
A BILL FOR AN ACT

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 establishing a three-
4 year pilot program which authorizes nonprofit organizations in a
5 county with a population of five hundred thousand or more to
6 provide shelter to homeless persons and imposes limits on the
7 actions that the host county may take to regulate the provision
8 of shelter pursuant to the pilot program by nonprofit
9 organizations.

10 SECTION 2. (a) There is established a three-year pilot
11 program, in a county with a population of 500,000 or more, to
12 authorize nonprofit organizations to provide shelter to homeless
13 persons, including by hosting temporary encampments for the
14 homeless on property owned or controlled by the nonprofit
15 organization. Shelter may be provided:

- 16 (1) Within buildings located on the property; or
17 (2) Outdoors on the property, with proper sheltering from
18 natural elements.

19 (b) The county in which this pilot program is established
20 shall not enact any ordinance or take other action that:



1 (1) Imposes conditions on shelters authorized by
2 subsection (a) other than those conditions necessary
3 to protect public health and safety;

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

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

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

13 (1) Is registered with the State;

14 (2) Owns or controls real property;

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

17 (4) Is recognized by the Internal Revenue Service as a
18 charitable or otherwise tax-exempt organization under
19 section 501(c)(3) of the Internal Revenue Code of
20 1986, as amended.



(d) No county agency or county employee in the county in which the pilot program is established shall be liable for:

(1) Any injury or damage arising from a decision to permit the sheltering of homeless persons as provided in this Act; or

(2) Any conduct or unlawful activity that may occur as a result of sheltering homeless persons as provided in this Act.

SECTION 3. This Act shall take effect on July 1, 2050, and shall be repealed on June 30, 2021.



Report Title:

Counties; Nonprofit Organizations; Homeless; Shelters

Description:

Establishes a three-year pilot program which authorizes nonprofit organizations in a county with a population of 500,000 or more to provide shelter to homeless persons, including by hosting temporary encampments on property owned by the organization. Prohibits the host county from enacting ordinances designed to deter the provision of shelter. Limits county liability. (HB2038 HD2)

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