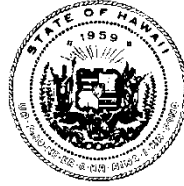


JOSH GREEN, M.D.  
GOVERNOR



HAKIM OUANSAFI  
EXECUTIVE DIRECTOR

BARBARA E. ARASHIRO  
EXECUTIVE ASSISTANT

**STATE OF HAWAII**  
HAWAII PUBLIC HOUSING AUTHORITY  
1002 NORTH SCHOOL STREET  
POST OFFICE BOX 17907  
HONOLULU, HAWAII 96817

IN REPLY, PLEASE REFER TO:

Statement of  
**Hakim Ouansafi, Executive Director**  
**Hawaii Public Housing Authority**

Before the  
**Senate Committee on Housing**  
and  
**Senate Committee on Health and Human Services**

2:00 p.m., February 7, 2023  
Hawaii State Capitol  
Room 225

In consideration of  
**SB 1617**  
**RELATING TO HOMELESSNESS**

Honorable Chair Chang and Honorable Chair San Buenaventura, and members of the Senate Committee on Housing and the Senate Committee on Health and Human Services, thank you for the opportunity to provide testimony on SB 1617, relating to homelessness.

The Hawaii Public Housing Authority (HPHA) **supports** SB 1617, and provides **additional comments** for the Committees' consideration. This bill would authorize the HPHA to establish and administer a kauhale program to provide supportive housing to people experiencing chronic homelessness.

The HPHA's mission is to provide Hawaii's residents with adequate and affordable housing, economic opportunity, and suitable living environments that are free from discrimination through both its public housing and rental assistance programs. The HPHA serves our state's most disadvantaged populations, including families earning less than thirty percent of the Area Median Income, the disabled, and the elderly.

The successful launch of Kama`oku Kauhale in Kalaeloa showed the viability of this traditional, cultural model of housing. The HPHA is proud to have played a part in this groundbreaking project. At the same time, we also recognize there is a great need for more housing and supportive services for our community's most disadvantaged. The HPHA has and will remain committed to addressing our State's affordable housing shortfall in any way it can.

The HPHA humbly offers the following comments for the Committees' consideration:

### 1. Transfer of Land via Executive Order

The HPHA would prefer to prioritize the construction of future kauhale on land owned by the State. With Kama`oku Kauhale, the parcel was transferred to the HPHA via Executive Order and then subsequently leased to the current nonprofit operator. The HPHA believes this process allows project development and construction to be carried out in a more expedient manner as opposed to having to procure for property management and services.

### 2. Experience with Housing and Support Services for Chronic Homelessness

The HPHA would note that it does not have experience with the provision or contracting out of supportive services or case management for people experiencing homelessness. Additionally, while all of our agency's program participants and residents fall below 30 percent of their local Area Median Income, the HPHA does not administer housing programs meant specifically to address chronic homelessness. Our agency's lack of experience in this regard may affect our ability to properly evaluate the performance of a Kauhale program. The HPHA would prefer its role be slightly limited to focus primarily on facilitating the development of each project site.

### 3. Positions to Administer the Program

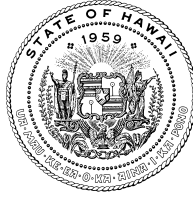
In order to properly administer the program, the HPHA would like to humbly request the following positions:

- Development Specialist (exempt)
- Program Administrator (exempt)
- Contract Specialist (exempt)
- Public Housing Specialist II
- Secretary I

### 4. Hawaii Revised Statutes Exemptions

Section 3 provides a series of Hawaii Revised Statutes exemptions related to land use, employment, and procurement. The HPHA defers to the opinion of the appropriate agency for each exemption.

The HPHA appreciates the opportunity to provide the Committees with its testimony regarding SB 1617. We thank you very much for your dedicated and continued support.



EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

Testimony of **James Koshiba**  
Governor's Coordinator on Homelessness  
Before the  
**Senate Committees on Housing & Health and Human Services**  
February 7, 2023  
2:00 p.m., Conference Room 225

In consideration of  
**Senate Bill 1617**  
**RELATING TO HOMELESSNESS**

Aloha Chair San Buenaventura, Chair Chang, and Committee Members,

I am writing to support the intent of SB1617 and offer comments.

This bill is aligned with the Governor's priorities on homelessness, including an emphasis on testing innovative models of low-cost, low-footprint housing, such as *Kauhale*, for our neighbors experiencing homelessness.

