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# A BILL FOR AN ACT

RELATING TO HOMELESS SHELTERS.

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

1           SECTION 1. In an attempt to make the homeless shelter  
2 system more cost effective and more appealing to families and  
3 individuals, the legislature enacted Act 234, Session Laws of  
4 Hawaii (SLH) 2016, and revised chapter 346, Hawaii Revised  
5 Statutes (HRS), by adding a new section to part XVII to  
6 establish minimum requirements for every homeless emergency  
7 shelter operated by a provider agency that is under contract  
8 with the department of human services. Act 234, SLH 2016,  
9 amended definitions in section 346-361, HRS, and amended section  
10 346-371, HRS, which requires provider agencies to conduct annual  
11 audits. Act 234, SLH 2016, amended section 346-374, HRS,  
12 directing the department of human services to pay homeless  
13 shelter stipends only for performance measures actually achieved  
14 by the provider agency, and requiring that the collection of  
15 shelter and service payments from homeless families or  
16 individuals be based on families' and individuals' ability to  
17 pay.



1           The legislature finds that there is wide variation in the  
2 configuration of homeless emergency shelters across the State.  
3 In particular, there are distinct differences between emergency  
4 shelters located in rural areas as compared to shelters that are  
5 located in more densely populated urban communities. To ensure  
6 that the minimum health and safety standards adopted by the  
7 department of human services provide sufficient flexibility to  
8 address these diverse needs, the department needs additional  
9 time to meet with shelter providers and discuss the ability to  
10 bring shelter space into compliance with the requirements of Act  
11 234, SLH 2016.

12           Additionally, there is concern that without flexibility for  
13 the requirement for partitioned shelter spaces, if Act 234, SLH  
14 2016, is implemented as currently enacted, there may be  
15 significant reduction in shelter space among certain homeless  
16 shelters.

17           This Act is intended to provide the department of human  
18 services with discretion to determine which emergency homeless  
19 shelters may require partitioned space for each homeless person  
20 or family based upon guidelines determined by the department.  
21 In addition, this Act delays the effective date of Act 234, SLH



1 2016, except section 6(c), by one year to provide additional  
2 time for the implementation.

3 SECTION 2. Act 234, Session Laws of Hawaii 2016, is  
4 amended by amending subsection (b) of section 346- , Hawaii  
5 Revised Statutes, established in section 2 of the Act to read as  
6 follows:

7 "(b) The department shall require an emergency shelter to  
8 comply with the following:

9 (1) The shelter shall have the number of showers and  
10 bathrooms that the department deems appropriate and  
11 sufficient for the number of homeless families or  
12 individuals [~~that~~] who use the shelter and the  
13 capacity of the shelter. The showers and bathrooms  
14 may be part of the shelter building or portable and  
15 unattached to the shelter building;

16 (2) The shelter [~~shall~~] may have partitioned space for  
17 each homeless family or individual that provides  
18 separation from other homeless families or individuals  
19 in the shelter. The minimum area of the partitioned  
20 space and height of the partition shall be determined  
21 by the department and may differ among [~~transitional~~]



1           emergency shelters, according to the number of  
 2           homeless families or individuals [~~that~~] who use the  
 3           shelter and the capacity of the shelter. A shelter  
 4           that provides separate rooms or portable dwelling  
 5           units for homeless families or individuals, including  
 6           converted shipping containers or school classrooms,  
 7           shall be deemed to exceed this minimum requirement;  
 8           and

9           (3) The shelter shall provide storage for the personal  
 10           possessions of each homeless family or individual  
 11           served by the shelter. The storage shall be securable  
 12           by the homeless family or individual. The type and  
 13           number of the storage equipment, space, or area shall  
 14           be determined by the department."

15           SECTION 3. Act 234, Session Laws of Hawaii 2016, is  
 16           amended by amending section 6 to read as follows:

17           "SECTION 6. (a) For the purpose of this section,  
 18           "emergency shelter", "provider agency", and "transitional  
 19           shelter" mean the same as defined under section 346-361, Hawaii  
 20           Revised Statutes.



1 (b) Each contract that takes effect after June 30, [~~2017,~~  
2 2018, between the department of human services and a provider  
3 agency for the operation or management of an emergency or  
4 transitional shelter shall comply with this Act. This  
5 requirement shall apply whether the contract is entered into,  
6 renewed, or extended before or after June 30, [~~2017,~~ 2018.

7 (c) Beginning July 1, 2016, the department of human  
8 services shall work with provider agencies to implement this  
9 Act."

10 SECTION 4. Act 234, Session Laws of Hawaii 2016, is  
11 amended by amending section 8 to read as follows:

12 "SECTION 8. This Act shall take effect on July 1, [~~2017,~~  
13 2018; provided that subsection (c) of section 6 shall take  
14 effect on July 1, 2016."

15 SECTION 5. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on June 30, 2017.



**Report Title:**

Homeless Shelters; Requirements

**Description:**

Provides that emergency shelters may have partitioned space for homeless persons or families based on Department of Human Services (DHS) guidelines. Delays the emergency or transitional shelter compliance requirements per Act 234, Session Laws of Hawaii (SLH) 2016, for contracts between DHS and emergency or transitional shelter provider agencies. Delays the effective date of Act 234, SLH 2016, except section 6(c) of the Act.  
(HB1098 CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

