
A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

1 PART I

2 SECTION 1. In 2017, Hawaii had the highest per capita rate
3 of homelessness of any state according to the United States
4 Department of Housing and Urban Development. There are
5 approximately fifty-one individuals experiencing homelessness
6 for every ten thousand people in Hawaii. Government agencies
7 and non-profit organizations have pursued various strategies to
8 address the burgeoning number of individuals and families
9 experiencing homelessness.

10 The legislature passed Act 212, Session Laws of Hawaii
11 2017, to create a working group to examine safe zones for people
12 experiencing homelessness as one possible solution to the
13 problem. Some stakeholders have expressed reservations about
14 safe zones and have advised that scarce resources should not be
15 diverted from the development of permanent housing.
16 Unfortunately, the development of permanent housing takes time
17 and, in the meantime, people experiencing homelessness will



1 continue to live unsheltered and without adequate, meaningful
2 access to social services.

3 In response to that concern, some policy-makers have
4 expressed support for ohana zones, a supportive program designed
5 to assist individuals experiencing homelessness with finding and
6 maintaining permanent housing. In an ohana zone, nontraditional
7 temporary shelters and related structures may be constructed
8 outside of generally-applicable building codes in order to
9 facilitate rapid, temporary placements. Borrowing from the
10 housing first model of service delivery, once persons
11 experiencing homelessness are sheltered, albeit temporarily,
12 they will be better situated to access needed services,
13 including referrals to medical and social services, and support
14 in their search for permanent housing.

15 The legislature finds that it must authorize the creation
16 of ohana zones that allow for rapid placements in temporary
17 shelters and direct access to social services as a tool to help
18 reduce the number of unsheltered individuals experiencing
19 homelessness. The legislature further finds that the State must
20 implement specific exemptions and immunities to facilitate the



1 rapid creation of temporary ohana zones and to allow for the
2 effective provision of services within them.

3 The purpose of this Act is to make the establishment of
4 temporary ohana zones possible by providing state and county
5 governments and certain volunteers with limited liability in
6 relation to services provided in an ohana zone and exempting
7 temporary construction in ohana zones from state and county
8 building codes for a specific period.

9 PART II

10 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
11 by adding a new section to be appropriately designated and to
12 read as follows:

13 "§46- Counties' limited liability for providing services
14 to individuals experiencing homelessness in an ohana zone
15 location. No public entity or public employee shall be liable
16 to any person for injury or damage caused by a public employee
17 providing services to individuals experiencing homelessness in
18 an ohana zone location; provided that the employee was acting in
19 good faith and within the scope of the employee's functions and
20 duties as an employee of the State."



1 SECTION 3. Section 46-15.6, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Ohana zone" means a program managed by the department of
5 human services that provides individuals experiencing
6 homelessness with non-permanent shelter, referrals to medical or
7 social services, and support in obtaining permanent housing."

8 SECTION 4. Chapter 662, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§662- Limited liability for providing services to
12 individuals experiencing homelessness in an ohana zone location.
13 No public entity or public employee shall be liable to any
14 person for injury or damage caused by a public employee
15 providing services to individuals experiencing homelessness in
16 an ohana zone location; provided that the employee was acting in
17 good faith and within the scope of the employee's functions and
18 duties as an employee of the State."

19 SECTION 5. Section 662-1, Hawaii Revised Statutes, is
20 amended by adding a new definition to be appropriately inserted
21 and to read as follows:



1 "Ohana zone" means a program managed by the department of
2 human services that provides individuals experiencing
3 homelessness with non-permanent shelter, referrals to medical or
4 social services, and support in obtaining permanent housing."

5 SECTION 6. Chapter 662D, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§662D- Limited liability for volunteers for the
9 government entity providing services to individuals experiencing
10 homelessness in an ohana zone location. (a) No volunteer for a
11 governmental entity shall be liable to any person for injury or
12 damage caused by a volunteer providing services to individuals
13 experiencing homelessness in an ohana zone location; provided
14 that the volunteer was acting in good faith and within the scope
15 of the volunteer's functions and duties.

16 (b) No nonprofit organization or nonprofit corporation
17 that provides volunteers to a governmental entity providing
18 services to individuals experiencing homelessness in an ohana
19 zone location shall be liable to any person for injury or damage
20 caused by the volunteer; provided that the volunteer was acting



1 in good faith and within the scope of the volunteer's functions
2 and duties."

