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# A BILL FOR AN ACT

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RELATING TO HOUSING.

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

1       SECTION 1. The legislature finds that homelessness  
2 continues to be one of the State's most significant and  
3 challenging social problems. According to the 2017 Hawaii  
4 Statewide Homeless Point-in-Time Count conducted in January  
5 2017, there are 7,220 homeless individuals in the State.  
6 Homelessness is a complex issue that requires continuous efforts  
7 from many stakeholders, including nongovernmental organizations  
8 such as religious or charitable nonprofit organizations.

9       The legislature also finds that in many communities,  
10 nonprofit organizations play an important role in providing  
11 needed services to the homeless, filling gaps that government  
12 agencies are unable to meet. Some nonprofit organizations are  
13 able to contribute by providing shelter on property that they  
14 own or control. The provision of shelter is an important and  
15 valuable public service that can offer a temporary, stop-gap  
16 solution to larger social problems associated with homelessness.



1       The purpose of this Act is to assist religious, charitable,  
2       educational, and other nonprofit organizations in their efforts  
3       to provide shelter to homeless persons by imposing limits on the  
4       actions that a county may take to regulate the provision of  
5       shelters by nonprofit organizations.

6       SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
7       by adding a new section to be appropriately designated and to  
8       read as follows:

9       "§46-       Homelessness; shelters; nonprofit organizations;  
10      prohibitions on county actions. (a) A nonprofit organization  
11      may provide shelter to homeless persons, including by hosting  
12      temporary encampments for the homeless on property owned or  
13      controlled by the nonprofit organization. Shelter may be  
14      provided:

15           (1) Within buildings located on the property; or

16           (2) Outdoors on the property.

17           (b) No county shall enact an ordinance or take other  
18      action that:

19           (1) Imposes conditions on shelters authorized by

20                   subsection (a) other than those conditions necessary

21                   to protect public health and safety; provided that the



conditions imposed do not substantially burden the decisions or actions of a nonprofit organization regarding the location of the shelter on the nonprofit organization's property;

(2) Requires a nonprofit organization to indemnify or insure the county against liability with respect to homeless persons housed on the nonprofit organization's property; or

(3) Imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications.

(c) As used in this section, "nonprofit organization" means an organization, whether incorporated or unincorporated, that:

(1) Is registered with the State;

(2) Owns or controls real property;

(3) Is organized and operated for religious, charitable, educational, or other nonprofit purposes; and

(4) Is recognized by the Internal Revenue Service as a charitable or otherwise tax-exempt organization under



1 section 501(c)(3) of the Internal Revenue Code of  
2 1986, as amended.

3 (d) No county agency or county employee shall be liable  
4 for:

- 5 (1) Any injury or damage arising from a decision to permit  
6 the sheltering of homeless as provided in this  
7 section; or  
8 (2) Any conduct or unlawful activity that may occur as a  
9 result of sheltering the homeless as provided in this  
10 section."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Counties; Nonprofit Organizations; Homeless; Shelters

**Description:**

Authorizes religious, charitable, educational, and other nonprofit organizations to provide shelter to homeless persons, including by hosting temporary encampments on property owned by the organization. Prohibits counties from enacting ordinances that substantially burden the provision of shelter on an organization's own property. Limits county liability. (HB2038 HD1)

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

