



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

February 10, 2017

TO: The Honorable Representative Dee Morikawa, Chair
House Committee on Human Services

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

SUBJECT: HB 83 – RELATING TO HOMELESSNESS

Hearing: Friday, February 10, 2017, 9:30 a.m.
Conference Room 329, State Capitol

POSITION: The Governor's Coordinator on Homelessness respectfully opposes this bill, as it appears that it will result in the formal establishment of homeless encampments on state lands. The formal establishment of homeless encampments is inconsistent with the State's overall strategy to address homelessness. 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.

PURPOSE: The purpose of the bill is to require the Governor to establish Pu'uhoonua Safe Zones where homeless persons may reside. The bill also appropriates an unspecified amount of funds to the Office of the Governor for implementation.

The State has adopted a comprehensive framework to address homelessness, which includes a focus on three primary leverage points – affordable housing, health and human services, and public safety. While all three of these leverage points must be addressed to continue forward momentum in addressing the complex issue of homelessness, the overall strategy emphasizes permanent housing as the solution to homelessness.

While the bill does not provide a clear definition for a “Pu’uhonua Safe Zone,” it appears that these zones may be intended to establish formal homeless encampments on state lands. The establishment of formal homeless encampments is inconsistent with the State’s overall strategy to address this complex issue. 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 Executive Budget request includes over \$180 million for the development of affordable housing and for public housing renovations, and additional appropriations for Housing First and mental health services. The Executive Budget specifically addresses housing production and assistance with high housing costs, as well as increasing resources for homeless outreach, mental health and substance use treatment.

Thank you for the opportunity to testify on this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017**

ON THE FOLLOWING MEASURE:

H.B. 83, RELATING TO HOMELESSNESS.

BEFORE THE:

HOUSE COMMITTEES ON HUMAN SERVICES

DATE: Friday, February 10, 2017 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Melissa L. Lewis, Deputy Attorney General

Chair Morikawa and Members of the Committees:

The Department of the Attorney General provides the following comments.

The purposes of this bill are to appropriate funds and to require the Governor to establish, maintain, and operate puuhonua safe zones where homeless individuals may reside.

The establishment, maintenance, and operation of puuhonua safe zones by the Governor in section 1 on page 1, lines 1-15 and page 2, lines 1-3, of the bill may be challenged as a violation of the Hawaii Constitution. Article V, section 6, of the Hawaii 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.

Section 1 of this measure, at page 1, lines 1-2, provides: "The governor shall establish puuhonua safe zones where homeless persons may reside in the State." At page 1, lines 13-15 the bill provides: "The governor shall maintain and operate puuhonua safe zones until the legislature determines that homelessness is no longer a crisis in the State."

The bill as currently written may be interpreted to place the powers and duties of an executive office, administrative office, department, or instrumentality of State government within the Governor's Office rather than in a principal department of the State. Such a placement may be challenged as violating article V, section 6, of the Hawaii Constitution. The Office of the Governor is a constitutional office established by section 1 of article V of the Hawaii Constitution. It is not one of the principal departments of the executive branch of state government listed in section 26-4, Hawaii Revised Statutes.

To reduce the potential for a constitutional challenge, we recommend modifying the bill to place the responsibilities for the establishment, maintenance, and operation of puuhonua zones within a principal department of the State executive branch. In addition, we recommend the same principal department, rather than the Governor, be designated as the expending agency for the appropriation. Furthermore, placing this program in a principal department eliminates the need for subsection (g) on page 2.

Moreover, on page 1, lines 5-7, the bill provides: "Each puuhonua safe zone shall be furnished with appropriate hygiene facilities and security and social services as deemed necessary." The requirement for the State to provide security for the puuhonua safe zones may increase the State's liability. The Legislature may mitigate this risk by adding to the end of part IV of the measure, on page 1, a waiver of liability, such as, "The State shall not be liable for any loss, damage, injury, or death arising from or occurring in a puuhonua safe zone."

If this bill is to proceed we respectfully request that the recommended amendments be made.



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COMMITTEES ON HUMAN SERVICES AND HOUSING
FRIDAY, Feb. 10 2017, 9:30 am, Room Number 329)
HB83, RELATING TO HOMELESSNESS

TESTIMONY

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

Chairs Morikawa and Brower, Vice-Chairs Todd and Nakamura, and Committee Members:

The League of Women Voters of Hawaii strongly supports HB 83, which requires the Administration 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 provides 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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Thank you for the opportunity to submit testimony.

todd2 - Chloe

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 8:32 PM
To: HUS testimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for HB83 on Feb 10, 2017 09:30AM

Categories: Done

HB83

Submitted on: 2/7/2017

Testimony for HUS on Feb 10, 2017 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We STRONGLY SUPPORT this bill. As a native Hawaiian Advocacy Corporation, who operates out of the Wai`anae Coast, we have an unofficial "Pu`uhonua O Wai`anae", which is a safe zone for our homeless Lahui. It would be a great thing to allow our Pu`uhonua O Wai`anae to become a legitimate safe zone to protect our homeless Lahui. Mahalo.

