

**REPORT TO THE TWENTY-SEVENTH HAWAII STATE
LEGISLATURE 2013**

**IN ACCORDANCE WITH THE PROVISIONS OF ACT 105, SECTION 4,
SESSION LAWS OF HAWAII 2012**

**DEPARTMENT OF HUMAN SERVICES
AND
HAWAII INTERAGENCY COUNCIL ON HOMELESSNESS
DECEMBER 2012**

REPORT ON ACT 105, SECTION 4, SESSION LAWS OF HAWAII (SLH) 2012, RELATING TO THE HAWAII INTERAGENCY COUNCIL ON HOMELESSNESS

Act 105, Section 4, SLH 2012 requires the Department of Human Services (DHS), in conjunction with and with the advisement of the Hawaii Interagency Council on Homelessness (HICH), to conduct a study on designating safe facilities located at camping areas or partially open or closed buildings that provide at least clean eating areas, showers, toilets, laundry facilities, and locker rooms in various locations throughout the State for homeless persons for overnight stays. The DHS and the HICH are required to report their findings and progress towards the establishment of designated safe facilities in various locations throughout the State for homeless persons for overnight stays pursuant to this Act.

The study is to consider the following:

- (1) Establishing a minimum fee for use of the designated safe facility, provided that any fee collected shall be used to offset expenses associated with the establishment and maintenance of the designated safe facilities;
- (2) Establishing rules and a code of conduct for individuals, couples, and families for overnight stays in a designated safe facility;
- (3) Authorizing the DHS to take appropriate action should a homeless individual, couple, or family not comply with the rules or participate in any illegal activity while in a designated safe facility;
- (4) Coordinating with state and county law enforcement officials to establish minimum security for the safety of individuals using the designated safe facilities;
- (5) Establishing partnerships between the DHS and community and nonprofit organizations in good standing with the State to provide voluntary support services for homeless persons who use the designated safe facilities;
- (6) Allowing users of a designated safe facility to enter the facility at sundown; provided that amenities provided at the designated safe facility may be used during daylight hours;
- (7) Stipulating that persons not using the amenities be prohibited from the premises and requiring them to vacate the premises by eight in the morning to allow maintenance of the facility;
- (8) Establishing a no loitering policy for daylight hours; and
- (9) Identifying rules to be adopted pursuant to chapter 91, Hawaii Revised Statutes, necessary for the implementation of designated safe facilities.

A working group assembled and reviewed Act 105, Section 4 and the fundamental question concerning the advisability of establishing evening-only encampments on public facilities for homeless individuals. A set of materials were collected and reviewed by the members of the working group. A series of interviews were also conducted with key officials from the federal Department of Housing and Urban Development (HUD) and from the United States Interagency Council on Homelessness.

Findings

Creating camping areas for homeless individuals in our parks and in our public buildings during evenings only, as specified under the terms of Act 105, Section 4, is unworkable, is not advisable, and should not be pursued. These findings are consistent with and supported by the plan to end homelessness adopted by the Hawaii Interagency Council on Homelessness..."to rapidly return people experiencing homelessness to stable housing... and to create and preserve permanent supportive housing options for people who are homeless.." (HICH Plan, Goal 2, objective 5).

The rationale for the recommendation against establishing safe public campgrounds or facilities as proposed in Act 105, Section 4, is as follows:

- This proposal is inconsistent with existing federal and State programs to stabilize homeless families by creating safe emergency and transitional shelters to prepare them for moving into and living in permanent supportive housing. Permanent housing is the key to homelessness and that all efforts should be to prepare homeless individuals to assume their residency in permanent housing.
- This proposal diverts scarce resources away from creating a path to permanent housing for homeless individuals by condoning, if not encouraging homelessness and the continuance of a nomadic lifestyle.
- This proposal will be expensive to implement and will not be able to guarantee the safety and well being of the homeless individuals involved.
- This proposal will jeopardize the safety and well-being of the surrounding neighborhood as homeless individuals return to the streets in those areas during daylight hours.
- This proposal will not be able to provide necessary wrap around services to individuals as is presently available to them in State emergency and transitional shelters.
- This proposal will not be able to guarantee the safety of homeless individuals for the evening because of the drop-in nature of the overnight shelter, the inability of the State or any hired contractor to identify potentially harmful persons in the encampment, and the high cost of hiring on site security during the hours the public areas are used as makeshift shelters. The low security nature of these evening-only encampments will potentially expose the State to liability for the harm done to homeless residents or other individuals.
- This proposal will not be able to ensure that all individuals are removed from the public areas and the areas are cleaned and sanitized in time for these public areas to be used by the general public during normal business hours.
- This proposal will not be able to protect and secure the personal property of homeless individuals, or enable them access to these materials at a reasonable

cost during the normal daylight hours that the public is allowed access to these areas. It is not advisable for the State to create a bailment of personal property for homeless individuals because of the potential that the State will be held liable for the theft, destruction, or loss of these items once they are placed in the possession of the State official.

- This proposal cannot guarantee that the conversion of these public areas will be viewed as desirable by presently homeless individuals such that they will move off of the streets and into these areas for the evening hours only.
- This proposal cannot guarantee that the communities using the public areas under consideration for conversion to night- time homeless shelters under the provisions of Act 105 will support the use of these public facilities in this manner. At a minimum, procedures should be created to enable adjacent community members to comment upon and be heard on whether conversion of these facilities be allowed to occur.

At an official meeting of the HICH on December 13, 2012, the HICH unanimously adopted this report's findings and recommendations as the official position of the HICH.