

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 22, 2013

**MEMORANDUM:**

TO: The Honorable Sylvia Luke, Chair  
House Committee on Finance

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 535, H.D. 1 – RELATING TO HOMELESS PROGRAMS**

Hearing: Friday, February 22, 2013; 1:30 p.m.  
Conference Room 308; State Capitol

**PURPOSE:** The purpose of H.B. 535, H.D. 1, is to require the Department of Human Services, in consultation with the counties and any interested public or private homeless assistance programs, to develop temporary nighttime parking lots to provide safe overnight locations for homeless individuals who would otherwise sleep in their motor vehicles on public or private roads or property. This bill would also appropriate \$1,000,000 in general funds for this program.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) understands the intent of this measure to seek alternative solutions for the homeless who have no safe place to sleep. The Department is unable to support this bill at this time and offers the following comments.

The DHS is concerned about the cost implications of this bill and the adverse impacts on the priorities in the Executive Biennium Budget.

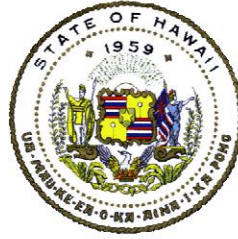
In 2011, the Kauai Continuum of Care (CoC) worked very hard to create a pilot project for a “safe parking” zone for unsheltered homeless. The Continuum encountered numerous delays due to safety concerns such as how to provide proper screening and limit the number of people in the parking lot. They also encountered cost issues related to the provision of sanitation facilities, and liability coverage beyond the actual use of properties. The Continuum also worked diligently with a multitude of churches and with the County itself to start this project, but ultimately was not able to initiate it. According to the Kauai CoC, some of the programmatic issues about screening were ironed out, but ultimately no entity was willing to assume the liability and costs for sponsoring the safe parking lot project.

As recently as three years ago, the Maui community also attempted a similar parking lot project in conjunction with a large church. After some initial research and cost estimates, the church withdrew its offer of its parking facility citing costs associated with security, sanitation, and additional utilities and liability insurance as being prohibitive.

Based on the experiences in Maui and Kauai of attempting to provide safe parking lots for overnight sleeping areas, it appears that the biggest obstacles are private and public landowners’ inability to assume the liability associated with such a service.

Thank you for the opportunity to provide comments on this bill.

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Blvd. 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813

**TED SAKAI**  
DIRECTOR

**Martha Torney**  
Deputy Director  
Administration

**Max Otani**  
Deputy Director  
Corrections

**Keith Kamita**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL (HB) 535, House Draft (HD) 1  
A BILL FOR AN ACT RELATING TO  
HOMELESS PROGRAMS

By  
Ted Sakai, Director  
Department of Public Safety

House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Scott Y. Nishimoto, Vice Chair  
Representative Aaron Ling Johanson, Vice Chair

Friday, February 22, 2013, 1:30PM  
State Capitol, Conference Room 308

Chair Luke, Vice Chairs Nishimoto and Johanson, and Members of the  
Committee:

House Bill 535, House Draft 1, allows for parking lots in each county be designated as safe overnight locations for the homeless to live in their vehicles. While the measure is unclear as to whether State parking facilities would be available for this purpose, the Department of Public Safety is concerned about the potential impact on the Sheriff Division.

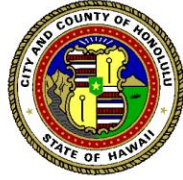
The Sheriff Division does not have the resources or infrastructure to provide security at State parking facilities that may be designated for this purpose. It is difficult to estimate the cost of supporting the proposed program as no details regarding the potential number of parking lots has been provided.

We respectfully request this Committee consider the cost of providing security should this measure pass.

Thank you for the opportunity to testify on this matter.

**OFFICE OF THE MANAGING DIRECTOR  
CITY AND COUNTY OF HONOLULU**

530 SOUTH KING STREET, ROOM 306 \* HONOLULU, HAWAII 96813  
PHONE: (808) 768-6634 \* FAX: (808) 768-4242 \* INTERNET: [www.honolulu.gov](http://www.honolulu.gov)



KIRK CALDWELL  
MAYOR

EMBER LEE SHINN  
MANAGING DIRECTOR DESIGNATE

GEORGETTE T. DEEMER  
DEPUTY MANAGING DIRECTOR

TESTIMONY OF EMBER LEE SHINN, MANAGING DIRECTOR DESIGNATE  
CITY AND COUNTY OF HONOLULU  
BEFORE THE HOUSE  
COMMITTEE ON FINANCE

Friday, February 22, 2013, 1:30 p.m., Conference Room 308

**HOUSE BILL 535, HD1, "RELATING TO HOMELESS PROGRAMS"**

**Position: In Opposition**

To: The Honorable Sylvia Luke, Chair  
and Members of the Committee on Finance

The City and County of Honolulu ("City") opposes H.B. 535, HD1 because it grants the State Department of Human Services (DHS) unilateral authority to designate county parking lots for temporary nighttime parking for homeless individuals without approval of the counties. In its present form, H.B. 535, HD1 only requires that DHS consult with the mayor of the applicable county before designating parking lot(s) within the county for temporary nighttime parking for homeless individuals.

