

JAN 25 2017

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**A BILL FOR AN ACT**

RELATING TO HOMELESS SHELTERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. In an attempt to make the homeless shelter  
2 system more cost effective and more appealing to families and  
3 individuals, the legislature enacted Act 234, Session Laws of  
4 Hawaii 2016, and revised chapter 346, Hawaii Revised Statutes,  
5 by adding a new section to part XVII to establish minimum  
6 requirements for every homeless emergency shelter operated by a  
7 provider agency that is under contract with the department.  
8 Act 243 amended definitions in section 346-361, and amended  
9 section 346-371 which requires provider agencies to conduct  
10 annual audits. Act 243 amended section 346-374 directing the  
11 department to pay homeless shelter stipends only for performance  
12 measures actually achieved by the provider agency, and requiring  
13 that the collection of shelter and service payments from  
14 homeless families or individuals be based on the families' and  
15 individuals' ability to pay.

16           The legislature finds that there is wide variation in the  
17 configuration of homeless emergency shelters across the State.  
18 In particular, there are distinct differences between emergency

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1 shelters located in rural areas as compared to shelters that are  
2 located in more densely populated urban communities. To ensure  
3 that the minimum health and safety standards adopted by the  
4 department provide sufficient flexibility to address these  
5 diverse needs, the department needs additional time to meet with  
6 shelter providers and discuss the ability to bring shelter space  
7 into compliance with Act 234's requirements.

8       Additionally, there is concern that without flexibility in  
9 regard to the requirement for partitioned shelter spaces, if Act  
10 234 is implemented as currently enacted, there may be  
11 significant reduction in shelter space among certain homeless  
12 shelters.

13       This measure is intended to provide the department of human  
14 services with the discretion to determine the emergency homeless  
15 shelters that may require partition space for homeless persons  
16 or families based upon guidelines determined by the department  
17 of human services. In addition, the measure will extend the  
18 effective date of Act 234, Session Laws of Hawaii 2016, section  
19 6(b), by one year to provide additional time for the department  
20 to implement the Act.

21       SECTION 2. Section 346-374.5, Hawaii Revised Statutes, is  
22 amended by amending subsection (b) to read as follows:

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"(b) The department shall require an emergency shelter to comply with the following:

(1) The shelter shall have the number of showers and bathrooms that the department deems appropriate and sufficient for the number of homeless families or individuals ~~[that]~~ who use the shelter and the capacity of the shelter. The showers and bathrooms may be part of the shelter building or portable and unattached to the shelter building;

(2) The shelter ~~[shall]~~ may have partitioned space for each homeless family or individual that provides separation from other homeless families or individuals in the shelter. The minimum area of the partitioned space and height of the partition shall be determined by the department and may differ among ~~[transitional]~~ emergency shelters, according to the number of homeless families or individuals ~~[that]~~ who use the shelter and the capacity of the shelter. A shelter that provides separate rooms or portable dwelling units for homeless families or individuals, including converted shipping containers or school classrooms,

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1 shall be deemed to exceed this minimum requirement;

2 and

3 (3) The shelter shall provide storage for the personal  
4 possessions of each homeless family or individual  
5 served by the shelter. The storage shall be securable  
6 by the homeless family or individual. The type and  
7 number of the storage equipment, space, or area shall  
8 be determined by the department."

9 SECTION 3. Act 234, Session Laws of Hawaii 2016, is  
10 amended by amending section 6 to read as follows:

11 "SECTION 6. (a) For the purpose of this section,  
12 "emergency shelter", "provider agency", and "transitional  
13 shelter" mean the same as defined under section 346-361, Hawaii  
14 Revised Statutes.

15 (b) Each contract that takes effect after June 30, [~~2017,~~  
16 2018, between the department of human services and a provider  
17 agency for the operation or management of an emergency or  
18 transitional shelter shall comply with this Act. This  
19 requirement shall apply whether the contract is entered into,  
20 renewed, or extended before or after June 30, [~~2017,~~ 2018.

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1 (c) Beginning July 1, 2016, the department of human  
2 services shall work with provider agencies to implement this  
3 Act."

4 SECTION 4. Act 234, Session Laws of Hawaii 2016, is  
5 amended by amending section 8 as follows:

6 "SECTION 8. This Act shall take effect on July 1, [~~2017;~~  
7 2018; provided that subsection (c) of section 6 shall take  
8 effect on July 1, 2016."

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

11 SECTION 6. This Act shall take effect upon its approval.

12 INTRODUCED BY: Neil N. Williams

13 BY REQUEST

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**Report Title:**

Homeless Shelters; Requirements

**Description:**

Establishes that emergency shelters may provide partitioned space for homeless persons or families based upon guidelines determined by the department of human services. Extends the effective date for Act 234, Session Laws of Hawaii 2016, section 6(b) by one year.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Department of Human Services

TITLE: A BILL FOR AN ACT RELATING TO HOMELESS SHELTERS.

PURPOSE: Establishes that homeless shelters may provide partitioned space for homeless persons or families based upon guidelines determined by the department of human services. Amends the effective date of Act 234, Session of Laws of Hawaii (SLH) 2016, by one year.

MEANS: Amend section 346-374.5(b), Hawaii Revised Statutes, and sections 6 and 8 of Act 234, SLH 2016.

JUSTIFICATION: Act 234, SLH 2016, established minimum requirements for every homeless emergency shelter operated by a provider agency that is under contract with the department. In an attempt to make the system of homeless shelters more cost effective and more appealing to families and individuals, the Act directed that payments be conditioned on performance measures and established audit provisions.

As drafted, Act 234, SLH 2016, is difficult to implement within the enacted time frame. The department needed to consult with experts to determine minimum health and safety standards described in the bill, and meet with shelter providers to discuss the ability to bring shelter space into compliance with the Act's requirements.

Additionally, there is concern that if implemented as currently drafted certain shelter facilities will likely result in reduced shelter space among homeless shelters.

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The requirement to provide partitioned space for each homeless family or individual may result in the unintended loss of bed space in many emergency shelters. In some cases, the reduction in bed space may be as much as 50% or more. The loss of bed space is particularly significant on the neighbor islands, which often only have one or two emergency shelters to serve a large population. Providing the option to offer partitioned spaces will provide additional flexibility to emergency shelters.

By amending 346-374.5(b), this measure will provide the department of human services with the discretion to require homeless shelters to partition space for homeless persons or families based upon guidelines determined by the department of human services. In addition, the measure will extend the effective date of Act 234, Session Laws of Hawaii 2016, section 6(b), by one year to provide additional time for the department to work with providers and implement the Act.

Impact on the public: Emergency shelter bed space is especially limited on the neighbor islands, which have seen the largest percentage increase in unsheltered homeless persons according to the 2016 statewide homeless point in time count. Providing more flexibility to emergency shelters will preserve limited bed space in rural areas. Emergency shelters in rural areas may be negatively impacted if Act 234, SLH 2016, is implemented as currently enacted.

Impact on the department and other agencies: Emergency shelters may receive funding from other departments, such as the department of health. A specific example are mental health group homes, which may also be funded as emergency shelters. Providing more flexibility will preserve limited bed space for shelters funded by other departments.



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GENERAL FUND: None.  
OTHER FUNDS: None.  
PPBS PROGRAM  
DESIGNATION: HMS 224.  
OTHER AFFECTED  
AGENCIES: None.  
EFFECTIVE DATE: Upon approval.