

---

---

# A BILL FOR AN ACT

RELATING TO COMMUNITY SERVICES AND THE STATE HOMELESS PROGRAMS.

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

1 SECTION 1. The purpose of this Act is to streamline the  
2 State's delivery of key human service programs by merging the  
3 functions and duties of the office of community services of the  
4 department of labor and industrial relations with those of the  
5 homeless programs branch of the Hawaii public housing authority.  
6 The two programs will be reestablished together as the office of  
7 homeless and community services within the department of human  
8 services. The establishment of this new office will enable  
9 programs and services with related duties to work with greater  
10 synergy and to serve as a more effective resource for the needy  
11 clients and communities they serve.

12 SECTION 2. The Hawaii Revised Statutes is amended by  
13 adding a new chapter to be appropriately designated and to read  
14 as follows:

15 **"CHAPTER**

16 **COMMUNITY SERVICES**

17 **§ -1 Findings and purpose.** The State of Hawaii has long  
18 been a leader among the states in the development of progressive



1 and innovative undertakings on behalf of its neediest residents.  
2 Securing the well-being of all of the State's citizens and  
3 residents continues to be a policy objective deserving of the  
4 highest priority.

5 As we commit a growing share of the State's resources to  
6 programs and services to assist those at the lowest end of the  
7 income scale, the homeless, the disadvantaged, refugees,  
8 immigrants, and others in need, we also have the opportunity to  
9 ensure that government resources are used prudently, in the most  
10 cost-effective manner possible.

11 The State recognizes changes in societal attitudes, values,  
12 and priorities which have produced new issues requiring  
13 innovative approaches for their resolution.

14 The purpose of this chapter is to allow the establishment  
15 of the office of homeless and community services, which office  
16 may be attached to the department of human services for  
17 administrative purposes. The primary purpose of the office is  
18 to facilitate and enhance the development, delivery, and  
19 coordination of effective services and programs for the most  
20 vulnerable individuals within the state. Once established, the  
21 office of homeless and community services within the department  
22 of human services may:



- 1 (1) Assist groups within local communities such as  
2 disadvantaged persons, refugees, and immigrants who  
3 have special and distinct needs;
- 4 (2) Improve the efficiency and effectiveness of the  
5 operations of the executive branch;
- 6 (3) Improve responsiveness to the neediest residents of  
7 Hawaii;
- 8 (4) Provide timely, coordinated, and comprehensive  
9 responses to the needs of those who are homeless;
- 10 (5) Respond to the growing number of homeless families and  
11 individuals who are unable to find fixed, regular, and  
12 adequate shelter;
- 13 (6) Establish and govern the services and facilities of  
14 the State's homeless programs and community services  
15 through a single point of entry; and
- 16 (7) Fix responsibility and accountability for successfully  
17 carrying out programs, policies, and priorities of the  
18 office.

19 **§ -2 Definitions.** In this chapter, unless the context  
20 otherwise requires:

21 "Donor" means any individual, partnership, corporation,  
22 joint-stock company, unincorporated organization, foundation,



1 estate, trust, or any other person or firm that donates money,  
2 real property, goods, or services to a homeless facility, or any  
3 other program for the homeless authorized by this chapter,  
4 including members of any governing body, trustees, officers,  
5 partners, principals, stockholders, members, managers,  
6 employees, contractors, agents of these entities, or any person  
7 who was involved with the donation.

8 "Emergency shelter" means a homeless facility designed to  
9 provide temporary shelter and appropriate and available services  
10 to homeless families or individuals for a specified period of  
11 time.

12 "Homeless" means:

- 13 (1) An individual or family who lacks a fixed, regular,  
14 and adequate night-time residence; or  
15 (2) An individual or family who has a primary night-time  
16 residence that is:  
17 (A) A supervised publicly or privately operated  
18 shelter designed to provide temporary living  
19 accommodations;  
20 (B) An institution that provides temporary residence  
21 for individuals intended to be institutionalized;  
22 or



1 (C) A public or private place not designed for or  
2 ordinarily used as sleeping accommodations for  
3 human beings.

4 The term "homeless" shall not include any individual  
5 imprisoned or otherwise detained under an Act of Congress or a  
6 state law.

7 "Homeless facility" means a development designed to provide  
8 shelter for homeless families or individuals pursuant to this  
9 chapter, or to facilitate any other homeless program authorized  
10 by this chapter, and may include emergency or transitional  
11 shelters.

12 "Homeless shelter stipend" means a payment to a provider  
13 agency or to the office on behalf of a homeless family or  
14 individual to assist with the costs of operating a homeless  
15 facility and providing appropriate services.

16 "Office" means the office of homeless and community  
17 services.

18 "Provider agency" means an organization, including its  
19 governing board, officers, employees, contractors, or agents,  
20 contracted by the office to provide labor and services to any  
21 homeless facility, or any other program for the homeless  
22 authorized by this chapter, that is:



1 (1) A for-profit organization incorporated under the laws  
2 of the State or a nonprofit organization determined by  
3 the Internal Revenue Service to be exempt from the  
4 federal income tax; or

5 (2) A nonprofit organization, with a governing board whose  
6 members have no material conflict of interest and who  
7 serve without compensation, with bylaws or policies  
8 that describe the manner in which business is  
9 conducted and policies that relate to nepotism and  
10 management of potential conflict-of-interest  
11 situations.

12 "Transitional shelter" means a homeless facility designed  
13 to provide temporary shelter and appropriate and available  
14 services to homeless families or individuals for up to twenty-  
15 four months.

16 **§ -3 Office of homeless and community services;**  
17 **establishment.** (a) There may be established within the  
18 department of human services, for administrative purposes only,  
19 an office of homeless and community services. The following may  
20 be among the programs to be under the auspices of and  
21 coordinated through the office:

22 (1) Progressive neighborhoods program;



1 (2) Hawaii office of economic opportunity;

2 (3) Refugee resettlement program;

3 (4) State immigrant services center; and

4 (5) State homeless programs.

5 (b) The head of the office shall be known as the executive  
6 director of the office of homeless and community services,  
7 hereinafter referred to as executive director. The executive  
8 director shall have:

9 (1) Training and experience in the field of social work,  
10 education, public health, or related fields;

11 (2) Direct experience in programs and services related to  
12 disadvantaged persons, refugees, or immigrants; and

13 (3) Experience in a supervisory, consultative, or  
14 administrative capacity.

15 The executive director shall be appointed by the governor  
16 without regard to chapter 76, and shall be compensated at a  
17 salary level no less than that of a second deputy. The  
18 executive director shall be included in any benefit program  
19 generally applicable to the officers and employees of the State.

