

---

# 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 Homelessness is an issue of statewide concern.  
21 Establishing pilot homeless villages is just one part of the



1 State's ongoing efforts to address homelessness. Accordingly,  
2 the purpose of this Act, which shall be known as the "Hawaii  
3 County Homeless Villages Act", is to secure necessary funding to  
4 establish two pilot homeless villages under a Housing First  
5 paradigm with an aggregate total of fifty units, of which  
6 twenty-five units each shall be located at a Kona homeless  
7 village site and a Hilo homeless village site.

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

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



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

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

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

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

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

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

20 (C) Not exceed twenty per cent of the family's  
21 combined gross income for homeless families with



1 income, less \$100 per month for each dependent  
2 family member that resides in the home;  
3 provided that the department may adjust these amounts  
4 for inflation;

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

- 7 (A) A reasonable number of communal showers;
- 8 (B) Bathrooms;
- 9 (C) A kitchen;
- 10 (D) Lockers for residents' valuables;
- 11 (E) Mailboxes for incoming mail; and
- 12 (F) A multipurpose room for residential meetings and  
13 supportive services;

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

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

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



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

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

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



1 (e) The department shall collaborate with appropriate  
2 departmental personnel and state and county law enforcement  
3 agencies to provide security for the Hawaii county homeless  
4 villages program.

5 (f) The department shall work with appropriate agencies to  
6 ensure that residents have reasonable access to public  
7 transportation.

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

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

18 SECTION 5. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$1,187,500 or so much  
20 thereof as may be necessary for fiscal year 2018-2019 to  
21 establish the Hawaii county homeless villages program and to



1 construct fifty homes and physical infrastructure as required by  
2 section 2 of this Act.

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

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

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

16 PART II

17 SECTION 7. Chapter 346, Hawaii Revised Statutes, is  
18 amended by adding a new section to part XVII to be appropriately  
19 designated and to read as follows:





1       "§346-       Homeless villages special fund; established.       (a)

2       There is established within the state treasury the homeless  
3       villages special fund.

4       (b)   The fund shall consist of all moneys derived from fees  
5       collected pursuant to section 667-76.

6       (c)   Moneys in the fund shall be expended by the department  
7       of human services for homeless villages that provide housing and  
8       supportive services to homeless persons under a Housing First  
9       paradigm."

10       SECTION 8.   Section 667-76, Hawaii Revised Statutes, is  
11       amended by amending subsection (a) to read as follows:

12       "(a)   Within three days after a mortgagee serves a  
13       foreclosure notice on an owner-occupant pursuant to section 667-  
14       22, the mortgagee shall file the foreclosure notice with the  
15       department and pay a filing fee of \_\_\_\_\_; provided that:

16       (1)   \$250[~~which~~] shall be deposited into the mortgage  
17       foreclosure dispute resolution special fund  
18       established under section 667-86[-]; and

19       (2)   \_\_\_\_\_ shall be deposited into the homeless villages  
20       special fund established under section 346-   ."



## PART III

SECTION 9. Chapter 662, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§662- Immunity from liability for provision of housing or services to homeless persons. An employee of the State who provides housing or services to a homeless person shall be immune from civil liability in any action based upon the acts or omissions of the employee; provided that the employee was acting in good faith and within the scope of the employee's functions and duties as an employee of the State."

SECTION 10. Chapter 662D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

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



1       SECTION 11. Section 662-15, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§662-15 Exceptions.** This chapter shall not apply to:

- 4       (1) Any claim based upon an act or omission of an employee  
5 of the State, exercising due care, in the execution of  
6 a statute or regulation, whether or not [~~such~~] the  
7 statute or regulation is valid, or based upon the  
8 exercise or performance or the failure to exercise or  
9 perform a discretionary function or duty on the part  
10 of a state officer or employee, whether or not the  
11 discretion involved has been abused;
- 12       (2) Any claim arising in respect of the assessment or  
13 collection of any tax[~~7~~] or the detention of any goods  
14 or merchandise by law enforcement officers;
- 15       (3) Any claim for which a remedy is provided elsewhere in  
16 the laws of the State;
- 17       (4) Any claim arising out of assault, battery, false  
18 imprisonment, false arrest, malicious prosecution,  
19 abuse of process, libel, slander, misrepresentation,  
20 deceit, or interference with contract rights;



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

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

(7) Any claim arising out of the acts or omissions of any boating enforcement officer~~[-]~~; 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 IV

SECTION 12. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.



1 SECTION 13. This Act shall take effect on July 1, 3000.



**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 permitting and construction fees for the program. Exempts the State from claims arising out of the provision of housing or services to homeless persons. Establishes the homeless villages special fund. Provides immunity from civil liability to volunteers and state employees who provide housing or services to homeless persons. Appropriates funds. (HB2461 HD1)

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