Many of the City parking lots are subject to use restrictions imposed by the federal or state funding source or underlying conveyance documents which strictly prohibit non-parking lot uses (i.e., living accommodation). Many public parking lots have operational hours which conflict with the parking lot hours set forth in H.B. 535, HD1. Likewise, parking lots in public parks are closed during evening hours pursuant to park closure laws and could not be used to accommodate the temporary nighttime parking for the homeless. Other public parking lots do not have public restroom facilities or cannot accommodate temporary restroom facilities without resulting in a reduction in available parking spaces. Some of the City parking lots which adjoin residential/commercial facilities have restroom facilities which are incorporated into the common elements of the residential/commercial facilities. Use of those restroom facilities would require approval of the owners of the adjoining residential/commercial facilities.

Should this bill pass out of the Committee on Finance, the City requests that Section 2, paragraph (c) of H.B. 535, H.D.1 be further amended as stated below to provide that designation of any county parking lot as temporary nighttime parking for the homeless shall be subject to the prior approval of the applicable county mayor who is better able to evaluate and consider the diverse funding and use restrictions associated with the parking lot facilities under county control:



(c) The department, in consultation with the mayor of the applicable county and any interested public or private homeless assistance program, and subject to the approval of the mayor the applicable county, may designate in each county temporary nighttime parking lots that will be used to provide safe overnight parking for homeless individuals who live and sleep in their motor vehicles and who would otherwise park overnight on public or private roads or property. To accommodate regular public parking daily from 6:00 a.m. to 7:00 p.m., nighttime parking for homeless at these designated parking lots shall be allowed daily from 7:00 p.m. to not later than 6:00 a.m. the next day. The department shall adopt rules in accordance with chapter 91 to implement this subject section, including rules: . . .

Mahalo for the opportunity to testify on this bill. Should you have any questions or concerns, please feel free to contact me at 768-6634.

February 21, 2013

To: The Honorable Sylvia Luke, Chair

From: Karl Yoneshige, President & CEO

Re: HB 535 Relating to Homeless Program

As the President/CEO of HawaiiUSA Federal Credit Union, I am writing today to express our concern with the intent to use private parking facilities for “temporary nighttime parking” where homeless individuals who live and sleep in vehicles can park overnight.

We are not in a position to determine whether such a program will support the efforts of the State Department of Human Services and other agencies to address the return of people experiencing homelessness to stable housing. However, we can express concern over the costs we will incur in providing overnight parking for these individuals. We already face numerous expenses in providing a safe, clean parking facility for our members and staff, as well as visitors to our facilities. To require us to extend the parking availability for 24 hours will add costs for liability insurance, security, and of course sanitation.

The State and City have numerous public parking facilities that can be used, if indeed this program will be effective in ending homelessness in Hawaii. We are not advocating support of the intent of this program, only our objection that private companies and individuals will be burdened with the costs of providing parking spaces for these homeless individuals.

We have not examined the legality or constitutionality of this bill as it pertains to private companies, but will definitely seek relief from the courts if this bill includes private companies. There is no question that all of us realize that homelessness in Hawaii needs to be reduced, and that many different approaches are necessary; however, we ask that this program be vetted further and consideration be accorded to private companies and individuals who will be unnecessarily burdened.

Thank you for the opportunity to offer testimony on this bill.

Sincerely,

Karl Yoneshige  
President & CEO

House Committee on Finance  
Friday, February 22, 2013 at 1:30 PM., CR 308  
Testimony in Strong Support of HB 535 HD1  
Homeless Union of Hawaii

February 21, 2013

Aloha Rep. Luke and members of the FIN committee.

The Homeless Advocates of Hawaii (HAH) is in strong support of HB 535 HD1.

The idea is a great one and would provide for overhead shelter for many homeless persons who would otherwise be sleeping on the public parks and streets.

The purpose of H.B. 535 HD1 is to allow the designation of temporary nighttime parking lots within each county to provide locations where homeless individuals get seek emergency shelter and be allowed to sleep over night out of the rain and elements.

The use of alcohol or drugs will be prohibited and enforced in these private vehicles located in these publicly- designated parking lots, and where outreach, job counseling, and health care could be provided to the inhabitants of these automobiles in these parking areas during these nighttime parking hours.

The intent of this measure is to seek alternative solutions for homeless individuals who possess an automobile and desire to inhabit it overnight.

I concur with the Hawaii Interagency Council on Homelessness vision. . ."to rapidly return people experiencing homelessness to stable housing. . .and to create and preserve permanent supportive housing options for people who are homeless. . ." (Report of the Hawaii Interagency Council on Homelessness, December 2012, page 3.)

However, there is a large number of Chronic homeless who have been homeless for decades and the vision of obtaining market housing immediate has not materialized in 4-5 decades for many homeless.

The private or public party providers that City could contract with to oversee the shelter at a minimal cost thus saving the state and counties millions of taxpayers' dollars. An adequate appropriation to support this program would be desirable to implement this worthy program.

Thank you for the opportunity to offer testimony on this bill.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 21, 2013 7:48 AM  
**To:** FINTestimony  
**Cc:** tabraham08@gmail.com  
**Subject:** \*Submitted testimony for HB535 on Feb 22, 2013 13:30PM\*

### **HB535**

Submitted on: 2/21/2013

Testimony for FIN on Feb 22, 2013 13:30PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Troy Abraham	Individual	Support	No

#### Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 20, 2013 7:07 PM  
**To:** FINTestimony  
**Cc:** pamelapcm@gmail.com  
**Subject:** \*Submitted testimony for HB535 on Feb 22, 2013 13:30PM\*

### **HB535**

Submitted on: 2/20/2013

Testimony for FIN on Feb 22, 2013 13:30PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela Williams	Individual	Support	No

#### Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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