



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

February 2, 2018

TO: The Honorable Representative John M. Mizuno, Chair
House Committee on Health and Human Services

The Honorable Representative Tom Brower, Chair
House Committee on Housing

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

SUBJECT: HB 2461– RELATING TO HOMELESSNESS

Hearing: Friday, February 2, 2018, 11:35 a.m.
Conference Room 329, State Capitol

POSITION: The Governor's Coordinator on Homelessness supports section 4 of this measure, as well as the appropriation for homeless assessment centers in section 6, to the extent that this appropriation does not replace or adversely impact priorities indicated in the Executive Budget.

The Coordinator appreciates the overall intent of the measure to address homelessness in Hawaii County utilizing a Housing First approach, and offers comments on sections 2, 5 and 6 relating to construction, operation, and appropriation for two homeless village sites in Kona and Hilo respectively.

The Coordinator defers to the Department of Human Services (DHS) in regard to the contracting and monitoring of homeless services; to Hawaii County in regard to the overall planning, budget and timeline for the Homeless Villages Program, and to the Department of the Attorney General in regard to the legal implications of Sections 3, 7, 8 and 9.

PURPOSE: The purpose of the bill is to establish within DHS a Hawaii County Homeless Villages Program and two homeless assessment centers in Hawaii County. The bill also waives applicable state and county permitting and construction fees for the programs, exempts the

State from claims arising out of the provision of housing or services to homeless persons, and provides immunity from civil liability to volunteers and state employees who provide housing or services to homeless persons. In addition, the bill appropriates \$1,187,500 for fiscal year 2018-2019 to DHS for construction and physical infrastructure for the Homeless Villages Program, and \$1,360,000 for fiscal year 2018-2019 for the management, maintenance and day-to-day operations of the Homeless Villages Program and the two assessment centers.

Homelessness remains one of the most pressing challenges facing Hawaii, and the State has adopted a comprehensive framework to address homelessness that focuses on three primary leverage points – affordable housing, health and human services, and public safety. In particular, the State has worked together with the Legislature and other stakeholders to increase resources for permanent housing programs, such as Housing First and Rapid Rehousing. Between 2015 and 2017, the number of permanent housing beds for homeless individuals statewide increased by 1,986 – an increase of 146%, more than doubling the supply of permanent beds.

Over the past two years, the State has also invested in housing-focused programs, such as the Kakaako Family Assessment Center (FAC), which aim to increase the number of homeless individuals and families placed into permanent housing and shorten the length of stay in homeless programs. The housing placement rate for the FAC in its first year was 92% (35 out of 38 families), and families were housed in an average of 82 days.

It is critical that the State continue to invest in programs such as Housing First, Rapid Rehousing and the FAC that have proven their effectiveness. Accordingly, the Coordinator respectfully requests the Legislature's support of the Governor's Executive Budget request, which includes over \$15 million for homeless services, including \$3 million for Housing First, \$3 million for Rapid Rehousing, \$1.75 million for homeless outreach services, and \$680,000 for the FAC.

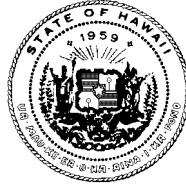
Collectively, the homeless programs administered by DHS and other State agencies represent an array of financial resources designed to provide one-time crisis assistance, as well as medium term (3-24 months) and longer-term support. This mix of short-, medium-, and long-term assistance is designed to transition at-risk and homeless individuals and families into

stable housing, and is also designed to prevent homelessness by assisting formerly homeless individuals in maintaining housing over time.

With regard to sections 2, 5, and 6 of this measure, the Coordinator notes that the construction and oversight of a long-term housing project requires specialized skills and expertise that may be beyond the current capacity of DHS. The construction and installation of necessary infrastructure (e.g. sewer, water, electricity, and road access) may require more than 12 months to complete. The Coordinator respectfully defers to the County of Hawaii in regard to the planning, budget and timeline necessary to support the Homeless Villages Program. The Coordinator further defers to DHS in regard to the level of funding necessary to manage, maintain and operate the two proposed assessment centers.

With regard to sections 3, 7, 8 and 9, the Coordinator respectfully defers to the Department of the Attorney General.

Thank you for the opportunity to testify on this bill.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 2, 2018

TO: The Honorable Representative John M. Mizuno, Chair
House Committee on Health and Human Services

The Honorable Representative Tom Brower, Chair
House Committee on Housing

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 2461 – RELATING TO HOMELESSNESS**

Hearing: Friday, February 2, 2018, 11:35 a.m.
Conference Room 329, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill and offers the following comments. DHS defers to the Department of the Attorney General, the Hawaii Housing Finance and Development Corporation, the Hawaii Public Housing Authority, the Department of Accounting and General Services, the Department of Transportation, and the Office of Mayor Harry Kim, County of Hawaii.

