



# BILL 111 (2024) RECAP

Water Authority, Social Services, and  
Parks Committee 09/04

# Bill 111's Purpose

- 1) Establish procedures for the compassionate removal and storage of personal property in public places
- 2) Recognize a human right to shelter, including offering access to services to stabilize one's life and transition into supportive or permanent housing

ORDINANCE NO. \_\_\_\_\_

BILL NO. 111 (2024)

A BILL FOR AN ORDINANCE AMENDING TITLE 9, MAUI COUNTY CODE, TO ESTABLISH PROCEDURES FOR THE REMOVAL AND STORAGE OF PERSONAL PROPERTY IN PUBLIC PLACES AND A RIGHT TO SHELTER

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Title 9, Maui County Code, is amended by adding a new chapter to be appropriately numbered and read as follows:

**"CHAPTER 9.37**

**ESTABLISHING PROCEDURES FOR THE REMOVAL AND STORAGE OF PERSONAL PROPERTY IN PUBLIC PLACES AND A RIGHT TO SHELTER**

Sections:

|          |   |
|----------|---|
| 9.37.020 | Intent.   |
| 9.37.030 | Definitions.  |
| 9.37.040 | Removing impediments and immediate hazard encampments.                    |
| 9.37.050 | Encampment removal and notice requirements.                               |
| 9.37.060 | Identifying or providing alternative shelter before removing encampments. |
| 9.37.070 | Outreach for encampment removal.  |
| 9.37.080 | Encampment removal and cleanup.   |
| 9.37.090 | Post-encampment removal notice.   |
| 9.37.100 | Storage of personal property removed from an encampment.                  |
| 9.37.110 | Recovering stored personal property.                                      |
| 9.37.120 | Budgeting.  |
| 9.37.130 | Administrative rules.   |

**9.37.020 Intent.** The County confirms the equal worth and dignity of every individual and recognizes a human right to shelter. Protecting our most vulnerable residents is one of the greatest



## Previous Committee Meetings

- October 24, 2024
- December 2, 2024
- March 24, 2025



# Proposed Amendments

- On October 22, 2024, the Managing Director transmitted proposed amendments to Bill 111.
- During the October 24, 2024, meeting the Committee agreed on 12 substantive amendments.



- For the remaining amendments, the Committee agreed to revisit them at a subsequent meeting.
- The Committee was unable to discuss the revisits during the December 2, 2024, and March 24, 2025, meetings.

# AGREED-UPON AMENDMENTS

BILL NO. 111, CD1 (2024)

A BILL FOR AN ORDINANCE AMENDING TITLE 9, MAUI COUNTY CODE, TO  
ESTABLISH PROCEDURES FOR THE REMOVAL AND STORAGE OF  
PERSONAL PROPERTY ~~IN PUBLIC PLACES~~ FROM ENCAMPMENTS AND A  
RIGHT TO SHELTER

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

concerns of government and its people. The purpose and intent of this chapter is to provide the procedures to compassionately relocate people when necessary, including offering access to services and storage of personal property. In doing so, the County is mindful of the following goals to be achieved through progressively implemented measures, consistent with available resources:

1. A safe place to sleep and keep one's belongings, to a reasonable extent.
2. An ability to remain with one's spouse or domestic partner.
3. An ability to remain with one's companion animals in an environment that is habitable for all, to a reasonable extent.

## Bill 111's Title

- Replace "IN PUBLIC PLACES" with "FROM ENCAMPMENTS." (pg.1)

## Proposed Section 9.37.020

- Add "to a reasonable extent" to goals one and three to ensure flexibility. (pg.2)

# AGREED-UPON AMENDMENTS

5. Substance-abuse treatment.
6. Senior housing.
7. Subsidized housing.

**9.37.040 Removing impediments and immediate hazard encampments.** A. The County may remove impediments and immediate hazard encampments immediately, ~~if the police chief or fire chief determines a need to do so and informs the mayor, managing director, or director of human concerns.~~ Sections 9.37.050, 9.37.060, and 9.37.070 do not apply to removing impediments and immediate hazard encampments.

- B. If ~~personal property is relocated~~~~removal is not started within two hours the discovery of an impediment or immediate hazard encampment,~~ a notice must be posted at the removal site~~affixed~~ as soon as reasonably possible. The notice must state:
1. The date the notice was posted.
  2. That the impediment or immediate hazard encampment ~~must be immediately removed and is~~ subject to removal without further notice.

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## Proposed Subsection 9.37.040(A)

- Allow the removal of impediments and immediate hazard encampments without needing the Police Chief or Fire Chief's determination and notifying the Mayor, Managing Director, or Director of Human Concerns. (pg.4)

## Proposed Subsection 9.37.040(B)

- Allow the posting of a notice at the encampment removal site when personal property is relocated. (pg.4)

# AGREED-UPON AMENDMENTS

scheduled.

