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## A BILL FOR AN ACT

RELATING TO HOMELESSNESS.

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

PART I

SECTION 1. The legislature finds that chronic, unsheltered, nomadic homelessness is a humanitarian disaster that endangers public health and safety. The legislature recognizes that multiple national studies show that Housing First programs are enormously effective, mostly because the stability of a permanent home, combined with supportive services and treatment, fosters recovery from addiction, mental illness, and other afflictions.

The legislature also finds that for many years, the State used homeless shelters and transitional group homes as an interim measure, while attempting to place as many homeless persons as possible into subsidized rentals and traditionally constructed apartments under a Housing First paradigm.

Unfortunately, economic constraints, construction delays, and landlords' resistance to homeless tenants have made the supply of subsidized rentals and traditionally constructed housing



1 inadequate. Moreover, many persons who are mentally ill or who  
2 struggle with substance abuse cannot live in close quarters with  
3 others in a shelter or group home, and thus continue to live  
4 unsheltered.

5 The legislature notes that technical innovations now make  
6 it possible to build alternative dwellings that can serve as  
7 permanent housing, as well as emergency shelters, for a greater  
8 number of homeless families and individuals in a shorter period  
9 of time than conventional housing. The legislature believes  
10 that the best way to achieve this on a scale large enough to end  
11 homelessness is to incorporate alternatively constructed homes  
12 into villages using Housing First practices. The legislature  
13 further finds that in August 2017, the county of Hawaii began,  
14 on a pilot basis, sponsoring a safe zone known as Camp Kikaha.  
15 The legislature intends that this Act will fund additional and  
16 larger safe zone sites in East and West Hawaii. In the  
17 meantime, suitable sites in East Hawaii have yet to be located,  
18 and selected sites in West Hawaii are undergoing the planning  
19 and environmental assessment process.

20 Accordingly, the purpose of this Act, which shall be known  
21 as the "Hawaii County Homeless Villages Act", is to secure



1 necessary funding to establish two pilot homeless villages under  
2 a Housing First paradigm with an aggregate total of fifty units,  
3 of which twenty-five units each shall be located at a Kona  
4 homeless village site and a Hilo homeless village site.

5 SECTION 2. (a) There is established within the department  
6 of human services a Hawaii county homeless villages program that  
7 provides housing and supportive services to homeless persons  
8 under a Housing First paradigm. The program shall be operated  
9 in a manner that is reasonably consistent with the following  
10 requirements:

11 (1) The department shall construct no less than fifty  
12 homes, which shall be completed no later than two  
13 years after the effective date of this Act; provided  
14 that twenty-five homes shall be constructed on a  
15 homeless village site in Kona and twenty-five homes  
16 shall be constructed on a homeless village site in  
17 Hilo;

18 (2) The cost to the department to construct each home  
19 shall not exceed \$15,000 per home; provided that this  
20 figure shall not include the costs of infrastructure  
21 installation;



(3) Each home shall contain at least three hundred square feet of living space, have electricity with lighting, and have no less than eight standard electrical outlets;

(4) Homes shall be private dwellings for homeless individuals and families; provided that homeless persons who are not related shall not be required to share a home;

(5) The cost of rent, utilities, and supportive services shall:

(A) Be provided free of charge for homeless individuals or families with no income;

(B) Not exceed twenty per cent of the individual's gross income for a homeless individual with income; and

(C) Not exceed twenty per cent of the family's combined gross income for homeless families with income, less \$100 per month for each dependent family member that resides in the home;

provided that the department may adjust these amounts for inflation;



(6) Each homeless village shall have a community center for residents, which shall include:

(A) A reasonable number of communal showers;

(B) Bathrooms;

(C) A kitchen;

(D) Lockers for residents' valuables;

(E) Mailboxes for incoming mail; and

(F) A multipurpose room for residential meetings and supportive services;

provided that a home may be constructed with a built-in bathroom, shower, or kitchen, if necessary to qualify the home for use of a housing voucher;

(7) The department shall make reasonable efforts to complete each community center at a cost of \$100,000 or less per village; and

(8) Each village shall have systems to dispose of trash and other waste.

(b) The department may experiment with different types of housing, including but not limited to high grade fire resistant tents, tiny houses, domes, huts, or other innovative types of housing that are within budgetary constraints.



1           (c) The department shall establish rules for residents of  
2 the villages that are reasonably consistent with what are  
3 commonly known as Housing First practices. To the extent  
4 practicable, the rules shall allow residents to participate in  
5 self-government.

6           (d) The department shall adopt rules pursuant to chapter  
7 91, Hawaii Revised Statutes, as well as policies and procedures,  
8 for the purpose of qualifying applicants for residency under the  
9 Hawaii county homeless villages program. Qualification rules,  
10 policies, and procedures shall be consistent with the rules,  
11 policies, and procedures of the United States Department of  
12 Housing and Urban Development's Coordinated Entry System. To  
13 the extent practicable, the department shall ensure that  
14 qualification procedures for residency under the program provide  
15 for rapid admission and use the least restrictive standards  
16 practicable.

