

JAN 26 2022

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# A BILL FOR AN ACT

RELATING TO HOMELESSNESS.

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

1       SECTION 1. The legislature finds that, under the  
2       governor's 2015 emergency proclamation declaring homelessness a  
3       State of emergency in Hawaii, the State and counties, in  
4       partnership with developers and nonprofits, created portable  
5       homes. These homes, commonly referred to as tiny homes or  
6       kauhale, were exempted from county building permits and other  
7       restrictions. The semi-permanent tiny home or kauhale villages  
8       are a pathway out of homelessness for working residents who  
9       cannot afford market rentals.

10       The legislature further finds that, according to a  
11       January 10, 2022, Honolulu Star-Advertiser article, the below-  
12       market rent for a studio apartment is \$1320 for a 326 square  
13       foot unit. However, a family with parents working full-time and  
14       earning the minimum wage of \$10.10 per hour cannot even afford  
15       such a small studio because it is over fifty per cent of their  
16       net take home pay. Additionally, for those classified as low-  
17       income, which is commonly defined as eighty per cent of the area



1 median income, or \$67,680 for an individual and \$77,360 for a  
2 couple in Hawaii, existing housing is far from affordable.  
3 These low-income individuals, who are common to our tourism  
4 industry, are usually left with few choices and thus, portable  
5 home villages like Kauhiki village on Sand Island are filled  
6 with low-income working families.

7 The legislature further finds that a pathway to ensure  
8 homes for low-income working families must be guaranteed so that  
9 those low-income working families will not become homeless once  
10 the Governor's Emergency Proclamation expires. Continued  
11 support for tiny home or kauhale villages for low-income working  
12 families is needed as a path out of homelessness until the  
13 market creates permanent homes for low-income working families.

14 The proclamation has been ongoing since October 2015, it is  
15 unlikely that the policies enacted by the proclamation can  
16 continue much longer without legislative action. Accordingly,  
17 the purpose of this Act is to ensure continued support for the  
18 tiny homes program beyond the governor's proclamation of a state  
19 of emergency due to homelessness.

20 SECTION 2. For purposes of this Act:



1 "Homeless" has the same meaning as in section 346-361,  
2 Hawaii Revised Statutes.

3 "Low-income rental" means a residential rental targeting  
4 households earning below eighty per cent of the area median  
5 income.

6 SECTION 3. All low-income rentals, tiny home villages, or  
7 kauhale built on state land pursuant to the governor's 2015 and  
8 2018 proclamations on homelessness shall be exempt for the  
9 duration of the underlying lease from the following provisions  
10 of the Hawaii Revised Statutes; provided that the permanent  
11 housing created under the governor's proclamations on  
12 homelessness shall be safe, sanitary, and suitable for human  
13 habitation:

14 (1) Chapter 6E, historic preservation;

15 (2) Section 37-41, appropriations to revert to state  
16 treasury;

17 (3) Section 37-74(d), program execution, except for  
18 sections 37-74(d)(2) and 37-74(d)(3), and any such  
19 transfers or changes shall be considered authorized  
20 transfers or changes for purposes of section  
21 34-74(d)(1) for legislative reporting requirements;



- 1       (4)   Section 40-66, lapsing of appropriations;
- 2       (5)   Chapter 46, county organization and administration as
- 3           any county ordinance, rule, regulation, law, or
- 4           provision in any form applies to any county
- 5           permitting, licensing, zoning, variance, processes,
- 6           procedures, fees, or any other requirements that
- 7           hinder, delay, or impede the purpose of this Act;
- 8       (6)   Chapter 89, collective bargaining in public
- 9           employment;
- 10      (7)   Chapter 89C, public officers and employees excluded
- 11           from collective bargaining;
- 12      (8)   Chapter 92, public agency meetings and records, to the
- 13           extent that any notice requirements or any other
- 14           provisions of chapter 92 may delay the expeditious
- 15           action, decision, or approval of any agency;
- 16      (9)   Section 102-2, contracts for concessions in government
- 17           buildings; bid requirements;
- 18      (10)   Section 103-2, general fund;
- 19      (11)   Section 103-53, contracts with the State or counties;
- 20           tax clearances, assignments;



