
A BILL FOR AN ACT

RELATING TO HOMELESSNESS.

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

1 PART I

2 SECTION 1. The legislature finds that homelessness
3 continues to be one of Hawaii's most dire and persistent
4 challenges. The legislature further finds that the solution to
5 homelessness lies in the creation of homes that are affordable,
6 even to individuals with very little income. However, three of
7 the biggest barriers to creating truly affordable housing for
8 those most in need are the high cost of construction per unit of
9 housing; a long and unpredictable planning and permitting
10 process that adds risk and costs for developers; and opponents
11 to housing projects that use the difficult planning and
12 permitting process to block unwanted projects.

13 Despite these obstacles, Hawaii has unique advantages that
14 it can draw upon to end homelessness, particularly its strong
15 sense of family and community. Many people experiencing
16 homelessness build a community with each other where they can
17 and are accustomed to operating like a village, relying on each



1 other for safety and support. These supportive networks can be
2 leveraged to create village-style affordable housing, or
3 kauhale, that is less costly to construct and operate.
4 Expediting the creation of such kauhale, either through new
5 construction or adaptive re-use of existing buildings, can help
6 bring an end to Hawaii's homeless crisis.

7 The purpose of this Act is to:

- 8 (1) Establish a kauhale program under the Hawaii public
9 housing authority to provide housing and services to
10 homeless individuals; and
11 (2) Provide continued exemptions for low-income rentals,
12 tiny homes, and kauhale constructed pursuant to the
13 governor's 2015 and 2018 proclamations on
14 homelessness.

15 PART II

16 SECTION 2. Chapter 356D, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§356D- Kauhale program; established. (a) There is
20 established the kauhale program under the authority to provide
21 individual or shared micro housing units and services to



1 homeless individuals and families who meet the definition of
2 homeless, as defined by the United States Department of Housing
3 and Urban Development.

4 (b) The authority shall cooperate with any state
5 departments or agencies and private nonprofit organizations as
6 needed to expedite the development and operation of housing
7 under the kauhale program, including agencies with specific
8 expertise in construction development and agencies with specific
9 expertise in administering homeless services. The authority
10 shall construct kauhale across the State, which shall
11 be situated on public or private lands in accordance with
12 subsection (c); provided that the authority shall identify at
13 least three sites on Oahu and one site on each of the islands of
14 Hawaii, Kauai, and Maui for a kauhale.

15 (c) The authority may coordinate with public or private
16 entities, as appropriate, to develop and implement the kauhale
17 program; provided that:

18 (1) If any public land under the jurisdiction of a state
19 or county agency is determined to be suitable for use
20 as a kauhale, the authority shall:



- 1 (A) Work with the appropriate state or county agency
2 that controls the land to transfer the land
3 designated for use as a kauhale to an agency or
4 nonprofit whose mission is more suited to the
5 management of housing individuals who meet the
6 definition of chronically homeless persons; and
7 (B) Work with the appropriate state or county agency
8 that controls the land and its construction
9 agency to ensure that the kauhale's
10 infrastructure needs are met and minimize adverse
11 impacts to the environment, including nearshore
12 resources such as corals, reef fish, and
13 seabirds;
14 (2) Use of any private lands determined to be suitable for
15 use as a kauhale shall be for limited purposes and
16 require a written agreement between the private land
17 owner; provided that the private land owner shall
18 ensure the private lands shall be used for affordable
19 housing in perpetuity through a deed restriction,
20 easement, or other legally binding measure; and



1 (3) The kauhale communities may allow for off-the-grid
2 technologies that can provide drinking water,
3 electricity, and process sewage without existing
4 infrastructure.

5 (d) The kauhale program may provide the following
6 facilities and services at each site:

7 (1) Secure dwelling spaces that:

8 (A) May be private or communal;

9 (B) Are designed aesthetically and constructed of
10 quality materials;

11 (C) Have access to toilets, showers, and other
12 hygiene facilities;

13 (D) Have access to adequate facilities that allow for
14 cooking and meal preparation;

15 (E) Have common spaces that build community and
16 encourage sustainability; and

17 (F) Include living units; provided that the size of a
18 unit in the kauhale shall not exceed five hundred
19 square feet with livable space not to exceed two
20 hundred square feet but at least one hundred