PURPOSE: The purpose of this bill will establish within the Department of Human Services a Hawaii County Homeless Villages program; waive applicable state and county permitting and construction fees for the program; exempt the State from claims arising out of the provision of housing or services to homeless persons; provide immunity from civil liability to volunteers and state employees who provide housing or services to homeless persons; and appropriates funds.

DHS acknowledges that homelessness in Hawaii is one of the major public issues of our time. Since 2010 when homeless programs were moved to DHS, the Homeless Programs Office has functioned primarily as a contracting agency. At the direction of the Legislature, in

partnership with the community, the continuum of care, the Governor's Coordinator on Homelessness, and the Hawaii Interagency Council on Homeless, DHS has played a major role in establishing a successful Housing First program for chronically homeless who suffer from mental health and/or substance use disorders, or a chronic health condition. DHS contracts statewide shelter, outreach, rapid rehousing, and civil legal services. DHS also provides funding for the development and maintenance of the state's Homeless Management Information System (HMIS), a system required by the U.S. Department of Housing & Urban Development.

The Family Assessment Center at Kaka'ako has been very successful moving families from homelessness to permanent housing. The Center was established during the period covered by the Emergency Proclamation, from October 2015 through October 2016. During that time, the property was identified and was selected because of the presence of a maintenance shed in close proximity to other services and public transportation. Extensive renovations were required prior to opening; these services were overseen and completed by the Department of Accounting and General Services.

The facility was opened on September 26, 2016. DHS currently contracts for services at the Center. Since opening, the Center has served 184 people, and 35 out of 38 families entering the facility have been placed into housing in the Center's first year. The housing placement rate for the Center in its first year was 92% (35 out of 38), and families were housed in an average of 82 days.

In addition to quickly moving families with minor children out of homelessness and into permanent housing in its first year, the Center also increased the income for 59% of families through linkage to public benefits, employment, and other critical resources during their stay at the facility.

Incorporating the 'Ohana Nui strategy of service integration, the Center addresses the social determinants of health and provides increased housing stability for families with minor children. The Center can accommodate 12-14 families (up to 50 people) at any one time and needs additional funding to continue critical services beyond SFY 18. DHS has requested an appropriation of \$680,000 to maintain the operations and services at the Center.

DHS provides additional comments regarding the provisions of the bill. With regard to section 2, though DHS is authorized to do Capital Improvement Projects (CIP), these have been rare, as DHS facilities, including homeless shelters, are generally properties of other state entities such as the Department of Accounting and General Services. Consequently, DHS does not have the current capacity or expertise to conduct any kind of CIP that entails home construction. There are a number of other existing state agencies that regularly purchase and develop properties, and or oversee CIP as this proposal envisions.

We humbly defer to the more experienced and knowledgeable agencies named above as to the feasibility of different aspects of the proposal, including the identification of properties, length of construction, financing, security, refuse, and other provisions necessary to develop a housing project as proposed. We further defer to the County of Hawaii on its vision, plans, and codes.

With regard to section 3, we humbly defer to the County of Hawaii and other state entities as to the waiver of required fees.

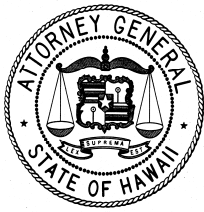
With regard to section 4, as long as the appropriation does not supplant a priority identified in the Governor's supplemental budget request, DHS is able to establish homeless assessment centers through contracted services in Hawaii county modeled after the Family Assessment Center in Kaka'ako, assuming property and facilities are identified and available for use, and an appropriation of general funds be made for necessary renovation, maintenance, and services. Additional staff may be required to operationalize this section.

As to section 5, we offer no opinion as to the appropriate amount required to establish the villages program and construct fifty homes as specified.

As to section 6, we offer no opinion as to the appropriate amount required to manage the villages program; however, we do offer that a homeless assessment center similar to the Family Assessment Center required extensive renovation prior to opening and also has ongoing maintenance costs. Initially, several community service providers and state entities provided services with their own funds; the current supplemental budget request for operations of the Family Assessment Center in Kaka'ako is for \$680,000 per fiscal year. As mentioned above, the Family Assessment Center in Kaka'ako has the capacity of 12-14 families (maximum 50 people) at any one time.

As to Part II, we defer to the Department of the Attorney General.

Thank you for the opportunity to testify on this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

H.B. NO. 2461, RELATING TO HOMELESSNESS.

BEFORE THE:

HOUSE COMMITTEES ON HEALTH & HUMAN SERVICES AND ON HOUSING

DATE: Friday, February 2, 2018

TIME: 11:35 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Russell A. Suzuki, First Deputy Attorney General, or
Melissa L. Lewis, Deputy Attorney General

Chairs Mizuno and Brower and Members of the Committees:

The Department of the Attorney General offers the following comments.