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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todd2 - Chloe

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 3:49 PM
To: HUS testimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB83 on Feb 10, 2017 09:30AM*

HB83

Submitted on: 2/6/2017

Testimony for HUS on Feb 10, 2017 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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todd2 - Chloe

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 8, 2017 4:48 PM
To: HUS testimony
Cc: foodsovereignty@now@gmail.com
Subject: Submitted testimony for HB83 on Feb 10, 2017 09:30AM

HB83

Submitted on: 2/8/2017

Testimony for HUS on Feb 10, 2017 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Mitsuko Hayakawa	Individual	Support	No

Comments:

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Representative Dee Morikawa, Chair
Representative Chriss Todd, Chair
Committee on Human Services

Against H.B. No. 83, Relating to Homelessness

Aloha, my name is Ysabella Reyes and I'm currently a freshman at Kalaheo High School. All of my life I have lived on O'ahu, I've seen the numerous attempts to resolve the increasing homeless population but none of them fail to work. I am testifying against House Bill 83 and request that you as government officials to do the same.

There has already been various services that officials have tried to reduce homelessness; providing several homeless shelters across the the state and even using shipping containers as temporary housing. But after all of this effort, Hawaii still has the nation's highest homeless rate per capita. According to service providers about 550 beds are offered on any given night on Oahu, where an estimated 4,900 of the 7,620 homeless people live.

The last thing that taxpayers need is another organization that is inadequate and only a temporary solution. If we keeping adding excessive benefits it'll lead to even more people taking advantage of welfare and continue to increase the homeless population. Instead of offering more services we should be focusing on solutions to help homeless back on their feet not welcome them with excessive housing that will indulge them as long as they stay on the streets.

Thank you for you time and consideration and giving me the opportunity to testify for HB83.

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

BRIDGET HOLTHUS
DEPUTY DIRECTOR

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

LATE

February 10, 2017

TO: The Honorable Representative Dee Morikawa, Chair
House Committee on Human Services

The Honorable Representative Tom Brower, Chair
House Committee on Housing

FROM: Pankaj Bhanot, Director

SUBJECT: **HB83 – RELATING TO HOMELESSNESS**

Hearing: February 10, 2017, 9:30 a.m.
Conference Room 329, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) respectfully opposes this measure. 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 the Governor 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 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 the 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. 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.

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 Housing First, support mental health services, repair public housing units, and develop affordable housing.

Thank you for the opportunity to testify on this bill.

todd2 - Chloe

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 10, 2017 7:38 AM
To: HUS testimony
Cc: dylanarm@hawaii.edu
Subject: *Submitted testimony for HB83 on Feb 10, 2017 09:30AM*

HB83

Submitted on: 2/10/2017

Testimony for HUS on Feb 10, 2017 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Individual	Support	No

Comments:

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LATE

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TESTIMONY

(1) SB1243 Park & Sleep Residential Campgrounds: —Nominal cost to the State. (Companion bill to HB1447) Introduced by Sen. Josh Green

<u>Bill #</u>	<u>Committee/s</u>	<u>Hearing Dates & Times</u>	<u>Location</u>
SB1243	HMS/HOU	2/6/2017 at 3:05 PM	Room 016
	<u>WAM</u>	3 pm Wed 8/11	

INTRODUCTION

I'm Mike Goodman, Director of the Hawaii Kai Homeless Task Force. I want to thank the Chair, Vice-Chair, and all members of this committee for the opportunity to testify in support of ~~SB 1243~~ also called "~~THE PARK AND SLEEP RESIDENTIAL CAMPGROUNDS ACT.~~"
 HB 83

TESTIMONY

The Hawaii Kai Homeless Task Force is a group of citizens dedicated to researching and implementing practical solutions to the homeless crisis. This act is an essential part of a six-step legislative strategy we helped develop, with five goals in mind:

First: To ensure that every homeless person has somewhere to go where they can be reasonably comfortable.

Second: To make existing social service programs more effective.

Third: To protect the quality of life for residents and tourists.

Fourth: To find solutions that can be implemented quickly.

Fifth: To do all of that with money the State already has, instead of what we hope to have in the future.

As we all know, homelessness has degenerated from a serious problem, to a crisis, and in the last decade, utter chaos. The plight suffered by the homeless, especially those who are children is unacceptable. Illegal homeless camps, which are breeding grounds for disease and crime, and turn neighborhoods into trash dumps and toilets are not acceptable. Also unacceptable, is the suffering and huge medical costs associated with the homeless having to use emergency rooms as their primary source of healthcare.