Since the intent of this measure is to provide new tools to address homelessness that complement existing programs, I would encourage *not* limiting eligibility to "chronically homeless" individuals. The legal definition of "chronically homeless" includes only those people who have a diagnosed physical disability, mental illness, or addiction and who are verified as having been "homeless continuously for at least twelve months or, homeless on at least four separate occasions in the last three years..." (HRS §346-378). Many individuals experiencing homelessness do not meet this legal definition. For example, individuals who enter a hospital or treatment program for ninety days or more lose their status as "chronically homeless," even if they were homeless before their stay, and are discharged back into homelessness after their stay. Other individuals may meet the definition of "chronic homelessness," but struggle to obtain or retain documentation of their diagnosed disability or their length of time on the street.

To ensure this program complements existing programs like Housing First, and does not create barriers for homeless individuals who may not meet the definition of "chronic homelessness," I would recommend amending Section 2 of the bill as follows:

**"§356D- *Kauhale* program; authority to establish; requirements. (a) The authority may establish a *kauhale* program to provide individual or shared housing units and support services to homeless individuals and families who are verified by a government agency or homeless services provider as homeless or at imminent risk of homelessness due to discharge from an institutional setting. meet the definition of "chronically homeless", as defined by the United States Department of Housing and Urban Development.**

Recipient Name  
February 6, 2023  
Page Two of Two

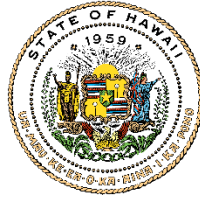
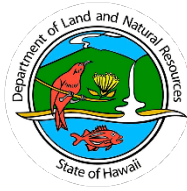
Finally, exemptions to existing law enumerated in Part II and Part III of this measure are very broad. The Governor's latest Emergency Proclamation on homelessness, dated January 26, 2023, requires rules to address environmental, cultural, and other concerns. My office is in the process of crafting these emergency rules in consultation with state agencies, counties, and community stakeholders. These rules can offer ways to make the implementation of exemptions more targeted, and address a variety of concerns that arise due to the broad nature of past Proclamations. I am committed to collaborating with HPHA, DHS, DLNR and other agencies as this rulemaking proceeds.

Mahalo,

James Koshiba  
Governor's Coordinator on Homelessness

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

LAURA H.E. KAAKUA  
FIRST DEPUTY

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the Senate Committees on  
HOUSING  
and  
HEALTH AND HUMAN SERVICES

Tuesday, February 7, 2023  
2:00 PM

State Capitol, Conference Room 225 and Via Videoconference

In consideration of  
SENATE BILL 1617  
RELATING TO HOMELESSNESS

Senate Bill 1617 proposes to authorize the Hawaii Public Housing Authority (HPHA) to: 1) establish and administer the Kauhale Program to provide housing and support services to homeless individuals and families; 2) exempt the Kauhale Program from certain contracting, licensing and land use laws; 3) allow the Public Housing Authority to identify state lands, and to work with the state agency with jurisdiction over those lands to develop the Kauhale; and 4) make permanent exemptions for low-income rental units, tiny home villages, and kauhale built pursuant to the exemptions provided by the Governor's 2015 and 2018 proclamations on homelessness. The Department of Land and Natural Resources (Department) supports housing for the homeless, **however, due to potential unintended consequences with the proposed exemptions, the Department offers the following comments which will focus on those exemptions related to the protection of natural and cultural resources and those sections that potentially affect the Department.**

PART II of Senate Bill 1617 establishes the Kauhale Program in Hawaii Revised Statutes (HRS) Chapter 356D. It gives the HPHA the ability to 1) determine if land is suitable for use as a kauhale; and 2) to work with that agency to transfer the land to an agency or organization whose mission is better suited to addressing homelessness.

The Department suggests an amendment be included in paragraph (c)(1) (A):

(A) Work with the appropriate state or county agency that controls the land to transfer the land designated for use as a kauhale to an agency or nonprofit organization whose mission is more suited to the management of housing persons who meet the definition of chronically homeless,” provided that the taking of those lands does not impede the mission of the agency with jurisdiction.

The Department is concerned with the broad authority this measure vests in HPHA to require the transfer of state land for use as kauhale. The Department seeks to develop the small amount of suitable lands in its inventory to generate income critically needed to support Department operations and resource protection programs. The revenues collected by the Department’s Land Division cover the entire annual operating budget for the Land Division, the Department’s Office of Conservation and Coastal Lands, and the Dam Safety and Mineral Resources Programs of the Department. The revenues fund over 80 Department staff positions, including 5 positions within the Commission on Water Resource Management, and provide funding support to the Division of State Parks and various resource protection programs administered by the Division of Forestry and Wildlife such as the protection of threatened and endangered species, removal of invasive species, and wildland firefighting. Revenues collected by other divisions have supported watershed protection, preservation of cultural and historical sites and public recreational resources. Furthermore, the Department has provided lands for affordable housing projects, often at the expense of generating revenue to support its own programs.