The purpose of this measure is to appropriate funds for fiscal year 2018-2019 to create within the Department of Human Services a Hawaii county homeless village program with housing and supportive services and two Hawaii county assessment centers.

The bill contains a provision that may be subject to legal challenge.

Section 3 of this bill, on page 7, lines 4-8 provides that:

Notwithstanding any other law to the contrary, all state and county permitting and construction fees shall be waived with respect to the construction and maintenance of dwellings contemplated or constructed under section 2 of this Act.

This provision could be interpreted to be a special law rather than a general law as required by article VIII, section 1, of the Hawaii Constitution, which provides:

The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws.

Article VIII, section 1, requires that powers conferred to counties are done so by general laws. General laws are defined as "laws which apply uniformly throughout all political subdivisions of the State." Bulgo v. Maui County, 50 Haw. 51, 58, 430 P.2d 321, 326

(1967), *cf.* Sierra Club v. Department of Transportation of State of Hawaii, 120 Hawai'i 181, 202 P.3d 1226 (2009). This measure would restrict in one county, Hawaii County, powers otherwise conferred by general laws on all counties. To avoid a potential legal challenge we suggest that the following amendment be made:

Notwithstanding any other law to the contrary, all state [~~and county~~] permitting and construction fees shall be waived with respect to the construction and maintenance of dwellings contemplated or constructed under section 2 of this Act.

In addition, to further strengthen the defensibility of the bill, we would suggest that the committee add statements in section 1 stressing that homelessness is an issue of state-wide concern, and that this pilot project is one part of the ongoing state-wide efforts to address homelessness.

If this bill proceeds we respectfully request that the recommended modifications be made.

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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February 2, 2018

Representative John Mizuno, Chair
House Committee on Health and Human Services
Hawai'i State Capitol, Room 329
Honolulu, HI 96813

Representative Tom Brower, Chair
House Committee on Housing
Hawai'i State Capitol, Room 329
Honolulu, HI 96813

Dear Chair Mizuno and Brower, and Committee Members:

Re: HB 2461 relating to Homelessness
Hearing Date: 02/02/18 – 11:35 am; House Conference Room 329

As Mayor of Hawai'i County, I strongly support HB 2461 which would provide \$2.7 million in much-needed funds for our proposed Homeless Villages and Assessment Centers for West and East Hawai'i.

We have learned tremendously from our experience with Camp Kikaha in Kona, where we provided an alternative site for the homeless, who had been squatting at our Old Airport Park. Our plan now is to develop a larger site on approximately 15 acres, referred to as Village 9 in Kealakehe.

It will utilize the following:

- The evidenced based success of the current Kaka'ako Family Assessment Center, connecting people with services based on need through a one-stop center;
- The village concept, creating a sense of belonging and of 'ohana among the people living on our site;
- Utilization of alternative shelter types that can serve as emergency shelters, as well as permanent housing.
- Self-sufficiency for our homeless population is our goal.

Once Village 9 opens, the County plans to implement a second assessment center/village in the Hilo/East Hawai'i area.

February 2, 2018

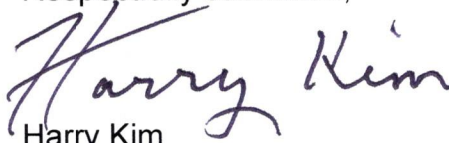
Page 2

HB 2461 proposes to have the funding for these villages and centers expended by the State Department of Human Services (DHS). If for any reason DHS is unable or unwilling to take on that task, I would ask you to consider awarding the funds directly to the County of Hawai'i. This project is important enough that I would be pleased to have the County administer its development.

My staff would like to suggest some amendments to the original draft of HB 2461. The proposed changes are attached for your easy reference, and if there are any questions, my Homeless Coordinator, Lance Niimi, would be happy to respond. He can be reached at (808) 961-8211 or Lance.Niimi@hawaiiicounty.gov.

Please help us make this vision of **ending homelessness in Hawai'i County** a reality by appropriating the requested funds in HB 2461.

Respectfully submitted,

A handwritten signature in black ink that reads "Harry Kim". The signature is written in a cursive, flowing style.

Harry Kim
Mayor, County of Hawai'i

A BILL FOR AN ACT

RELATING TO HOMELESSNESS FOR HAWAI'I COUNTY:

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

PART I

1 SECTION 1. The legislature finds that chronic,
2 unsheltered, nomadic homelessness is a humanitarian disaster
3 that endangers public health and safety. The legislature
4 recognizes that multiple national studies show that Housing
5 First programs are enormously effective, mostly because the
6 stability of a permanent home, combined with supportive services
7 and treatment, fosters recovery from addiction, mental illness,
8 and other afflictions.

