

JAN 24 2018

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

9 The legislature also finds that for many years, the State
10 used homeless shelters and transitional group homes as an
11 interim measure, while attempting to place as many homeless
12 persons as possible into subsidized rentals and traditionally-
13 constructed apartments under a Housing First paradigm.
14 Unfortunately, economic constraints, construction delays, and
15 landlords' resistance to homeless tenants have made the supply
16 of subsidized rentals and traditionally-constructed housing
17 inadequate. Moreover, many persons who are mentally ill or who



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1 struggle with substance abuse cannot live in close quarters with
2 others in a shelter or group home, and thus continue to live
3 unsheltered.

4 The legislature notes that technical innovations now make
5 it possible to build enough dwellings for every homeless person
6 in Hawaii at a lower cost than what the State spends on the
7 ancillary costs of unsheltered, nomadic homelessness. The
8 legislature believes that the best way to achieve this on a
9 scale large enough to end homelessness is to incorporate
10 alternatively constructed homes into villages using Housing
11 First practices. The legislature further finds that there is
12 sufficient unutilized or under-utilized state land suitable for
13 the construction of homeless villages.

14 Accordingly, the purpose of this Act, which shall be known
15 as the "Puuhonua Villages Act", is to establish a puuhonua
16 homeless villages pilot program under a Housing First paradigm.

17 SECTION 2. The department of human services shall identify
18 the state lands to be used for the puuhonua homeless villages
19 pilot program. The department may collaborate with the state
20 office of planning and the University of Hawaii to identify
21 state lands that may be used for the pilot program.



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SECTION 3. (a) There is established within the department of human services a puuhonua homeless villages pilot program that provides housing and supportive services to homeless persons under a Housing First paradigm. The pilot program shall be operated in a manner that is reasonably consistent with the following requirements:

(1) The department shall contract to build no less than homes, which shall be completed no later than two years after the effective date of this Act, or two years after the date the governor makes the land available to the department for the puuhonua homeless villages pilot program, whichever occurs later;

(2) The cost to the department to construct each home shall not exceed \$15,000 per home;

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

(4) Homes shall be private dwellings for homeless individuals and families who should reside in the dwelling for no more than twelve months;



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

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

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

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

12 provided that the department may adjust these amounts
13 as necessary;

14 (6) To facilitate proper management and delivery of
15 supportive services, a village shall be no less than
16 two acres in size and contain no more than one hundred
17 homes;

18 (7) A village shall have facilities for residents, which
19 shall include:

20 (A) A reasonable number of showers;

21 (B) Bathrooms;



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1 (C) A kitchen;

2 (D) Lockers for residents' valuables; and

3 (E) A mailing address; and

4 (8) A village shall have systems to dispose of trash and
5 other waste.

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

11 (c) The department may designate a village to exclusively
12 or non-exclusively accommodate certain sub-populations of the
13 homeless community, including but not limited to:

14 (1) Unaccompanied minors;

15 (2) Severely mentally ill persons;

16 (3) Persons addicted to drugs or alcohol; or

17 (4) Persons who are prone to violence.

18 (d) The department shall adopt rules pursuant to chapter
19 91, Hawaii Revised Statutes, as well as policies and procedures,
20 for the purpose of qualifying applicants for residency under the
21 puuhonua homeless villages pilot program. Qualification rules,



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1 policies, and procedures shall be consistent with the rules,
2 policies, and procedures of the United States Department of
3 Housing and Urban Development's Coordinated Entry System. To
4 the extent practicable, the department shall ensure that
5 qualification procedures for residency under the pilot program
6 provide for rapid admission and use the least restrictive
7 standards practicable.

8 (e) The department may collaborate with security and law
9 enforcement agencies to provide security for the puuhonua
10 homeless villages pilot program.

11 (f) The department may work with appropriate agencies to
12 ensure that residents have reasonable access to public
13 transportation and access to services and assistance during
14 their temporary stay.

15 SECTION 4. All state, county, or other local permitting or
16 construction fees shall be waived with respect to the approvals
17 of dwellings contemplated under section 3 of this Act.

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



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1 construct homes and physical infrastructure as required by
2 section 3 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 \$ or so
7 much thereof as may be necessary for fiscal year 2018-2019 for
8 the management, maintenance, and day-to-day operations of
9 puuhonua homeless villages established under section 3 of this
10 Act.

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

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

16 **"§662- Immunity from liability for provision of housing**
17 **or services to homeless persons.** An employee of the State who
18 provides housing or services to a homeless person shall be
19 immune from civil liability in any action based upon the acts or
20 omissions of the employee; provided that the employee was acting



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1 in good faith and within the scope of the employee's functions
2 and duties as an employee of the State."

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

6 **"§662D- Immunity from liability for provision of**
7 **housing or services to homeless persons.** A volunteer who
8 provides housing or services to a homeless person on behalf of
9 the State shall be immune from civil liability in any action
10 based upon the acts or omissions of the volunteer; provided that
11 the volunteer was acting in good faith and within the scope of
12 the volunteer's official functions and duties with the State."

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

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

- 16 (1) Any claim based upon an act or omission of an employee
17 of the State, exercising due care, in the execution of
18 a statute or regulation, whether or not such statute
19 or regulation is valid, or based upon the exercise or
20 performance or the failure to exercise or perform a
21 discretionary function or duty on the part of a state



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officer or employee, whether or not the discretion involved has been abused;

(2) Any claim arising in respect of the assessment or collection of any tax, or the detention of any goods or merchandise by law enforcement officers;

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

(4) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, 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



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1 (8) Any claim arising out of the acts or omissions of a
2 volunteer acting on behalf of the State or an employee
3 of the State acting within the scope of the employee's
4 employment who provides housing or services to a
5 homeless person, or based upon the exercise or
6 performance or the failure to exercise or perform a
7 discretionary function or duty, whether or not the
8 discretion involved has been abused."

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

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

12
INTRODUCED BY:

Will Egan
James Mercado-Kin
[Signature]



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Report Title:

Housing; DHS; Puuhonua Homeless Villages Pilot Program

Description:

Establishes within the Department of Human Services a Puuhonua Homeless Villages Pilot Program and requires DHS to identify lands for the pilot program. Waives applicable state and county permitting and approval fees. 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.