The Department understands the need for housing and has historically supported the development of affordable housing through the conveyance or transfer of management of lands to Hawaii Housing Finance and Development Corporation (HHFDC) for affordable housing or rental projects statewide. In most instances, the lands transferred to HHFDC could have been used for more intensive income producing purposes. Rather, these lands were instead dedicated by the Department to alleviate the significant lack of supply of affordable housing and rental units for the less fortunate citizens of Hawaii. The following affordable housing/rental projects have been supported by the transfer of lands from the Department to HHFDC:

- The Villages of Leiali‘i in Lāhaina, Maui, 1,033 acres of land mauka of downtown Lāhaina.
- 690 Pohukaina in Kaka‘ako, approximately 2.168 acres in Honolulu’s urban core, adjacent to the rail line with access to existing infrastructure.
- Halekauwila Place in Kaka‘ako, approximately 1.249 acres adjacent to the 690 Pohukaina project.
- Hale Mōhalu in Pearl City, O‘ahu, 4.75 acres of land designated Urban, adjacent to Kamehameha Highway with access to existing infrastructure.
- The Villages of La‘i‘ōpua, in North Kona, Island of Hawai‘i, 802 acres adjacent to Queen Ka‘ahumanu Highway between Kona International Airport and Kailua Kona.

Part II of this measure exempts the Kauhale Program from HRS Chapter 46, which includes county permitting and zoning requirements. The exemption of these county requirements puts Hawaii at risk of losing its ability to participate in the National Flood Insurance Program (NFIP), which would result in the loss of federal flood insurance and disaster assistance . . . Pursuant to 44CFR§60.3(a), permits are required for all proposed construction or other development. Compliance, or the intent to comply does not satisfy NFIP administration and enforcement requirements in accordance with 44CFR§59.21, §59.22, §59.24(b), §60.25(b)(1).

The Department suggests adding following condition after paragraph (e)(4):

(5) Any project constructed under the Kauhale Program shall comply with county floodplain management regulations.

Senate Bill 1617 requires the Department's State Historic Preservation Division (SHPD) to complete its review of any project within 45 days or the project shall be exempt from HRS Chapter 6E and the developer shall commission a report to be provided to SHPD for informational purposes. The Department notes that submittals to SHPD often do not have the information necessary for SHPD to determine an effect to any historic sites on the property. The proposed language does not address the potential for this to happen. Further, it does not address any need for further studies. The Department notes that Archaeologists are not licensed.

A waiver of HRS Chapter 6E, even one with the best intentions, sweeps away protections for burials, and for historic and cultural sites of Native Hawaiians and other people of Hawaii without any process for comments from the affected public or review by the Department's SHPD. SHPD is working on multiple fronts to ensure reviews of projects happen within the statutory deadlines.

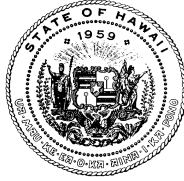
HRS Chapters 205 (Land Use Commission), 205A (Coastal Zone Management (CZM) Program) and 343 (Environmental Impact Statements) are not within the Department's purview. However, the Department notes land use planning ensures the highest and best use of land, and that the CZM Program is important for preserving open space and reducing hazards to life and property from coastal hazards. As with all of the proposed land use waivers, failing to review the effects of these types of projects could have adverse effects on the public and on other land uses. The Department also strongly opposes the exemption to HRS Chapter 171 provided by this measure. Public lands may be used for many public purposes not just kauhale. The use of public lands should be approved by the Board of Land and Natural Resources in a public, sun-shined meeting.

PART III, SECTION III makes exemption allowed under the Governor's 2015 and 2018 emergency proclamations on homelessness permanent. Again, the permanent exemption for HRS Chapter 46 puts the state at risk of losing its ability to participate in the National Flood Insurance Program. Any additions to the housing developments built under the emergency proclamations should trigger all of the exempted land use laws, as the public did not get the opportunity to comment on these developments.

Exemption proposals should be carefully considered for public concerns regarding the lack of transparency, accountability, and opportunities for public comment that this bill encourages by making the waivers of these laws permanently coded into law.

Mahalo for the opportunity to provide comments and proposed amendments to this measure.





**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
**KA 'OIHANA OLAKINO**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on S.B. 1617**  
**RELATING TO HOMELESSNESS**

SENATOR STANLEY CHANG, CHAIR  
SENATE COMMITTEE ON HOUSING

SENATOR JOY A. SAN BUENAVENTURA, CHAIR  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date, Time and Room: Tuesday, February 7, 2023 at 2:00 p.m. in Room 225/VIDEO

1 **Fiscal Implications:** The Department of Health (“Department”) requests that this measure be  
2 considered as a vehicle to provide this needed funding so long as it does not supplant the  
3 priorities and requests outlined in the Governor’s executive budget request.