20 **§ -4 General functions, duties, and powers of the**  
21 **executive director.** The executive director shall:



- 1 (1) Serve as the principal official in state government  
2 responsible for the coordination of programs for low-  
3 income, disadvantaged, and homeless persons; refugees;  
4 and immigrants;
- 5 (2) Oversee, supervise, and direct the performance by  
6 subordinates of activities in such areas as planning,  
7 evaluation, and coordination of programs for low-  
8 income, disadvantaged, and homeless persons; refugees;  
9 and immigrants and development of a statewide service  
10 delivery network;
- 11 (3) Assess the policies and practices of public and  
12 private agencies affecting the disadvantaged and  
13 conduct advocacy efforts on behalf of the office's  
14 target populations;
- 15 (4) Devise and recommend legislative and administrative  
16 actions for the improvement of services for low-  
17 income, disadvantaged, and homeless persons; refugees;  
18 and immigrants;
- 19 (5) Serve as a member of advisory boards and panels of  
20 state agencies in such areas as child development  
21 programs, elder programs, social-services programs,  
22 homeless programs, public-housing programs, health and





- 1 medical assistance programs, refugee-assistance  
2 programs, and immigrant-services programs;
- 3 (6) Administer funds allocated for the office of homeless  
4 and community services and apply for, receive, and  
5 disburse grants and donations from all sources for  
6 programs and services to assist low-income,  
7 disadvantaged, and homeless persons; refugees; and  
8 immigrants;
- 9 (7) Adopt, amend, and repeal rules pursuant to chapter 91  
10 for purposes of this chapter; provided that any rules  
11 relating directly to homelessness authorized by any  
12 statute, shall be exempt from the public notice,  
13 public hearing, and gubernatorial approval  
14 requirements of chapter 91, and shall take effect  
15 immediately upon filing with the office of the  
16 lieutenant governor;
- 17 (8) Retain staff as may be necessary for the purposes of  
18 this chapter, who shall be exempt from chapter 76; and
- 19 (9) Contract for services as may be necessary for the  
20 purposes of this chapter.



1           **§ -5 General duties of the office of homeless and**  
2 **community services.** The office of homeless and community  
3 services may:

4           (1) Establish statewide goals and objectives relating to  
5           low-income, disadvantaged, and homeless persons;  
6           refugees; and immigrants;

7           (2) Study facts concerning the needs of low-income,  
8           disadvantaged, and homeless persons; refugees; and  
9           immigrants in the state through adequate research  
10          studies, with the research to be carried on whenever  
11          possible through the departments or agencies of the  
12          state and county governments responsible for providing  
13          services in the fields of health, education, social  
14          welfare, employment, housing, homelessness, and  
15          related areas. Where the research cannot be done  
16          within established agencies, it shall be carried out  
17          by the office or contracted by the office;

18          (3) Review legislation pertaining to programs within the  
19          purview of the office and appropriations made for  
20          services to low-income, disadvantaged, and homeless  
21          persons; refugees; and immigrants, recommend revisions



1 and additions needed, and report to the governor  
2 regarding the legislation;

3 (4) Evaluate the availability, adequacy, and accessibility  
4 of all services for low-income, disadvantaged, and  
5 homeless persons; refugees; and immigrants within the  
6 state;

7 (5) Assist and coordinate the efforts of all public and  
8 private agencies that provide services that affect  
9 low-income, disadvantaged, and homeless persons;  
10 refugees; and immigrants including the department of  
11 health, the department of human services, the  
12 department of labor and industrial relations, and the  
13 department of education, and report such facts and the  
14 office's recommendations to the governor and to the  
15 legislature. The executive heads of all such  
16 departments and agencies shall make available to the  
17 office of homeless and community services information  
18 as the office deems necessary for the effective  
19 discharge of its duties under this chapter;

20 (6) Maintain contacts with local, state, and federal  
21 officials and public and private agencies concerned



- 1 with planning for low-income, disadvantaged, and  
2 homeless persons; refugees; and immigrants; and
- 3 (7) Encourage and foster local action on behalf of low-  
4 income, disadvantaged, and homeless persons; refugees;  
5 and immigrants;
- 6 (8) Administer and operate homeless facilities and any  
7 other program for the homeless authorized by this  
8 chapter and establish programs for the homeless; and
- 9 (9) Take any other actions necessary to effectuate the  
10 purposes of this chapter.

11 **§ -6 Additional powers.** Notwithstanding any law to the  
12 contrary, the office of homeless and community services may have  
13 and may exercise the same powers, subject to applicable  
14 limitations, as those granted to the Hawaii public housing  
15 authority pursuant to chapter 356D insofar as those powers may  
16 be reasonably construed to be exercisable for the purpose of  
17 establishing, administering, and operating homeless facilities  
18 and any other program for the homeless authorized by this  
19 chapter.

20 **§ -7 Relationships with other departments and agencies**  
21 **and cooperation with office of homeless and community services.**

22 Every state department, county agency, or other public or



1 private agencies providing programs and services to low-income,  
2 disadvantaged, and homeless persons; refugees; and immigrants  
3 shall be encouraged to actively work toward the goals and  
4 objectives established by the office of homeless and community  
5 services and to coordinate with the office of homeless and  
6 community services the development of its program plans. The  
7 executive heads of all such departments and agencies shall  
8 cooperate with the office of homeless and community services in  
9 providing information as the office deems necessary for the  
10 effective discharge of its duties. However, nothing contained  
11 in this chapter shall be deemed to delegate or detract in any  
12 way from the functions, powers, and duties prescribed by law for  
13 any other department or agency of this State or any county, nor  
14 to terminate any existing contracts between such department or  
15 agency and any private organizations for the development or  
16 administration of programs or services to low-income,  
17 disadvantaged, and homeless persons; refugees; and immigrants.  
18 Notwithstanding that each county shall maintain maximum control  
19 over the development and administration of human service  
20 programs tailored to meet county needs, each department, agency,  
21 officer, and employee of the State and of the counties shall  
22 cooperate with and assist the office of homeless and community



1 services in the performance of the functions, powers, and duties  
2 of the office.

3       **§ -8 Exception to liability for donors.** (a) Any donor  
4 who gives money to a provider agency, to a homeless facility to  
5 or through the office, or for any other program for the homeless  
6 authorized by this chapter, shall not be liable for any civil  
7 damages resulting from the donation.

8       (b) Any donor who gives land and improvements, or who  
9 leases land and improvements at a nominal consideration, to a  
10 provider agency, to a homeless facility to or through the  
11 office, or for any other program for the homeless authorized by  
12 this chapter, shall not be liable for any civil damages  
13 resulting from the donation except as may result from the  
14 donor's gross negligence or wanton acts or omissions; provided  
15 that, if the donor at the time of donation gave the office a  
16 full accounting of all the dangers concerning the land and  
17 improvements known to the donor, then the donor shall not be  
18 liable for any civil damages resulting from the donation.

19       (c) Any donor who in good faith and without remuneration  
20 or expectation of remuneration provides services or materials  
21 used to build and construct a facility for the homeless, or who  
22 renovates, repairs, or maintains an existing or acquired



1 facility for the homeless, or who provides shelter to homeless  
2 persons, shall not be liable for any civil damages resulting  
3 from the donor's acts or omissions, except for damages resulting  
4 from the donor's gross negligence relating to the donation.

