
A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. The legislature finds that homelessness
2 continues to be one of the State's most significant and
3 challenging social problems. According to the 2017 Hawaii
4 Statewide Homeless Point-in-Time Count conducted in January
5 2017, there are 7,220 homeless individuals in the State.
6 Homelessness is a complex issue that requires continuous efforts
7 from many stakeholders, including nongovernmental organizations
8 such as religious or charitable nonprofit organizations.
9 The legislature also finds that in many communities,
10 nonprofit organizations play an important role in providing
11 needed services to the homeless, filling gaps that government
12 agencies are unable to meet. Some nonprofit organizations are
13 able to contribute by providing shelter on property that they
14 own or control. The provision of shelter is an important and
15 valuable public service that can offer a temporary, stop-gap
16 solution to larger social problems associated with homelessness.



H.B. NO. 2038

1 The purpose of this Act is to assist religious, charitable,
2 educational, and other nonprofit organizations in their efforts
3 to provide shelter to homeless persons by imposing limits on the
4 actions that a county may take to regulate the provision of
5 shelters by nonprofit organizations.

6 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
7 by adding a new section to be appropriately designated and to
8 read as follows:

9 "§46- Homelessness; shelters; nonprofit organizations;
10 prohibitions on county actions. (a) A nonprofit organization
11 may provide shelter to homeless persons, including by hosting
12 temporary encampments for the homeless on property owned or
13 controlled by the nonprofit organization. Shelter may be
14 provided:

15 (1) Within buildings located on the property; or

16 (2) Outdoors on the property.

17 (b) No county shall enact an ordinance or take other
18 action that:

19 (1) Imposes conditions on shelters authorized by

20 subsection (a) other than those conditions necessary

21 to protect public health and safety; provided that the



1 conditions imposed do not substantially burden the
2 decisions or actions of a nonprofit organization
3 regarding the location of the shelter on the nonprofit
4 organization's property;

5 (2) Requires a nonprofit organization to indemnify or
6 insure the county against liability with respect to
7 homeless persons housed on the nonprofit
8 organization's property; or

9 (3) Imposes permit fees in excess of the actual costs
10 associated with the review and approval of the
11 required permit applications.

12 (c) As used in this section, "nonprofit organization"
13 means an organization, whether incorporated or unincorporated,
14 that:

15 (1) Is registered with the State;

16 (2) Owns or controls real property;

17 (3) Is organized and operated for religious, charitable,
18 educational, or other nonprofit purposes; and

19 (4) Is recognized by the Internal Revenue Service as a
20 charitable or otherwise tax-exempt organization under



H.B. NO. 2038

section 501(c)(3) of the Internal Revenue Code of
1986, as amended.

(d) No county agency or county employee shall be liable
for:

- (1) Any injury or damage arising from a decision to permit
the sheltering of homeless as provided in this
section; or
- (2) Any conduct or unlawful activity that may occur as a
result of sheltering the homeless as provided in this
section."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Richard Lutz
Barbara Wood
Tom B.
K. H.

Samuel S. King
Jirdelebring
Amily Evans
Calvin K. King
Byron
Guthrie Thelen
R. Q.



H.B. NO. 2038

Report Title:

Counties; Nonprofit Organizations; Homeless; Shelters

Description:

Authorizes religious, charitable, educational, and other nonprofit organizations to provide shelter to homeless persons, including by hosting temporary encampments on property owned by the organization. Imposes limits on the types of ordinances a county may enact or other actions a county may take in regulating the ability of these organizations to provide shelter to homeless persons. Defines "nonprofit organization." Limits the liability of county agencies and employees.

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