4 **Department Position:** The Department appreciates the intent of this measure and offers  
5 comments.

6 **Department Testimony:** The Adult Mental Health Division (AMHD) provides the following  
7 testimony on behalf of the Department.

8 The purpose of this measure is to appropriate funds to the Department of Human  
9 Services (DHS), Hawaii Public Housing Authority (HPHA) to establish a kauhale program for  
10 homeless individuals and families, including low-income rental units, tiny homes and kauhale  
11 aligned with the Governor’s 2015 and 2018 proclamations on homelessness in consultation  
12 with the Department.

13 The AMHD is available to provide consultation to the DHS and HPHA for the  
14 administration of the proposed kauhale program. We note that any individual residing in an

1 institutional care facility, including a jail, mental health facilities or hospitals for 90+ days will  
2 not meet the U.S. Department of Housing and Urban Development’s (HUD) definition of  
3 “chronically homeless,” and so would not be eligible for this program.

4 AMHD’s services include providing care to Hawaii residents over the age of 18 years  
5 who have been diagnosed with a serious mental illness (SMI), who are justice involved, and are  
6 under- or uninsured. We coordinate statewide behavioral health crisis response services via  
7 Hawaii CARES 988, our 24 hour a day, 7 day a week call center available to all residents, adults  
8 and youth, who may need assistance, including Crisis Mobile Outreach (CMO).

9 We note that our AMHD service array and existing resources are focused on those with  
10 SMI who often will not meet the HUD definition of “chronically homeless” due to longer term  
11 stays in institutions, as listed above; however, the Department is ready and willing to work with  
12 DHS and HPHA to support individuals and families who are participating in the proposed kauhale  
13 program, and who may benefit from receiving behavioral health wrap-around supports.

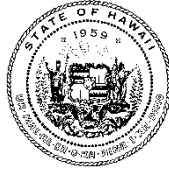
14 Additionally, the AMHD is currently working to transition some of its Community Mental  
15 Health Center (CMHC) clinics to become Certified Community Behavioral Health Clinics (CCBHC)  
16 which will expand behavioral health services beyond those with SMI. In the future, these clinics  
17 may also help serve the populations residing in the kauhale program to address any behavioral  
18 health challenges regardless of specific diagnoses or health insurance status.

19 Provided with administrative and fiscal resources, the AMHD could expand its contracted  
20 services to provide wrap-around services at kauhale locations, including: community-based case  
21 management; homeless outreach case management; and intensive case management plus for  
22 high service utilizers, as needed. We respectfully request, if the Department’s support will be  
23 needed for the proposed kauhale program, that an appropriation be added to this measure to  
24 assist us with the provision of behavioral health care services.

1           We believe that a collaborative, multi-agency coordinated approach will net the biggest  
2 opportunity for successful housing of these individuals and their families and look forward to  
3 participating in solution-oriented discussions.

4   **Offered Amendments:** None.

5           Thank you for the opportunity to testify on this measure.



**STATE OF HAWAI'I | KA MOKU'ĀINA O HAWAI'I**  
**STATE PROCUREMENT OFFICE**

P.O. Box 119  
Honolulu, Hawaii 96810-0119  
Tel: (808) 586-0554  
email: [state\\_procurement\\_office@hawaii.gov](mailto:state_procurement_office@hawaii.gov)  
<http://spo.hawaii.gov>

TESTIMONY  
OF  
BONNIE KAHAKUI, ACTING ADMINISTRATOR  
STATE PROCUREMENT OFFICE

TO THE SENATE COMMITTEES  
ON  
HOUSING  
AND  
HEALTH AND HUMAN SERVICES  
February 7, 2023, 2:00 PM

SENATE BILL 1617  
RELATING TO HOMELESSNESS

Chair Chang, Chair San Buenaventura, Vice Chair Kanuha, Vice Chair Aquino, and members of the committees, thank you for the opportunity to submit testimony on Senate Bill 1617.

The State Procurement Office (SPO) supports the intent of the bill, however, objects to the procurement exemption for the Kauhale program. The SPO recommends that the exemption language noted below be removed.

Page 13, line 6:

~~(14) Chapter 103D, Hawaii public procurement code;~~

Exemptions to the procurement code have always been a concern of the SPO. As stated in the National Association of State Procurement Officials (NASPO) white paper on "Ethics and Accountability," "Maintaining the integrity of public procurement is one of the most important pillars of government."

The bill does not cite a justification why the Kauhale program needs to be exempt from Hawaii Revised Statutes (HRS) chapter 103D, "Hawaii Public Procurement Code" (Code). The SPO recommends that the bill include compelling reasons for this exemption, otherwise, the agency should adhere to the Code.