5 (d) The office shall be responsible for inspecting,  
6 reviewing, analyzing, qualifying, and determining that the land,  
7 structures, materials, or services donated to the office for use  
8 by the office in facilities for the homeless are reasonably safe  
9 for public use.

10 **§ -9 Contract or conveyance to the office.**

11 Notwithstanding any other law to the contrary, the board of land  
12 and natural resources or other state agency holding lands and  
13 improvements, may contract or otherwise convey at a nominal  
14 consideration, by direct negotiation and without recourse to  
15 public auction, the land and improvements, or the management,  
16 operation, and administrative responsibility over the land and  
17 improvements, to the office or its designee. The land and  
18 improvements shall be used by the office or its designee for  
19 homeless facilities or for any other program of the office of  
20 homeless and community services as authorized by this chapter.

21 **§ -10 Program administration.** To the extent that  
22 appropriations are made available, the office may contract with



1 a provider agency to administer homeless facilities, or any  
2 other program for the homeless created by this chapter. The  
3 selection of provider agencies to administer homeless  
4 facilities, or any other program for the homeless authorized by  
5 this chapter, shall not be subject to chapters 42F, 102, and  
6 103. The selection of provider agencies shall be subject to  
7 qualifying standards and criteria established by rule.

8 In addition, the provider agency shall be qualified by the  
9 office to operate and manage a homeless facility, or any other  
10 program for the homeless authorized by this chapter, pursuant to  
11 standards and criteria established by rules for eligibility.

12 **§ -11 Time limits.** To the extent that appropriations  
13 are made available, a provider agency shall provide shelter or  
14 any other program assistance authorized by this chapter to  
15 eligible homeless families and homeless individuals not later  
16 than two days, or such time as is set by rule which shall not be  
17 later than seven days, after they apply and qualify for the  
18 shelter or other program assistance. These time limits may be  
19 waived at the discretion of the office for a maximum period of  
20 fourteen days for the purpose of implementing repairs to the  
21 subject shelter that the office deems major or extensive.





1           **§ -12 Determination of eligibility and need.** (a) The  
2 provider agency operating and managing a homeless facility, or  
3 any other program for the homeless authorized by this chapter,  
4 or the office operating and managing its own homeless facility,  
5 shall be responsible for determining if an applicant is eligible  
6 for shelter or other services at the homeless facility or  
7 through any other program for the homeless, pursuant to  
8 standards and criteria established by rule.

9           (b) The provider agency or the office operating and  
10 managing its own homeless facility shall determine the degree of  
11 need for each homeless family or individual and in its  
12 determination shall consider the resources available and the  
13 number of potential eligible applicants in the area served by  
14 the homeless facility or other program for the homeless  
15 authorized by this chapter.

16           (c) The office may establish by rule standards and  
17 criteria for eligibility, need, and priority for each program  
18 for the homeless; provided that the office may establish by rule  
19 exceptions to these eligibility requirements based on special  
20 circumstances.

21           **§ -13 Abuse of assistance.** (a) The provider agency  
22 operating and managing a homeless facility, or any other program



1 for the homeless authorized by this chapter, or the office  
2 operating and managing its own homeless facility, shall be  
3 responsible for determining whether a participant is no longer  
4 eligible for shelter or other services at the homeless facility  
5 or through any other program for the homeless, pursuant to  
6 standards and criteria established by rule.

7 (b) Pursuant to rule and the right of due process, the  
8 office or its designee, or provider agencies together with the  
9 office, may act to bar homeless families or individuals from  
10 participating further in any homeless facility, may issue a writ  
11 of possession, and take such other actions as provided by rule.

12 The enforcement of a writ of possession shall be effected  
13 either by an officer appointed by the office, who shall have all  
14 of the powers of a police officer for all action in connection  
15 with the enforcement of the writ, or any other law enforcement  
16 officer of the State or any county, whose duty it shall be to  
17 enforce the writ. The person enforcing the writ shall remove  
18 all persons from the premises and put the office or its  
19 designee, or the provider agency designated by the office, in  
20 full possession thereof.

21 Upon eviction, the household goods and personal effects of  
22 the person against whom the writ is entered, and those of any



1 persons using the premises incident to the person's holding, may  
2 be removed from the premises immediately and sold or otherwise  
3 disposed of by the office or its designee, or the provider  
4 agency. If the action is taken, the office or its designee, or  
5 the provider agency, shall have a lien on the property so  
6 removed for the expenses incurred by it in removing the  
7 property.

8 (c) Any person who enters or remains unlawfully in or upon  
9 the premises or living quarters of any homeless facility, or any  
10 other program for the homeless authorized by this chapter, after  
11 reasonable warning or request to leave by that provider agency's  
12 agents, the office, or its designee, or a police officer, shall  
13 be guilty of a misdemeanor; provided that the offense in this  
14 subsection shall be in addition to any other applicable offense  
15 in the Hawaii penal code. A warning or request shall only be  
16 issued if the person has engaged in unlawful conduct or has  
17 violated house rules and regulations; provided that the warning  
18 or request related to a violation of house rules shall be issued  
19 only if that provider agency, or the office, or its designee,  
20 has filed a copy of its current house rules governing tenancy or  
21 participation at the shelter, facility, or program, and any  
22 changes thereto, with the director of commerce and consumer



1 affairs. The house rules shall be reasonable, and a copy shall  
2 be provided to each tenant or participant. The warning or  
3 request shall supersede any invitation by a tenant or  
4 participant at the shelter, facility, or program to that person  
5 to visit the premises or living quarters.

6 **§ -14 Exemptions.** (a) Any compensation received by a  
7 provider agency for services rendered to homeless families or  
8 individuals, or in operating or managing a homeless facility  
9 authorized by this chapter, shall be exempt from taxation under  
10 chapter 237.

11 (b) Any county mayor may exempt, by executive order,  
12 donors, provider agencies, homeless facilities, and any other  
13 program for the homeless from real property taxes, water and  
14 sewer development fees, rates collected for water supplied to  
15 consumers and for use of sewers, and any other county taxes,  
16 charges, or fees; provided that any county may enact ordinances  
17 to regulate and grant the exemptions granted by this subsection.

18 (c) Any provider agency operating or managing a homeless  
19 facility, or any other program for the homeless authorized by  
20 this chapter, is exempt, for purposes of those facilities or  
21 programs, from any requirements contained in part VIII of  
22 chapter 346 and chapters 467 and 521.



1           **§ -15 Emergency or transitional shelter volunteers.** (a)

2 For the purposes of this section, "emergency or transitional  
3 shelter volunteer" means an individual who:

4           (1) Is a tenant at an emergency or transitional shelter  
5           administered pursuant to this chapter;

6           (2) Is not an employee of the provider agency operating or  
7           managing the shelter;

8           (3) Is under the direction of the provider agency  
9           operating or managing the shelter and not the office  
10          or the State; and

11          (4) Provides up to eighty hours of volunteer labor or  
12          services per month to the provider agency operating or  
13          managing the shelter, notwithstanding payment of  
14          stipends or credits for the labor and services.