3 SECTION 7. Section 662D-1, Hawaii Revised Statutes, is
4 amended by adding a new definition to be appropriately inserted
5 and to read as follows:

6 "Ohana zone" means a program managed by the department of
7 human services that provides individuals experiencing
8 homelessness with non-permanent shelter, referrals to medical or
9 social services, and support in obtaining permanent housing."

10 PART III

11 SECTION 8. Section 107-21, Hawaii Revised Statutes, is
12 amended by adding a new definition to be appropriately inserted
13 and to read as follows:

14 "Ohana zone" means a program managed by the department of
15 human services that provides individuals experiencing
16 homelessness with non-permanent shelter, referrals to medical or
17 social services, and support in obtaining permanent housing."

18 SECTION 9. Section 107-25, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§107-25 Hawaii state building codes; requirements. (a)**
21 **There is established the Hawaii state building codes applicable**



1 to all construction in the State of Hawaii. The Hawaii state
2 building codes shall be based upon:

- 3 (1) The state fire code as adopted by the state fire
4 council;
- 5 (2) The Uniform Plumbing Code, as copyrighted and
6 published by the International Association of Plumbing
7 and Mechanical Officials, including its appendices;
- 8 (3) The International Building Code, the International
9 Residential Code, and the International Energy
10 Conservation Code, as published by the International
11 Code Council;
- 12 (4) The National Electrical Code, as published by the
13 National Fire Protection Association;
- 14 (5) Hawaii design standards implementing the criteria
15 pursuant to Act 5, Special Session Laws of Hawaii,
16 2005, as applicable to:
 - 17 (A) Emergency shelters built to comply with hurricane
18 resistant criteria, including enhanced hurricane
19 protection areas capable of withstanding a five
20 hundred-year hurricane event as well as other
21 storms and natural hazards; and



1 (B) Essential government facilities requiring
 2 continuity of operations; and
 3 (6) Code provisions based on nationally published codes or
 4 standards that include but are not limited to
 5 residential and hurricane resistant standards related
 6 to loss mitigation standards in accordance with
 7 section 431P-12, elevator, mechanical, flood and
 8 tsunami, existing buildings, and onsite sewage
 9 disposal.

10 (b) The Hawaii state building codes shall not be
 11 applicable to construction of temporary shelters and related
 12 structures and other structures necessary for the provision of
 13 services in an ohana zone location in which services are
 14 provided by the department of human services. The Hawaii state
 15 building codes shall immediately apply to all construction in a
 16 former ohana zone upon loss or withdrawal of the designation or
 17 upon cessation of services by the department of human services."

18 SECTION 10. Section 107-28, Hawaii Revised Statutes, is
 19 amended to read as follows:

20 "§107-28 County authority to amend and adopt the Hawaii
 21 state building codes without council approval. (a) The



1 governing body of each county shall amend, adopt, and update the
2 Hawaii state building codes as they apply within their
3 respective jurisdiction, in accordance with section 46-1.5(13),
4 without approval of the council. Each county shall amend and
5 adopt the Hawaii state building codes and standards listed in
6 section 107-25, as the referenced Hawaii state building codes
7 and standards for its respective county building code ordinance,
8 no later than two years after the adoption of the Hawaii state
9 building codes.

10 (b) If a county does not amend the Hawaii state building
11 codes within the two-year time frame, the Hawaii state building
12 codes shall become applicable as an interim county building
13 code.

14 (c) Amendments to the Hawaii state building codes adopted
15 by the governing body of a county pursuant to subsection (a)
16 shall not be applicable to construction of temporary shelters
17 and related structures and other structures necessary for the
18 provision of services in an ohana zone location in which
19 services are provided by the department of human services.
20 Amendments to the Hawaii state building codes shall immediately
21 apply to all construction in a former ohana zone upon loss or



1 withdrawal of the designation or upon cessation of services by
2 the department of human services."

3 PART IV

4 SECTION 11. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so much
6 thereof as may be necessary for fiscal year 2018-2019 for the
7 purposes of designating, establishing, and providing services
8 within ohana zones pursuant to this Act.

9 The sum appropriated shall be expended by the department of
10 human services for the purposes of this Act.

11 SECTION 12. New statutory material is underscored.

12 SECTION 13. This Act shall take effect on July 1, 2018.



Report Title:

Homelessness; Ohana Zones; Limited Liability; Building Codes
Exemption

Description:

Provides for ohana zones for temporary shelter and services in support of permanent housing placements for individuals experiencing homelessness. Limits liability to counties, service providers, and volunteers for services provided in ohana zones. Temporarily exempts ohana zones from building codes.
(HB1816 HD1)

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

