

SB 2057

Measure Title: RELATING TO HOUSING.

Report Title: Executive Office on Homeless Identity Protection; Identification; Special Fund; Appropriation (\$)

Description: Establishes the housing for the homeless special fund and executive office on homeless identity protection to assist homeless individuals with the process, including associated costs, of obtaining a government-issued identification document. Makes an appropriation.

Companion:

Package: None

Current Referral: HMS, WAM

Introducer(s): GREEN, CHUN OAKLAND, ESPERO, RUDERMAN, SHIMABUKURO



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

February 9, 2016

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

FROM: Scott Morishige, MSW, Governor's Coordinator on Homelessness

SUBJECT: SB 2057 – RELATING TO HOUSING

Hearing: Tuesday, February 9, 2016, 1:45 p.m.
Conference Room 016, State Capitol

POSITION: The Governor's Coordinator opposes this measure, and expresses concern that this bill establishes an executive office on homeless identity protection that appears to duplicate existing functions of homeless outreach services, as well as the Governor's Coordinator on Homelessness, and may result in greater inefficiencies in government operation. The Coordinator defers to the Department of Budget & Finance regarding the establishment of a new special fund, and defers to the Department of the Attorney General regarding potential constitutional concerns.

PURPOSE: The purpose of the bill is to establish the housing for the homeless special fund and executive office on homeless identity protection to assist homeless individuals with the process, including associated costs, of obtaining a government issued identification document. The bill also appropriates an unspecified amount out of the general revenues of the state to deposit to the credit of the housing for the homeless special fund.

The Coordinator notes that Act 243, Session Laws of Hawaii 2015, established a working group to "conduct research and develop a plan to enable individuals in the State who are unable to produce documentation required for a state civil ID card to obtain satisfactory documentary evidence." Accordingly, the Coordinator defers to the interim report of this working group in regards to specific recommendations on how to address this complex

challenge, which includes a recommendation that the Legislature appropriate funds to the Department of Human Services Homeless Programs Office (HPO) for services to obtain government issued identification.

The HPO currently contracts homeless outreach providers to offer a range of services to unsheltered homeless households. The Coordinator notes that the Governor's Executive Budget request includes \$2 million for homeless outreach services, and asks for the Legislature's support of this request. There is concern that the establishment of an executive office on homeless identity protection may unnecessarily duplicate services currently being offered by HPO contracted outreach providers.

Further, the position of the Governor's Coordinator on Homelessness was established to align and coordinate community efforts related to homelessness, which includes assessing policies and practices related to specific barriers and challenges faced by homeless individuals. This measure establishes a similar office to address a more limited and potentially duplicative function, which may again result in confusion and government inefficiency.

Thank you for the opportunity to testify on this bill.

TESTIMONY BY WESLEY K. MACHIDA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEE ON HUMAN SERVICES
ON
SENATE BILL NO. 2057

February 9, 2016

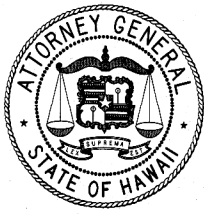
RELATING TO HOUSING

Senate Bill (S.B.) No. 2057 establishes the Executive Office on Homeless Identity Protection to assist homeless individuals with the process, including associated costs of obtaining government-issued identification documents. The bill also authorizes the Governor to appoint a Director, exempt from Chapter 76, Hawaii Revised Statutes (HRS), to oversee the operations of the office.

Additionally, S.B. No. 2057 establishes in the State treasury the Housing for the Homeless Special Fund to receive appropriations made by the Legislature. The funds shall be used to assist homeless individuals with the process, including associated costs of obtaining government-issued identification documents.

While the Department of Budget and Finance does not take any position on the establishment of the Executive Office on Homeless Identity Protection program, as a matter of general policy, the department does not support the creation of special funds which do not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of

financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. In regards to this bill, it is not clear why this program cannot be implemented with general funds. Further, it does not appear that the proposed special fund will be self-sustaining.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:
S.B. NO. 2057, RELATING TO HOUSING.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Tuesday, February 9, 2016 **TIME:** 1:45 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Lila C. A. King, Deputy Attorney General

Chair Chun Oakland and Members of the Committee:

The Attorney General supports the intent of the bill, but raises a possible constitutional issue. We submit the following comments and recommendations.

