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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 homelessness continues to be one of the State's most significant and challenging social problems. According to the 2017 Hawaii Homeless Point-in-Time Count conducted in January 2017, there are 7,220 homeless individuals in the State. Hawaii also has the highest rate of chronically unsheltered homeless per capita in the nation.

The legislature notes that this issue has become much more visible in the past few years, with homeless camps becoming ubiquitous in public spaces such as sidewalks and parks. Unfortunately, these homeless camps interfere with the ability of residents to utilize these public spaces. In addition, these camps have resulted in a number of other problems, from concerns about public health in and around the camps to damage to park infrastructure that has forced government agencies to spend hundreds of thousands of dollars for emergency repairs. To



1 avoid these problems, the State and the counties have been  
2 working to dissuade homeless persons from camping in parks and  
3 on sidewalks. However, the legislature finds that a more  
4 aggressive, multi-faceted approach is required to solve this  
5 crisis.

6 Accordingly, the purpose of this Act is to:

7 (1) Require the governor to establish a safe zone where  
8 homeless persons may reside without interfering with  
9 public spaces;

10 (2) Establish a chronic homelessness task force to receive  
11 feedback on the operation of the safe zone and other  
12 homeless facilities;

13 (3) Preserve the use of public sidewalks by prohibiting  
14 persons from unlawfully sitting or lying on a public  
15 sidewalk in a county with a population of more than  
16 500,000; and

17 (4) Prohibit providing agencies from denying any person  
18 access to a homeless facility.



**PART II**

SECTION 2. The purpose of this part is to require the governor to establish a safe zone for homeless persons on land to be designated by the governor.

SECTION 3. (a) No later than September 1, 2018, the governor shall establish a safe zone, in which homeless persons may reside, at a location to be designated by the governor.

(b) The governor may:

(1) Contract with a public or private agency to operate the safe zone; and

(2) Delegate the duties established pursuant to this section to an executive agency.

(c) The State shall not be liable for any injury, damage, conduct, or unlawful activity that may occur as a result of establishing or operating a safe zone pursuant to this section.

(d) The governor shall maintain and operate the safe zone until the legislature determines that homelessness is no longer a crisis in the State.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2018-2019 for



1 the establishment and operation of a safe zone, in which  
2 homeless persons may reside, on land designated by the governor.

3 The sum appropriated shall be expended by the office of the  
4 governor for the purposes of this part.

5 **PART III**

6 SECTION 5. The purpose of this part is to create a chronic  
7 homelessness task force within the department of human services  
8 for administrative purposes to receive feedback on:

9 (1) The operation of the safe zone created pursuant to  
10 part II of this Act; and

11 (2) The performance of other homeless facilities in the  
12 State.

13 SECTION 6. (a) There is created in the department of  
14 human services for administrative purposes a chronic  
15 homelessness task force. The chronic homelessness task force  
16 shall consist of:

17 (1) The governor's coordinator on homelessness; and  
18 (2) Seven persons who are currently chronically homeless.

19 (b) The purpose of the task force is to receive feedback  
20 on:



(1) The operation of the safe zone created pursuant to part II of this Act; and

(2) The performance of other homeless facilities in the State.

(c) The seven members of the task force who are chronically homeless shall each be compensated \$100 for their service on the task force.

(d) For the purposes of this section:

"Chronically homeless" means a person who:

(1) Is homeless and lives in a place not meant for human habitation, a safe haven, or an emergency shelter;

(2) Has been homeless and living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter continuously for at least one year or on at least four separate occasions in the last three years; and

(3) Has a disability.

"Disability" means one or more of the following conditions:

(1) A physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury that:



(A) Is expected to be long-continuing or of an indefinite duration;

(B) Substantially impedes the person's ability to live independently; and

(C) Could be improved by the provision of more suitable housing conditions;

(2) A developmental disability, as defined in section 102 of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. section 15002); or

(3) Human immunodeficiency virus infection or acquired immune deficiency syndrome.

"Homeless facility" shall have the same meaning as in section 346-361, Hawaii Revised Statutes.

(e) The governor's coordinator on homelessness shall submit a report of the committee's findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular sessions of 2019 and 2020.

(f) The chronic homelessness task force shall cease to exist on August 30, 2019.



1       SECTION 7. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$700 or so much  
3 thereof as may be necessary for fiscal year 2018-2019 for the  
4 compensation of chronically homeless persons who serve on the  
5 chronic homelessness task force.

6       The sum appropriated shall be expended by the department of  
7 human services for the purposes of this part.

8                                   **PART IV**

9       SECTION 8. The purpose of this part is to prohibit a  
10 person in a county with a population of more than 500,000 from  
11 sitting or lying on a public sidewalk, or on a tarp, towel,  
12 sheet, blanket, sleeping bag, bedding, planter, chair, bench, or  
13 any other object or material placed upon a public sidewalk,  
14 subject to certain exceptions.