Chapter 103D, HRS, is the State's single source of public procurement policy to be applied equally and uniformly, while providing fairness, open competition, a level playing field, government disclosure, and transparency in the procurement and contracting process vital to good government. Public procurement's primary objective is to provide everyone equal

opportunity to compete for government contracts, to prevent favoritism, collusion, or fraud in awarding of contracts. To legislate that any one entity should be exempt from compliance with both Chapter 103D and 103F, HRS, conveys a sense of disproportionate equality in the law's application.

Exemptions to the Code mean that all procurements made with taxpayer monies will not have the same oversight, accountability and transparency requirements mandated by those procurements processes provided in the code. It means that there is no requirement for due diligence, proper planning, or consideration of protections for the state in contract terms and conditions, nor are there any set requirements to conduct cost and price analysis and market research or post-award contract management. As such, Agencies can choose whether to compete any procurement or go directly to one contractor. As a result, leveraging economies of scale and cost savings efficiencies found in the consistent application of the procurement code are lost. It also means Agencies are not required to adhere to the code's procurement integrity laws.

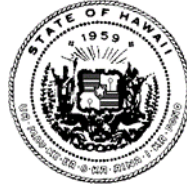
The National Association of State Procurement Officials states that "Businesses suffer when there is inconsistency in procurement laws and regulations. Complex, arcane procurement rules of numerous jurisdictions discourage competition by raising the costs to businesses to understand and comply with these different rules. Higher costs are recovered through the prices offered by a smaller pool of competitors, resulting in unnecessarily inflated costs to state and local governments."

When public bodies are removed from the Hawaii Public Procurement Code, it results in the harm described above. As these entities create their own procurement rules, businesses are forced to track their various practices. Moreover, a public body often can no longer achieve the benefits of aggregation by using another public body's contract because different state laws and regulations may apply to the various public bodies making compliance more difficult.

Each year new procurement laws are applied to state agencies causing state agency contracts to become more complex and costly, while other public bodies, such as agencies with strong legislative influence, are exempted. Relieving some public bodies from some laws by exempting or excluding them from compliance with a common set of legal requirements creates an imbalance wherein the competitive environment becomes different among the various jurisdictions and the entire procurement process becomes less efficient and costlier for the state and vendors.

Thank you.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



CATHY BETTS  
DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF HUMAN SERVICES**  
KA 'OIHANA MĀLAMA LAWELAWE KANAKA  
Office of the Director  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 6, 2023

TO: The Honorable Senator Stanley Chang, Chair  
Senate Committee on Housing

The Honorable Senator Joy A. San Buenaventura, Chair  
Senate Committee on Health and Human Services

FROM: Cathy Betts, Director

SUBJECT: **SB 1617 – RELATING TO HOMELESSNESS.**

Hearing: Tuesday, February 7, 2023, 2:00 p.m.  
Conference Room 225, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the intent of this measure, offers comments, and suggests an amendment. DHS defers to the Hawaii Public Housing Authority (HPHA) and the Department of Health (DOH). DHS respectfully requests that any appropriation in this measure not replace or adversely impact priorities identified in the executive budget.

Specifically, DHS asks the Legislature to support its executive budget request of \$3,750,000 to sustain funding for the Housing First program that provides housing and supportive services for chronically homeless individuals and families statewide.

**PURPOSE:** The purpose of the bill is to authorize the Hawaii Public Housing Authority (HPHA), in consultation with DHS and the Department of Health (DOH), to establish and administer the Kauhale program to provide individual or shared housing units and support services to homeless individuals and families who meet the definition of "chronically

homeless.” The bill also authorizes HPHA to establish an advisory committee, requires reports to the Legislature, and appropriates funds. In addition, the bill exempts existing low-income rental units, tiny home villages and Kauhale from certain provisions of the Hawaii Revised Statutes (HRS), consistent with the Governor’s 2015 and 2018 proclamations on homelessness.

The Department agrees there is a critical need to develop and scale low-income housing projects, such as the recent Kamaoku Kauhale, to meet the needs of individuals and families experiencing homelessness. The proposed Kauhale program adds another tool to transition households out of homelessness and should complement existing programs, such as the Housing First program. Due to the unique needs of each household, a variety of approaches to address homelessness is necessary, as some households may prefer a communal Kauhale setting, and others may prefer a more traditional rental unit.

Regarding Part III of this bill, DHS respectfully requests an amendment to delete the exemption from chapter 346, HRS, on page 13, line 20. Exempting the proposed Kauhale for entire chapters of law will have unintended consequences. For example, blanket exemptions from Chapter 346, HRS, may delay and thwart the delivery and oversight of financial, nutrition, medical, child care, protective, other public assistance, and contracted services. It is unclear whether DHS programs, such as the Housing First program or child care licensing or subsidies, could continue without the authority set forth in Chapter 346, HRS. It is also unclear what kind of authority the State Office on Homelessness and Housing Solutions (SOHHS) or the Hawaii Interagency Council on Homelessness (HICH) would continue to have regarding the delivery of homeless services, as provided in Part XVIII, Chapter 346, HRS.