9 The legislature also finds that for many years, the State
10 used homeless shelters and transitional group homes as an
11 interim measure, while attempting to place as many homeless
12 persons as possible into subsidized rentals and traditionally-
13 constructed apartments under a Housing First paradigm.
14 Unfortunately, economic constraints, construction delays, and
15 landlords' resistance to homeless tenants have made the supply
16 of subsidized rentals and traditionally-constructed housing

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1 inadequate. Moreover, many persons who are mentally ill or who
2 struggle with substance abuse cannot live in close quarters with
3 others in a shelter or group home, and thus continue to live
4 unsheltered.

5 The legislature notes that technical innovations now make
6 it possible to build alternative shelter types that could serve
7 as permanent housing (as well as emergency shelters), for a
8 greater number of homeless families and individuals in a shorter
9 period of time than conventional housing. The legislature
10 believes that the best way to achieve this on a scale large
11 enough to end homelessness is to incorporate alternatively
12 constructed homes into villages using Housing First practices.
13 The legislature further finds the County of Hawai'i has already
14 been piloting a county sponsored safe zone known as Camp Kikaha
15 since August of 2017. Larger, more planned sites, in West
16 Hawai'i as well as East Hawai'i, (still to be determined), for
17 which this bill will fund, are currently in the discovery
18 process (East Hawai'i), and the planning and environmental
19 assessment process (West Hawai'i).

20 Accordingly, the purpose of this Act, which shall be known
21 as the "Hawai'i County Homeless Villages and Assessment Center

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1 Act" is to secure the needed funding for establishing two pilot
2 homeless villages, under a Housing First paradigm with an
3 aggregate total of 50 units for pilot project sites in Kona (25
4 homes) and Hilo (25 homes. These two homeless villages will
5 actually be and fulfill the functions of Homeless assessment
6 Centers modeled after the Kakaako Family Assessment Centers on
7 Oahu. The village homes could double as temporary homes for the
8 assessment centers as well as transitional and/or permanent
9 housing as needed.

10 SECTION 2. (a) There is established within the department
11 of human services a Hawai'i County Homeless Villages and
12 Assessment Center program that provides housing and supportive
13 services to homeless persons under a Housing First paradigm.
14 The program shall be operated in a manner that is reasonably
15 consistent with the following requirements:

16 (1) The department shall construct no less than fifty
17 homes, which shall be completed no later than two
18 years after the effective date of this Act, whichever
19 occurs later;

20 (2) The cost to the department to construct each home
21 shall not exceed \$15,000 per home (does not include

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1 infrastructure installation costs cited later in this
2 bill);

3 (3) Each home shall contain at least three hundred square
4 feet of living space, have electricity with lighting,
5 and have no less than eight standard electrical
6 outlets;

7 (4) Homes shall be private dwellings for homeless
8 individuals and families; provided that homeless
9 persons who are not related shall not be required to
10 share a home;

11 (5) The cost of rent, utilities, and supportive services
12 shall:

13 (A) Be provided free of charge for homeless
14 individuals or families with no income;

15 (B) Not exceed twenty per cent of the individual's
16 gross income for homeless individuals with
17 income; and

18 (C) Not exceed twenty per cent of the family's
19 combined gross income for homeless families with
20 income, less \$100 per month for each dependent
21 family member that resides in the home provided

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1 that the department may adjust these amounts for
2 inflation;

3 (6) Each village (of 25 homes) shall have a community
4 center for residents, which shall include:

5 (A) A reasonable number of communal showers;

6 (B) Bathrooms;

7 (C) A kitchen;

8 (D) Lockers for residents' valuables;

9 (E) Mailboxes for incoming mail; and

10 (F) A multipurpose room for residential meetings and
11 supportive services;

12 (7) Because this is a demonstration project, different
13 housing types may be experimented with including high
14 grade, fire resistant tents, tiny houses, domes, huts,
15 or other innovative housing types, working within the
16 current proposed budget. Some homes may be
17 constructed with bathrooms showers and kitchens built
18 in to qualify them for housing voucher requirements.

19 (9) The department shall make reasonable efforts to
20 complete this community/Assessment center at a cost of
21 \$100,000 or less per village; and

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1 (10) Each village shall have systems to dispose of trash
2 and other waste.

3 (11) Each village shall allow residents to keep and have
4 pets, if practical.

5 (12) The department shall establish rules for residents of
6 the villages that are reasonably consistent with what are
7 commonly known as Housing First practices. To the extent
8 possible, the rules shall allow residents to participate in
9 self-governance.

10 (13) The department may designate certain portions of our
11 villages to exclusively or non-exclusively accommodate certain
12 sub-populations of the homeless community, including but not
13 limited to:

- 14 (A) Severely mentally ill persons;
- 15 (B) Persons addicted to drugs or alcohol, or
- 16 (C) Persons who are prone to violence.

