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# A BILL FOR AN ACT

RELATING TO HOMELESS SHELTERS.

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

1           SECTION 1. In an attempt to make the homeless shelter  
2 system more cost effective and more appealing to families and  
3 individuals, the legislature enacted Act 234, Session Laws of  
4 Hawaii 2016, and revised chapter 346, Hawaii Revised Statutes,  
5 by adding a new section to part XVII to establish minimum  
6 requirements for every homeless emergency shelter operated by a  
7 provider agency that is under contract with the department of  
8 human services. Act 234 amended definitions in section 346-361,  
9 Hawaii Revised Statutes, and amended section 346-371, Hawaii  
10 Revised Statutes, which requires provider agencies to conduct  
11 annual audits. Act 234 amended section 346-374, Hawaii Revised  
12 Statutes, directing the department of human services to pay  
13 homeless shelter stipends only for performance measures actually  
14 achieved by the provider agency, and requiring that the  
15 collection of shelter and service payments from homeless  
16 families or individuals be based on the families' and  
17 individuals' ability to pay.



1           The legislature finds that there is wide variation in the  
2 configuration of homeless emergency shelters across the State.  
3 In particular, there are distinct differences between emergency  
4 shelters located in rural areas as compared to shelters that are  
5 located in more densely populated urban communities. To ensure  
6 that the minimum health and safety standards adopted by the  
7 department of human services provide sufficient flexibility to  
8 address these diverse needs, the department needs additional  
9 time to meet with shelter providers and discuss the ability to  
10 bring shelter space into compliance with Act 234.

11           Additionally, there is concern that without flexibility in  
12 regard to the requirement for partitioned shelter spaces, if Act  
13 234 is implemented as currently enacted, there may be  
14 significant reduction in shelter space among certain homeless  
15 shelters.

16           This Act is intended to provide the department of human  
17 services with the discretion to determine the emergency homeless  
18 shelters that may require partition space for homeless persons  
19 or families based upon guidelines determined by the department  
20 of human services. In addition, the measure will extend the  
21 effective date of Act 234, Session Laws of Hawaii 2016, by one



1 year to provide additional time for the department to implement  
2 the Act.

3 SECTION 2. Act 234, Session Laws of Hawaii 2016, section  
4 2, is amended by amending subsection (b) of the proposed new  
5 section 346- , Hawaii Revised Statutes, to read as follows:

6 "(b) The department shall require an emergency shelter to  
7 comply with the following:

8 (1) The shelter shall have the number of showers and  
9 bathrooms that the department deems appropriate and  
10 sufficient for the number of homeless families or  
11 individuals [~~that~~] who use the shelter and the  
12 capacity of the shelter. The showers and bathrooms  
13 may be part of the shelter building or portable and  
14 unattached to the shelter building;

15 (2) The shelter [~~shall~~] may have partitioned space for  
16 each homeless family or individual that provides  
17 separation from other homeless families or individuals  
18 in the shelter. The minimum area of the partitioned  
19 space and height of the partition shall be determined  
20 by the department and may differ among [~~transitional~~]  
21 emergency shelters, according to the number of



1 homeless families or individuals [~~that~~] who use the  
2 shelter and the capacity of the shelter. A shelter  
3 that provides separate rooms or portable dwelling  
4 units for homeless families or individuals, including  
5 converted shipping containers or school classrooms,  
6 shall be deemed to exceed this minimum requirement;  
7 and

8 (3) The shelter shall provide storage for the personal  
9 possessions of each homeless family or individual  
10 served by the shelter. The storage shall be securable  
11 by the homeless family or individual. The type and  
12 number of the storage equipment, space, or area shall  
13 be determined by the department."

14 SECTION 3. Act 234, Session Laws of Hawaii 2016, is  
15 amended by amending section 6 to read as follows:

16 "SECTION 6. (a) For the purpose of this section,  
17 "emergency shelter", "provider agency", and "transitional  
18 shelter" mean the same as defined under section 346-361, Hawaii  
19 Revised Statutes.

20 (b) Each contract that takes effect after June 30, [2017,]  
21 2018, between the department of human services and a provider



1 agency for the operation or management of an emergency or  
2 transitional shelter shall comply with this Act. This  
3 requirement shall apply whether the contract is entered into,  
4 renewed, or extended before or after June 30, [~~2017.~~] 2018.

5 (c) Beginning July 1, 2016, the department of human  
6 services shall work with provider agencies to implement this  
7 Act."

8 SECTION 4. Act 234, Session Laws of Hawaii 2016, is  
9 amended by amending section 8 as follows:

10 "SECTION 8. This Act shall take effect on July 1, [~~2017;~~]  
11 2018; provided that section 6 shall take effect on July 1,  
12 2016."

13 SECTION 5. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on June 30, 2017.

16



**Report Title:**

Homeless Shelters; Requirements

**Description:**

Establishes that emergency shelters may provide partitioned space for homeless persons or families based upon guidelines determined by the department of human services. Extends the effective date for Act 234, Session Laws of Hawaii 2016, by one year. Takes effect June 30, 2017. (SD1)

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

