

HB 535, HD2, **Proposed SD1**

Measure Title: RELATING TO HOMELESS PROGRAMS.

Report Title: Homelessness; Temporary Nighttime Parking Lots

Description: Authorizes and funds the designation of temporary nighttime parking lots in each county 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. Appropriates funds. (Proposed SD1).



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

March 19, 2013

MEMORANDUM

TO: The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 535, H.D. 2, Proposed S.D. 1 – RELATING TO HOMELESS
PROGRAMS**

Hearing: Tuesday, March 19, 2013; 1:00 p.m.
Conference Room 016; State Capitol

PURPOSE: The purpose of H.B. 535, H.D. 2, Proposed S.D. 1, is to authorize and fund the designation of temporary nighttime parking lots in each county 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.

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. While this model has been used in some communities with varying levels of success, the Department cannot support this bill for the following reasons.

In 2011, the Kauai Continuum of Care (CoC) worked hard to initiate a pilot project for a "safe parking" zone for unsheltered homeless. The CoC encountered numerous delays due to safety concerns, liability (for example, the cost of liability insurance), and

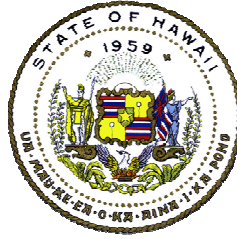
the need for sanitation beyond what was available in most parking lots. Many partners were sought to assist with the project, but ultimately, the project could not be initiated because no entity was willing to assume the liability and costs for sponsoring the safe parking lots.

A year earlier, the Maui CoC also attempted a similar pilot project in conjunction with a church sponsor. After initial research and cost estimates, that project was not initiated due to prohibitive cost associated with security, sanitation, and additional utilities and liability insurance. Safety concerns were also raised due to the potential that families would build open fires with which to cook meals.

Depending on the services that will need to be provided such as screening, security and monitoring, sanitary facilities, potable water, outreach, job counseling, health care and other services provided, the cost could be up a million dollars per year for each site. In this bill, the counties are responsible for providing the funding for government agencies and profit and nonprofit organizations that want to provide their parking lots for temporary shelters. This bill also requires “safe overnight parking” so there could so be liability costs for the State and the Counties.

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. 4th Floor
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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) 2,
PROPOSED SENATE DRAFT (SD) 1
A BILL FOR AN ACT RELATING TO
HOMELESS PROGRAMS

By
Ted Sakai, Director
Department of Public Safety

Senate Committee on Human Services
Senator Suzanne Chun Oakland, Chair
Senator Josh Green, Vice Chair

Tuesday, March 19, 2013, 1:00PM
State Capitol, Conference Room 016

Chair Chun Oakland, Vice Chair Green, and Members of the Committee:

HB 535, HD2, Proposed SD1, authorizes and funds the designation of temporary nighttime parking lots in each county 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. While the measure allows for the use of State parking facilities to provide temporary emergency shelters for homeless individuals and families, the Department of Public Safety is concerned about the potential impact on the Sheriff Division if it had to provide security and patrols of these parking facilities.

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.

Presentation to
Senate Committee on Human Services
March 19, 2013 at 1:00 pm
State Capitol Conference Room 016

Testimony in OPPOSITION to H. B. 535, HD2

TO: The Honorable Suzanne Chun Oakland, Chair
The Honorable Josh Green, Vice Chair
Members of the Committee

My name is Edward Pei and I am the Executive Director of the Hawaii Bankers Association (HBA). HBA is the trade association representing all FDIC insured depository institutions operating in the State of Hawaii.

While we are sympathetic to the plight of the homeless and appreciate the State's efforts to seek innovative solutions, this bill raises several concerns, if private landowners are forced to contribute their parking lots to this program. Our reasons include the following:

- **Safety:** Private parking facilities are not designed to safely accommodate children, families and individuals for overnight purposes. For instance, concrete curbs and parking stoppers can easily be tripped over. Lighting may also be inadequate.
- **Sanitation:** Parking lots are generally not equipped with running water and toilets.
- **Security:** In general, no security is provided by landowners in the evenings.
- **Operating Hours:** Landowners would likely have to hire additional security personnel to enforce available hours of use.
- **Liability:** It is unreasonable to require the landowner to assume responsibility for accidents, injuries, or criminal acts that might occur on their premises as a result of this program.
- **Cost:** All of these issues will translate to additional costs for the private landowners.