17 (14) The department shall adopt rules pursuant to chapter
18 91, Hawaii Revised Statutes, as well as policies and procedures,
19 for the purpose of qualifying applicants for residency under the
20 Hawai'i County Homeless Villages and Assessment Center Program.
21 Qualification rules, policies, and procedures shall be

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1 consistent with the rules, policies, and procedures of the
2 United States Department of Housing and Urban Development's
3 Coordinated Entry System. To the extent practicable, the
4 department shall ensure that qualification procedures for
5 residency under the program provide for rapid admission and use
6 the least restrictive standards practicable.

7 (15) The department shall collaborate with appropriate
8 departmental personnel and state and county law enforcement
9 agencies to provide security for the Hawai'i County Homeless
10 Villages Program.

11 (16) The department shall work with appropriate agencies
12 to ensure that residents have reasonable access to public
13 transportation.

14 SECTION 3. All state and county permitting and
15 construction fees shall be waived for the homes and homeless
16 village structures constructed pursuant to this Act.

17 SECTION 4. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$1,187,500 or so much
19 thereof as may be necessary for fiscal year 2018-2019 to
20 establish the Hawai'i County Homeless Villages and Assessment

HB2461

1 Center Program and construct 50 homes and physical
2 infrastructure as required by section 2 of this Act.

3 The sum appropriated shall be expended by the department of
4 human services for the purposes of this Act.

5 SECTION 5. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$1,360,000 or so much
7 thereof as may be necessary for fiscal year 2018-2019 for the
8 management, maintenance, and day-to-day operations of Hawai'i
9 County Homeless Villages and Assessment Center Program
10 established under section 2 of this Act. This amounts to
11 \$680,000 (per Homeless Assessment Center) for the operational,
12 management, and maintenance costs for two homeless assessment
13 centers, and the accompanying housing structures. This is based
14 on the Kakaako Family Assessment Center model on Oahu which has
15 had an impressive 91% housing placement rate, with families
16 moving from intake to housing placement in an average of 81
17 days. As we move forward, the plan would be to involve the
18 existing service providers to take on a greater role in
19 sustaining and/or reducing the cost of operations of the Centers
20 after the first year of operation.

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1 The sum appropriated shall be expended by the department of
2 human services for the purposes of this Act.

3 PART II

4 SECTION 6. Chapter 662, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§662- Limited liability for providing services to
8 individuals experiencing homelessness. No public entity or
9 public employee shall be liable to any person for injury or
10 damage caused by a public employee providing services to
11 individuals experiencing homelessness; provided that the
12 employee was acting in good faith and within the scope of the
13 employee's functions and duties as an employee of the State."

14 SECTION 7. Chapter 662D, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§662D- Limited liability for volunteers for the
18 government entity providing services to individuals experiencing
19 homelessness. (a)No volunteer for a governmental entity shall
20 be liable to any person for injury or damage caused by a
21 volunteer providing services to individuals experiencing

HB2461

1 homelessness; provided that the volunteer was acting in good
2 faith and within the scope of the volunteer's functions and
3 duties. (b) No nonprofit organization or nonprofit corporation
4 that provides volunteers to a governmental entity providing
5 services to individuals experiencing homelessness shall be
6 liable to any person for injury or damage caused by the
7 volunteer: provided that the volunteer was acting in good faith
8 and within the scope of the volunteer's functions and duties."

9

10 SECTION 8. This Act shall take effect on July 1, 2018.

11

INTRODUCED BY: _____

HB2461

Report Title:

Hawai'i County Homeless Villages and Assessment Center Program;
Homelessness; Department of Human Services; Appropriation;
Limitation on Liability

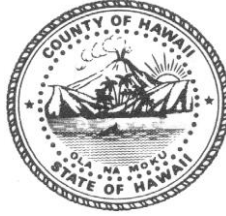
Description:

Establishes within DHS a Hawai'i County Homeless Villages and Assessment Center Program. Waives applicable state and county permitting and construction fees. Appropriates funds. Provides limitation on liability for government entity and volunteers providing services.

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

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 2461

A BILL FOR AN ACT RELATING TO HOMELESSNESS

COMMITTEE ON HEALTH & HUMAN SERVICES

Rep. John M. Mizuno, Chair
Rep. Bertrand Kobayashi, Vice Chair

COMMITTEE ON HOUSING

Rep. Tom Bower, Chair
Rep. Nadine K Nakamura, Vice Chair

Friday, February 2, 2018, 11:35 A.M.
State Capitol, Conference Room 329

Honorable Chairs Mizuno & Bower, Vice-Chairs Kobayashi & Nakamura, and Members of the Committee on Health & Human Services & Committee on Housing, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in **STRONG SUPPORT** of House Bill No. 2461.

