

STAND. COM. REP. NO.

2119

Honolulu, Hawaii

FEB 02 2024

RE: S.B. No. 471
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 471 entitled:

"A BILL FOR AN ACT RELATING TO LIVING ACCOMMODATIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit camping in public areas that are not designated as camping locations by the State or a county;
- (2) Allow the court to order violators to participate in homeless services in lieu of prosecution or sentencing;
- (3) Require the Governor to establish safe zones for homeless persons; and
- (4) Make appropriations.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Malama Makua, and fourteen individuals.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender; Food Not Bombs Hawaii; Hawaii Guerrilla Video Hui; Neighborhood Place of Puna;



Hawai'i Health & Harm Reduction Center; Hope Services Hawai'i, Inc.; ACLU of Hawai'i; and twenty individuals.

Your Committee received comments on this measure from the Statewide Office on Homelessness and Housing Solutions, Department of the Attorney General, Department of Human Services, The Judiciary, Hawai'i Youth Services Network, and three individuals.

Your Committee finds that unauthorized camping on public property has become a significant issue in the State. Specifically, homeless encampments present continuing challenges and often prevent members of the public from enjoying the State's public lands. This measure establishes that unauthorized camping on public property is a criminal offense under state law; however, provides courts with an alternative of ordering violators to participate in homeless services rather than subjecting them to fines and imprisonment. This measure also requires the Governor to establish safe zones on lands to be designated by the Governor, where homeless individuals may reside.

Your Committee notes the concerns raised in testimony over the criminalization of individuals who have no access to housing or adequate indoor shelter. Criminalization is also likely to prolong an individual's homelessness status, as a criminal record can severely affect one's opportunities to secure housing, employment, and education. Your Committee also notes concerns raised in testimony that many residents of Maui were impacted by the wildfire and have nowhere else to stay but on public property. Therefore, amendments to this measure are necessary to address these concerns.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that any person who camps on public property that is not designated as a location for camping shall be guilty of a violation subject to a fine of not less than \$50, except that any person who commits the same violation within three months of a prior conviction shall be guilty of a petty misdemeanor;
- (2) Establishing exceptions to the prohibition against unauthorized camping on public property when:




- (A) There are no safe zones designated by the county or the State within five miles of the area in which overnight stays from 7:00 p.m. to 7:00 a.m. by individuals are prohibited; or
- (B) The person has no access to the person's residence or a shelter due to a declared state of emergency;
- (3) Requiring the counties or the State, rather than the Governor, to establish safe zones for homeless persons no later than December 31, 2024;
- (4) Allowing the counties and the State to collaborate with private landowners and contract with public and private organizations to operate the safe zones;
- (5) Requiring the Statewide Office on Homelessness and Housing Solutions to assess, coordinate, and refer individuals residing in a safe zone to appropriate resources;
- (6) Inserting language declaring that the general fund expenditure ceiling for fiscal year 2024-2025 has been exceeded;
- (7) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 471, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 471, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* SB 471	Committee Referral: HHS, JDC/WAM	Date: 01/26/2024
--	--	----------------------------

The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
KEOHOKALOLE, Jarrett		✓		
SHIMABUKURO, Maile S.L.	✓			
AWA, Brenton			✓	
TOTAL	3	1	1	

Recommendation:
 Adopted
 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**