17           (e) The department shall collaborate with appropriate  
18 departmental personnel and state and county law enforcement  
19 agencies to provide security for the Hawaii county homeless  
20 villages program.



1 (f) The department shall work with appropriate agencies to  
2 ensure that residents have reasonable access to public  
3 transportation.

4 SECTION 3. Notwithstanding any other law to the contrary,  
5 all state and county permitting and construction fees shall be  
6 waived with respect to the construction and maintenance of  
7 dwellings contemplated or constructed under section 2 of this  
8 Act.

9 SECTION 4. The department of human services shall  
10 establish two homeless assessment centers in Hawaii county that  
11 shall be modeled after the Kakaako family assessment center on  
12 the island of Oahu; provided that a homeless assessment center  
13 shall be established within reasonable proximity of each of the  
14 Kona and Hilo homeless village sites.

15 SECTION 5. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$1,187,500 or so much  
17 thereof as may be necessary for fiscal year 2018-2019 to  
18 establish the Hawaii county homeless villages program and to  
19 construct fifty homes and physical infrastructure as required by  
20 section 2 of this Act.



1       The sum appropriated shall be expended by the department of  
2 human services for the purposes of this Act.

3       SECTION 6. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$1,360,000 or so much  
5 thereof as may be necessary for fiscal year 2018-2019; provided  
6 that of this amount, \$           shall be for the management,  
7 maintenance, and day-to-day operations of the Hawaii county  
8 homeless villages established under section 2 of this Act, and  
9 \$           shall be for the management, maintenance, and day-to-  
10 day operations of the homeless assessment centers established  
11 under section 4 of this Act.

12       The sum appropriated shall be expended by the department of  
13 human services for the purposes of this Act.

14                               PART II

15       SECTION 7. Chapter 662, Hawaii Revised Statutes, is  
16 amended by adding a new section to be appropriately designated  
17 and to read as follows:

18       "§662-       Immunity from liability for provision of housing  
19 or services to homeless persons. An employee of the State who  
20 provides housing or services to a homeless person shall be  
21 immune from civil liability in any action based upon the acts or





1 omissions of the employee; provided that the employee was acting  
2 in good faith and within the scope of the employee's functions  
3 and duties as an employee of the State."

4 SECTION 8. Chapter 662D, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7 "§662D- Immunity from liability for provision of  
8 housing or services to homeless persons. A volunteer who  
9 provides housing or services to a homeless person on behalf of  
10 the State shall be immune from civil liability in any action  
11 based upon the acts or omissions of the volunteer; provided that  
12 the volunteer was acting in good faith and within the scope of  
13 the volunteer's official functions and duties with the State."

14 SECTION 9. Section 662-15, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§662-15 Exceptions.** This chapter shall not apply to:

- 17 (1) Any claim based upon an act or omission of an employee  
18 of the State, exercising due care, in the execution of  
19 a statute or regulation, whether or not [~~such~~] the  
20 statute or regulation is valid, or based upon the  
21 exercise or performance or the failure to exercise or



1 perform a discretionary function or duty on the part  
2 of a state officer or employee, whether or not the  
3 discretion involved has been abused;

4 (2) Any claim arising in respect of the assessment or  
5 collection of any tax<sup>[7]</sup> or the detention of any goods  
6 or merchandise by law enforcement officers;

7 (3) Any claim for which a remedy is provided elsewhere in  
8 the laws of the State;

9 (4) Any claim arising out of assault, battery, false  
10 imprisonment, false arrest, malicious prosecution,  
11 abuse of process, libel, slander, misrepresentation,  
12 deceit, or interference with contract rights;

13 (5) Any claim arising out of the combatant activities of  
14 the Hawaii National Guard and Hawaii state defense  
15 force during time of war, or during the times the  
16 Hawaii National Guard is engaged in federal service  
17 pursuant to section 316, 502, 503, 504, 505, or 709 of  
18 title 32 of the United States Code;

19 (6) Any claim arising in a foreign country; ~~[or]~~

20 (7) Any claim arising out of the acts or omissions of any  
21 boating enforcement officer<sup>[-]</sup>; or



(8) Any claim arising out of the acts or omissions of:

(A) A volunteer acting on behalf of the State; or

(B) An employee of the State acting within the scope  
of the employee's employment,

who provides housing or services to a homeless person,

or based upon the exercise or performance or the

failure to exercise or perform a discretionary

function or duty, whether or not the discretion

involved has been abused."

PART III

SECTION 10. Statutory material to be repealed is bracketed  
and stricken. New statutory material is underscored.

SECTION 11. This Act shall take effect on July 1, 2018.

INTRODUCED BY:

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# H.B. NO. 2461

**Report Title:**

Homelessness; DHS; Hawaii County Homeless Villages Program;  
Appropriation

**Description:**

Establishes within the Department of Human Services a Hawaii County Homeless Villages program. Waives applicable state and county permitting and construction fees for the program. Exempts the State from claims arising out of the provision of housing or services to homeless persons. Provides immunity from civil liability to volunteers and state employees who provide housing or services to homeless persons. Appropriates funds.

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