This measure establishes within the Department of Human Services a Hawaii County Homeless Villages program. Waives applicable state and county permitting and construction fees for the program. Exempts the State from claims arising out of the provision of housing or services to homeless persons. Provides immunity from civil liability to volunteers and state employees who provide housing or services to homeless persons. Appropriates funds.

Hawaii has been faced with the highest per capita homeless crisis in the nation. Families are displaced and live in conditions that are not sanitary or safe. In addressing the crisis of homelessness, passing of measure will allow at least 50 families to live in a safe and health dwelling. This housing program will ease the process and cost of building permits and will reduce the time in the construction of alternate dwellings. Finding solutions to house the homeless is vital in maintaining a safe and healthy community and for all of the foregoing reasons, the Office of the Prosecuting Attorney, County of Hawai'i **STRONGLY SUPPORTS** the passage of House Bill No. 2461. Thank you for the opportunity to testify on this matter.



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www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

COMMITTEE ON HEALTH & HUMAN SERVICES
COMMITTEE ON HOUSING

FRIDAY, February 2, 2018, 11:35 am, Room 329
HB 2461, RELATING TO HOMELESSNESS

TESTIMONY

Nina Eejima, Legislative Committee, League of Women Voters of Hawaii

Chair Mizuno, Committee on Health & Human Services; Chair Brower, Committee on Housing; and Committee Members:

The League of Women Voters of Hawaii offers comments on HB 2461 that establishes within the Department of Human Services a Hawaii County Homeless Villages program which, *inter alia*, exempts the state from claims arising out of the provision of housing or services to homeless persons, and provides immunity from civil liability to volunteers and state employees who provide housing or services to homeless persons.

Initially we agree that the supply of subsidized rentals and traditionally constructed housing is inadequate. We further agree with that an approach to ending homelessness is to incorporate alternatively constructed homes into villages using Housing First practices. We note that this measure would fund safe zone sites in East and West Hawaii and would establish two pilot homeless villages under a Housing First paradigm, comprising the construction of at least 50 homes.

We further note that the draft measure reflects that the department “may experiment” with different types of housing. We trust that the intention is not to carry out experimental housing on homeless persons, but rather to pilot different and innovative types of housing and urge that the text not include any reference to an experimental mindset on the part of the Legislature.

Finally, we note that the provisions relating to immunity from liability of a volunteer or state employee are of strong concern. These provisions would exempt from civil liability such individuals who provide housing or services to a homeless person or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty, *whether or not the discretion involved has been abused*. We question whether the measure’s intent is to deny a homeless person who has suffered damages due to



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an abuse of discretion is a reasonable or prudent approach: why should a homeless person possess no civil remedies recourse under the statute against a volunteer or state employee who has abused his/her discretion? Homeless individuals are on the receiving end of endless *de facto* discriminatory public and private practices. A bill that is intended to address what it characterizes as “nomadic homelessness [as] a humanitarian disaster that endangers public health and safety” is inherently inconsistent when it provides immunity for individuals who abuse their discretion when providing statutorily-mandated services to homeless persons.

Thank you for the opportunity to submit testimony.



CATHOLIC CHARITIES HAWAII

TESTIMONY IN SUPPORT OF HB 2461: RELATING TO HOMELESSNESS

TO: Chair Mizuno, Chair Brower, and Members, Committees on Health & Human Services, and Housing
FROM: Terrence L. Walsh, Jr., President and Chief Executive Officer
Hearing: **Friday, 2/2/18; 11:35 AM; Room 329**

Thank you for the opportunity to provide testimony **in support** of HB 2461, which provides funds for creative solutions to homelessness on the Island of Hawai'i. I am Terry Walsh, with Catholic Charities Hawai'i. We are also a member of Partners in Care.

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been providing social services in Hawai'i for over 60 years. Our mission is to provide services and advocacy for the most vulnerable in Hawai'i. Ending homelessness is a top priority for 2018.

Robust, creative and comprehensive solutions are required to increase the pace at which Hawaii can successfully move homeless people into permanent housing. Hawaii needs programs that create a pathway out of homelessness. Catholic Charities Hawaii supports the intent of this bill. It offers creative solutions that will not only provide immediate, short term housing but also services needed to then move homeless families and individuals into permanent housing.

The program will build on the success of the Oahu Family Assessment Center (FAC). This model is a good example of a new pathway out of homeless. It has had spectacular results in its first year moving homeless families off our streets and beaches. Operated by Catholic Charities Hawai'i, the FAC served 54 households last year, and placed 91% successfully into housing in an average of 81 days! 100% have remained housed.

On the Kona side of the Big Island, there is no emergency shelter for families. Creating this support for families with children has been a high priority for some time. The flexible residential design of the villages give the potential for the units to be converted from emergency to transitional or permanent supportive housing, or even affordable rentals in the future.

