



GOV. MSG. NO. 704

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

July 7, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: House Bill No. 2318 HD2 SD1 CD1

On July 6, 2010, House Bill No. 2318, entitled "A Bill for an Act Relating to the Homeless" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to establish the Housing First Special Fund in the state treasury. Deposits to this special fund are to come from appropriations from the Legislature and gifts, donations, and grants from public agencies and private persons. The bill provides that each county may provide matching funds.

The bill also requires the Hawaii Public Housing Authority (HPHA), and the Department of Human Services, in consultation with the United States Department of Housing and Urban Development, to implement Housing First programs and services, as deemed appropriate, subject to the availability of funds.

Addressing the needs of the homeless has remained a priority for my Administration. Since 2006 we have built emergency shelters and transitional facilities to address the needs of families with children and adults who seek a clean, safe place to sleep at night. We have partnered with non-profit, private and faith-based organizations to establish a continuum of care that has provided pathways for thousands of families and individuals to move out of homelessness. But we also are cognizant more needs to be done.

This bill recognizes there are those within the homeless community who have been without shelter for extended periods. Many of them suffer from substance abuse or

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mental health issues. This measure attempts to address the needs of these chronically homeless but fails to provide sustainable, long term funding to tackle this problem.

This bill establishes the Housing First Special Fund, but does not contain an appropriation. Although \$1,000,000 is appropriated out of the Emergency and Budget Reserve Fund through Senate Bill No. 2469, such funding is limited to only one year. A successful Housing First program would need to have dedicated funding for more than a year. Further it would be inappropriate to fund Housing First programs at the expense of current programs that serve those with children and those who are "clean and sober."

I am also concerned with the vague terminology in this measure. The bill defines "chronically homeless" as "a homeless individual who has an addiction or a mental illness, or both." "Addiction" and "mental illness" are undefined. The resulting impact of the definition of "chronically homeless" is that it is very broad. The definition covers individuals who have any kind of addiction or mental illness and do not have a home, regardless of the length of time or number of times spent without a home. Further, the bill fails to exclude persons who have the resources to rent or who have access to other housing alternatives. This does not serve the purpose of servicing the truly chronically homeless.

We should not underestimate the resources it will take to address this fact. I urge the departments involved to develop a reasoned, realistic funding plan that can be implemented over the coming years to mirror the progress we have achieved to date in helping families, children and adults to regain a place to live.

For the foregoing reasons, I allowed House Bill No. 2318 to become law as Act 212, effective July 6, 2010, without my signature.

Sincerely,



LINDA LINGLE

A BILL FOR AN ACT

RELATING TO THE HOMELESS.

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

1 SECTION 1. Housing first, also known as rapid re-housing,
2 is a recent innovation in human-service programs meant to assist
3 homeless individuals. Housing first is an alternative to a
4 system of emergency shelters and transitional housing
5 progressions. Rather than moving homeless individuals through
6 different levels of housing on their way to independent living,
7 housing first moves homeless individuals immediately to their
8 own apartments. By creating a stable housing environment, other
9 issues that affect the household can be addressed, including
10 employment, job training, and health care.

11 Homeless individuals, especially the chronically homeless
12 with disabilities such as addictions and mental illnesses, are
13 extremely fragile. Chronically homeless individuals are the
14 least likely of the homeless population to reach independent
15 living.

16 The purpose of this Act is to establish a housing first
17 special fund to fund housing first programs and services and to
18 require the Hawaii public housing authority to implement housing



1 first programs and services, as the authority deems appropriate
2 for clientele who would most likely benefit and succeed from
3 housing first programs and services, and subject to the
4 availability of existing funds or housing first special fund
5 moneys.

6 SECTION 2. Chapter 356D, Hawaii Revised Statutes, is
7 amended by adding two new sections to be appropriately
8 designated and to read as follows:

9 "§356D-A Housing first special fund. (a) There is
10 established in the state treasury the housing first special
11 fund, into which shall be deposited:

- 12 (1) Appropriations by the legislature to the special fund;
13 and
14 (2) Gifts, donations, and grants from public agencies and
15 private persons.

