

ACT 128

H.B. NO. 257

A Bill for an Act Relating to Homelessness.

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

SECTION 1. Act 209, Session Laws of Hawaii 2018, is amended as follows:

1. By amending section 3 to read:

“SECTION 3. (a) There is established the ohana zones pilot program to provide temporary housing and services to homeless individuals and families based on principles similar to the housing first program.

(b) The governor shall designate executive branch agencies to develop and implement the ohana zones pilot program, including an agency with specific expertise in construction development and an agency with specific expertise in administering homeless services. The governor, through the governor’s designated agencies, shall determine the number and locations of the ohana zones, which shall be situated on public or private lands[;] in accordance with subsection (c); provided that the designated agencies shall identify at least three sites on Oahu and one site on each of the islands of Hawaii, Kauai, and Maui.

(c) The agencies designated pursuant to subsection (b) may coordinate with public or private entities, as appropriate, to develop and implement the ohana zones pilot program; provided that [H]:

(1) If any public land under the jurisdiction of a state or county agency is determined to be suitable for use as an ohana zone, the designated agencies shall:

[H] (A) Work with the appropriate state or county agency that controls the land to transfer the land designated for use as an ohana zone to an agency whose mission is more suited to the management of ohana zones; and

[H] (B) Work with the appropriate state or county agency that controls the land and its construction agency to ensure that an ohana zone’s infrastructure needs are met and minimize adverse impacts to the environment, including to nearshore resources such as corals, reef fish, and seabirds[-];

(2) Use of any private lands determined to be suitable for use as an ohana zone shall be for limited purposes and require a written agreement between the private land owner and any state or county department that any structure built with public funds may be moved or is temporary; provided that if the land ceases to be used for an ohana zone or low-income housing before the time specified in the agreement, the state or county agency may choose to move the structure off the private land to a location of the state or county agency’s choosing; and

(3) The ohana zones pilot program may allow for off-the-grid technologies that can provide drinking water, electricity, and process sewage without existing infrastructure.

(d) The ohana zones pilot program may provide the following facilities and services at each ohana zone site:

(1) Secure dwelling spaces that:

(A) May be private or communal;

(B) Have access to toilets, showers, and other hygiene facilities; and

(C) Have access to an area for food storage and meal preparation;

(2) Medical and social support services; and

(3) Transportation to appointments related to medical care or supportive services that are not available onsite.”

2. By amending section 4 to read:

“SECTION 4. (a) Contracts entered into by the agencies designated by the governor pursuant to the ohana zones pilot program shall be exempt from the requirements of chapters 103D and 103F, Hawaii Revised Statutes.

(b) The agencies designated by the governor shall establish no later than December 31, 2018, the following:

(1) The criteria that the agencies will use to evaluate potential ohana zone locations;

- (2) A monthly timetable of milestones that the agencies expect to meet in establishing one or more ohana zones over the course of the three-year pilot program;
 - (3) The specific, measurable, attainable, reasonable, and time-based performance measures that the agencies expect to meet at the end of each fiscal year;
 - (4) The evaluation criteria and process that the agencies intend to use each year when reviewing the success and sustainability of the ohana zones; and
 - (5) The monitoring and oversight controls that the agencies will have over the ohana zones to identify, address, and prevent possible fraud, waste, and abuse and ensure compliance with local, state, and federal laws.
- (c) The governor's coordinator on homelessness shall compile and consolidate information from the agencies designated by the governor to effectuate this part and submit reports to the legislature no later than twenty days prior to the convening of the regular sessions of ~~[2019;]~~ 2020, ~~[and]~~ 2021~~[-]~~, and 2022.
- (d) The report submitted no later than twenty days prior to the convening of the regular session of ~~[2019]~~ 2020 shall include the following information:
- (1) A summary and explanation of the process that the agencies designated by the governor pursuant to the ohana zones pilot program engaged in to identify possible ohana zone locations; and
 - (2) A summary of the information required under subsection (b).
- (e) The reports submitted no later than twenty days prior to the convening of the regular sessions of ~~[2020 and]~~ 2021 and 2022 shall include the following information:
- (1) The milestones established pursuant to subsection (b) that were met by the agencies designated by the governor pursuant to the ohana zones pilot program and ohana zones established during the fiscal year;
 - (2) An evaluation of the ohana zones to determine whether the objectives set have been met or exceeded;
 - (3) Any proposed changes that need to be made to the performance measures used to assess the achievement of program goals; and
 - (4) An assessment of the impact of the ohana zone model on the homelessness problem in Hawaii.
- (f) The pilot program shall cease to exist on June 30, ~~[2021;]~~ 2023."
3. By amending section 7 to read:

