
A BILL FOR AN ACT

RELATING TO CIVIL RIGHTS.

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

1 SECTION 1. The legislature finds that Hawaii has
2 experienced a drastic increase in the number of homeless
3 individuals and families as a result of economic hardship, a
4 severe shortage of safe, affordable housing, and a shrinking
5 social safety net.

6 According to 2007 data, Hawaii has twice as many people who
7 are homeless per one hundred thousand people than the national
8 average. The 2011 Statewide Point-in-Time Count indicated a six
9 per cent increase in homelessness throughout the State.
10 Further, 2010 data indicate that almost one-third of the
11 sheltered homeless population are children; more than ten per
12 cent are veterans; over sixty per cent have lived in Hawaii for
13 more than ten years; almost half of the families who are
14 homeless include someone who is employed; and almost thirty per
15 cent are Hawaiian or part Hawaiian. This data shows that there
16 is no single profile of a homeless person.

17 In January 2011, the governor pronounced the elimination of
18 homelessness as a moral imperative and appointed the first



1 governor's coordinator on homelessness to lead the effort to
2 prevent and eliminate homelessness in Hawaii through the use of
3 strategic approaches, structural changes, and unprecedented
4 collaborative and civic involvement. On March 4, 2011, the
5 governor hosted, with the United States Department of Veterans
6 Affairs, an interagency leadership forum on homelessness that
7 was attended by leaders from government, business, the
8 community, and the faith community, to advocate for the
9 development of a collaborative strategy to end homelessness in
10 Hawaii.

11 On June 22, 2010, the United States Interagency Council on
12 Homelessness, comprising nineteen cabinet members, agency heads,
13 and local and state partners in the public and private sectors,
14 released "Opening Doors: Federal Strategic Plan to Prevent and
15 End Homelessness", the nation's first comprehensive strategic
16 plan to prevent and end homelessness. "Opening Doors"
17 identified ambitious goals of:

- 18 (1) Ending chronic homelessness in five years;
- 19 (2) Preventing and ending homelessness among veterans in
20 five years;
- 21 (3) Preventing and ending homelessness for families,
22 youth, and children in ten years; and



1 (4) Setting a path to ending all types of homelessness.

2 The governor has found it to be imperative and in the
3 public interest to capitalize on the opportunities and momentum
4 generated by the United States Interagency Council on
5 Homelessness by establishing the Hawaii interagency council on
6 homelessness on June 8, 2012.

7 The Hawaii interagency council on homelessness provides
8 leadership for the prevention and elimination of homelessness
9 and to keep Hawaii at the forefront of providing care to its
10 residents in the spirit of the Law of the Splintered Paddle (Ke
11 Kanawai Mamalahoe), as expressed in article IX, section 10, of
12 the Constitution of the State of Hawaii. Concordant with this
13 fundamental belief, no person should suffer unnecessarily or be
14 subject to unfair discrimination based on his or her homeless
15 status. It is the intent of this Act to ameliorate the adverse
16 effects visited upon individuals and communities when the
17 State's residents lack a home.

18 SECTION 2. The Hawaii Revised Statutes is amended by
19 adding a new chapter to be appropriately designated and to read
20 as follows:



1 "CHAPTER

2 HOMELESS BILL OF RIGHTS

3 § -1 Bill of rights. No person's rights, privileges,
4 or access to public services may be denied or abridged solely
5 because he or she is homeless. Such a person shall be granted
6 the same rights and privileges as any other resident of this
7 State. A person experiencing homelessness:

8 (1) Has the right to equal treatment by all state and
9 county agencies, without discrimination on the basis
10 of housing status;

11 (2) Has the right not to face discrimination while seeking
12 or maintaining employment due to his or her lack of a
13 permanent mailing address, or his or her mailing
14 address being that of a shelter or social service
15 provider;

16 (3) Has the right to emergency medical care free from
17 discrimination based on his or her housing status;

18 (4) Has the right to vote, register to vote, and receive
19 documentation necessary to prove identity for voting
20 without discrimination due to his or her housing
21 status;



1 (5) Has the right to protection from disclosure of his or
2 her records and information provided to homeless
3 shelters and service providers to state, county, and
4 private entities without appropriate legal authority;
5 and the right to confidentiality of personal records
6 and information in accordance with all limitations on
7 disclosure established by the Federal Homeless
8 Management Information Systems, the Federal Health
9 Insurance Portability and Accountability Act, and the
10 Federal Violence Against Women Act; and

11 (6) Has the right to a reasonable expectation of privacy
12 in his or her personal property within a supervised
13 publicly- or privately-operated shelter designed to
14 provide temporary living accommodations; or an
15 institution that provides temporary residence for
16 individuals intended to be institutionalized.

17 **§ -2 Damages and attorneys' fees.** In any civil action
18 alleging a violation of this chapter, the court may award
19 appropriate injunctive and declaratory relief, actual damages,
20 and reasonable attorneys' fees and costs to a prevailing
21 plaintiff."



1 SECTION 3. This Act shall take effect upon its approval.

2

INTRODUCED BY: _____

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JAN 23 2013



H.B. NO. 1205

Report Title:

Civil Rights; Homeless Bill of Rights

Description:

Establishes a bill of rights for persons experiencing homelessness.

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

