ among [transitional]

1   emergency shelters, according to the number of

2   homeless families or individuals [that] who use the

3   shelter and the capacity of the shelter. A shelter

4   that provides separate rooms or portable dwelling

5   units for homeless families or individuals, including

6   converted shipping containers or school classrooms,

7   shall be deemed to exceed this minimum requirement;

8   and

9   (3) The shelter shall provide storage for the personal

10   possessions of each homeless family or individual

11   served by the shelter. The storage shall be securable

12   by the homeless family or individual. The type and

13   number of the storage equipment, space, or area shall

14   be determined by the department."

15   SECTION 3. Act 234, Session Laws of Hawaii 2016, is

16 amended by amending section 6 to read as follows:

17   "SECTION 6. (a) For the purpose of this section,

18 "emergency shelter", "provider agency", and "transitional

19 shelter" mean the same as defined under section 346-361, Hawaii

20 Revised Statutes.

1   (b)   Each contract that takes effect after June 30, [2017,]

2 2018, between the department of human services and a provider

3 agency for the operation or management of an emergency or

4 transitional shelter shall comply with this Act. This

5 requirement shall apply whether the contract is entered into,

6 renewed, or extended before or after June 30, [2017.] 2018.

7   (c)   Beginning July 1, 2016, the department of human

8 services shall work with provider agencies to implement this

9 Act."

10   SECTION 4. Act 234, Session Laws of Hawaii 2016, is

11 amended by amending section 8 to read as follows:

12   "SECTION 8. This Act shall take effect on July 1, [2017,]

13 2018; provided that subsection (c) of section 6 shall take

14 effect on July 1, 2016."

15   SECTION 5. Statutory material to be repealed is bracketed

16 and stricken. New statutory material is underscored.

17   SECTION 6. This Act shall take effect on June 30, 2017.

Report Title:
Homeless Shelters; Requirements

Description:
Provides that emergency shelters may provide partitioned space for homeless persons or families based upon Department of Human Services (DHS) guidelines. Extends by one year, the emergency shelter compliance requirements per Act 234, Session Laws of Hawaii (SLH) 2016, for contracts between DHS and emergency or transitional shelter provider agencies. Extends the effective date of Act 234, SLH 2016. (SB964 HD1)

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