

ACT 235

H.B. NO. 2512

A Bill for an Act Relating to Ohana Zones.

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

SECTION 1. The legislature finds that homelessness remains a chronic issue in Hawaii. The legislature further finds that the ohana zones pilot program, established under Act 209, Session Laws of Hawaii 2018, and Act 128, Session Laws of Hawaii 2019, has thus far been effective at serving its intended purpose of providing housing and critical services to the State's homeless population. This pilot program, however, is set to expire on June 30, 2023.

The legislature also finds that on December 6, 2018, the governor issued an emergency proclamation related to homelessness for establishing long-term housing, temporary shelter, and services to divert homeless individuals from frequent utilization of the health care and criminal justice systems, and to facilitate contracting for these programs, housing, shelter, and services. The emergency proclamation, which was followed by supplementary proclamations, has since ended. However, the legislature finds that the housing and homeless crisis in the State, which was exacerbated during the coronavirus 2019 pandemic, persists. The expansion of regulatory exemptions for ohana zones pilot program con-

tracts is therefore needed to enable the State to address the immediate temporary housing and service needs of individuals experiencing homelessness.

The purpose of this Act is to improve the health and well-being of individuals experiencing homelessness and provide these individuals with needed services through the ohana zones pilot program by:

- (1) Permitting persons receiving accommodations or services from an ohana zone site to request a ninety-day extension of the accommodations or services;
- (2) Exempting the ohana zones pilot program from certain statutory requirements contained in the governor’s emergency proclamation of December 14, 2018, relating to homelessness, as those exemptions have since lapsed;
- (3) Extending the ohana zones pilot program to June 30, 2026; and
- (4) Appropriating funds for the pilot program for fiscal year 2022-2023.

SECTION 2. Act 209, Session Laws of Hawaii 2018, section 3, as amended by Act 128, Session Laws of Hawaii 2019, section 1, is amended by amending subsection (d) to read as follows:

“(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[-];

provided that a person receiving accommodations or services from an ohana zone site may request a ninety-day extension of the person’s receipt of accommodations or services, subject to approval by the applicable ohana zone site and other eligibility criteria as determined by each ohana zone site.”

SECTION 3. Act 209, Session Laws of Hawaii 2018, section 4, as amended by Act 128, Session Laws of Hawaii 2019, section 1, is amended as follows:

1. By amending subsection (a) to read:

“(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 6E, excluding section 6E-43.6; 46, excluding sections 46-1.5(5)(D), 46-1.5(14)(A)(iii), 46-88(c)(5), and 46-88(j); 103D [and]; 103F[-]; and 343, Hawaii Revised Statutes[-]; provided that no contract entered into pursuant to the ohana zones pilot program or structures constructed thereunder shall be exempt from county, state, or federal floodplain management development standards, or statutes, codes, ordinances, rules, or regulations with which compliance is required under the National Flood Insurance Program.”

2. By amending subsection (f) to read:

“(f) The pilot program shall cease to exist on June 30, ~~[2023-]~~ 2026.”

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$15,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the ohana zones pilot program established pursuant to Act 209, Session Laws of Hawaii 2018, as amended by Act 128, Session

Laws of Hawaii 2019, including expenses relating to staffing, facility construction, provision of services, and administrative costs.

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.

The appropriation made by this Act for fiscal year 2022-2023 for the office of the governor shall not lapse at the end of the fiscal year for which the appropriation is made; provided that all moneys from the appropriation that are unencumbered as of June 30, 2025, shall lapse as of that date.

Notwithstanding any other law to the contrary, the governor may transfer all or a portion of the appropriation in this section to the governor's designated executive branch agencies for expenditures incurred in implementing the ohana zones pilot program.

The governor's designated executive branch agencies may expend any appropriation transferred pursuant to this section for the performance of its duties under the ohana zones pilot program.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2022.

(Approved July 1, 2022.)