

STAND. COM. REP. NO.

2414

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 3169
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Human Services and Water and Land, to which was referred S.B. No. 3169 entitled:

"A BILL FOR AN ACT RELATING TO HOMELESSNESS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Ensure the continued existence of the Low-Income Tiny Home projects developed pursuant to the Governor's 2015 or 2018 Emergency Proclamations related to homelessness or their supplemental proclamations, by exempting the projects from certain statutes for the duration of the underlying state land leases; and
- (2) Establish the Low-Income Tiny Home Village Pilot Program to provide shelter and certain services to low-income and homeless individuals.

Your Committees received testimony in support of this measure from the Hawaii Youth Services Network. Your Committees received testimony in opposition to this measure from the Department of Human Services, State Procurement Office, and Department of Land and Natural Resources. Your Committees received comments on this measure from the Governor's Coordinator on Homelessness, Hawaii Housing Finance and Development Corporation, Department of the



Attorney General, Office of Information Practices, and Department of Budget and Finance.

Your Committees find that under the Governor's 2015 and 2018 Emergency Proclamations related to homelessness and the supplemental proclamations, the State and counties, in partnership with developers and nonprofit organizations, created portable homes, commonly referred to as tiny homes or kauhale. Your Committees further find that the proclamations exempted the development of these tiny homes from numerous statutory provisions; however, the final supplemental proclamation issued on December 16, 2019, expired on February 14, 2020. Your Committees find that these tiny homes that serve as a pathway out of homelessness for working families who cannot afford market rentals, are critical in addressing the State's homelessness issue. This measure ensures that the existing tiny homes are protected and enables the development of new low-income rental tiny homes.

Your Committees note the testimonies of the following departments and agencies raising concerns over of the exemptions from the Hawaii Revised Statutes granted to existing tiny homes in this measure: Department of Land and Natural Resources--chapter 6E, Hawaii Revised Statutes; Department of the Attorney General and Department of Budget and Finance--sections 37-41, 37-74(d), 40-66, and 103-2, Hawaii Revised Statutes; Office of Information Practices--chapter 92, Hawaii Revised Statutes; and Department of Human Services--chapter 346, Hawaii Revised Statutes.

Your Committees also note the testimony of the Hawaii Housing Finance and Development Corporation, stating that it does not have the capacity or the expertise to develop tiny homes.

Accordingly, your Committees have amended this measure by:

- (1) Clarifying that the final supplemental proclamation to the Governor's 2018 Emergency Proclamation related to homeless expired on February 14, 2020;
- (2) Deleting the following statutes from the list of exemptions in section 3 of the measure granted to existing low-income rentals, tiny home villages, or kauhale developed on state land pursuant to the



Governor's 2015 or 2018 Emergency Proclamations on homelessness or the supplemental proclamations:

- (A) Chapter 6E, Hawaii Revised Statutes, governing historic preservation;
 - (B) Section 37-41, Hawaii Revised Statutes, governing appropriations to revert to state treasury;
 - (C) Section 37-74(d), Hawaii Revised Statutes, governing the executive budget program execution;
 - (D) Section 40-66, Hawaii Revised Statutes, governing the lapsing of appropriations;
 - (E) Chapter 92, Hawaii Revised Statutes, governing public agency meetings and records;
 - (F) Chapter 171, Hawaii Revised Statutes, public lands; and
 - (G) Chapter 346, Hawaii Revised Statutes, governing social services;
- (3) Deleting the requirement that the Hawaii Housing Finance and Development Corporation develop and implement the Low-Income Tiny Home Village Pilot program;
 - (4) Inserting an effective date of December 31, 2050, to encourage further discussion; and
 - (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

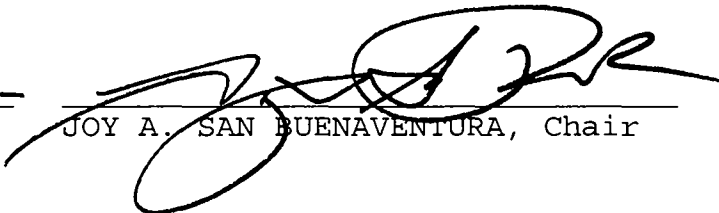
Your Committees have requested the Department of the Attorney General to provide the Legislature with proposed amendments to the measure addressing the concerns raised in its written testimony with the consideration that the purpose of this measure is to ensure the continuation of the existing tiny homes despite the expiration of the Emergency Proclamations that exempted them from numerous laws.



As affirmed by the records of votes of the members of your Committees on Human Services and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3169, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3169, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Human Services
and Water and Land,



LORRAINE R. INOUE, Chair


JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB3169	HMS/WTL, WAM	2/11/22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)		✓		
ACASIO, Laura		✓		
MISALUCHA, Bennette E.	✓			
FEVELLA, Kurt		✓		
TOTAL	2	3	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 3169	Committee Referral: HMS/WTL, WAM	Date: 2/11/22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
KEITH-AGARAN, Gilbert S.C. (VC)	✓			
MISALUCHA, Bennette E.	✓			
RIVIERE, Gil		✓		
FEVELLA, Kurt		✓		
TOTAL	3	2		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;"> Bennette E. Misalucha </div>				
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