The purpose of this bill is to establish the housing for the homeless special fund and the Executive Office on Homeless Identity Protection to assist homeless individuals with the process, including associated costs, of obtaining government-issued identification documents.

Section 2 of this measure adds two new sections to chapter 346, Hawaii Revised Statutes (HRS). New section 346-B, HRS, at page 2, lines 15-20, and page 3, lines 1-2, provides for the establishment of an Executive Office on Homeless Identity Protection that “shall be temporarily placed within the office of the governor; provided that on July 1, 2018, the executive office on homeless identity protection shall be permanently established within the department of human services for administrative purposes only.” This provision raises a possible constitutional concern.

Article V, section 6, of the Hawai‘i Constitution provides:

All executive and administrative offices, departments and instrumentalities of the state government and their respective powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to common purposes and related functions. Temporary commissions or agencies for special purposes may be established by law and need not be allocated within a principal department.

The Executive Office on Homeless Identity Protection must be placed within one of the principal departments of the executive branch of state government. The Office of the Governor is a constitutional office established by sections 1 and 2 of article V of the Hawai‘i Constitution. It is not a principal department of the executive branch of state government as listed in section 26-4, HRS.

Although the bill provides that the Executive Office on Homeless Identity Protection is “temporarily placed within the office of the governor,” it does not fit within the exception allowed in article V, section 6, of the Hawai‘i Constitution, which provides that “[t]emporary commissions or agencies for special purposes may be established by law and need not be allocated within a principal department.” The “temporary” placement within the office of the governor does not meet the “temporary” constitutional requirement. The bill provision provides that the Executive Office on Homeless Identity Protection shall be a permanent office within the DHS, not a temporary office.

We previously opined in a formal Attorney General opinion that:

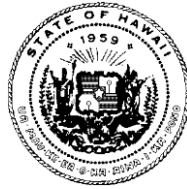
“[O]ffices” or other agencies created by law and not placed within a principal department of the state executive branch, “in such manner as to group the same according to common purposes and related functions,” are subject to attack as being invalidly placed in violation of the first sentence of the first paragraph of section 6 of article V of the State Constitution.

Atty. Gen. Op. No. 96-1 (February 16, 1996).

The temporary placement of the executive office in the Office of the Governor may raise potential constitutional challenges that may invalidate the placement in the Office of the Governor as a violation of article V, section 6, of the Hawai‘i Constitution.

To address this problem, we recommend modifying the wording to permanently establish the Executive Office on Homeless Identity Protection within the Department of Human Services, without initially placing the Executive Office on Homeless Identity Protection temporarily in the Office of the Governor.

The Department urges the Committee to pass this bill only if this concern is addressed.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96808

February 8, 2016

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

FROM: Rachael Wong, DrPH, Director

SUBJECT: **SB 2057 – RELATING TO HOUSING**
Hearing: Tuesday, February 9, 2016, 1:45 p.m.
Conference Room 016, State Capitol

POSITION: The Department of Human Services appreciates the intent of this measure but respectfully opposes the establishment of a special fund and the executive office on homeless identity protection.

PURPOSE: The purpose of the bill is to establish the housing for the homeless special fund and the executive office on homeless identity protection to assist homeless individuals with the process, including associated costs, of obtaining a government-issued identification document. The bill also appropriates an unspecified amount of general funds to the housing for the homeless special fund.

Act 243, Session Laws of Hawaii 2015, established a working group to “conduct research and develop a plan to enable individuals in the State who are unable to produce documentation required for a state civil ID card to obtain satisfactory documentary evidence.” The Act 243 working group made the following recommendations:

1. The Legislature should appropriate funds for necessary services, fees and costs associated with obtaining vital records, to assist citizens and lawfully present non-citizen homeless individuals with obtaining necessary documentation to obtain a State civil identification (ID) card.
2. Legislature should appropriate funds to conduct develop and implement a regular public outreach campaign to encourage individuals to obtain and maintain current government issued ID and vital records.