15          (b) Provider agencies may accept labor and services from  
16          emergency or transitional shelter volunteers.

17          (c) In addition to any exemptions granted to nonpaid  
18          labor, emergency or transitional shelter volunteers who  
19          acknowledge in writing that they are emergency or transitional  
20          shelter volunteers shall not be construed to be in the employ of  
21          the provider agency operating or managing the shelter. The  
22          volunteers' labor and services provided to the provider agency



1 operating or managing the shelter shall not be construed to  
2 constitute employment, and the volunteers shall not be construed  
3 to be employees of the provider agency operating or managing the  
4 shelter, under any labor law.

5       **§ -16 Annual performance audits.** (a) The office may  
6 require any provider agency that dispenses shelter or assistance  
7 for any homeless facility or any other program for the homeless  
8 authorized by this chapter to submit to the office a financial  
9 audit and report on an annual basis conducted by a certified  
10 public accounting firm. This audit and report should contain  
11 information specific to the funds received under state homeless  
12 program contracts. The audit shall include recommendations to  
13 address any problems found.

14       (b) Continuing contracts with provider agencies to  
15 participate in any program for the homeless authorized by this  
16 chapter will require that the provider agency address the  
17 recommendations made by the auditing agency, subject to  
18 exceptions as set by the office.

19       (c) Failure to carry out the recommendations made by the  
20 auditing agency may be grounds for the office to bar a provider  
21 agency from further contracts for programs authorized by this



1 chapter until the barred provider has addressed all  
2 deficiencies.

3       **§ -17 Provider agency and donor cooperation are not in**  
4 **restraint of trade.** No provider agency or any other agency, or  
5 donor or donors, or method or act thereof that complies with  
6 this chapter, shall be deemed a conspiracy or combination in  
7 restraint of trade or an illegal monopoly, or an attempt to  
8 lessen competition or fix prices arbitrarily, or the creation of  
9 a combination or pool, or to accomplish any improper or illegal  
10 purpose. Any cooperation or agreement established pursuant to  
11 rule shall not be considered as illegal, in restraint of trade,  
12 or as part of a conspiracy or combination to accomplish an  
13 illegal purpose or act.

14       **§ -18 Construction of chapter.** If there is any conflict  
15 between this chapter and any other law, this chapter shall  
16 control.

17       **§ -19 Homeless shelter stipends.** (a) The stipend  
18 limits per shelter unit of zero bedrooms shall be adjusted by  
19 the office annually on the first day of July pursuant to  
20 standards established by rule which may consider changes in the  
21 cost of operating homeless facilities, the fair market rents,  
22 the consumer price index, or other relevant factors. A "shelter



1 unit of zero bedrooms" means a living unit that is a studio unit  
2 or a single-room occupancy unit. The homeless shelter stipend  
3 at transitional shelters for larger shelter units shall be  
4 related to the difference in unit size, pursuant to standards  
5 established by rule.

6 (b) The office may make or may contract to make homeless  
7 shelter stipend payments on behalf of one or more homeless  
8 families or individuals to a provider agency operating or  
9 managing an emergency or transitional shelter or, in the case  
10 that the office itself operates and manages a homeless facility,  
11 to the office in amounts and under circumstances as provided by  
12 rule. The contract may specify a minimum total amount of  
13 homeless shelter stipends to be received by a provider agency  
14 for making its shelter and services available to eligible  
15 homeless families or individuals, pursuant to rule.

16 (c) In making homeless shelter stipend payments to a  
17 provider agency, the office may establish minimum services to be  
18 provided by the provider agency to homeless families or  
19 individuals at the agency's shelter. The office may also direct  
20 provider agencies to establish and manage a savings account  
21 program as described in subsection (d). Additionally, the  
22 office may direct provider agencies to subcontract for outreach





1 services from other private agencies specializing in programs  
2 for the unsheltered homeless.

3 (d) Provider agencies and the office may establish and  
4 collect shelter and services payments from homeless families or  
5 individuals in addition to the amount received in homeless  
6 shelter stipend payments pursuant to rule. Provider agencies  
7 and the office may also set aside a portion of the payments in a  
8 savings account to be made available to homeless families or  
9 individuals when these families and individuals vacate the  
10 shelter.

11 **§ -20 Temporary emergency housing.** (a) In addition to  
12 any other duties prescribed by law, the office shall develop, in  
13 consultation with the four counties, a procedure for identifying  
14 locations that shall be used for temporary emergency shelters  
15 for homeless individuals and families. The office shall  
16 actively partner with and monitor the efforts of the counties.

17 (b) Each county shall be responsible for partnering with  
18 nonprofit organizations to locate, designate, and maintain the  
19 areas that shall be used for temporary emergency shelters. The  
20 designated locations may include private, county, state, and  
21 federal lands at Kalaeloa."



1 SECTION 3. Section 46-1.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§46-1.5 General powers and limitation of the counties.**

4 Subject to general law, each county shall have the following  
5 powers and shall be subject to the following liabilities and  
6 limitations:

7 (1) Each county shall have the power to frame and adopt a  
8 charter for its own self-government that shall  
9 establish the county executive, administrative, and  
10 legislative structure and organization, including but  
11 not limited to the method of appointment or election  
12 of officials, their duties, responsibilities, and  
13 compensation, and the terms of their office;

14 (2) Each county shall have the power to provide for and  
15 regulate the marking and lighting of all buildings and  
16 other structures that may be obstructions or hazards  
17 to aerial navigation, so far as may be necessary or  
18 proper for the protection and safeguarding of life,  
19 health, and property;

20 (3) Each county shall have the power to enforce all claims  
21 on behalf of the county and approve all lawful claims  
22 against the county, but shall be prohibited from



1 entering into, granting, or making in any manner any  
2 contract, authorization, allowance payment, or  
3 liability contrary to the provisions of any county  
4 charter or general law;

5 (4) Each county shall have the power to make contracts and  
6 to do all things necessary and proper to carry into  
7 execution all powers vested in the county or any  
8 county officer;

9 (5) Each county shall have the power to:

10 (A) Maintain channels, whether natural or artificial,  
11 including their exits to the ocean, in suitable  
12 condition to carry off storm waters;

13 (B) Remove from the channels, and from the shores and  
14 beaches, any debris that is likely to create an  
15 unsanitary condition or become a public nuisance;  
16 provided that, to the extent any of the foregoing  
17 work is a private responsibility, the  
18 responsibility may be enforced by the county in  
19 lieu of the work being done at public expense;

20 (C) Construct, acquire by gift, purchase, or by the  
21 exercise of eminent domain, reconstruct, improve,  
22 better, extend, and maintain projects or



