
A BILL FOR AN ACT

RELATING TO HOMELESSNESS.

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

1 PART I

2 SECTION 1. The legislature finds that homelessness
3 continues to be one of Hawaii's most dire and persistent
4 challenges. The legislature further finds that the solution to
5 homelessness lies in the creation of homes that are affordable,
6 even to individuals with very little income. However, three of
7 the biggest barriers to creating truly affordable housing for
8 those most in need are the high cost of construction per unit of
9 housing; a long and unpredictable planning and permitting
10 process that adds risk and costs for developers; and opponents
11 of housing projects who use the lengthy planning and permitting
12 process to block unwanted projects.

13 Despite these obstacles, Hawaii has unique advantages that
14 it can draw upon to end homelessness, particularly its strong
15 sense of family and community. Many people experiencing
16 homelessness build a community with each other where they can
17 and are accustomed to operating like a village, relying on each



1 other for safety and support. These supportive networks can be
 2 leveraged to create village-style affordable housing, or
 3 kauhale, that is less costly to construct and operate.
 4 Expediting the creation of these kauhale, either through new
 5 construction or adaptive re-use of existing buildings, can help
 6 bring an end to Hawaii's homeless crisis.

7 The purpose of this Act is to:

- 8 (1) Authorize the Hawaii public housing authority to
 9 establish a kauhale program to provide housing and
 10 services to homeless individuals and families;
- 11 (2) Provide certain continued exemptions for low-income
 12 rental units, tiny homes, and kauhale constructed
 13 pursuant to the governor's 2015 and 2018 proclamations
 14 on homelessness; and
- 15 (3) Appropriate funds for the establishment and
 16 administration of the kauhale program.

17 PART II

18 SECTION 2. Chapter 356D, Hawaii Revised Statutes, is
 19 amended by adding a new section to part I to be appropriately
 20 designated and to read as follows:



1 "§356D- Kauhale program; authority to establish;
2 requirements. (a) The authority may establish a kauhale
3 program to provide individual or shared housing units and
4 support services to homeless individuals and families who are
5 verified by a government agency or homeless services provider as
6 homeless or at imminent risk of homelessness.

7 (b) If exercising its authority under this section to
8 establish a kauhale program, the authority shall cooperate with
9 any state department or agency and private nonprofit
10 organizations as needed to expedite the development and
11 operation of housing under the kauhale program, including
12 entities having specific expertise in construction development
13 and in administering services for homeless persons. Any kauhale
14 constructed under this section shall be situated on public or
15 private lands in accordance with subsection (c); provided that
16 the authority shall identify at least three sites on Oahu and
17 one site on each of the islands of Hawaii, Kauai, and Maui for a
18 kauhale.

19 (c) The authority may coordinate with public or private
20 entities, as appropriate, to develop and implement the kauhale
21 program; provided that:



- 1 (1) If any public land under the jurisdiction of a state
2 or county agency is determined to be suitable for use
3 as a kauhale, the authority shall:
- 4 (A) Work with the appropriate state or county agency
5 that controls the land to transfer the land
6 designated for use as a kauhale to an agency or
7 nonprofit organization whose mission is more
8 suited to the management of housing persons who
9 meet the definition of "chronically homeless", as
10 defined by the United States Department of
11 Housing and Urban Development; and
- 12 (B) Work with the appropriate state or county agency
13 that controls the land and its construction
14 agency to ensure that the kauhale's
15 infrastructure needs are met and minimize adverse
16 impacts to the environment, including nearshore
17 resources such as corals, reef fish, and
18 seabirds;
- 19 (2) Use of any private lands determined to be suitable for
20 kauhale shall be for limited purposes and require a
21 written agreement between the authority and the



1 private landowner; provided that the private landowner
2 shall ensure the private lands shall be used for
3 affordable housing in perpetuity through a deed
4 restriction, easement, or other legally binding
5 measure; and

6 (3) The kauhale communities may allow for off-the-grid
7 technologies that can provide drinking water and
8 electricity and process sewage without existing
9 infrastructure.