- 1 twenty square feet of net interior for the
2 purposes of keeping cost low;
- 3 (2) Medical and social support services; and
- 4 (3) Transportation to appointments related to medical care
5 or supportive services that are not available onsite.
- 6 (e) The construction of living units pursuant to section
7 (d) (1) (F) shall be exempt from the requirements of chapter 46,
8 to the extent that any county ordinance, rule, regulation, law,
9 or provision that applies to any county permitting, licensing,
10 zoning, variance, processes, procedures, fees, or any other
11 requirements that hinder, delay, or impede the purposes of this
12 section; provided that:
- 13 (1) All construction shall conform to drawings and plans
14 stamped by licensed architects and engineers;
- 15 (2) Stamped drawings and plans shall be submitted to the
16 appropriate county planning and permitting departments
17 for informational purposes;
- 18 (3) Submitted plans shall list any deviations from
19 existing county building codes; and
- 20 (4) No deviations from any county building codes that
21 relate to life safety shall be allowed.



1 (f) The authority may employ persons for the kauhale
2 program who are exempt from chapters 89 and 89C.

3 (g) Any appropriations by the legislature for the kauhale
4 program shall be exempt from sections 37-41.

5 (h) The state historic preservation division shall
6 prioritize the review of projects under the kauhale program and
7 shall complete its review of the projects within forty-five days
8 of initiating the review. If a review of a project under the
9 kauhale program is not completed by the state historic
10 preservation division within forty-five days of the division
11 initiating its review, the project shall be exempt from chapter
12 6E; provided that the developer for the project shall commission
13 historical, cultural, and archaeological background research and
14 a field inspection report by a licensed archaeologist; provided
15 further that the report shall:

16 (1) Define the likelihood that historic or cultural assets
17 may be affected by the project;

18 (2) Make cultural resource management recommendations if
19 historical or cultural assets are likely to be
20 affected by the project; and



1 (3) Shall be submitted to the state historic preservation
2 division for informational purposes.

3 (i) Projects shall be exempt from the land use
4 requirements under chapter 205; provided that the site plan for
5 the development of a project shall include measures to conform
6 with the purposes of the original classification of the land on
7 which the project is to be built.

8 (j) The kauhale program shall be exempt from the
9 requirements of chapters 206E and 346, and sections 102-2,
10 103-53, 103-55, 105-1 to 105-10, and 464-4.

11 (k) The authority shall establish the following:

12 (1) The criteria that the authority will use to evaluate
13 potential kauhale locations;

14 (2) A monthly timetable of milestones that the authority
15 expects to meet in establishing the kauhale;

16 (3) The specific, measurable, attainable, reasonable, and
17 time-based performance measures that the authority
18 expects to meet at the end of each fiscal year;

19 (4) The evaluation criteria and process that the authority
20 intends to use each year when reviewing the success
21 and sustainability of the kauhale; and



1 (5) The monitoring and oversight controls that the
2 authority will have over the kauhale to identify,
3 address, and prevent possible fraud, waste, and abuse
4 and ensure compliance with federal, state, and local
5 laws.

6 (1) There is established a community advisory committee
7 for the kauhale program to advise and assist the authority,
8 which shall comprise the following members appointed by the
9 governor in the manner provided in section 26-34:

- 10 (1) Two nonprofit developers of affordable housing;
11 (2) Two nonprofit homeless services providers;
12 (3) One representative of Partners in Care;
13 (4) One representative of Bridging the Gap Hawaii; and
14 (5) Two individuals who are currently experiencing or have
15 experienced homelessness within twenty-four months
16 prior to appointment.

17 (m) The authority shall submit reports to the legislature
18 no later than twenty days prior to the convening of each regular
19 session, beginning with the regular session of 2023.



1 (n) The report submitted no later than twenty days prior
2 to the convening of the regular session of 2023 shall include
3 the following information:

4 (1) A summary and explanation of the process that the
5 authority engaged in to identify possible kauhale
6 locations; and

7 (2) A summary of the information required under subsection
8 (k).

9 (o) The reports submitted no later than twenty days prior
10 to the convening of each regular session following the regular
11 session of 2023 shall include the following information:

12 (1) The milestones established pursuant to subsection (n)
13 that were met by the authority and kauhale established
14 during the fiscal year;

15 (2) An evaluation of the kauhale to determine whether the
16 objectives set have been met or exceeded;

17 (3) Any proposed changes that need to be made to the
18 performance measures used to assess the achievement of
19 the kauhale program goals; and

20 (4) An assessment of the impact of the kauhale model on
21 the homelessness problem in the State.