1                   undertakings for the control of and protection  
2                   against floods and flood waters, including the  
3                   power to drain and rehabilitate lands already  
4                   flooded; and

5                   (D) Enact zoning ordinances providing that lands  
6                   deemed subject to seasonable, periodic, or  
7                   occasional flooding shall not be used for  
8                   residence or other purposes in a manner as to  
9                   endanger the health or safety of the occupants  
10                  thereof, as required by the Federal Flood  
11                  Insurance Act of 1956 (chapter 1025, Public Law  
12                  1016);

13                  (6) Each county shall have the power to exercise the power  
14                  of condemnation by eminent domain when it is in the  
15                  public interest to do so;

16                  (7) Each county shall have the power to exercise  
17                  regulatory powers over business activity as are  
18                  assigned to them by chapter 445 or other general law;

19                  (8) Each county shall have the power to fix the fees and  
20                  charges for all official services not otherwise  
21                  provided for;

- 1       (9) Each county shall have the power to provide by  
2            ordinance assessments for the improvement or  
3            maintenance of districts within the county;
- 4       (10) Except as otherwise provided, no county shall have the  
5            power to give or loan credit to, or in aid of, any  
6            person or corporation, directly or indirectly, except  
7            for a public purpose;
- 8       (11) Where not within the jurisdiction of the public  
9            utilities commission, each county shall have the power  
10           to regulate by ordinance the operation of motor  
11           vehicle common carriers transporting passengers within  
12           the county and adopt and amend rules the county deems  
13           necessary for the public convenience and necessity;
- 14       (12) Each county shall have the power to enact and enforce  
15           ordinances necessary to prevent or summarily remove  
16           public nuisances and to compel the clearing or removal  
17           of any public nuisance, refuse, and uncultivated  
18           undergrowth from streets, sidewalks, public places,  
19           and unoccupied lots. In connection with these powers,  
20           each county may impose and enforce liens upon the  
21           property for the cost to the county of removing and  
22           completing the necessary work where the property



1 owners fail, after reasonable notice, to comply with  
2 the ordinances. The authority provided by this  
3 paragraph shall not be self-executing, but shall  
4 become fully effective within a county only upon the  
5 enactment or adoption by the county of appropriate and  
6 particular laws, ordinances, or rules defining "public  
7 nuisances" with respect to each county's respective  
8 circumstances. The counties shall provide the  
9 property owner with the opportunity to contest the  
10 summary action and to recover the owner's property;

11 (13) Each county shall have the power to enact ordinances  
12 deemed necessary to protect health, life, and  
13 property, and to preserve the order and security of  
14 the county and its inhabitants on any subject or  
15 matter not inconsistent with, or tending to defeat,  
16 the intent of any state statute where the statute does  
17 not disclose an express or implied intent that the  
18 statute shall be exclusive or uniform throughout the  
19 [~~State~~] state;

20 (14) Each county shall have the power to:

21 (A) Make and enforce within the limits of the county  
22 all necessary ordinances covering all:



- 1 (i) Local police matters;
- 2 (ii) Matters of sanitation;
- 3 (iii) Matters of inspection of buildings;
- 4 (iv) Matters of condemnation of unsafe
- 5 structures, plumbing, sewers, dairies, milk,
- 6 fish, and morgues; and
- 7 (v) Matters of the collection and disposition of
- 8 rubbish and garbage;
- 9 (B) Provide exemptions for homeless facilities and
- 10 any other program for the homeless authorized by
- 11 chapter [~~356D~~] \_\_\_\_\_ for all matters under this
- 12 paragraph;
- 13 (C) Appoint county physicians and sanitary and other
- 14 inspectors as necessary to carry into effect
- 15 ordinances made under this paragraph, who shall
- 16 have the same power as given by law to agents of
- 17 the department of health, subject only to
- 18 limitations placed on them by the terms and
- 19 conditions of their appointments; and
- 20 (D) Fix a penalty for the violation of any ordinance,
- 21 which penalty may be a misdemeanor, petty



1                   misdemeanor, or violation as defined by general  
2                   law;

3       (15) Each county shall have the power to provide public  
4           pounds; to regulate the impounding of stray animals  
5           and fowl, and their disposition; and to provide for  
6           the appointment, powers, duties, and fees of animal  
7           control officers;

8       (16) Each county shall have the power to purchase and  
9           otherwise acquire, lease, and hold real and personal  
10          property within the defined boundaries of the county  
11          and to dispose of the real and personal property as  
12          the interests of the inhabitants of the county may  
13          require, except that:

14           (A) Any property held for school purposes may not be  
15           disposed of without the consent of the  
16           superintendent of education;

17           (B) No property bordering the ocean shall be sold or  
18           otherwise disposed of; and

19           (C) All proceeds from the sale of park lands shall be  
20           expended only for the acquisition of property for  
21           park or recreational purposes;



1 (17) Each county shall have the power to provide by charter  
2 for the prosecution of all offenses and to prosecute  
3 for offenses against the laws of the State under the  
4 authority of the attorney general of the State;

5 (18) Each county shall have the power to make  
6 appropriations in amounts deemed appropriate from any  
7 moneys in the treasury, for the purpose of:

8 (A) Community promotion and public celebrations;

9 (B) The entertainment of distinguished persons as may  
10 from time to time visit the county;

11 (C) The entertainment of other distinguished persons,  
12 as well as, public officials when deemed to be in  
13 the best interest of the community; and

14 (D) The rendering of civic tribute to individuals  
15 who, by virtue of their accomplishments and  
16 community service, merit civic commendations,  
17 recognition, or remembrance;

18 (19) Each county shall have the power to:

19 (A) Construct, purchase, take on lease, lease,  
20 sublease, or in any other manner acquire, manage,  
21 maintain, or dispose of buildings for county  
22 purposes, sewers, sewer systems, pumping



- 1 stations, waterworks, including reservoirs,  
2 wells, pipelines, and other conduits for  
3 distributing water to the public, lighting  
4 plants, and apparatus and appliances for lighting  
5 streets and public buildings, and manage,  
6 regulate, and control the same;
- 7 (B) Regulate and control the location and quality of  
8 all appliances necessary to the furnishing of  
9 water, heat, light, power, telephone, and  
10 telecommunications service to the county;
- 11 (C) Acquire, regulate, and control any and all  
12 appliances for the sprinkling and cleaning of the  
13 streets and the public ways, and for flushing the  
14 sewers; and
- 15 (D) Open, close, construct, or maintain county  
16 highways or charge toll on county highways;  
17 provided that all revenues received from a toll  
18 charge shall be used for the construction or  
19 maintenance of county highways;
- 20 (20) Each county shall have the power to regulate the  
21 renting, subletting, and rental conditions of property  
22 for places of abode by ordinance;



