

# **HB83 HD1**

Measure Title: RELATING TO HOMELESSNESS.

Report Title: Homelessness; Puuhonua Safe Zones; Appropriation

Description: Allows the Department of Human Services to establish puuhonua safe zones where homeless persons may reside. Appropriates funds for establishing the zones. (HB83 HD1)

Current Referral: HMS, JDL/WAM

Introducer(s): GATES, AQUINO, BROWER, HASHEM, Morikawa, Quinlan, San Buenaventura



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

March 17, 2017

TO: The Honorable Senator Josh Green, Chair  
Senate Committee on Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **HB83 HD1 – RELATING TO HOMELESSNESS**

Hearing: Friday, March 17, 2017, 2:50 p.m.  
Conference Room 016, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) provide comments. DHS is concerned that this measure will create formal homeless encampments on State land. The better strategy is to place individuals and families into housing.

**PURPOSE:** The purpose of the bill is to require DHS to create Pu`uhonua Safe Zones for homeless people to reside. The bill also appropriates an unspecified amount of money to establish the Pu`uhonua Safe Zones. The Committee on Human Services amended the measure by:

- (1) Giving DHS and not the Governor, the authority to establish pu'uhonua safe zones;
- (2) Deleting the provision requiring the Land Use Commission to designate pu'uhonua safe zones;
- (3) Providing that the State shall not be liable for any loss, damage, injury, or death arising from or occurring in a pu'uhonua safe zone;
- (4) Making DHS the expending agency for the appropriation;
- (5) Changing its effective date to July 1, 2075, to facilitate further discussion; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

The best strategy to end homelessness is to find people safe and affordable housing. Placing homeless individuals into permanent housing through programs like Housing First is evidence-based and best practice. Housing First is an approach that emphasizes stable, permanent housing as a strategy for ending homelessness. Additionally, as noted by the National Alliance to End Homelessness, Housing First is based on the theory that client choice is valuable in housing selection and supportive service participation, and that exercising that choice is likely to make a client more successful in remaining housed and improving their life. Safe zones, encampments, or tent cities created by measures such as Pu`honua Safe Zones, takes away that choice, which is the critical component of Housing First.

Many experts on the issue of homelessness agree that these types of encampments encourage more encampments. The Honolulu Star Advertiser reported in an article in July 5, 2016 that Federal officials with the Department of Housing and Urban Development and the U.S. Interagency Council on Homelessness discourage tent cities. They say no community that relies on them has been successful in reducing homelessness — and they often become a community distraction, getting in the way of real solutions. In the city of Seattle, the city cleaned up a tent city known as the Jungle. The residents of the Jungle quickly moved into an area they called the Field. The city of Seattle is now looking to clean up the tent city known as the field. The field has been plagued with rat problems, human trafficking, sexual assaults, biohazard waste problems, and public safety issues specifically related to fires. The problem of homelessness just moves and is not solved. It is important for government to build affordable low income housing to increase the inventory of permanent housing instead of promoting temporary camps. Barbara Poppe, former Executive Director of the United States Interagency Council on Homelessness (USICH), has stated that tent cities are not part, or should not be part of the government's response to homelessness. Instead of moving forward with these well intentioned and good hearted ideas, the committee should support evidence based programs like those proposed in the Governor's executive budget to address homelessness, such as Housing First and outreach.

DHS respectfully requests the Legislature consider that if camp ground concepts are passed, these measures may counter the work mandated by Act 234, Session Laws of Hawaii 2016, which requires improvement of shelter conditions and establishes performance measures.

Linking people to housing and supporting their ability to maintain housing with supportive services are better alternatives than the establishment of safe zones, encampments, or tent cities. DHS asks that the Legislature support the Governor's Executive budget requests that are grounded in available data, to continue to fund and expand Housing First, support mental health services, repair public housing units, and develop affordable housing.

Thank you for the opportunity to testify on this bill.



**EXECUTIVE CHAMBERS**  
HONOLULU

**DAVID Y. IGE**  
GOVERNOR

March 17, 2017

TO: The Honorable Senator Josh Green, Chair  
Senate Committee on Human Services

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

SUBJECT: **HB 83 HD1 – RELATING TO HOMELESSNESS**

Hearing: Friday, March 17, 2017, 2:50 p.m.  
Conference Room 016, State Capitol

**POSITION:** The Governor's Coordinator on Homelessness appreciates the intent of this bill, has concerns, and offers the following comments. In particular, there is concern about the cost implications generated by this proposal, and potential adverse impact on priorities in the Governor's Executive Budget.

**PURPOSE:** The purpose of the bill is to allow the Department of Human Services (DHS) to establish Pu'uhonua Safe Zones where homeless persons may reside. The House Committee on Human Services amended the original measure by giving DHS and not the Governor, the authority to establish safe zones; deleting the provision requiring the Land Use Commission to designate safe zones; providing that the State shall not be liable for any loss, damage, injury, or death arising from or occurring in a safe zone; and making DHS the expending agency for the appropriation.