This bill also raises a constitutional issue, as it could be considered the illegal "taking" of property by a government entity. We also wonder whether this initiative is consistent with the goal of creating safe emergency and transitional housing for the homeless.

In summary, we are opposed to HB535, HD2, as it places an unfair burden on private landowners. We would be more willing to support HB 535, SD1, as it allows private landowners to choose to participate, rather than being forced to participate. Thank you for the opportunity to testify on this bill and please let us know if we can provide further information.

Edward Y. W. Pei
(808) 524-5161

HMSA



An Independent Licensee of the Blue Cross and Blue Shield Association

March 19, 2013

The Honorable Suzanne Chun Oakland, Chair
The Honorable Josh Green, Vice Chair

Senate Committee on Human Services

Re: HB 535, HD2 (Proposed SD1) – Relating to Homeless Programs

Dear Chair Chun Oakland, Vice Chair Green, and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on the proposed SD1 version of HB 535, HD2, which authorizes the Department of Human Services to consult with the mayor of each county to designate overnight housing of individuals experiencing homelessness in parking lots. HMSA has concerns with this legislation, and we suggest an amendment to address those concerns.

HMSA certainly is empathetic to the plight of individuals experiencing homelessness; we understand the need for appropriate housing, even of a temporary nature, for these individuals. We also understand that government, whether federal, state, or county, may wish to avail their public facilities for the purpose of providing temporary shelter for the homeless. However, we do not believe it appropriate to statutorily allow the government to potentially allow that service on private properties. Many businesses, such as HMSA, have employees working 24 hours, seven days a week, and we deal with federally regulated information systems in our facilities. Using the parking lot for other than business-related purposes creates grave concerns.

As drafted, it is unclear as to whether the Bill is intended to limit the designation of temporary homeless shelters to public parking facilities. We suggest the Bill be amended to specifically refer only to “publically-owned parking lots.”

Thank you for the opportunity to comment and offer this amendment to HB 535, HD2, Proposed SD1.

Sincerely,

A handwritten signature in black ink that reads 'Mark K. Oto'.

Mark K. Oto
Director
Government Relations

Kyle Sleppy

March 19, 2013 @1300 hours

Committee on Human Services

HB535

In the bill HB535, HD2 the amendments made to Section 346-375, Hawaii Revised Statutes are solid, reasonable, and good for the homeless and the public by keeping overnight-parked vehicles of homeless individuals off of public and private roads, and created a safe place for homeless individuals living in their vehicles to rest for the specified period of time.

I have also read HB535 SD1, which differs from HB535 by the specification of "overnight parking lot's" instead of or in conjunction with the title "Temporary emergency shelters." Said specifications are good and I propose that HB535 SD1 be used and passed, but with amendments. I propose that under the rules section listed to be in accordance of Chapter 91 to implement such subsection (Page 3, Line 11), rule 1- (1) Setting forth procedures to screen potential homeless individuals;" be specifically defined. It is needed to be specified what process will be in place for such screening, what screening will be done, and how such screening will be done. Rule 2- (2) Prohibiting alcohol or drug use by individuals using temporary nighttime parking lots; and- needs to be specified as well as to if searches of the person, vehicle or property, pat downs or questioning will be done upon entry or attempted entry, exit or attempted exit of such overnight parking lots. If searches done under rule (2), and rule (1) or privacy breaching screening under rule (1) or any other privacy breaches or personal security breaching searches, screening or pat-downs will be done, I propose such actions be prohibited and said rules be stricken from HB535 SD1, or it shall be specified in the bill that such actions are prohibited.

Sincerely,

Kyle Sleppy