“SECTION 7. (a) There is established within the department of human services a pilot program to be known as the emergency department homelessness assessment pilot program. The department of human services, in consultation with the Hawaii interagency council on homelessness and any other appropriate agency, shall serve as the administrator of the pilot program.

(b) The pilot program shall consist of multidisciplinary teams composed of but not limited to physicians, advanced practice registered nurses, social workers, and patient navigators who are employed by a participating hospital in the participating hospital's emergency department. The multidisciplinary team shall:

- (1) Identify patients who are experiencing homelessness or patients at risk of experiencing homelessness and have high utilization of emergency department services;
- (2) Assess the patient's current circumstances; and

- (3) Coordinate and refer these patients to appropriate and available wrap-around supports and community resources along the entire continuum of care with a goal of reducing costs associated with chronic use of hospital emergency departments.

(c) The department of human services shall work with the participating hospital under the emergency department homelessness assessment pilot program to collect and analyze data to be included in a report that contains a summary and explanation of the data regarding the efficacy of emergency department intervention by the multidisciplinary team in mitigating the number of unnecessary emergency department visits by patients experiencing homelessness or patients at risk of experiencing homelessness. The report shall contain findings and recommendations, including any proposed legislation, for continuation, modification, or termination of the pilot program. The department of human services shall submit the report to the legislature no later than twenty days prior to the convening of the regular session of ~~[2019-]~~ 2020.

(d) The department of human services shall be exempt from chapter 103F, Hawaii Revised Statutes, in implementing this part.

(e) The emergency department homelessness assessment pilot program shall cease to exist on June 30, ~~[2019-]~~ 2020.”

- 4. By amending section 9 to read:

“SECTION 9. (a) There is established within the department of human services a pilot program to be known as the medical respite pilot program. The department of human services, in consultation with the Hawaii interagency council on homelessness and any appropriate agency, shall serve as the administrator of the pilot program.

(b) A participating community human services provider, in partnership with a hospital participating in the pilot program, shall provide emergency housing for eligible individuals experiencing homelessness who are discharged from the participating hospital and provide, at minimum, meals, case management, and medical, nursing, and psychiatric care. The medical respite facilities shall comply with the department of health’s standards of accessibility, sanitation, and other requirements, as determined by the department of health for facilities of similar use.

(c) The department of human services shall submit a report to the legislature of its findings and recommendations, including any proposed legislation, regarding the pilot program no later than twenty days prior to the convening of the regular session of ~~[2019-]~~ 2020.

(d) The department of human services shall be exempt from chapter 103F, Hawaii Revised Statutes, in implementing this part.

(e) The medical respite pilot program shall cease to exist on June 30, ~~[2019-]~~ 2020.”

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2019-2020 to be used solely for the construction of modular temporary units or facilities, the renovation of existing structures on public lands, or the creation of infrastructure to make land suitable for temporary housing under the ohana zones pilot program.

The sum appropriated shall be expended by the office of the governor for the purposes of this Act; provided that the governor shall transfer the expenditure authority to designated executive branch departments or agencies within a reasonable time.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on June 29, 2019.

(Approved June 25, 2019.)