The Coordinator notes that the bill, as currently drafted, may result in the formal establishment of homeless tent encampments on state lands. In 2012, the Legislature directed the Hawaii Interagency Council on Homelessness (HICH) to study the issue of "designating safe facilities located at areas, showers, toilets, laundry facilities, and locker rooms in various locations throughout the State for homeless persons for overnight stays." In its report to the Legislature, the HICH concluded that "[c]reating camping areas for homeless individuals in our

parks and in our public buildings . . . is unworkable, is not advisable, and should not be pursued.” See Report to the Twenty-Seventh Hawaii State Legislature 2013, in accordance with the provisions of Act 105, Session Laws of Hawaii 2012, Appendix 2, at page 10; link to the report: <http://humanservices.hawaii.gov/wp-content/uploads/2013/01/2012-Act-105-SLH-2012-HICH-Progress-Report.pdf>). The better long term strategy is to link people to housing.

In addition, both the HICH and the United States Interagency Council on Homelessness (USICH) have recommended against formal establishment of homeless encampments. According to the USICH, “strategies that focus on making encampments an official part of the system for responding to homelessness can serve to distract communities from focusing on what is most important – connecting people experiencing homelessness to safe, stable, permanent housing.” (USICH, *Ending Homelessness for People Living in Encampments*, August 2015).

Linking people to housing and supporting their ability to maintain housing are better alternatives to the establishment of tent encampments. The Coordinator notes that the State has worked, in partnership with the City & County of Honolulu, to utilize modular structures on government-owned properties to provide housing specifically designated for homeless individuals and families. If this bill moves forward, the Coordinator respectfully suggests amendments to clarify whether these types of housing projects could be considered as part of a Pu`uhonua Safe Zone.

Thank you for the opportunity to testify on this bill.

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committee on  
HUMAN SERVICES**

**Friday, March 17, 2017  
2:50 PM  
State Capitol, Conference Room 016**

**In consideration of  
HOUSE BILL 83, HOUSE DRAFT 1  
RELATING TO HOMELESSNESS**

House Bill 83, House Draft 1 proposes to create pu'uhonua safe zones where the homeless may reside in the State. The Department of Land and Natural Resources (Department) defers to the Department of Human Services (DHS) and the Governor's Office on Homelessness with regard to the feasibility of such programs and offers the following comments.

The Department notes there is no process for DHS to choose parcels for the establishment of pu'uhonua. The Department would like to be consulted and have the Board of Land and Natural Resources approve an executive order to transfer the lands to DHS if lands under its jurisdiction are considered for the purposes of this bill.

While this bill is silent as to specific sites for pu'uhonua, the Department notes that Senate Bill 1243 specifically identifies Sand Island Beach Park, O'ahu, as a possible safe zone. The Department has provided comments to the Senate Committee on Human Services as to drawbacks with using Sand Island as a homeless site. Further, the Department was also informed that its Division of Aquatic Resources property next to the Wai'anae Small Boat Harbor, O'ahu, is being advocated as a pu'uhonua. The Department notes that this property was set aside for the conservation of rare opae 'ula (native red shrimp) and the anchialine ponds in which they reside.

Thank you for the opportunity to comment on this measure.

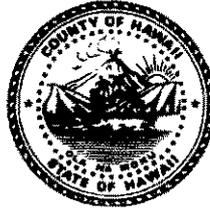
**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**KEKOA KALUHIWA**  
FIRST DEPUTY

**JEFFREY T. PEARSON P.E.**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Harry Kim  
Mayor



Wil Okabe  
Managing Director

Barbara J. Kossow  
Deputy Managing Director

County of Hawai'i  
Office of the Mayor

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March 15, 2017

Senator Josh Green, Chair  
Committee on Human Services  
Hawai'i State Capitol  
Honolulu, HI 96813

Senator Will Espero, Chair  
Committee on Housing  
Hawai'i State Capitol  
Honolulu, HI 96813

Dear Chairs Green, Espero, and Committee members:

**RE: Homelessness: HB 527, HD1; HB 1195, HD 1; HB 1281, HD 1  
HB 83, HD1; HB 1240, HD2; HB1098, HD2; SCR 56**

Between your two committees, all the above bills dealing with homelessness will be heard. It is difficult for me to pick and choose among them, and I will defer to your good judgment as to which approaches should move forward and be funded. But I would be remiss if I did not thank you for the attention that you are giving to the issue, and express my hope that you and your fellow legislators will continue to strive to ease this burden and deal humanely with the pain that homelessness afflicts, both on those without shelter and on the community at large.

I should put in a special word for SCR 56. Using Medicaid funds to treat homelessness seems to be such an innovative approach; it deserves extra kudos.

