

DAVID Y. IGE
GOVERNOR



EXECUTIVE CHAMBERS
HONOLULU

June 29, 2020

TO: The Honorable Representative Sylvia Luke, Chair
House Committee on Finance

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

SUBJECT: **SB2206 SD1 HD1 – RELATING TO HOMELESSNESS**

Hearing: Monday, June 29, 2020, 2:00 p.m.
Conference Room 329, State Capitol

POSITION: The Governor's Coordinator on Homelessness appreciates the intent of the bill, and respectfully offers comments.

PURPOSE: The purpose of the bill is to authorize Board of Land and Natural Resources (BLNR) to issue temporary revocable leases for emergency homeless camps during the COVID-19 crisis.

Since the COVID-19 pandemic, programs have been established to provide homeless and unsheltered individuals with places to safely isolate, have access to hygiene facilities, and practice social distancing to mitigate the spread of COVID-19. These programs include the City & County of Honolulu's Provisional Outdoor Screening and Triage (POST) program and the establishment of tiny home communities in Hawaii and Maui Counties. While many of the efforts to address homelessness during COVID-19 are supported by State and local governments, there are also efforts supported by community members and private funds.

Of particular concern are community and privately supported camps that are on public lands, without access to basic hygiene facilities, that are not sanctioned by the government entity who has oversight of the land, and may exist in recognized flood zones or other hazard areas that require mitigation to address the risks to public health and safety.

This bill would give BLNR the authority to issue month to month revocable permits to be used for the temporary emergency sheltering of and facilities for homeless persons on state lands. From a positive perspective, this bill would potentially increase the number of parcels of State land available for unsheltered homeless individuals to exercise social distancing, quarantine and isolation, and have access to hygiene facilities; the measure may provide a mechanism for the State to regulate previously unsanctioned encampments for a temporary period due to the emergency nature of the pandemic.

However, if the intent of the measure is to address the increased shelter needs to minimize and mitigate the spread of COVID 19, the Coordinator notes that the Centers for Disease Control and Prevention (CDC) issued specific guidance for local government regarding homeless encampments, which includes recommendations to “encourage those staying in encampments to set up their tents/sleeping quarters with at least 12 feet x 12 feet of space per individual” and “if toilets or handwashing facilities are not available nearby, assist with providing access to portable latrines with handwashing facilities for encampments of more than 10 people.”ⁱ The CDC guidance also encourages local governments to suspend clearance of encampments if individual housing options are not available. If this bill is passed, provisions to require minimal adherence to the CDC guidance should be given consideration.

While there is a need to provide short-term options to address the imminent health and safety risks associated with COVID-19, the Coordinator cautions that the issuance of short-term revocable permits and sanctioning of existing encampments should not be viewed as a long-term strategy to addressing homelessness and should be viewed in the context of the pandemic. In addition, any lands considered for emergency sheltering or similar facilities should be properly vetted to ensure that the lands are not located in a flood or tsunami inundation zones, have suitable infrastructure and road access, are zoned appropriately for residential use, and do not pose any other imminent life safety concerns.

Finally, the Coordinator acknowledges the efforts of BLNR to identify suitable State lands for a number of homeless initiatives, including Kahauiki Village, Hale Mauiola, the County of Hawaii’s Village 9 site, and the POST program. In these efforts, BLNR identified land and partnered with the Counties or another government entity to lead efforts related to

construction and any necessary delivery of social services. This bill will allow for a similar partnership between BLNR and another government entity before any revocable permit is issued.

Thank you for the opportunity to testify on this bill.

ⁱ Centers for Disease Control and Prevention (2020). Interim Guidance on Unsheltered Homelessness and Coronavirus Disease 2019 (COVID-19) for Homeless Service Providers and Local Officials. Retrieved from: <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>

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Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
FINANCE

Monday, June 29, 2020
2:00 PM
State Capitol, Conference Room 329

In consideration of
SENATE BILL 2206, SENATE DRAFT 2, HOUSE DRAFT 1
RELATING TO HOMELESSNESS

Senate Bill 2206, Senate Draft 2, House Draft 1 proposes to allow the Board of Land and Natural Resources (Board) to issue revocable permits for temporary emergency sheltering of and facilities for homeless persons on state lands under conditions and rent which will best serve the interests of the State. The Committee on Housing amended the bill to specify that a month-to-month revocable permit issued by the Board may not be issued for lands under the control or management of the Department of Agriculture without its prior agreement, and to make technical, nonsubstantive amendments for the purposes of clarity, consistency, and style. **The Department of Land and Natural Resources (Department) offers the following comments.**

The Department has been working with numerous agencies, non-profit organizations and individuals to attempt to identify lands suitable for temporary emergency homeless shelters. Remaining lands in the state lands inventory are typically remote or already in commercial or agricultural use, lack infrastructure, or are at risk of flooding. These issues require enormous resources and time to mitigate.

The bill proposes to require people residing on state lands to indemnify the State in writing. The Department is concerned about the actual effectiveness of this indemnity should the State need to invoke it.

Further, the bill is drafted to sunset on June 30, 2022. Linking the repeal date of the bill with the termination of the emergency proclamation issued by the Governor regarding COVID-19 may be more appropriate in view of the constantly changing situation regarding the virus. If the sunset date is three months upon the lifting of any Governor's emergency proclamation regarding

COVID-19, people residing on state lands pursuant to a revocable permit issued pursuant to this bill would have enough time to vacate the state lands or receive social services from other government or non-profit agencies. Nevertheless, the Department anticipates the repossession of state lands upon sunset of this bill would be challenging because of the difficulty in locating housing alternatives for people residing on the state lands. The Department expects that any government, non-profit agency, or individual awarded a revocable permit pursuant to this measure would provide social services for the relocation of residents as well as pay for all land remediation costs, including environmental clean-up, upon termination of the revocable permit.

Thank you for the opportunity to comment on this measure.