The project exhibits needed collaboration between county and state agencies as well as the many players who may provide resources at the Assessment Center, including the police, social service providers, agricultural cooperative extension personnel, landscape architects, master gardeners, community college chefs, country departments, etc. Being a small community, they are pulling together to create a true community and a creative pathway out of homelessness.

We need to act now. Please support this initiative to help end homelessness on the Big island. Please contact our Legislative Liaison, Betty Lou Larson, at 373-0356 or bettylou.larson@catholiccharitieshawaii.org, if you have any questions.





CATHOLIC CHARITIES HAWAII

TESTIMONY IN SUPPORT OF HB 2461: RELATING TO HOMELESSNESS

TO: Chair Mizuno, Chair Brower, and Members, Committees on Health & Human Services, and Housing
FROM: Terrence L. Walsh, Jr., President and Chief Executive Officer
Hearing: **Friday, 2/2/18; 11:35 AM; Room 329**

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HB-2461

Submitted on: 1/31/2018 9:35:45 PM

Testimony for HHS on 2/2/2018 11:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Vandervoort	Camp Kikaha	Support	No

Comments:

I have been working with unsheltered persons in a safe zone environment for the past six months. I have learned a lot about safe zones in that period of time. One of the main things I have learned is safe zones are worth the efforts in addressing the many aspects of homelessness. I am all for having assessment centers as I see the need.

Thank you for your time.

Linda Vandervoort

HB-2461

Submitted on: 2/1/2018 4:51:30 PM

Testimony for HHS on 2/2/2018 11:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Goodman	Hawaii Kai Homeless Task Force	Support	No

Comments:

I'm Mike Goodman, Director of the Hawaii Kai Homeless Task Force. Thank you for the opportunity to testify in support of HB2461. This bill is a pilot program for the County of Hawaii, based on the Pu'uhonua Homeless Villages Act, as expressed in HB2014 and SB2628.

This bill is important, because it would be a pilot program that could be replicated on a large enough scale to end the homeless crisis in Hawaii. HB2014 and SB 2628 would fully fund what this pilot program would demonstrate: Specifically, by using 21st century building materials incorporated into modular dwellings, we could build 8000 units, enough housing for every homeless person, for about \$200 million dollars. That's less than one percent of the \$3.5 billion dollars it would cost to do with conventional "wood, brick and mortar housing". This bill would be the first step towards doing that. Although we hope the Legislature will pass HB2014 and SB2628, which would end unsheltered homelessness throughout the entire State, we understand that prudence may warrant funding a pilot program first.

Unconventional housing movements are gaining ground around the world, as a way to end homelessness. Decades of research shows that a decent, stable place to live (not shelters), helps solve both the complex causes of homelessness and the terrible consequences it has on society.

While it's true that the causes of homelessness are complex, the solution to the *homeless crisis* is relatively simple: A decent, stable place to live.

Some may say we should be directing our resources toward projects like Kahauiki Village, which just opened near Honolulu Airport. Kahauiki Village is a wonderful project, and is great for low-income families. But Kahauiki Village doesn't work for the very poor and chronic homeless. Rents are over \$700 for a one bedroom and over \$900 for a two bedroom, at a cost of roughly \$250,000 per unit to build. Conversely, this bill will enable us to house the homeless at about 1 percent of the cost.

Some will argue that it's best to house homeless in so-called "scatter-site housing" throughout our different communities in dwellings that blend in with their surroundings. While that may be the ideal solution, we've never had the resources to do that, and

there's no sign we'll have the resources in the foreseeable future. Conventional, brick and mortar apartments cost roughly \$450,000 a month to build and roughly \$1500 a month to subsidize, and that's without supportive services. Even when housing vouchers are available, many homeless service providers have trouble getting landlords to accept homeless tenants. The takeaway here is that waiting to do what's best instead of what's possible, is what we're doing right now, and what we're doing right now isn't working. If we had the resources to put everyone in conventional scatter-site housing, we wouldn't have a homeless crisis. Unconventional housing is the magic bullet that will end the homeless crisis in Hawaii.

Polls show that the vast majority of your constituents think the homeless crisis is the number one issue facing the State. If you vote for this bill, you can tell your constituents you've supported a comprehensive measure with real answers. Thank you.

HB-2461

Submitted on: 1/31/2018 2:36:27 PM

Testimony for HHS on 2/2/2018 11:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Deges	Hawaii Island HIV/AIDS Foundation	Support	No

Comments:

Please help our homeless population.

HB-2461

Submitted on: 1/31/2018 2:15:52 PM

Testimony for HHS on 2/2/2018 11:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Foster		Support	No

Comments:

Submitted by Scott Foster, Chair, for The Kupuna Caucus of the Democratic Party of Hawaii

Mahalo.