Finally, DHS will require additional appropriations to administer the proposed Kauhale operations, including the provision of supportive services. As the session progresses, DHS will confer with HPHA and other stakeholders and update the resources necessary to operate such a program.

Thank you for the opportunity to provide comments on this measure.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: Senate Committees on Housing and on Health and Human Services

From: Cheryl Kakazu Park, Director

Date: February 7, 2023, 2:00 p.m.  
State Capitol, Conference Room 225

Re: Testimony on S.B. No. 1617  
Relating to Homelessness

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Thank you for the opportunity to submit testimony on this bill, which would authorize the Hawaii Public Housing Authority to establish a kauhale program to provide individual or shared housing units to homeless individuals and families. The Office of Information Practices (OIP) takes no position on the kauhale program generally, but **offers comments and suggests deletion of the proposed exemption from chapter 92, HRS, part I of which is the Sunshine Law**, “to the extent that any notice requirements or any other provisions of chapter 92 may delay the expeditious action, decision, or approval of any agency[.]”

It is not clear what the exemption would mean for the Sunshine Law’s requirements. The Sunshine Law applies specifically to government boards, not to “agencies” as a whole, and it is not clear which government boards, if any, would be acting on issues affecting a low-income rental, tiny home village, or kauhale built on state land. Beyond that, the Sunshine Law exemption for boards’ actions on permanent housing created under the governor’s proclamations would not exempt such boards’ consideration of other issues from the Sunshine Law. Would a board need to schedule a meeting with the housing issue as the only item on its agenda so

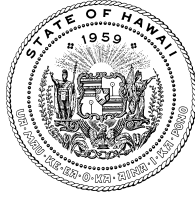


the meeting could be held on fewer than six days' notice, if six days was too long to wait for an expeditious action or decision? Would the members of such a board be able to make an immediate commitment to vote during a permitted interaction outside a meeting when the law would otherwise require that such commitments be saved for the next meeting, or make a decision by an email poll of members (which the Sunshine Law would not otherwise allow) so the housing decision could move forward more expeditiously? Would the board be exempted from posting timely minutes if doing so would delay staff's work on the housing issue? **OIP has concerns about whether there is truly a need for such an exemption – whether the Sunshine Law and other parts of chapter 92 are truly preventing government boards from expeditious action on matters that come before them – and about the difficulty of implementing and interpreting so vague and subjective an exemption.**

OIP also notes that while it administers only part I of chapter 92, the Sunshine Law, there may be similar challenges in determining how this exemption would apply to other portions of chapter 92, such as the default quorum provision in section 92-15 or the authorization to charge copy fees for government records in section 92-21. If it is only the Sunshine Law that the exemption is being applied to, then the bill should be amended to only refer to **part I of chapter 92**.

**OIP recommends deletion of proposed subsection (9) of bill section 3 on page 12, lines 16-19.** Alternatively, OIP would be happy to work with the Committees and interested parties to understand the concerns behind this proposed exemption and offer language to better address them.

Thank you for considering OIP's testimony.



**LATE**

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

Testimony of **Nani Medeiros**  
Chief Housing Officer, Office of the Governor

Before the  
**Senate Committees on Housing and Health and Human Services**  
Tuesday, February 7, 2023  
2:00 p.m., Via Video Conference  
Conference Room 225

In consideration of  
**Senate Bill No. 1617**  
**RELATING TO HOMELESSNESS**

Aloha Chair Chang, Chair San Buenaventura, Vice-Chairs Kanuha and Aquino, and members of the Committee.

Mahalo for the opportunity to testify on Senate Bill 1617.

We support the measure with the following amendments:

- 1) We recommend that you do not restrict kauhale occupancy to individuals who meet the definition of "chronically homeless." The kauhale model should be broadly applied in terms of eligibility. It meets the needs of a variety of neighbors experiencing homelessness who do not meet the specific criteria of HUD's definition of "chronically homeless."
- 2) The measure includes reporting requirements that are quite onerous and could possibly hinder the development of any kauhale; we recommend simplification and not requiring the initial report until the start of the 2025 legislative session.