- 1       (12)   Section 103-55, wages, hours, and working conditions
- 2           of employees of contractors performing services;
- 3       (13)   Chapter 103D, Hawaii public procurement code;
- 4       (14)   Chapter 103F, purchases of health and human services;
- 5       (15)   Chapter 104, wages and hours of employees on public
- 6           works;
- 7       (16)   Sections 105-1 to 105-10, use of government vehicles,
- 8           limitations;
- 9       (17)   Section 127A-30, rental or sale of essential
- 10          commodities during a state of emergency; prohibition
- 11          against price increases;
- 12       (18)   Chapter 171, public lands;
- 13       (19)   Chapter 205, land use commission;
- 14       (20)   Chapter 205A, coastal zone management;
- 15       (21)   Chapter 206E, Hawaii community development authority;
- 16       (22)   Chapter 343, environmental impact statements;
- 17       (23)   Chapter 346, social services;
- 18       (24)   Section 464-4, public works required to be supervised
- 19          by certain professionals; and
- 20       (25)   Sections 601-1.5, 708-817, 708-818, 708-820,
- 21          708-830.5, and 708-840, to the extent that these



1 sections contain provisions for the suspension,  
2 tolling, extension, or granting of relief from  
3 deadlines, time schedules, or filing requirements in  
4 civil, criminal, or administrative matters before the  
5 courts of the State or to the extent that these  
6 sections contain provisions for criminal penalties  
7 that are automatically heightened by reason of any  
8 declared disaster or emergency.

9 SECTION 4. (a) There is established the low-income tiny  
10 home village pilot program to provide permanent long-term  
11 housing and certain services to homeless individuals and  
12 individuals whose income is at or below fifty per cent of the  
13 area median income for the State.

14 (b) A low-income tiny home village may have shared  
15 facilities, including restrooms and kitchens, to promote shared  
16 responsibility and to reduce cost and infrastructure needs.

17 (c) The department of human services shall:

18 (1) In consultation with the Hawaii housing finance and  
19 development corporation and the counties, administer  
20 and oversee the operation of the low-income tiny home  
21 village pilot program;



- 1           (2) Designate the Hawaii housing finance and development  
2           corporation and other appropriate agencies, including  
3           an agency with specific expertise in construction  
4           development and any state agency with specific  
5           expertise in administering homeless services and  
6           housing services, to develop and implement the low-  
7           income tiny home village pilot program;
- 8           (3) Using the identified public lands described in the  
9           office of planning and sustainable development 2015  
10          study as potentially appropriate for affordable  
11          housing, determine the amount of funds per county  
12          needed for such public lands to be improved and have  
13          the necessary infrastructure to develop low-income  
14          rentals;
- 15          (4) Recommend a plan for the development and management of  
16          such lands for low-income rentals;
- 17          (5) Identify sources of funding for the development and  
18          management of low-income rentals; and
- 19          (6) Identify legal barriers that may need county or  
20          legislative approval.

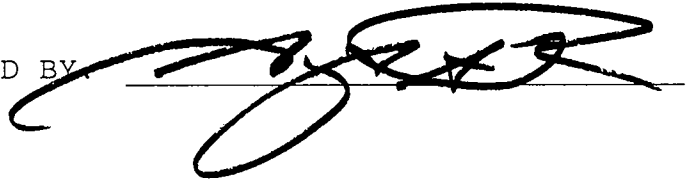


# S.B. NO. 3169

1       SECTION 5. The department of human services shall submit a  
2 report of its findings and recommendations, including any  
3 proposed legislation, to the legislature no later than twenty  
4 days prior to the convening of the regular session of 2023.

5       SECTION 6. This Act shall take effect upon its approval.

6  
INTRODUCED BY \_\_\_\_\_

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# S.B. NO. 3169

**Report Title:**

Low-Income Rental Tiny Home Village Pilot Program; Department of Human Services; Hawaii Housing Finance and Development Corporation

**Description:**

Establishes the low-income rental tiny home village pilot program to provide shelter and certain services to low-income and homeless individuals. Ensures that existing low-income tiny home projects created during periods covered by the Governor's emergency proclamation shall continue on as long as the underlying state land lease continues.

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