10 (d) The kauhale program may provide the following
11 facilities and services at each site:

12 (1) Secure dwelling spaces that:

13 (A) May be private or communal;

14 (B) Are designed aesthetically and constructed of
15 quality materials;

16 (C) Have access to toilets, showers, and other
17 hygiene facilities;

18 (D) Have access to adequate facilities that allow for
19 cooking and meal preparation;

20 (E) Have common spaces that build community and
21 encourage sustainability; and



- 1 (F) Include living units;
- 2 (2) Medical and social support services; and
- 3 (3) Transportation to appointments related to medical care
4 or supportive services that are not available onsite.
- 5 (e) The construction of living units pursuant to
6 subsection (d)(1)(F) shall be exempt from the requirements of
7 chapter 46; to the extent that any county ordinance, rule,
8 regulation, or provision that applies to any county permitting,
9 licensing, zoning, variance, processes, procedures, or fees, or
10 any other county requirements, hinder, delay, or impede the
11 purposes of this section; provided that:
- 12 (1) All construction shall conform to drawings and plans
13 stamped by licensed architects and engineers;
- 14 (2) Stamped drawings and plans shall be submitted to the
15 appropriate county planning and permitting agencies
16 for informational purposes;
- 17 (3) Submitted plans shall list any deviations from
18 existing county building codes;
- 19 (4) No deviations from any county building codes that
20 relate to life safety shall be allowed; and



1 (5) Any project constructed under this section shall
2 comply with county floodplain management regulations.

3 (f) The authority may employ persons for the kauhale
4 program who are exempt from chapters 76, 89, and 89C.

5 (g) Any appropriations by the legislature for the kauhale
6 program shall be exempt from section 37-41.

7 (h) The state historic preservation division shall
8 prioritize the review of projects under the kauhale program and
9 shall complete its review of the projects within forty-five days
10 of initiating the review.

11 (i) Projects shall be exempt from the land use
12 requirements of chapter 205; provided that the site plan for the
13 development of a project shall include measures to conform with
14 the purposes of the original classification of the land on which
15 the project is to be built.

16 (j) The kauhale program shall be exempt from the
17 requirements of chapter 206E, and sections 102-2, 103-53,
18 103-55, 105-1 to 105-10, and 464-4.

19 (k) The authority may establish the following:

20 (1) The criteria that the authority will use to evaluate
21 potential kauhale projects;



1 (2) The evaluation criteria and process that the authority
2 intends to use each year when reviewing the success
3 and sustainability of the kauhale, including:

4 (A) Occupancy rates; and

5 (B) Effectiveness of support services provided
6 through the kauhale; and

7 (3) The monitoring and oversight controls that the
8 authority will have over the kauhale to identify,
9 address, and prevent possible fraud, waste, and abuse
10 and ensure compliance with federal, state, and local
11 laws.

12 (1) The authority may establish a community advisory
13 committee for the kauhale program to advise and assist the
14 authority, which may comprise the following invited members to
15 be appointed by the governor in accordance with section 26-34:

16 (1) Two nonprofit developers of affordable housing;

17 (2) Two nonprofit homeless services providers;

18 (3) One representative of Partners in Care;

19 (4) One representative of Bridging the Gap Hawaii; and



1 (5) Two individuals who are currently experiencing or have
2 experienced homelessness within twenty-four months
3 prior to invitation and appointment.

4 (m) If exercising its authority under this section to
5 establish a kauhale program; the authority shall submit annual
6 reports on the status and progress of the activities that it has
7 taken to establish and maintain the kauhale program to the
8 legislature no later than twenty days prior to the convening of
9 each regular session, beginning with the regular session of
10 2025.

11 (n) The authority shall consult with the department of
12 human services and department of health to administer the
13 kauhale program pursuant to this section; provided that the
14 homeless programs office of the department of human services
15 shall administer kauhale operations, including the provision of
16 supportive services under the kauhale program.

17 (o) As used in this section, "kauhale" means decent, safe,
18 and sanitary dwellings."