Mahalo for your consideration,

Nani Medeiros

## TESTIMONY IN SUPPORT OF SB 1617

TO: Chair Chang, Vice Chair Kanuha, & Housing Committee Members  
Chair San Buenaventura, Vice Chair Aquino, & HHS Committee Members

FROM: Nikos Leverenz  
Grants & Advancement Manager

DATE: February 7, 2023 (2:00 PM)

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Hawai'i Health & Harm Reduction Center (HHRC) **strongly supports** SB 1617, which authorizes the Hawai'i Public Housing Authority, in consultation with the Department of Human Services and Department of Health, to establish and administer the kauhale program to provide individual or shared housing units and support services to homeless individuals and families who meet the definition of chronically homeless.

Kauhale projects have proven to be an important means of providing housing, building community, and offering support to those who are unhoused, including those who have experienced long-term homelessness.

HHRC Executive Director Heather Lusk currently serves as Board Chair of [Partners in Care O'ahu](#), a planning, coordinating, and advocacy alliance that develops recommendations for programs and services to fill needs within O'ahu's continuum of care for homeless persons. HHRC provides homeless outreach and housing placement navigation services in urban Honolulu and the Upper Windward Coast, including North Shore.

HHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals who are impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions. Many of our clients and participants have been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this measure.



## **SB1617 Kauhale Housing Project**

COMMITTEE ON HOUSING

Senator Stanley Chang, Chair

Senator Dru Mamo Kanuha, Vice Chair

COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Henry J.C. Aquino, Vice Chair

Wednesday, Feb 8, 2023 1:05: Room 229

## **Hawaii Substance Abuse Coalition Supports SB1617:**

*ALOHA CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies.*

RE: Medical and social support services;

### **Why We Need Strategies for both Homelessness and Substance Use Disorders**

Kauhale can address one of the barriers for people with substance use disorders to achieve recovery because it removes the trigger and stresses to use that comes from the inability to pay rent and the threat of the loss of housing. People experiencing homelessness and substance abuse problems typically find it difficult to address their substance use without a safe place to live, because they often use alcohol or drugs to cope with the dangers of life on the streets.

**Once people have a safe place to live are more apt to fully engage in substance use treatment and recovery services.**

Successful housing strategies should employ **both a Housing First Model for non-abstinent-based living as well as once housed, provide a Supportive Housing environment** that combines housing with intensive coordinated services to help people with chronic physical and behavioral health issues to maintain a stable lifestyle and receive appropriate health and social supports.<sup>1</sup>

As Kauhale implements **strategies to end homelessness**, services need to be able to provide **effective housing and services options** for people experiencing homelessness who have **diverse challenges** and service needs, **including substance use disorders**. Those strategies should be

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<sup>1</sup> Center on Budget and Policy Priorities Meeting the Housing Needs of People With Substance Use Disorders <https://www.cbpp.org/research/housing/meeting-the-housing-needs-of-people-with-substance-use-disorders>

effectively integrated within each community's overall approach, strategies, and systems for addressing substance use.

**HUD recommends** that it is important to address each person's **preferences for stable living**, which means that there is a **mix of services** that can provide a **meaningful choice** to people experiencing both homelessness and substance use disorders who are in **various stages of recovery**.<sup>2</sup> HUD also recognizes individual choice supports various paths to recovery means that housing options include **both**:

1. **People who continue to use drugs or alcohol as well as**
2. **People who want substance abuse treatments or some kind of help to overcome or manage symptoms of overuse of alcohol, illicit drugs and non-prescribed medications.**

### **SAMHSA's Definition for Homeless towards Recovery<sup>3</sup>**

1. Choice - Making informed, healthy choices that support physical and emotional wellbeing.
2. Home—A stable and safe place to live.
3. Purpose—Meaningful daily activities, such as a job, school, volunteerism, family caretaking, or creative endeavors, and the independence, income and resources to participate in society.
4. Community—Relationships and social networks that provide support, friendship, love, and hope.

**To meet the medical needs of Kauhale's people, the project must include funding for onsite approaches that help people with substance use disorders.**

## **SUMMARY**

Kauhale programs should be designed and operated in a manner that is well-tailored to the **needs and challenges** of the homeless people and should be effectively integrated within the overall approach, strategies, and systems for addressing substance use.

When implemented with a **wide array of services**, HUD believes such housing models can provide a high degree of quality and positive outcomes for homeless people as well as fulfill a unique and **specific role within a community's homelessness services and behavioral healthcare systems; and can help provide meaningful choice in housing settings for people with substance use disorders.**

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<sup>2</sup> HUD: Recovery Housing Policy Brief  
[chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://files.hudexchange.info/resources/documents/Recovery-Housing-Policy-Brief.pdf](https://files.hudexchange.info/resources/documents/Recovery-Housing-Policy-Brief.pdf)

<sup>3</sup> SAMHSA's Working Definition of Recovery. <http://store.samhsa.gov/shin/content//PEP12-RECDEF/PEP12-RECDEF.pdf>

Unfortunately, traditional housing infrastructures designed to serve chronically homeless individuals with alcohol problems often fail to engage residents and comprehensively address their complex needs.

