



STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339  
Honolulu, Hawaii 96809-0339

January 25, 2013

TO: The Honorable Rida T.R. Cabanilla, Chair  
House Committee on Housing

FROM: Colin Kippen, State Homelessness Coordinator

SUBJECT: HB 535 Relating to Homeless Programs

Hearing: Monday, January 28, 2013; 8:45 a.m.  
Conference Room 329, State Capitol

**PURPOSE:** The purpose of H.B. 535 is to mandate the designation of temporary nighttime parking lots within each county to provide locations where homeless individuals will be allowed to inhabit their cars overnight, where 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 will be provided to the inhabitants of these automobiles in these parking areas during these nighttime parking hours.

**HOMELESS COORDINATOR'S POSITION:** The State Homeless Coordinator appreciates that the intent of this measure is to seek alternative solutions for homeless individuals who possess an automobile and desire to inhabit it overnight. While this is a positive and salutary goal, the Homeless Coordinator does not support this bill because it is inconsistent with the policy report adopted by the Hawaii Interagency Council to reject over night camping for homeless individuals at public facilities.

That report found that . . .“(c)reating camping areas for homeless individuals in our parks, and in our public buildings during evenings only. . .is unworkable, is not advisable, and should not be pursued. These findings are consistent with and supported by the plan to end homelessness adopted by the Hawaii Interagency Council on Homelessness. . .”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.)

The U.S. Department of Housing and Urban Development, the U.S. Interagency Council on Homelessness, and the Hawaii Interagency Council on Homelessness are united in their position that this strategy is inadvisable for the following reasons:

- This proposal is inconsistent with existing federal and state programs to stabilize homeless individuals by creating safe emergency and transitional shelters to prepare them for moving into and living in permanent supportive housing.
- This proposal potentially diverts scarce resources away from creating a path to permanent housing for homeless individuals.
- This proposal will not be able to guarantee the safety of homeless individuals for the evening and to provide safe and secure sanitation facilities for their use. A failure to be able to warrant and guarantee the safety and security of these overnight campers will create a potential risk of loss for the public entities involved.

Additionally, section 2 of the proposed measure potentially collides with the constitutional protections afforded drivers in their private vehicles and raises

constitutional and risk of loss issues to the county officials and their agents when they attempt to enforce the 'no alcohol and no drug use' prohibitions contained in section 2.

Finally, it will be virtually impossible for public service agencies to provide the confidential intake, screening, homeless outreach, homeless job counseling, and homeless health care services to automobile occupants in a way that guarantees the safety of the service provider as well as lives up to the standards of care in existence for these occupations. The impossibility of being able to provide such services within these mobile automobiles will require the provision of external facilities dedicated to the provision and housing of these services, which will substantially raise the cost and risk of loss to these service providers and to the sponsoring county governments involved.

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



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

January 28, 2013

**MEMORANDUM:**

TO: The Honorable Rida T.R. Cabanilla, Chair  
House Committee on Housing

FROM: Patricia McManaman, Director

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

Hearing: Monday, January 28, 2013; 8:45 a.m.  
Conference Room 329; State Capitol

**PURPOSE:** The purpose of H.B. 535 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.

**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. This model has been used in some communities, with varying levels of success, but the Department is unable to support it at this time for the following reasons.

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.