- 1 (21) Unless otherwise provided by law, each county shall  
2 have the power to establish by ordinance the order of  
3 succession of county officials in the event of a  
4 military or civil disaster;
- 5 (22) Each county shall have the power to sue and be sued in  
6 its corporate name;
- 7 (23) Each county shall have the power to establish and  
8 maintain waterworks and sewer works; to collect rates  
9 for water supplied to consumers and for the use of  
10 sewers; to install water meters whenever deemed  
11 expedient; provided that owners of premises having  
12 vested water rights under existing laws appurtenant to  
13 the premises shall not be charged for the installation  
14 or use of the water meters on the premises; to take  
15 over from the State existing waterworks systems,  
16 including water rights, pipelines, and other  
17 appurtenances belonging thereto, and sewer systems,  
18 and to enlarge, develop, and improve the same;
- 19 (24) (A) Each county may impose civil fines, in addition  
20 to criminal penalties, for any violation of  
21 county ordinances or rules after reasonable  
22 notice and requests to correct or cease the



1 violation have been made upon the violator. Any  
2 administratively imposed civil fine shall not be  
3 collected until after an opportunity for a  
4 hearing under chapter 91. Any appeal shall be  
5 filed within thirty days from the date of the  
6 final written decision. These proceedings shall  
7 not be a prerequisite for any civil fine or  
8 injunctive relief ordered by the circuit court;

9 (B) Each county by ordinance may provide for the  
10 addition of any unpaid civil fines, ordered by  
11 any court of competent jurisdiction, to any  
12 taxes, fees, or charges, with the exception of  
13 fees or charges for water for residential use and  
14 sewer charges, collected by the county. Each  
15 county by ordinance may also provide for the  
16 addition of any unpaid administratively imposed  
17 civil fines, which remain due after all judicial  
18 review rights under section 91-14 are exhausted,  
19 to any taxes, fees, or charges, with the  
20 exception of water for residential use and sewer  
21 charges, collected by the county. The ordinance  
22 shall specify the administrative procedures for



1 the addition of the unpaid civil fines to the  
2 eligible taxes, fees, or charges and may require  
3 hearings or other proceedings. After addition of  
4 the unpaid civil fines to the taxes, fees, or  
5 charges, the unpaid civil fines shall not become  
6 a part of any taxes, fees, or charges. The  
7 county by ordinance may condition the issuance or  
8 renewal of a license, approval, or permit for  
9 which a fee or charge is assessed, except for  
10 water for residential use and sewer charges, on  
11 payment of the unpaid civil fines. Upon  
12 recordation of a notice of unpaid civil fines in  
13 the bureau of conveyances, the amount of the  
14 civil fines, including any increase in the amount  
15 of the fine which the county may assess, shall  
16 constitute a lien upon all real property or  
17 rights to real property belonging to any person  
18 liable for the unpaid civil fines. The lien in  
19 favor of the county shall be subordinate to any  
20 lien in favor of any person recorded or  
21 registered prior to the recordation of the notice  
22 of unpaid civil fines and senior to any lien



1 recorded or registered after the recordation of  
2 the notice. The lien shall continue until the  
3 unpaid civil fines are paid in full or until a  
4 certificate of release or partial release of the  
5 lien, prepared by the county at the owner's  
6 expense, is recorded. The notice of unpaid civil  
7 fines shall state the amount of the fine as of  
8 the date of the notice and maximum permissible  
9 daily increase of the fine. The county shall not  
10 be required to include a social security number,  
11 state general excise taxpayer identification  
12 number, or federal employer identification number  
13 on the notice. Recordation of the notice in the  
14 bureau of conveyances shall be deemed, at such  
15 time, for all purposes and without any further  
16 action, to procure a lien on land registered in  
17 land court under chapter 501. After the unpaid  
18 civil fines are added to the taxes, fees, or  
19 charges as specified by county ordinance, the  
20 unpaid civil fines shall be deemed immediately  
21 due, owing, and delinquent and may be collected  
22 in any lawful manner. The procedure for



1 collection of unpaid civil fines authorized in  
2 this paragraph shall be in addition to any other  
3 procedures for collection available to the State  
4 and county by law or rules of the courts;

5 (C) Each county may impose civil fines upon any  
6 person who places graffiti on any real or  
7 personal property owned, managed, or maintained  
8 by the county. The fine may be up to \$1,000 or  
9 may be equal to the actual cost of having the  
10 damaged property repaired or replaced. The  
11 parent or guardian having custody of a minor who  
12 places graffiti on any real or personal property  
13 owned, managed, or maintained by the county shall  
14 be jointly and severally liable with the minor  
15 for any civil fines imposed hereunder. Any such  
16 fine may be administratively imposed after an  
17 opportunity for a hearing under chapter 91, but  
18 such a proceeding shall not be a prerequisite for  
19 any civil fine ordered by any court. As used in  
20 this subparagraph, "graffiti" means any  
21 unauthorized drawing, inscription, figure, or



1 mark of any type intentionally created by paint,  
2 ink, chalk, dye, or similar substances;

3 (D) At the completion of an appeal in which the  
4 county's enforcement action is affirmed and upon  
5 correction of the violation if requested by the  
6 violator, the case shall be reviewed by the  
7 county agency that imposed the civil fines to  
8 determine the appropriateness of the amount of  
9 the civil fines that accrued while the appeal  
10 proceedings were pending. In its review of the  
11 amount of the accrued fines, the county agency  
12 may consider:

- 13 (i) The nature and egregiousness of the  
14 violation;
- 15 (ii) The duration of the violation;
- 16 (iii) The number of recurring and other similar  
17 violations;
- 18 (iv) Any effort taken by the violator to correct  
19 the violation;
- 20 (v) The degree of involvement in causing or  
21 continuing the violation;





1 (vi) Reasons for any delay in the completion of  
2 the appeal; and

3 (vii) Other extenuating circumstances.

4 The civil fine that is imposed by administrative  
5 order after this review is completed and the  
6 violation is corrected shall be subject to  
7 judicial review, notwithstanding any provisions  
8 for administrative review in county charters;

9 (E) After completion of a review of the amount of  
10 accrued civil fine by the county agency that  
11 imposed the fine, the amount of the civil fine  
12 determined appropriate, including both the  
13 initial civil fine and any accrued daily civil  
14 fine, shall immediately become due and  
15 collectible following reasonable notice to the  
16 violator. If no review of the accrued civil fine  
17 is requested, the amount of the civil fine, not  
18 to exceed the total accrual of civil fine prior  
19 to correcting the violation, shall immediately  
20 become due and collectible following reasonable  
21 notice to the violator, at the completion of all  
22 appeal proceedings;



1 (F) If no county agency exists to conduct appeal  
 2 proceedings for a particular civil fine action  
 3 taken by the county, then one shall be  
 4 established by ordinance before the county shall  
 5 impose the civil fine;

6 (25) Any law to the contrary notwithstanding, any county  
 7 mayor may exempt by executive order donors, provider  
 8 agencies, homeless facilities, and any other program  
 9 for the homeless under chapter [~~356D~~] \_\_\_\_ from real  
 10 property taxes, water and sewer development fees,  
 11 rates collected for water supplied to consumers and  
 12 for use of sewers, and any other county taxes,  
 13 charges, or fees; provided that any county may enact  
 14 ordinances to regulate and grant the exemptions  
 15 granted by this paragraph;

16 (26) Any county may establish a captive insurance company  
 17 pursuant to article 19, chapter 431; and

18 (27) Each county shall have the power to enact and enforce  
 19 ordinances regulating towing operations."