15       SECTION 9. Chapter 711, Hawaii Revised Statutes, is  
16 amended by adding a new section to be appropriately designated  
17 and to read as follows:

18       "§711-       Unlawful obstruction of a public sidewalk. (1)

19       A person commits the offense of unlawful obstruction of a public  
20       sidewalk if the person intentionally or knowingly sits or lies:

21       (a) On a public sidewalk; or



1        (b) On a tarp, towel, sheet, blanket, sleeping bag,  
2        bedding, planter, chair, bench, or any other object or  
3        material placed upon a public sidewalk,  
4        in a county with a population of more than 500,000.

5        (2) The prohibitions in subsection (1) shall not apply to:

6        (a) Any person sitting or lying on a public sidewalk due  
7        to a medical emergency;

8        (b) Any person who, as a result of a disability, is  
9        utilizing a wheelchair or other, similar wheeled chair  
10       device to move about on the public sidewalk;

11       (c) Any person sitting or lying on a public sidewalk for  
12       the purpose of engaging in an expressive activity;

13       (d) Any person sitting on a public sidewalk while  
14       attending or viewing any festival, performance, rally,  
15       demonstration, or similar event conducted on a  
16       sidewalk pursuant to a permit issued by the  
17       appropriate authority;

18       (e) Any person engaged in a maintenance, repair, or  
19       construction activity on behalf of a governmental  
20       entity or a public utility;





1        (f) Any child who is sitting or lying in a baby carriage,  
2        stroller, carrier, or similar device, to move about on  
3        the public sidewalk;

4        (g) Any person sitting on a chair or bench located on the  
5        public sidewalk that is placed there by a public  
6        agency;

7        (h) Any person sitting in line for goods or services  
8        unless the person or person's possessions impede the  
9        ability of pedestrians to travel along the length of  
10       the sidewalk or enter a doorway or other entrance  
11       alongside the public sidewalk; or

12       (i) Any person engaging in an authorized activity on a  
13       public sidewalk pursuant to a permit issued by the  
14       appropriate authority.

15       (3) No person shall be deemed to have violated this  
16       section unless the person engages in conduct prohibited by this  
17       section after having been notified by a law enforcement officer  
18       that the conduct violates this section.

19       (4) For purposes of this section:

20       "Expressive activity" means speech or conduct, the  
21       principal object of which is the expression, dissemination, or



1 communication by verbal, visual, literary, or auditory means of  
2 political, religious, philosophical, or ideological opinions,  
3 views, or ideas, and for which no fee is charged or required as  
4 a condition of participation in or attendance at the activity.

5 The term generally does not include sports events, such as  
6 marathons; fundraising events; beauty contests; commercial  
7 events; cultural celebrations, or other events the principal  
8 purpose of which is entertainment.

9 "Public sidewalk" means a publicly owned or maintained  
10 "sidewalk," as defined in section 291C-1.

11 (5) Unlawful sitting or lying on a public sidewalk is a  
12 petty misdemeanor."

13 **PART V**

14 SECTION 10. The purpose of this part is to prohibit a  
15 homeless facility from denying any person access to the use of  
16 the facility.

17 SECTION 11. Section 346-367, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 **"[f]§346-367[f] Determination of eligibility and need.**

20 (a) The provider agency operating and managing a homeless  
21 facility or any other program for the homeless authorized by



1 this part, or the department operating and managing its own  
2 homeless facility, shall be responsible for determining if an  
3 applicant is eligible for shelter or other services at the  
4 homeless facility or through any other program for the homeless,  
5 pursuant to standards and criteria established by rule.

6 (b) The provider agency or the department operating and  
7 managing its own homeless facility shall determine the degree of  
8 need for each homeless family or individual and, in its  
9 determination, shall consider the resources available and the  
10 number of potential eligible applicants in the area served by  
11 the homeless facility or other program for the homeless  
12 authorized by this part.

13 (c) The department may establish by rule standards and  
14 criteria for eligibility, need, and priority for each program;  
15 provided that the department may establish by rule exceptions to  
16 these eligibility requirements based on special circumstances.

17 (d) Except as provided by law or rule, no provider agency  
18 shall deny any person access to a homeless facility for any  
19 reason."



PART VI

SECTION 12. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 13. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 14. This Act shall take effect on July 1, 2018.

INTRODUCED BY:

*Fahad B...*

JAN 23 2018



# H.B. NO. 2479

**Report Title:**

Homelessness; Governor; Safe Zone; Sit-Lie Ban; Homeless Shelters; Chronic Homelessness; Appropriation

**Description:**

Requires the governor to establish a safe zone for homeless persons. Creates a chronic homelessness task force to receive feedback on the operation of the safe zone and other homeless facilities. Prohibits a person from unlawfully sitting or lying on a public sidewalk in a county with a population greater than 500,000. Prohibits a providing agency from denying any person access to a homeless facility except as provided by law or rule. Makes appropriations.

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