Homelessness is an obvious failure of our society to meet the basic needs of all our people. We cannot hesitate to search for solutions.

Respectfully submitted,

Harry Kim  
Mayor

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 17, 2017 8:00 AM  
**To:** HMS Testimony  
**Cc:** kimoc@ihs-hawaii.org  
**Subject:** \*Submitted testimony for HB83 on Mar 17, 2017 14:50PM\*

**HB83**

Submitted on: 3/17/2017

Testimony for HMS on Mar 17, 2017 14:50PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kimo K. Carvalho	IHS, The Institute for Human Services	Oppose	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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COMMITTEES ON HUMAN SERVICES  
WEDNESDAY, MARCH 17 2017, 2:50 p.m. PM, Room Number 016  
HB83, HD1 RELATING TO HOMELESSNESS

**TESTIMONY**

BEPPIE SHAPIRO, Legislative Committee, League of Women Voters of Hawaii

Chair Green, Vice-Chair Chang, and Committee Members:

**The League of Women Voters of Hawaii supports HB 83 HD1, which authorizes the Department of Human Services to establish “puuhonua” safe zones for homeless individuals and families, with appropriate hygienic and access to social services.**

Hawai`i is experiencing a crisis in homelessness, the result of several factors including, primarily, a critical shortage of housing available for very low income individuals and families. Either as a cause of, or a consequence of, prolonged homelessness, many homeless people are substance-addicted and/or suffer from mental illnesses.

The situation of homeless individuals and families is made almost impossible by continuing efforts to move their campsites away from public view or inconvenience of nearby institutions or businesses. While new removable policies and practices are ongoing, homeless individuals and families who refuse to use available shelters have not been provided with any option. The reasons for such refusal are many: beloved pets, addiction, perception that shelters are unsafe, inability to be co-housed with family members or household members, etc. The “Housing First” program aims to eliminate such refusals, but has housed a tiny percent of those needing housing, and is quite expensive.

HB 83 HD1 could provide a stop-gap solution which would provide homeless individuals and families a legal and convenient place where they can establish camps. Allowing pets and otherwise legal consumption of alcohol in the safe zones, and not restricting the composition of households occupying a camp site will encourage use of the safe zones.



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We regret that HD1 provides a weak vehicle for this intent, with no requirement for any action by DHS, and a delayed implementation date. But we believe it is a good measure to move forward toward accommodation of our unhoused population.

Thank you for the opportunity to submit testimony.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 15, 2017 11:04 PM  
**To:** HMS Testimony  
**Cc:** reyesysabella16@gmail.com  
**Subject:** \*Submitted testimony for HB83 on Mar 17, 2017 14:50PM\*

**HB83**

Submitted on: 3/15/2017

Testimony for HMS on Mar 17, 2017 14:50PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ysabella Reyes	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 15, 2017 8:06 PM  
**To:** HMS Testimony  
**Cc:** begoniabarry@gmail.com  
**Subject:** \*Submitted testimony for HB83 on Mar 17, 2017 14:50PM\*

**HB83**

Submitted on: 3/15/2017

Testimony for HMS on Mar 17, 2017 14:50PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Barry	Individual	Support	No

Comments:

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March 15, 2017

**COMMENTS ON HB 83 RELATING TO HOMELESSNESS**  
**Committee on Human Services hearing on March 17, 2017, 2:50pm, Room 016**

TO: Chair Josh Green, Vice Chair Stanley Chang, and  
Members of the Senate Committee on Human Services

FROM: Barbara Polk

I am testifying as an individual concerned about the long-term problem of homelessness and the failure of attempts to deal with it by sweeping the homeless aside. HB 83, which would allow the state to establish “safe zones” where homeless people may camp until such time as the State is able to provide housing, is perhaps the best bill I have seen this session. It is the first one that acknowledges that homeless people need to be able to sleep *somewhere*, and that it is preferable that they have a stable place to be, rather than being pushed around.

With a legal place to camp, though hardly the ideal solution, people would be able to build supportive communities, access services, get jobs, get medical attention, or attend school without disruption of their lives or fear that their belongings will disappear if they leave them for one of these reasons. Homeless people in a legal setting would also be more accessible to social workers and others who could provide help in connecting with needed services and eventually finding permanent housing.

I came across a project like this in Tokyo in 2010. A portion of the large public park adjacent to the government buildings was roped off and inhabited by people in tents, with their laundry hung on lines and cooking food on small cook-stoves. I have often thought that this could be a good idea here as well.

I urge you to pass this very humane bill.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 16, 2017 10:15 PM  
**To:** HMS Testimony  
**Cc:** begoniabarry@gmail.com  
**Subject:** \*Submitted testimony for HB83 on Mar 17, 2017 14:50PM\*

**HB83**

Submitted on: 3/16/2017

Testimony for HMS on Mar 17, 2017 14:50PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Barry	Individual	Support	No

Comments:

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