Your constituents (and I'm one of them) are desperate for bold and comprehensive solutions, that will have an immediate and substantial impact on the homeless crisis.

At the outset, I want to be clear that we applaud the efforts you are making to address this crisis, including but not limited to SB1215, which appropriates funds to DHS for "Housing First" and related programs; and SB1223 which appropriates funds for mobile clinics.

Act. Support
UNIVERSITY ZONES

The data shows that subsidized housing and "Housing First" programs are enormously effective with certain segments of the homeless population. Unfortunately, the reality is that the supply of subsidized housing always falls short of demand and probably always will. In Hawaii, what we call "affordable housing" costs about \$400,000 per unit and takes about eight years from inception to completion. And as I'm sure you're all aware, the State is saddled with billions in unfunded pension liabilities.

Also, even if we had all the money we needed today, subsidized housing does not address what outreach workers call the "service-resistant" homeless; These include addicts who refuse to participate in any programs that might pressure them into sobriety, including Housing First. Housing subsidies also don't address mentally ill homeless who suffer from anosognosia, a condition that prevents them from knowing they need help. And finally, housing subsidies don't address service - resistant "willing homeless" who actually prefer homelessness over the responsibilities of a more traditional life.

Shelters aren't the answer either. The homeless don't need a place to sleep, they need a place to live. Most homeless prefer living on the streets to a shelter. And even Homeless who willingly sleep in shelters, spend their waking hours aimlessly wandering the streets.

Some jurisdictions tried establishing “safe zones”. The problem is that homeless encampments in “safe zones” have many of the same health and safety problems as illegal homeless camps.

Although all service-resistant homeless may be persuaded to accept services in the future, we need a strategy that will provide a place for these people to go today. We also need a place for people to go who are not service resistant, but are newly homeless, and not yet connected to social services.

Legal Residential Campgrounds would substantially address all of these challenges quickly, and at a low cost.

The concept of residential campgrounds is simple. A home doesn't have to be an apartment, particularly in a place like Hawaii which is blessed with a tropical climate. Unlike “safe zones”, residential campgrounds would have showers and bathrooms, a place for residents to lock valuables, an address where residents could receive mail, a place to cook food, and access to public transportation.

On Oahu, we've identified hundreds of acres of parks and undeveloped industrially-zoned government lands, which could be safe places to live in cars, tents, or other temporary dwellings. They would instantly provide a place for “service resistant” and newly homeless persons to go. Government and private organizations who provide supportive services for the homeless would also be far more effective if they could focus more of their efforts on helping the homeless instead of wasting resources just trying to locate unsheltered homeless people. Medical and psychiatric services, substance abuse programs, and even vocational training could be made available to people in tents as effectively as they could in apartments.

THE LOGISTICS:

As of 2016, the PIT count estimates of the homeless population in the State of Hawaii, both unsheltered and sheltered were roughly 3,700 unsheltered homeless, 4,400 sheltered homeless for a total homeless population of roughly 8100. Let's round up the figure of unsheltered homeless to 4000 to make the arithmetic easier.

Let's assume that each campground would be two acres, holding 200 campsites per campground. (Kaka'ako sized.). The logistics of residential campgrounds would break down as follows. An acre is defined as exactly equal to 1/640 of a square mile, or 43,560 square feet. Each 2 acre parcel could

comfortably hold 200 campsites, each sized 20 x 20 feet, which = 400 sf each, and still have 7120 sf left over for bathrooms, showers and facilities for supportive services.

On Oahu, we've identified hundreds of acres of unimproved government lands on Sand Island, Barber's Point and Mapunapuna.

For example, the Sand Island Recreation Area has 141 acres. Assume we used **JUST HALF of the Sand Island Recreation area**. Half of the Sand Island Recreation area could provide space for over 70 separate campgrounds, each with 200 campsites providing temporary homes for 14000 people, WHICH IS OVER THREE TIMES THE AMOUNT OF UNSHELTERED HOMELESS ACCORDING TO THE 2016 PIT COUNT.

CONCLUSION

Residential campgrounds could be established with money the State already spends, in less than a year. They could provide temporary homes for every homeless person in Hawaii. Residential Campgrounds do not stop a single subsidized housing program. They would enhance, not stop existing "Housing First" programs, and social services. I implore all of you to enact this bill.

I also invite all of you to spend just 10 minutes of your time visiting our website at www.hawaiikaihomelesstaskforce.org , to see how Residential Campgrounds would fit into our overall plan to turn the homeless crisis into a manageable problem with money the State has today.

Thank you again for the opportunity to testify.

*Objectum
HUU Rules
2012 Set Dec.
on
Commencement*