
A BILL FOR AN ACT

RELATING TO HOMELESSNESS.

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

1 SECTION 1. Act 234, Session Laws of Hawaii 2016, is
2 amended by amending section 1 to read as follows:

3 "SECTION 1. The purpose of this Act is to address
4 homelessness.

5 The legislature finds that homeless families and
6 individuals deserve shelter and the general public deserves safe
7 and clean sidewalks, parks, schools, and other public
8 facilities. Achieving both objectives requires a strategy of
9 making available emergency and transitional shelters that appeal
10 to homeless families and individuals and enforcing state and
11 county trespass and anti-nuisance statutes and ordinances. The
12 shelters are intended to make space available to homeless
13 families and individuals displaced from public sidewalks, parks,
14 schools, and other public facilities by the enforcement of
15 statutes and ordinances that prohibit camping or habitation in
16 those areas[-] as well as those who have been previously housed
17 and have lost their housing due to unforeseen circumstances.



1 This Act is intended to address the first part of the
2 strategy: to make available more emergency and transitional
3 shelter space funded in a cost-effective manner. More
4 specifically, this Act:

5 (1) Provides that emergency shelters shall comply with
6 certain minimum requirements that meet basic needs and
7 preferences of homeless families and individuals [~~—By~~
8 ~~doing so, the legislature intends that the shelters be~~
9 ~~more appealing to homeless families and individuals~~];
10 provided that those changes do not actually reduce the
11 number of people that can be sheltered in each
12 facility;

13 (2) Requires homeless shelter stipend payments to be made
14 [~~based on performance measures that are actually~~
15 ~~achieved. The legislature intends that this~~
16 ~~requirement incentivize emergency and transitional~~
17 ~~shelter providers to actually provide shelter to more~~
18 ~~homeless families and individuals;~~

19 ~~(3) Repeals the automatic annual adjustment of the~~
20 ~~homeless stipend amount. The legislature intends that~~
21 ~~any adjustment of the stipend amount shall be subject~~



1 ~~to the contract between the department of human~~
2 ~~services and the provider agency,]~~ with a goal of
3 achieving performance measures;

4 (3) Stipulates a review of shelter outcomes at the close
5 of each year in an effort to build accountability.

6 Achievement of targeted outcomes will result in
7 incentivized payments to the shelter provider while
8 failure to meet outcomes may result in a downward
9 payment adjustment in the subsequent year;

10 (4) Revises existing provisions on the establishment and
11 collection of shelter and service payments by a
12 provider agency from homeless families and
13 individuals; and

14 (5) Requires each provider agency to submit a financial
15 audit to the department at least annually."

16 SECTION 2. Section 346-361, Hawaii Revised Statutes, is
17 amended by amending the definition of "emergency shelter" to
18 read as follows:

19 ""Emergency shelter" means a homeless facility designed to
20 provide temporary shelter and appropriate and available services
21 to homeless families or individuals [~~for a specified period of~~



1 ~~time who are not able to stay in a transitional shelter or~~
2 ~~reside in a dwelling unit]."~~

3 SECTION 3. Section 346-374, Hawaii Revised Statutes, is
4 amended by amending subsections (a) and (b) to read as follows:

5 "(a) The department may make or may contract to make
6 homeless shelter stipend payments to a provider agency operating
7 or managing an emergency or transitional shelter. Under each
8 contract, the department [~~shall pay~~] may adjust homeless shelter
9 stipends [~~only for~~] at the end of each year based upon
10 performance measures actually achieved by the provider agency,
11 such as the number of homeless families or individuals actually
12 provided with shelter and appropriate services at the emergency
13 or transitional shelter. The contract also may include
14 provisions for the automatic adjustment of the homeless shelter
15 stipend amounts, depending on factors agreed to by the
16 department and provider agency.

17 (b) In making homeless shelter stipend payments to a
18 provider agency, the department may establish minimum services
19 [~~to be provided by~~] with input from the provider agency [~~to~~
20 ~~homeless families or individuals at the provider agency's~~
21 ~~shelter. The department may also direct provider agencies to~~



1 ~~establish and manage a savings account program as described in~~
 2 ~~subsection (c). Additionally, the department may direct~~
 3 ~~provider agencies to subcontract for outreach services from~~
 4 ~~other private agencies specializing in programs for the~~
 5 ~~unsheltered homeless]."~~

6 SECTION 4. Section 346-374.5, Hawaii Revised Statutes, is
 7 amended by amending subsections (b) and (c) to read as follows:

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

10 (1) The shelter shall have the number of showers and
 11 bathrooms that ~~[the department deems appropriate and~~
 12 ~~sufficient for the number of homeless families or~~
 13 ~~individuals that use the shelter and the capacity of~~
 14 ~~the shelter.] meet the needs of the population but no~~
 15 ~~fewer than one shower, one sink, and one toilet per~~
 16 ~~twenty-five residents.~~ The showers and bathrooms may
 17 be part of the shelter building or portable and
 18 unattached to the shelter building;

19 (2) The shelter ~~[shall]~~ may have partitioned space for
 20 each homeless family or individual that provides
 21 separation from other homeless families or individuals



1 in the shelter. The minimum area of the partitioned
2 space [~~and height of the partition~~] shall be
3 determined by [~~the department and may differ among~~
4 ~~transitional shelters, according to~~] the number of
5 homeless families or individuals that use the shelter
6 and the capacity of the shelter. A shelter that
7 provides separate rooms or portable dwelling units for
8 homeless families or individuals, including converted
9 shipping containers or school classrooms, shall be
10 deemed to exceed this minimum requirement; and

11 (3) The shelter shall provide storage for the personal
12 possessions of each homeless family or individual
13 served by the shelter. The storage shall be securable
14 by the homeless family or individual. The type and
15 number of the storage equipment, space, or area shall
16 be determined by [~~the department.~~] space availability
17 of the individual shelter.

18 (c) [~~The department may require an emergency shelter to~~
19 ~~comply with any other requirements that the department deems~~
20 ~~appropriate or necessary. The requirements established by the~~
21 ~~department may vary among emergency shelters.~~] Realizing that



1 the objective of emergency shelters is to enable shelter
2 residents to successfully obtain permanent housing, the
3 department shall work with shelter management to ensure that
4 residents receive needed services."

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

7 SECTION 6. This Act shall take effect on July 1, 2017.

8



Report Title:

Homeless Shelters; Requirements

Description:

Defines emergency shelter to mean a homeless facility designed to provide temporary shelter and services to homeless families or individuals. Allows homeless shelter stipends to be adjusted at the end of each year based upon achievement of performance measures. Requires homeless shelters to have no fewer than one shower, one sink, and one toilet per twenty-five residents and the minimum area of each partitioned space to be determined by the number of residents and capacity of the shelter.

Authorizes, rather than mandates, that emergency shelters have partitioned space for each homeless family or individual that provides separation from other homeless families or individuals in the shelter. Establishes that the storage space at a homeless shelter shall be determined by each shelter's space availability. Removes DHS's authority to require shelters to comply with additional requirements. (SD1)

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