We recommend that the work group strategy is more immediate, operational and practical than the establishment of a special fund and a new executive office, as both the special fund and a new executive office require resources for administrative costs that could go directly to services. The recommendations from the Act 243 Work Group also represent the consensus of multiple stakeholders. There are both Senate and House bills that are proposing the Act 243 Work Group's recommendations.

The Department's Homeless Programs Office currently contracts homeless outreach providers to offer an array of services to unsheltered homeless households, and DHS asks the committee to support the entire Executive Budget request of \$2 million to enhance homeless outreach efforts. At the time the budget request was prepared, the Act 243 working group had not issued recommendations, and cost and fees for this added outreach service to assist with government ID were not included in the budget request. It is important for homeless outreach service providers to have adequate resources to provide outreach services, including the resources to assist homeless individuals to pay for replacement documents and obtain government issued ID; DHS requires the entire \$2 million request identified in the Executive Budget to be procured for the range of outreach services.

Thank you for the opportunity to testify on this bill.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Rick Collins, President

Judith F. Clark, Executive Director

Big Brothers Big Sisters of

Hawaii

Bobby Benson Center

Central Oahu Youth Services

Association

Child and Family Service

Coalition for a Drug Free Hawaii

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Student Television

Hui Malama Learning Center

Kokua Kalihi Valley

Life Foundation

Marimed Foundation

Maui Youth and Family Services

P.A.R.E.N.T.S., Inc.

Parents and Children Together

(PACT)

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community

Center

The Catalyst Group

Uhane Pohaku Na Moku

O Hawai'i

Waikiki Health

February 1, 2016

To: Senator Suzanne Chun Oakland, Chair,
And members of the Committee on Human Services

Senator Clarence Nishihara, Chair
And members of the Committee on Public Safety, Intergovernmental,
and Military Affairs

TESTIMONY IN SUPPORT OF SB 2057 RELATING TO HOMELESSNESS

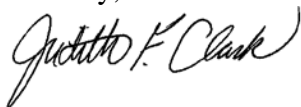
Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports SB 2057 Relating to Homelessness.

There are many creditable reports of homeless individuals who have lost essential identification during sweeps of homeless encampments and enforcement of the laws that forbid sitting, lying, or storing possessions on a sidewalk. Homeless persons are also at high risk for theft of their identification as they lack secure facilities to store their belongings. This includes unaccompanied runaway and homeless youth who are living without support or guidance from their families.

Without identification, it is difficult to obtain employment, enroll in school, or obtain housing. Replacement of confiscated identification can be a long and tedious process requiring months of effort. It is especially difficult for adolescents who are not legally adult, and lack the experience and skills for adult independent living.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

February 9, 2016 at 1:45 P.M.
Conference Room 016

Senate Committee on Human Services

To: Senator Suzanne Chun Oakland, Chair
Senator Gil Riviere, Vice Chair

From: Michael Robinson
Vice President, Government Relations & Community Affairs

Re: SB 2057 - Testimony in Support

My name is Michael Robinson, Vice President, Government Relations and Community Affairs at Hawai'i Pacific Health (HPH). Hawai'i Pacific Health is a not-for-profit health care system, and the state's largest health care provider and non-governmental employer. Hawai'i Pacific Health is committed to providing the highest quality medical care and service to the people of Hawai'i and the Pacific Region through its four hospitals, more than 50 outpatient clinics and service sites, and over 1,600 affiliated physicians. Hawai'i Pacific Health's hospitals are Kapi'olani Medical Center for Women & Children, Pali Momi Medical Center, Straub Clinic & Hospital and Wilcox Memorial Hospital.

HPH supports SB 2057 which establishes the housing for the homeless special fund and executive office on homeless identity protection to assist homeless individuals with the process of obtaining a government-issued identification document. We recognize and understand the problems that may exist for homeless individuals who experience difficulties in obtaining a government-issued identification card, especially when an official form of identification is needed to secure certain services. We note, however, that homeless individuals do not readily provide a residence address, and sometimes use a relative's or friend's address, making follow-up contact challenging.

Thank you very much for the opportunity to testify on this measure.