HB-2461

Submitted on: 1/31/2018 5:48:29 PM

Testimony for HHS on 2/2/2018 11:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shirley David		Support	No

Comments:

There currently is no assessment center for homeless families in West Hawaii. This bill remedies the problem. Families who find themselves homeless in West Hawaii must move to East Hawaii to be temporarily housed until more permanent housing is located. This disrupts children's education, jobs and any emotional support the family has.

HB-2461

Submitted on: 2/1/2018 11:30:27 AM

Testimony for HHS on 2/2/2018 11:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kiley Olson		Oppose	No

Comments:

I am writing in opposition to HB2461,

I am in opposition to this bill because I think it poses the threat of significant problems for our community. In the homeless community in Hawaii there is drug use, theft, mental illness and sexual abuse. By allowing a temporary shelter to be build so close to a community with families and young children is irresponsible. There is no regulation on how the structure would be utilized and I feel that it would be vandalized and abused, eventually leaving an empty delabilated building without solving any homeless problem. By allowing members of the homeless community to come live for free creates no sense of respect or ownership and it has been proven over and over again that this type of shelter does not help in the long run. Homelessness is not black and white, you cannot assume that everyone who is homeless just needs a place to live and some medical care. There are homeless who choose to be homeless and would shy away from even using a facility like this. There are also those who use drugs or have histories of mental illness and allowing everyone to live together and assume no liability for anything bad that could happen is completely unacceptable. I have sympathy for those homeless in Hawaii who need help, I also understand that its an expensive problem and the government thinks this is a cheap solution, but I dont want that solution to be placing large homeless populations in my community because it is more out of sight than on the roads in town. You are essentially putting them in less crowded areas of the island so that it seems like we have cleaned up our streets when it fact you are adding a huge burden to the communities that live in those areas. I do not feel safe, having a homeless shelter in walking distance of my home in Kahuku. I have already seen large homeless encampments pop up on the beach behind our home, several members of the community will not even walk down the beach because they do not feel safe in their own backyard. Please consider another alternative to the homeless on our island, this is not a long term solution and completely disregards the citizens of our island who live in these neighborhoods.

Thank you for your time.

LATE

HB-2461

Submitted on: 2/2/2018 10:04:16 AM

Testimony for HHS on 2/2/2018 11:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII**

TO THE COMMITTEE ON HEALTH & HUMAN SERVICES

AND COMMITTEE ON HOUSING

THE HOUSE OF REPRESENTATIVES

TWENTY-NINTH LEGISLATURE

REGULAR SESSION OF 2018

Friday, February 2, 2018

11:35 a.m.

Hawaii State Capitol, Conference Room 329

RE: Testimony in Support of HB 2461, RELATING TO HOMELESSNESS

To the Honorable John M. Mizuno, Chair; the Honorable Bertrand Kobayashi, Vice Chair, and Members of the Committee on Health & Human Services; and

To the Honorable Tom Brower, Chair; the Honorable Nadine K. Nakamura, Vice Chair, and Members of the Committee on Housing:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on House Bill 2461 relating to homelessness; DHS; and the Hawaii County Homeless Villages

Program. The OCC Legislative Priorities Committee is in favor of House Bill No. 2461 and support its passage.

House Bill No. 2461, is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it establishes within the Department of Human Services, a Hawaii County Homeless Villages program and waives applicable state and county permitting and construction fees for the program. It further exempts the State from claims arising out of the provision of housing or services to homeless persons and provides immunity from civil liability to volunteers and state employees who provide housing or services to homeless persons.

The DPH Platform states, "We support dedicated social services and housing opportunities for Hawaii's homeless population to get them off the streets and reintegrated into society with specific devoted services for disenfranchised groups including but not limited to the Hawaiian community, aged-out foster kids, youth, returning veterans, the aged, and lesbian, gay, bisexual and transgender homeless." (Platform of the DPH, Lines 355-358 (2016)).

Given that House Bill No. 2461 encourages the development of the Hawaii County Homeless Villages program to combat homelessness in Kona and Hilo, Hawaii Island, it is the position of the OCC Legislative Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ **Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

**TESTIMONY OF NAHELANI WEBSTER ON BEHALF OF
ASSOCIATION FOR JUSTICE (HAJ) REGARDING**

LATE

Date: Friday, February 2, 2018
Time: 11:35 a.m.
Room: 329

To: Chair John M. Mizuno and Members of the House Committee on Health and Human Services and Chair Tom Brower and Members of the House Committee on Housing

My name is Nahelani Webster and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) regarding H.B. 2461, Relating to Homelessness as currently drafted.

We agree with the intent of the bill but ask that as this bill moves forward and the conversation progresses we add the phrase “and with reasonable care” to be inserted at page 9, line 2, and page 9, line 12, after the phrase “in good faith.” Thank you for considering our testimony.