20 SECTION 4. Section 237-23, Hawaii Revised Statutes, is  
 21 amended by amending subsection (a) to read as follows:

1           "(a) This chapter shall not apply to the following  
2 persons:

3           (1) Public service companies as that term is defined in  
4 section 239-2, with respect to the gross income,  
5 either actual gross income or gross income estimated  
6 and adjusted, that is included in the measure of the  
7 tax imposed by chapter 239;

8           (2) Public utilities owned and operated by the State or  
9 any county, or other political subdivision thereof;

10          (3) Fraternal benefit societies, orders, or associations,  
11 operating under the lodge system, or for the exclusive  
12 benefit of the members of the fraternity itself,  
13 operating under the lodge system, and providing for  
14 the payment of death, sick, accident, prepaid legal  
15 services, or other benefits to the members of the  
16 societies, orders, or associations, and to their  
17 dependents;

18          (4) Corporations, associations, trusts, or societies  
19 organized and operated exclusively for religious,  
20 charitable, scientific, or educational purposes, as  
21 well as that of operating senior citizens housing  
22 facilities qualifying for a loan under the laws of the



1 United States as authorized by section 202 of the  
2 Housing Act of 1959, as amended, as well as that of  
3 operating a prepaid legal services plan, as well as  
4 that of operating or managing a homeless facility, or  
5 any other program for the homeless authorized under  
6 ~~[part VII of]~~ chapter ~~[356D+]~~ \_\_\_\_\_;

7 (5) Business leagues, chambers of commerce, boards of  
8 trade, civic leagues, agricultural and horticultural  
9 organizations, and organizations operated exclusively  
10 for the benefit of the community and for the promotion  
11 of social welfare that shall include the operation of  
12 a prepaid legal service plan, and from which no profit  
13 inures to the benefit of any private stockholder or  
14 individual;

15 (6) Hospitals, infirmaries, and sanitararia;

16 (7) Cooperative associations incorporated under chapter  
17 421 or Code section 521 cooperatives which fully meet  
18 the requirements of section 421-23, except Code  
19 section 521 cooperatives need not be organized in  
20 Hawaii; provided that:

21 (A) The exemption shall apply only to the gross  
22 income derived from activities that are pursuant



1 to purposes and powers authorized by chapter 421,  
 2 except those provisions pertaining to or  
 3 requiring corporate organization in Hawaii do not  
 4 apply to Code section 521 cooperatives;

5 (B) The exemption shall not relieve any person who  
 6 receives any proceeds of sale from the  
 7 association of the duty of returning and paying  
 8 the tax on the total gross proceeds of the sales  
 9 on account of which the payment was made, in the  
 10 same amount and at the same rate as would apply  
 11 thereto had the sales been made directly by the  
 12 person, and all those persons shall be so  
 13 taxable; and

14 (C) As used in this paragraph, "section 521  
 15 cooperatives" mean associations that qualify as a  
 16 cooperative under section 521 (with respect to  
 17 exemption of farmers' cooperatives from tax) of  
 18 the Internal Revenue Code of 1986, as amended;

19 (8) Persons affected with Hansen's disease and kokuas,  
 20 with respect to business within the county of Kalawao;

21 (9) Corporations, companies, associations, or trusts  
 22 organized for the establishment and conduct of



1 cemeteries no part of the net earnings of which inures  
2 to the financial benefit of any private stockholder or  
3 individual; provided that the exemption shall apply  
4 only to the activities of those persons in the conduct  
5 of cemeteries and shall not apply to any activity the  
6 primary purpose of which is to produce income, even  
7 though the income is to be used for or in the  
8 furtherance of the exempt activities of those persons;  
9 and

10 (10) Nonprofit shippers associations operating under part  
11 296 of the Civil Aeronautics Board Economic  
12 Regulations."

13 SECTION 5. Section 346-152, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) Nothing in this part shall be construed to include:

16 (1) A person caring for children related to the caregiver  
17 by blood, marriage, or adoption;

18 (2) A person, group of persons, or facility caring for a  
19 child less than six hours a week;

20 (3) A kindergarten, school, or program licensed by the  
21 department of education;



- 1 (4) A program that provides exclusively for a specialized  
2 training or skill development for children, including  
3 but not limited to programs providing activities such  
4 as athletic sports, foreign language, the Hawaiian  
5 language, dance, drama, music, or martial arts;
- 6 (5) A multiservice organization or community association,  
7 duly incorporated under the laws of the State that  
8 operates for the purpose of promoting recreation,  
9 health, safety, or social group functions for eligible  
10 pupils in public and private schools through seventeen  
11 years of age;
- 12 (6) Programs for children four years of age and older that  
13 operate for no more than two consecutive calendar  
14 weeks in a three-month period;
- 15 (7) A provider agency operating or managing a homeless  
16 facility or any other program for homeless persons  
17 authorized under [~~part VII of~~] chapter [~~356D,~~] \_\_\_\_\_;
- 18 (8) After-school, weekend, and summer recess programs  
19 conducted by the department of education pursuant to  
20 section 302A-408;
- 21 (9) Child care programs for children five years of age and  
22 older conducted by counties pursuant to section



1 302A-408; provided that each county adopts rules for  
2 its programs;

3 (10) Any person who enters a home in a child caring  
4 capacity and only cares for children who are of that  
5 household; and

6 (11) A person caring for two or fewer children unrelated to  
7 the caregiver by blood, marriage, or adoption."

8 SECTION 6. Section 467-2, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§467-2 Exceptions.** The provisions requiring licensing as  
11 a real estate broker or salesperson shall not apply:

12 (1) To any individual who, as owner of any real estate or  
13 acting under power of attorney from the owner,  
14 performs any of the acts enumerated in the definitions  
15 of real estate broker and real estate salesperson with  
16 reference to the real estate; provided that the term  
17 "owner" as used in this paragraph shall not include  
18 any individual engaged in the business of real estate  
19 development or brokerage or include an individual who  
20 acquires any interest in any real estate for the  
21 purpose or as a means of evading the licensing  
22 requirements of this chapter; and provided further





1 that the term individual "acting under power of  
 2 attorney" as used in this paragraph shall not include  
 3 any individual engaged in the business of real estate  
 4 development or brokerage or any individual who acts  
 5 under a power of attorney for the purpose or as a  
 6 means of evading the licensing requirements of this  
 7 chapter;

8 (2) To any person acting as a receiver, trustee in  
 9 bankruptcy, personal representative, or trustee acting  
 10 under any trust agreement, deed of trust, or will, or  
 11 otherwise acting under any order of authorization of  
 12 any court;

13 (3) To any individual who leases, offers to lease, rents,  
 14 or offers to rent, any real estate or the improvements  
 15 thereon of which the individual is the custodian or  
 16 caretaker;

17 (4) To any person who manages, rents, or operates a hotel;  
 18 or

19 (5) To any provider agency owning, leasing, operating, or  
 20 managing a homeless facility or any other program for  
 21 the homeless authorized under [~~part VII of~~] chapter

22 [~~356D-~~] \_\_\_\_\_."