16 Each county may provide matching funds, which shall also be
17 deposited into the housing first special fund.

18 (b) Moneys in the housing first special fund shall be
19 administered and expended by the Hawaii public housing authority
20 and shall be used to provide housing first programs and
21 services.



1 §356D-B Housing first programs. (a) The Hawaii public
2 housing authority, in collaboration with the department of human
3 services and consultation with the United States Department of
4 Housing and Urban Development, as necessary, shall implement
5 housing first programs and services, as the authority deems
6 appropriate for clientele who would most likely benefit from and
7 succeed with the implementation of housing first programs and
8 services, and subject to the availability of existing funds or
9 housing first special fund moneys.

10 (b) The principles of housing first include:

11 (1) Moving chronically homeless individuals into housing
12 directly from streets and shelters, without a
13 precondition of accepting or complying with treatment;
14 provided that the authority may condition continued
15 tenancy through a housing first program on
16 participation in treatment services;

17 (2) Providing robust support services for program
18 participants, predicated on assertive engagement
19 instead of coercion;

20 (3) Granting chronically homeless individuals priority as
21 program participants in housing first programs;



- 1 (4) Embracing a harm-reduction approach to addictions,
2 rather than mandating abstinence, while supporting
3 program-participant commitments to recovery; and
4 (5) Providing program-participants with leases and tenant
5 protections as provided by law.

6 The Hawaii public housing authority, in collaboration with
7 the department of human services, may contract with housing
8 first consultants to effectuate the purposes of this section.

9 (c) Housing first programs shall incorporate the
10 following:

- 11 (1) Identification of target populations, specifically
12 chronically homeless individuals;
13 (2) Developing assessments for the chronically homeless
14 population;
15 (3) Developing service components, including:
16 (A) Financial assistance;
17 (B) In-home case management services;
18 (C) Affordable housing requirements;
19 (D) Landlord cultivation;
20 (E) Housing-placement requirements; and
21 (F) Support services to move program-participants
22 toward self-sufficiency.



1 (d) The Hawaii public housing authority, in collaboration
2 with the department of human services, shall submit an annual
3 report to the legislature no later than twenty days prior to the
4 convening of each regular session, beginning with the regular
5 session of 2011. The annual report shall include:

6 (1) The total number of participants in housing first
7 programs;

8 (2) The annual costs of the programs;

9 (3) The types of support services offered; and

10 (4) Information regarding the duration of services
11 required for each participant.

12 (e) As used in this section, "chronically homeless
13 individual" means a homeless individual who has an addiction or
14 a mental illness, or both."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. In codifying the new sections added by section
17 2 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.

20 SECTION 5. In codifying the new sections added by section
21 2 of this Act, the revisor of statutes shall, as appropriate:



- 1 (1) Add the two new sections in section 2 of this Act to
- 2 chapter 346, Hawaii Revised Statutes;
- 3 (2) Substitute the words "department of human services" or
- 4 "department" wherever the words "Hawaii public housing
- 5 authority" or "authority" appear;
- 6 (3) Substitute "section 346-A" or "§346-A" wherever
- 7 "section 356D-A" or "§356D-A" appear; and
- 8 (4) Substitute "section 346-B" or "§346-B" wherever
- 9 "section 356D-B" or "§356D-B" appear.

10 SECTION 6. This Act shall take effect on July 1, 2010;

11 provided that section 5 shall take effect upon the enactment of

12 Senate Bill No. 910, S.D. 1, H.D. 2, C.D. 1 or any other House

13 or Senate bill passed by the 2010 legislature which transfers

14 homeless programs from the Hawaii public housing authority to

15 the department of human services.

APPROVED this day of , 2010

GOVERNOR OF THE STATE OF HAWAII