1 (p) The authority shall consult with the department of
2 human services and department of health to administer the
3 kauhale program pursuant to this section.

4 (q) As used in this section, "kauhale" means individual or
5 shared micro housing units and services to homeless individuals
6 and families who meet the definition of chronically homeless, as
7 defined by the United States Department of Housing and Urban
8 Development."

9 Part III

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

- 18 (1) Chapter 6E, historic preservation;
19 (2) Section 37-41, appropriations to revert to state
20 treasury;



- 1 (3) Section 37-74(d), program execution, except for
2 sections 37-74(d)(2) and 37-74(d)(3), and any such
3 transfers or changes shall be considered authorized
4 transfers or changes for purposes of section
5 34-74(d)(1) for legislative reporting requirements;
- 6 (4) Section 40-66, lapsing of appropriations;
- 7 (5) Chapter 46, county organization and administration as
8 any county ordinance, rule, regulation, law, or
9 provision in any form applies to any county
10 permitting, licensing, zoning, variance, processes,
11 procedures, fees, or any other requirements that
12 hinder, delay, or impede the purpose of this Act;
- 13 (6) Chapter 89, collective bargaining in public
14 employment;
- 15 (7) Chapter 89C, public officers and employees excluded
16 from collective bargaining;
- 17 (8) Chapter 92, public agency meetings and records, to the
18 extent that any notice requirements or any other
19 provisions of chapter 92 may delay the expeditious
20 action, decision, or approval of any agency;



- 1 (9) Section 102-2, contracts for concessions in government
2 buildings; bid requirements;
- 3 (10) Section 103-2, general fund;
- 4 (11) Section 103-53, contracts with the State or counties;
5 tax clearances, assignments;
- 6 (12) Section 103-55, wages, hours, and working conditions
7 of employees of contractors performing services;
- 8 (13) Chapter 103D, Hawaii public procurement code;
- 9 (14) Chapter 103F, purchases of health and human services;
- 10 (15) Chapter 104, wages and hours of employees on public
11 works;
- 12 (16) Sections 105-1 to 105-10, use of government vehicles,
13 limitations;
- 14 (17) Section 127A-30, rental or sale of essential
15 commodities during a state of emergency; prohibition
16 against price increases;
- 17 (18) Chapter 171, public lands;
- 18 (19) Chapter 205, land use commission;
- 19 (20) Chapter 205A, coastal zone management;
- 20 (21) Chapter 206E, Hawaii community development authority;
- 21 (22) Chapter 343, environmental impact statements;



- 1 (23) Chapter 346, social services;
- 2 (24) Section 464-4, public works required to be supervised
3 by certain professionals; and
- 4 (25) Sections 601-1.5, 708-817, 708-818, 708-820,
5 708-830.5, and 708-840, to the extent that these
6 sections contain provisions for the suspension,
7 tolling, extension, or granting of relief from
8 deadlines, time schedules, or filing requirements in
9 civil, criminal, or administrative matters before the
10 courts of the State or to the extent that these
11 sections contain provisions for criminal penalties
12 that are automatically heightened by reason of any
13 declared disaster or emergency.

14 PART IV

15 SECTION 4. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so
17 much thereof as may be necessary for fiscal year 2022-2023 to
18 establish and administer the kauhale program pursuant to part II
19 of this Act.

20 The sum appropriated shall be expended by the Hawaii public
21 housing authority.



1 SECTION 5. New statutory material is underscored.

2 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Homelessness; Housing; Services; Kauhale Program; Hawaii Public Housing Authority; Appropriation

Description:

Requires the Hawaii Public Housing Authority, in consultation with the Department of Health and Department of Human Services to establish the kauhale program to provide individual or shared micro housing units and services to homeless individuals and families who meet the definition of homeless. Establishes an advisory committee. Requires reports to the Legislature. Exempts existing low-income rentals, tiny home villages, and kauhale from certain provisions for the duration of their underlying leases consistent with the Governor's 2015 and 2018 proclamations on homelessness. Appropriates funds. Effective 1/1/2050. (SD1)

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