19 PART III

20 SECTION 3. All low-income rental units, tiny home
21 villages, and kauhale built pursuant to the governor's 2015 and



1 2018 proclamations on homelessness shall be exempt from the
2 following provisions of the Hawaii Revised Statutes; provided
3 that the permanent housing created under the governor's
4 proclamations on homelessness shall be safe, sanitary, and
5 suitable for human habitation:

- 6 (1) Section 37-41; appropriations to revert to state
7 treasury;
- 8 (2) Section 37-74(d); program execution, except for
9 subsections 37-74(d)(2) and 37-74(d)(3), and any
10 transfers or changes shall be considered authorized
11 transfers or changes for purposes of
12 subsection 34-74(d)(1) for legislative reporting
13 requirements;
- 14 (3) Section 40-66; lapsing of appropriations;
- 15 (4) Chapter 46, county organization and administration, to
16 the extent that any county ordinance, rule,
17 regulation, or provision that applies to any county
18 permitting, licensing, zoning, variance, processes,
19 procedures, or fees, or any other county requirements,
20 hinder, delay, or impede the purposes of this Act;
- 21 (5) Chapter 76, civil service;



- 1 (6) Chapter 89, collective bargaining in public
- 2 employment;
- 3 (7) Chapter 89C, public officers and employees excluded
- 4 from collective bargaining;
- 5 (8) Section 102-2, contracts for concessions in government
- 6 buildings; bid requirements;
- 7 (9) Section 103-2, general fund;
- 8 (10) Section 103-53, contracts with the State or counties;
- 9 tax clearances, assignments;
- 10 (11) Section 103-55, wages, hours, and working conditions
- 11 of employees of contractors performing services;
- 12 (12) Chapter 103F, purchases of health and human services;
- 13 (13) Chapter 104, wages and hours of employees on public
- 14 works;
- 15 (14) Sections 105-1 to 105-10, use of government motor
- 16 vehicles, limitations;
- 17 (15) Section 127A-30, rental or sale of essential
- 18 commodities during a state of emergency; prohibition
- 19 against price increases;
- 20 (16) Chapter 205, land use commission;
- 21 (17) Chapter 205A, coastal zone management;



- 1 (18) Chapter 206E, Hawaii community development authority;
- 2 (19) Chapter 343, environmental impact statements;
- 3 (20) Section 464-4, public works required to be supervised
- 4 by certain professionals; and
- 5 (21) Sections 601-1.5, 708-817, 708-818, 708-820,
- 6 708-830.5, and 708-840, to the extent that these
- 7 sections contain provisions for the suspension,
- 8 tolling, extension, or granting of relief from
- 9 deadlines, time schedules, or filing requirements in
- 10 civil, criminal, or administrative matters before the
- 11 courts of the State, or to the extent that these
- 12 sections contain provisions for criminal penalties
- 13 that are automatically heightened by reason of any
- 14 declared disaster or emergency.

15 PART IV

16 SECTION 4. The governor may by executive order identify

17 and transfer to the Hawaii public housing authority suitable

18 lands upon which the authority may construct kauhale in

19 accordance with section 356D- , Hawaii Revised Statutes.

20 PART V



1 SECTION 5. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2023-2024 and
4 the same sum or so much thereof as may be necessary for fiscal
5 year 2024-2025 for:

6 (1) One full-time equivalent (1.0 FTE) development
7 specialist position, who shall be exempt from chapter
8 76, Hawaii Revised Statutes;

9 (2) One full-time equivalent (1.0 FTE) program
10 administrator position, who shall be exempt from
11 chapter 76, Hawaii Revised Statutes;

12 (3) One full-time equivalent (1.0 FTE) contract specialist
13 position, who shall be exempt from chapter 76, Hawaii
14 Revised Statutes;

15 (4) One full-time equivalent (1.0 FTE) public housing
16 specialist II position; and

17 (5) One full-time equivalent (1.0 FTE) secretary I
18 position,

19 to establish and administer the kauhale program authorized under
20 part II of this Act.



1 The sums appropriated shall be expended by the Hawaii
2 public housing authority for the purposes of this Act.

3 SECTION 6. New statutory material is underscored.

4 SECTION 7. This Act shall take effect on July 1, 2023.



Report Title:

Homelessness; Housing; Services; Kauhale Program; Hawaii Public Housing Authority; Positions; Appropriation

Description:

Authorizes the Hawaii Public Housing Authority, in consultation with the Department of Human Services and Department of Health, to establish and administer a Kauhale Program to provide individual or shared housing units and support services to certain homeless individuals and families. Exempts existing low-income rental units, tiny home villages, and kauhale from certain provisions of the Hawaii Revised Statutes. Authorizes the Governor to transfer by executive order suitable land to HPHA for the construction of kauhale. Appropriates funds and establishes positions for the Kauhale Program. (SD1)

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