

ACT 138

H.B. NO. 1988

A Bill for an Act Relating to Homeless.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 358D-3, Hawaii Revised Statutes, is amended by amending the definition of “homeless” to read as follows:

“‘Homeless’ means:

- (1) An individual or family who lacks a fixed, regular, and adequate nighttime residence; [or] and
- (2) An individual or family who has a primary nighttime residence that is:
  - (A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations;
  - (B) An institution that provides temporary residence for individuals intended to be institutionalized; or
  - (C) A public or private place not designed for or ordinarily used as sleeping accommodations for human beings[, pursuant to standards and criteria established by rule for eligibility, need, and priority for each program; provided that the authority may establish by rule exceptions to these eligibility requirements based on special circumstances].”

SECTION 2. Section 358D-8, Hawaii Revised Statutes, is amended to read as follows:

**“§358D-8 Program administration.** To the extent that appropriations are made available, the authority may contract with a provider agency to administer homeless facilities, or any other program for the homeless created by this chapter. The selection of provider agencies to [operate and manage state-owned homeless facilities] administer homeless facilities, or any other program for the homeless authorized by this chapter, shall not be subject to chapters 42D, 102, [and] 103[.], and 103D. The selection of provider agencies shall be subject to qualifying standards and criteria established by rule.”

SECTION 3. Section 358D-9, Hawaii Revised Statutes, is amended to read as follows:

**“§358D-9 Time limits.** To the extent that appropriations are made available, a provider agency shall provide shelter or any other program assistance authorized by this chapter to eligible homeless families and homeless individuals not later than two days, or such time as is set by rule which shall not be later than seven days, after they apply and qualify for the shelter or other program assistance[.], pursuant to rule.”

SECTION 4. Section 358D-10, Hawaii Revised Statutes, is amended to read as follows:

**“§358D-10 Determination of eligibility and need.** (a) The provider agency operating and managing a homeless facility, or any other program for the homeless authorized by this chapter, or the authority operating and managing its own homeless facility, shall be responsible for determining if an applicant is eligible for shelter or other services at the homeless facility or through any other program for the homeless, pursuant to standards and criteria established by rule.

(b) The provider agency or the authority operating and managing its own homeless facility shall determine the degree of need for each homeless family or individual and in its determination shall consider the resources available and the number of potential eligible applicants in the area served by the homeless facility or other program for the homeless authorized by this chapter.

(c) The authority may establish by rule standards and criteria for eligibility, need, and priority for each program; provided that the authority may establish by rule exceptions to these eligibility requirements based on special circumstances.”

SECTION 5. Section 358D-14, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

**“(a)** The authority shall ensure that a compliance audit[, paid for by the authority,] by an independent auditing agency is carried out expeditiously [for each fiscal year during which] at least once each fiscal biennium period for any provider agency which dispensed shelter or assistance for any homeless facility or any other program for the homeless authorized by this chapter. The audit shall [address all provider agencies for that type of facility or program and shall] include recommendations to address any problems found. [The auditing agency shall include a representative number of interviews with recipients of the shelter or other form of assistance as part of its compliance audit.]”

SECTION 6. Section 358D-17, Hawaii Revised Statutes, is amended to read as follows:

**“§358D-17 Homeless shelter stipends.** (a) Prior to July 1, 1992, homeless shelter stipends at transitional shelters shall not exceed \$350 per shelter unit housing a homeless family of four members per month. Prior to July 1, 1992, the stipend for emergency shelters shall not exceed \$10 per shelter bed per night. The stipend limits shall be adjusted by the authority on July 1, 1992, and each first day of July thereafter[, until July 1, 1996, based on the change in the consumer price index for Honolulu for the preceding calendar year, rounded off to the nearest dollar. The authority may adopt rules under chapter 91 to establish exceptions to the stipend limits based on special circumstances.

(b) Effective July 1, 1996, homeless shelter stipends at transitional shelters shall not exceed \$400 per month per shelter unit of zero bedrooms. A “shelter unit of zero bedrooms” means a living unit which is a studio unit or a single-room occupancy unit. The homeless shelter stipend at transitional shelters for larger

shelter unit sizes shall be related to the difference in unit size, pursuant to standards established by rule. Effective July 1, 1996, homeless shelter stipends at emergency shelters shall not exceed \$13 per shelter bed per night. The stipend limits shall be adjusted by the authority on July 1, 1997, and each first day of July thereafter pursuant to standards established by rule which may consider changes in the cost of operating homeless facilities, the fair market rents, the consumer price index, or other relevant factors.

[(b)] (c) The authority may make or may contract to make homeless shelter stipend payments on behalf of one or more homeless families or individuals to a provider agency operating or managing an emergency or transitional shelter or, in the case that the authority itself operates and manages a homeless facility, to the authority in such amounts and under such circumstances as provided by rule. The contract may specify a minimum total amount of homeless shelter stipends to be received by a provider agency for making its shelter and services available to eligible homeless families or individuals, pursuant to rule.

[(c)] (d) In making homeless shelter stipend payments to a provider agency the authority may establish minimal services to be provided by the provider agency to homeless families or individuals at the agency's shelter. The authority may also direct provider agencies to establish and manage a savings account program as described in subsection [(d).] (e). Additionally, the authority may direct provider agencies to subcontract for outreach services from other private agencies specializing in programs for the unsheltered homeless.

[(d)] (e) Provider agencies and the authority may establish and collect shelter and services payments from homeless families or individuals in addition to the amount received in homeless shelter stipend payments pursuant to rule. Provider agencies and the authority may also set aside a portion of the payments in a savings account to be made available to homeless families or individuals when these families and individuals vacate the shelter.

[(e) Selection of provider agencies to receive homeless shelter stipends shall not be subject to chapters 42D, 102, or 103; provided that the selection of provider agencies receiving homeless shelter stipends shall be subject to rules adopted under chapter 91, which ensure compliance with Article VII, section 4, of the Constitution of the State of Hawaii.]''

SECTION 7. This Act shall not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 9. This Act shall take effect upon its approval.

(Approved June 9, 1995.)