

ACT 100

H.B. NO. 1098

A Bill for an Act Relating to Homeless Shelters.

Be It Enacted by the Legislature of the State of Hawaii:

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

The legislature finds that there is wide variation in the configuration of homeless emergency shelters across the State. In particular, there are distinct differences between emergency shelters located in rural areas as compared to shelters that are located in more densely populated urban communities. To ensure that the minimum health and safety standards adopted by the department of human services provide sufficient flexibility to address these diverse needs, the department needs additional time to meet with shelter providers and discuss the ability to bring shelter space into compliance with the requirements of Act 234, SLH 2016.

Additionally, there is concern that without flexibility for the requirement for partitioned shelter spaces, if Act 234, SLH 2016, is implemented as currently enacted, there may be significant reduction in shelter space among certain homeless shelters.

This Act is intended to provide the department of human services with discretion to determine which emergency homeless shelters may require partitioned space for each homeless person or family based upon guidelines determined by the department. In addition, this Act delays the effective date of Act 234, SLH 2016, except section 6(c), by one year to provide additional time for the implementation.

ACT 100

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

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

- (1) The shelter shall have the number of showers and bathrooms that the department deems appropriate and sufficient for the number of homeless families or individuals ~~[that]~~ who use the shelter and the capacity of the shelter. The showers and bathrooms may be part of the shelter building or portable and unattached to the shelter building;
- (2) The shelter ~~[shall]~~ may have partitioned space for each homeless family or individual that provides separation from other homeless families or individuals in the shelter. The minimum area of the partitioned space and height of the partition shall be determined by the department and may differ among ~~[transitional]~~ emergency shelters, according to the number of homeless families or individuals ~~[that]~~ who use the shelter and the capacity of the shelter. A shelter that provides separate rooms or portable dwelling units for homeless families or individuals, including converted shipping containers or school classrooms, shall be deemed to exceed this minimum requirement; and
- (3) The shelter shall provide storage for the personal possessions of each homeless family or individual served by the shelter. The storage shall be securable by the homeless family or individual. The type and number of the storage equipment, space, or area shall be determined by the department.”

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

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

(b) Each contract that takes effect after June 30, ~~[2017;]~~ 2018, between the department of human services and a provider agency for the operation or management of an emergency or transitional shelter shall comply with this Act. This requirement shall apply whether the contract is entered into, renewed, or extended before or after June 30, ~~[2017;]~~ 2018.

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

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

“SECTION 8. This Act shall take effect on July 1, ~~[2017;]~~ 2018; provided that subsection (c) of section 6 shall take effect on July 1, 2016.”

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

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

(Approved July 5, 2017.)