- **Housing First approaches can fit the specific needs of chronically homeless individuals with substance use problems with the provision of low-barrier, non-abstinence-based immediate, and permanent housing.**
- **Specific to the project-based Housing First model, however, individuals are offered units within a single housing project, where they can elect to receive on-site case management and other supportive services.<sup>4</sup>**

We appreciate the opportunity to provide testimony and are available for further questions.

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<sup>4</sup> American Public Health Associations American Journal of Public Health (AJPH) March 2012  
Project-Based Housing First for Chronically Homeless Individuals With Alcohol Problems: Within-Subjects Analyses of 2-Year Alcohol Trajectories <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2011.300403>

**SB-1617**

Submitted on: 2/3/2023 9:19:30 PM

Testimony for HOU on 2/7/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lynette Cruz	Testifying for Malama Makua	Support	Written Testimony Only

Comments:

Good idea! Mahalo!

**SB-1617**

Submitted on: 2/4/2023 12:55:02 PM

Testimony for HOU on 2/7/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Zeona Nahooikaikaholoholokulani	Testifying for Waianae Moku Kupuna Council	Support	Written Testimony Only

Comments:

I was working for the State of Hawaii when I became homeless, while doing my job and duty to protect keiki and Kupuna from abusive relatives. I was trained as a 1st responder through certified classes by the State of Hawaii, to help and assist those seniors we were helping and taking care of, through the Senior Companionship Program. I am in favor of SB1617 and SB1040. Please make it a priority and expedite Hawaiian applications. This is far over due FAR OVER DUE. PLEASE FIND MORE HOUSING FOR THE HOST PEOPLE OF HAWAII THAT HAVE BEEN WAITING FOR DECADES. GOLF COURSES HAVE MORE PRIORITIES THAN YOUR FIDUCIARY DUTY TO THE PRECIOUS HAWAIIAN PEOPLE. RESPECTFULLY SUBMITTED: I am Zeona Nahooikaikaholoholokulani of the Waianae Moku Kupuna Council



**SB-1617**

Submitted on: 2/4/2023 9:55:37 AM

Testimony for HOU on 2/7/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
James Rodrigues	Individual	Comments	Written Testimony Only

Comments:

Marginalized Hawaiians forced into homelessness by laws that criminalize lifestyle need to change. Providing safe space to heal trauma of colonial settlers create ptsd needing to heal. Provide the safe space

**SB-1617**

Submitted on: 2/5/2023 12:56:27 PM

Testimony for HOU on 2/7/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

I strongly support the Kauhale system as an important part of the continuum of solutions to housing insecurity and houselessness. I think people with lived experience should be centered in the process of designing and creating kauhale communities and am glad to see the provision including these members of our community on the advisory committee. Mahalo.

**SB-1617**

Submitted on: 2/5/2023 8:53:51 PM

Testimony for HOU on 2/7/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Please support this bill which recognizes the benefits of 'ohana type affordable housing.

Council Chair  
Alice L. Lee



Director of Council Services  
Traci N. T. Fujita, Esq.

Councilmembers  
Tom Cook  
Gabe Johnson  
Tasha Kama  
Tamara Paltin  
Keani N.W. Rawlins-Fernandez  
Shane M. Sinenci  
Yuki Lei K. Sugimura  
Nohelani U'u-Hodgins

Deputy Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

February 6, 2023

TO: The Honorable Senator Stanley Chang, Chair,  
and Members of the Senate Committee on Housing

The Honorable Senator Joy A. San Buenaventura, Chair,  
and Members of the Senate Committee on Health and Human Services

FROM: Alice L. Lee, Chair  
Maui County Council

A handwritten signature in black ink, appearing to read "Alice L. Lee", is written over the printed name of the sender.

SUBJECT: **HEARING OF FEBRUARY 7, 2023; TESTIMONY IN SUPPORT OF  
SB 1617, RELATING TO HOMELESSNESS**

Thank you for the opportunity to testify in **support** of this important measure. This measure authorizes the Hawaii public housing authority to establish a kauhale program to provide housing and services to individuals and families who are unsheltered.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I **support** this measure for the following reasons:

1. The creation of kauhale villages will alleviate Hawaii's housing crisis by providing shelter and social services to those who need them.
2. This measure enables kauhale villages to be built expeditiously by granting generous permitting exemptions.
3. This measure continues exemptions for low-income rental units, tiny homes, and kauhale constructed under the Governor's 2015 and 2018 proclamations on homelessness.

For these reasons, I **support** this measure.

ocs:proj:legis:23legis:23testimony:sb1617\_paf23-007(19)\_alkl