
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, private
8 organizations, including religious and charitable nonprofit
9 organizations.

10 The legislature also finds that in many communities,
11 private organizations, including nonprofit organizations, play
12 an important role in providing needed services to the homeless
13 and fill gaps that government agencies are unable to meet. Some
14 private organizations, including nonprofit organizations, are
15 able to contribute by providing shelter on property that they
16 own or control. The provision of shelter is an important and



1 valuable public service that can offer a temporary, stop-gap
2 solution to larger social problems associated with homelessness.

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

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

12 "§46- Homelessness; shelters; private organizations;
13 prohibitions on county actions. (a) A private organization may
14 provide shelter to homeless individuals through the creation of
15 a micro-village on property owned or controlled by the private
16 organization.

17 (b) A micro-village established under subsection (a)
18 shall:

19 (1) Be temporary and shall not be established for a period
20 of more than three years from the date of occupancy of
21 the first homeless individual in the micro-village;



1 provided that, each year after the expiration of the
2 three-year period, the private organization may
3 request a one-year extension from the county in which
4 the micro-village is located to continue use of the
5 property for a micro-village;

6 (2) Consist of shelters as provided in subsection (c) with
7 occupancy limited to fewer than one hundred homeless
8 individuals in total;

9 (3) Include shared bathroom and kitchen facilities; and

10 (4) Provide access to case management and other social
11 services.

12 (c) Shelter provided in a micro-village established under
13 subsection (a) may consist of the following:

14 (1) Shelter within buildings located on the property that
15 are already in existence; or

16 (2) Shelters constructed on undeveloped portions of the
17 property specifically for the housing of homeless
18 individuals that do not exceed three hundred square
19 feet of living space per shelter and which may be or
20 include converted shipping containers.



(d) No county shall enact any ordinance or take other action that:

(1) Imposes conditions on shelters provided in a micro-village authorized by subsection (a) other than those conditions necessary to protect public health and safety; provided that the conditions imposed do not substantially burden the decisions or actions of a private organization regarding the location of the shelter on the private organization's property;

(2) Requires a private organization to indemnify or insure the county against liability with respect to homeless individuals housed on the private 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.

(e) As used in this section:

"Private organization" means a nongovernmental, for-profit organization or nonprofit organization.

"Nonprofit organization" means an organization, whether incorporated or unincorporated, that:



- 1 (1) Is registered with the State;
2 (2) Owns or controls real property;
3 (3) Is organized and operated for religious, charitable,
4 educational, or other nonprofit purposes; and
5 (4) Is recognized by the Internal Revenue Service as a
6 charitable or otherwise tax-exempt organization under
7 section 501(c)(3) of the Internal Revenue Code of
8 1986, as amended.

9 (f) No county agency or county employee shall be liable

10 for:

- 11 (1) Any injury or damage arising from a decision to permit
12 the sheltering of homeless individuals as provided in
13 this section; or
14 (2) Any conduct or unlawful activity that may occur as a
15 result of sheltering homeless individuals as provided
16 in this section."

17 SECTION 3. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so much
19 thereof as may be necessary for fiscal year 2018-2019 for the
20 department of human services to assist private organizations,
21 including nonprofit organizations, that provide shelter in a



1 micro-village created pursuant to section 2 of this Act by
2 providing case management, workforce training, educational
3 training, and other social services.

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

6 SECTION 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on July 1, 2018

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INTRODUCED BY:

JAN 24 2018



H.B. NO. 2576

Report Title:

Counties; Private Organizations; Nonprofit Organizations;
Homeless; Shelters

Description:

Authorizes private organizations to provide shelter to homeless individuals at micro-villages on the organizations' private property. Limits county authority to restrict micro-villages and county liability relating to micro-villages. Appropriates funds to DHS for social services in micro-villages.

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