STAND. COM. REP. NO. \$2 -18

Honolulu, Hawaii

February 16, 2018

RE: H.B. No. 2038 H.D. 2

Honorable Scott K. Saiki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2018 State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 2038, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HOUSING,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize nonprofit organizations to provide shelter to homeless persons, including by hosting temporary encampments on property owned or controlled by the organization;
- (2) Prohibit counties from enacting ordinances that substantially burden nonprofit organizations providing shelter to homeless persons; and
- (3) Limit county liability for any injury or damage caused by permitting the sheltering of homeless persons and any conduct or unlawful activity caused by sheltering homeless persons pursuant to this measure.

The Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii and Hawaii Association for Justice supported this measure. The Governor's Coordinator on Homelessness provided comments.

Your Committee has amended this measure by:

- (1) Amending the substantive provisions of this measure to establish a three-year pilot program which authorizes nonprofit organizations in a county with a population of 500,000 or more to provide shelter to homeless persons, and prohibits the host county from enacting ordinances that impose stricter conditions or more excessive fees than necessary for providing shelter on the organization's own property or require the organization to indemnify the county;
- (2) Requiring nonprofit organizations to provide shelter from natural elements for homeless persons who are sheltered outdoors on the nonprofit organization's property;
- (3) Removing the provision that prohibited the host county from imposing conditions that substantially burden the decisions or actions of a nonprofit organization regarding the location of the shelter on the nonprofit organization's property; and
- (4) Changing its effective date to July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2038, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 2038, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Water & Land,

YAMANE, Chair

## State of Hawaii House of Representatives #SCR 582-18 The Twenty-ninth Legislature

## Record of Votes of the Committee on Water & Land

HB 2038 HD1	HHS/HS6,V	VAL FIN	e: 02/141	2018
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  □ Pass, unamended (as is) □ Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	V			
2. TODD, Chris (VC)		1		
3. CULLEN, Ty J.K.				
4. KONG, Sam Satoru				
4. KONG, Sam Satoru				
5. LEE, Chris				
6. LOWEN, Nicole E.				
7. McKELVEY, Angus L.K.		A Committee of the Comm		Section (Section 1)
8. THIELEN, Cynthia	V			
·				
TOTAL (8)	. 8	0	0	0
The recommendation is:  Adopted  If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				