

THE SENATE	S.B. NO.	3169
THIRTY-FIRST LEGISLATURE, 2022		S.D. 1
STATE OF HAWAII		

A BILL FOR AN ACT

Relating to homelessness.

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

SECTION 1. The legislature finds that, under the governor's emergency proclamations related to homelessness issued on October 16, 2015, and December 6, 2018, respectively, and the supplemental proclamations thereto, the State and counties, in partnership with developers and nonprofit organizations, created portable homes. These homes, commonly referred to as tiny homes or kauhale, were exempted from county building permits and other restrictions. The semi-permanent tiny homes or kauhale are a pathway out of homelessness for working residents who cannot afford market rentals. The legislature further finds that the final supplemental proclamation to the governor's 2018 emergency proclamation expired on February 14, 2020.

The legislature also finds that, according to a January 10, 2022, Honolulu Star-Advertiser article, the below-market rent for a studio apartment is \$1,320 for a three hundred twenty-six square foot unit. However, a family with parents working full-time and earning the minimum wage of \$10.10 per hour cannot even afford such a small studio because it is over fifty per cent of their net take home pay. Additionally, for those classified as low-income, which is commonly defined as eighty per cent of the area median income, or \$67,680 for an individual and \$77,360 for a couple in the City and County of Honolulu, existing housing is far from affordable. These low-income individuals, many of whom work in the tourism industry, are usually left with few housing options and thus, portable home villages like Kahauiki Village on Sand Island are filled with low-income working families.

The legislature finds that continued support for tiny homes or kauhale is needed to ensure that homes for low-income working families are available as a pathway out of homelessness until the market creates permanent homes for them.

The purpose of this Act is to:

(1) Ensure the continuity and existence of the low-income tiny home projects developed pursuant to the governor's 2015 or 2018 emergency proclamations related to homelessness or their supplemental proclamations by exempting the projects from certain laws for the duration of the underlying state land leases; and

(2) Establish the low-income tiny home village pilot program to provide shelter and certain services to low-income and homeless individuals.

SECTION 2. All low-income rentals, tiny home villages, or kauhale, developed on state land pursuant to the governor's 2015 or 2018 emergency proclamations on homelessness or their supplemental proclamations, shall be exempt from the following provisions of the Hawaii Revised Statutes for the duration of the underlying state lease; provided that the low-income rentals, tiny home villages, and kauhale are safe, sanitary, and suitable for human habitation:

(1) Chapter 46, Hawaii Revised Statutes, county organization and administration as any county ordinance, rule, regulation, law, or provision in any form applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this Act;

(2) Chapter 89, Hawaii Revised Statutes, collective bargaining in public employment;

(3) Chapter 89C, Hawaii Revised Statutes, public officers and employees excluded from collective bargaining;

(4) Section 102-2, Hawaii Revised Statutes, contracts for concessions in government buildings; bid requirements;

(5) Section 103-2, Hawaii Revised Statutes, general fund;

(6) Section 103-53, Hawaii Revised Statutes, contracts with the State or counties; tax clearances, assignments;

(7) Section 103-55, Hawaii Revised Statutes, wages, hours, and working conditions of employees of contractors performing services;

(8) Chapter 103D, Hawaii Revised Statutes, Hawaii public procurement code;

(9) Chapter 103F, Hawaii Revised Statutes, purchases of health and human services;

(10) Chapter 104, Hawaii Revised Statutes, wages and hours of employees on public works;

(11) Sections 105-1 to 105-10, Hawaii Revised Statutes, use of government vehicles, limitations;

(12) Section 127A-30, Hawaii Revised Statutes, rental or sale of essential commodities during a state of emergency; prohibition against price increases;

(13) Chapter 205, Hawaii Revised Statutes, land use commission;

(14) Chapter 205A, Hawaii Revised Statutes, coastal zone management;

(15) Chapter 206E, Hawaii Revised Statutes, Hawaii community development authority;

(16) Chapter 343, Hawaii Revised Statutes, environmental impact statements;

(17) Section 464-4, Hawaii Revised Statutes, public works required to be supervised by certain professionals; and

(18) Sections 601-1.5, 708-817, 708-818, 708-820, 708-830.5, and 708-840, Hawaii Revised Statutes, to the extent that these sections contain provisions for the suspension, tolling, extension, or granting of relief from deadlines, time schedules, or filing requirements in civil, criminal, or administrative matters before the courts of the State or to the extent that these sections contain provisions for criminal penalties that are automatically heightened by reason of any declared disaster or emergency.

SECTION 3. (a) There is established the low-income tiny home village pilot program within the department of human services to provide long-term housing and certain services to homeless individuals and individuals whose income is at or below fifty per cent of the area median income for the State.

(b) The tiny home villages developed under the pilot program may have shared facilities, including restrooms and kitchens, to promote shared responsibility and to reduce cost and infrastructure needs.

(c) The department of human services shall:

(1) In consultation with the Hawaii housing finance and development corporation and the counties, administer and oversee the operation of the low-income tiny home village pilot program;

(2) Use the Tier 1 public lands identified in the office of planning and sustainable development's 2018 Affordable Rental Housing Report and Ten-Year Plan to determine the amount of funds that is needed per county to develop the Tier 1 public lands into low-income rentals;

(4) Devise a plan for the development of Tier 1 public lands into low-income rentals and the management thereof;

(5) Identify sources of funding for the development and management of low-income rentals; and

(6) Identify legal issues that may need to be addressed by the state or county legislative bodies.

SECTION 4. For purposes of this Act:

"Homeless" has the same meaning as defined in section 346-361, Hawaii Revised Statutes.

"Low-income rental" means a rental residential unit for households earning below eighty per cent of the area median income.

SECTION 5. The department of human services shall submit a report of its findings and recommendations on the low-income tiny home village pilot program, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2023.

SECTION 6. This Act shall take effect on December 31, 2050.

Report Title:

Low-Income Tiny Home Village Pilot Program; Department of Human Services; Hawaii Housing Finance and Development Corporation

Description:

Ensures the continued existence of the Low-Income Tiny Home Projects developed pursuant to the Governor's 2015 or 2018 Emergency Proclamations related to homelessness or their supplemental proclamations, by exempting the projects from certain laws for the duration of the underlying state land leases. Establishes the Low-Income Tiny Home Village Pilot Program to provide shelter and certain services to low-income and homeless individuals. Effective 12/31/2050. (SD1)

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