1 SECTION 7. Section 480-11, Hawaii Revised Statutes, is  
2 amended by amending subsection (d) to read as follows:

3 "(d) This chapter shall not apply to:

4 (1) Any provider agencies or donors under [~~part VII of~~]  
5 chapter [~~356D~~] \_\_\_\_\_;

6 (2) Any provider agency or donor method or act that  
7 complies with [~~part VII of~~] chapter [~~356D~~] \_\_\_\_\_; or

8 (3) Any cooperation or agreement authorized pursuant to  
9 rule under [~~part VII of~~] chapter [~~356D~~]."

10 SECTION 8. Section 521-7, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§521-7 Exclusions from application of chapter.** Unless  
13 created solely to avoid the application of this chapter, this  
14 chapter shall not apply to:

15 (1) Residence at an institution, whether public or  
16 private, where residence is merely incidental to  
17 detention or the provision of medical, geriatric,  
18 educational, religious, or similar services;

19 (2) Residence in a structure directly controlled and  
20 managed by the University of Hawaii for housing  
21 students or faculty of the University of Hawaii or  
22 residence in a structure erected on land leased from



1 the University of Hawaii by a nonprofit corporation  
2 for the exclusive purpose of housing students or  
3 faculty of the University of Hawaii;

4 (3) Occupancy under a bona fide contract of sale of the  
5 dwelling unit or the property of which it is a part  
6 where the tenant is, or succeeds to the interest of,  
7 the purchaser;

8 (4) Residence by a member of a fraternal organization in a  
9 structure operated without profit for the benefit of  
10 the organization;

11 (5) Transient occupancy on a day-to-day basis in a hotel  
12 or motel;

13 (6) Occupancy by an employee of the owner or landlord  
14 whose right to occupancy is conditional upon that  
15 employment or by a pensioner of the owner or landlord  
16 or occupancy for a period of up to four years  
17 subsequent thereto, pursuant to a plan for the  
18 transfer of the dwelling unit or the property of which  
19 it is a part to the occupant;

20 (7) A lease of improved residential land for a term of  
21 fifteen years or more, measured from the date of the  
22 commencement of the lease;



- 1 (8) Occupancy by the prospective purchaser after an
- 2 accepted offer to purchase and prior to the actual
- 3 transfer of the owner's rights;
- 4 (9) Occupancy in a homeless facility or any other program
- 5 for the homeless authorized under [~~part VII of~~]
- 6 chapter [~~356D~~] \_\_\_\_\_;
- 7 (10) Residence or occupancy in a public housing project or
- 8 complex directly controlled, owned, or managed by the
- 9 Hawaii public housing authority pursuant to the
- 10 federal low rent public housing program; or
- 11 (11) Residence or occupancy in a transitional facility for
- 12 abused family or household members."

13 SECTION 9. Chapter 356D, part VII, Hawaii Revised  
 14 Statutes, is repealed.

15 SECTION 10. Chapter 371K, Hawaii Revised Statutes, is  
 16 repealed.

17 SECTION 11. All rights, powers, functions, and duties of  
 18 the department of labor and industrial relations, relating to  
 19 the office of community services, are transferred to the  
 20 department of human services.

21 All officers and employees whose functions are transferred  
 22 by this Act shall be transferred with their functions and shall

1 continue to perform their regular duties upon their transfer,  
2 subject to the state personnel laws and this Act.

3 No officer or employee of the State having tenure shall  
4 suffer any loss of salary, seniority, prior service credit,  
5 vacation, sick leave, or other employee benefit or privilege as  
6 a consequence of this Act, and such officer or employee may be  
7 transferred or appointed to a civil service position without the  
8 necessity of examination; provided that the officer or employee  
9 possess the minimum qualifications for the position to which  
10 transferred or appointed; and provided that subsequent changes  
11 in status may be made pursuant to applicable civil service and  
12 compensation laws.

13 An officer or employee of the State who does not have  
14 tenure and who may be transferred or appointed to a civil  
15 service position as a consequence of this Act shall become a  
16 civil service employee without the loss of salary, seniority,  
17 prior service credit, vacation, sick leave, or other employee  
18 benefits or privileges and without the necessity of examination;  
19 provided that such officer or employee possesses the minimum  
20 qualifications for the position to which transferred or  
21 appointed.



1           If an office or position held by an officer or employee  
2 having tenure is abolished, the officer or employee shall not  
3 thereby be separated from public employment, but shall remain in  
4 the employment of the State with the same pay and classification  
5 and shall be transferred to some other office or position for  
6 which the officer or employee is eligible under the personnel  
7 laws of the State as determined by the head of the department or  
8 the governor.

9           SECTION 12. All appropriations, records, equipment,  
10 machines, files, supplies, contracts, books, papers, documents,  
11 maps, and other personal property heretofore made, used,  
12 acquired, or held by the department of labor and industrial  
13 relations, relating to the office of community services, shall  
14 be transferred with the functions to which they relate.

15           SECTION 13. All rules, policies, procedures, guidelines,  
16 and other material adopted or developed by the agency  
17 transferred under this Act to implement provisions of the Hawaii  
18 Revised Statutes that are reenacted or made applicable to the  
19 department of human services by this Act, shall remain in full  
20 force and effect until amended or repealed by the department of  
21 human services pursuant to chapter 91, Hawaii Revised Statutes.



1 All deeds, leases, contracts, loans, agreements, permits,  
2 or other documents executed or entered into by or on behalf of  
3 the agency transferred under this Act pursuant to the provisions  
4 of the Hawaii Revised Statutes, which are reenacted or made  
5 applicable to the department of human services by this Act,  
6 shall remain in full force and effect.

7 SECTION 14. All acts passed by the legislature during this  
8 regular session of 2009, whether enacted before or after the  
9 effective date of this Act, shall be amended to conform to this  
10 Act unless such acts specifically provide that this Act is being  
11 amended.

12 SECTION 15. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 16. This Act shall take effect on July 1, 2046.



**Report Title:**

Community Services; Homeless

**Description:**

Allows the Department of Human Services to establish the Office of Homeless and Community Services and transfer the Office of Community Services from the Department of Labor and Industrial Relations and the homeless programs from the Hawaii Public Housing Authority to the new office. (HB1406 HD2)