3. Where any removed personal property will be stored and for how long.

4. How any stored personal property may be claimed by its owner.

5. Contact information for outreach providers who can assist with shelter alternatives and other services.

6. Date, time, and location of an informational meeting to be held according to paragraph in accordance with subsection D in this section.

remove the encampment is not started within the date range provided in the initial notice, the initial notice of the encampment removal must be reposted before removal may occur.

D. An informational meeting must take place at the site at least four calendar days prior to before removal to inform individuals of the impending cleanup and an opportunity for the public to ask questions relating to the impending action ~~final notice containing the information set forth above must be affixed to any tent, structure, or vehicle subject to removal two days prior to removal.~~

E. Both initial and final notices must be printed in Hawaiian, English, Chuukese, Tagalog, Ilocano, Spanish, and any

## Proposed Subsection 9.37.050(A)

- Add a requirement to include the date, time, and location of an informational meeting to the initial notice of an encampment removal. (pg. 5)

## Proposed Subsection 9.37.050(D)

- Require an informational meeting at the encampment removal site at least four calendar days before the removal to inform individuals and provide them an opportunity to ask questions. (pg. 6)



# AGREED-UPON AMENDMENTS

~~other language that would further the notice's purpose.~~

F. Removal of a large encampment may occur over a period of days, so long as each day's operations start during the period identified in the notice.

G. The County must video record or photograph all notices at the time of posting. Photos of the notices must be made available upon request~~uploaded to a designated County website where notices are maintained and available for public inspection.~~

**9.37.060 \_Identifying or providing alternative shelter before removing encampments.** A. Prior to removing an

**9.37.080 \_Encampment removal and cleanup.** A. All necessary County personnel, contractors, outreach providers, and other required personnel should be available during~~must be present at the start of an~~ encampment removal and cleanup.

## Proposed Subsection 9.37.050(G)

- Allow photos of notices posted during the encampment removal process be available upon request instead of uploaded online. (pg. 6)

## Proposed Subsection 9.37.080(A)

- Amend “must be present at the start” to “should be available during” when referencing necessary County personnel, contractors, outreach providers, and other required personnel’s availability during encampment removal and cleanup. (pg. 7)



# AGREED-UPON AMENDMENTS

## B. The notice must state:

1. The name and contact information for the agency that organized the cleanup.
2. The date the cleanup was performed.
3. Where any personal property is being stored by the County.
4. How any stored personal property may be claimed by its owner, including a telephone number to call to get for information about retrieving property.
5. Contact information for outreach providers who can assist with shelter alternatives, pu'uhonua, and other

5. Contact information for outreach providers who can assist with shelter alternatives, pu'uhonua, and other services.

C. The agency that organized the cleanup must, within ~~five~~two business days of the cleanup, send electronic documentation of the cleanup to the department of human concerns and the office of the mayor~~Mayor's Office~~managing director in the format required for posting on a designated County website where documentation is maintained and available for public inspection.

## Proposed Subsection 9.37.090(B)

- Require that post-encampment removal notices include a number to call for information about retrieving personal property. (pg. 7)

## Proposed Subsection 9.37.090(C)

- Increase the number of business days from “two” to “five” to allow the agency who organized the cleanup more time to send electronic documentation of the cleanup to the County. (pg. 7)

# AGREED-UPON AMENDMENTS

**9.37.100 Storage of personal property removed from an encampment.** A. All personal property that is unable to be moved or stored by its owner must be stored at a location on the same island and personal property must be accessible by public transportation.

B. The County must maintain a log of personal property removed from an encampment. Each item must be kept until the personal property is recovered by its owner or the property is discarded as permitted under this chapter.

property.

C. Personal property may be recovered by individuals or their authorized agents at the location where the property is stored, or a separate accessible location designated by the eCounty.

~~D. The council may establish in the annual budget ordinance a fee for the storage and recovery of personal property. Individuals unable to pay must be provided a form to request a waiver of any fees, and the county must grant the request upon a showing of reasonable cause.~~

**9.37.120 Budgeting.** The council must make appropriations

## Proposed Subsection 9.37.100(A)

- Add the requirement that personal property must be stored on the same island as the owner and may be recovered in “a separate accessible location designated by the County.” (pg. 8)

## Proposed Subsection 9.37.110(D)

- Delete proposed Subsection 9.37.110(D) to grant Council authority to establish a storage fee for personal property. (pg. 8)

# REMAINING REVISITS

## Proposed Section 9.37.030

- “Encampment” Definition: (pg.2)
  - Replace “one” with “five” or more tents.
- “Pu‘uhonua” Definition: (pg.4)
  - Replace “Pu‘uhonua” with “Kauhale.”
  - Replace “County” with “State.”
- “Outreach provider” Definition: (pg.4)
  - Delete Subsection J.

chippings, leaves, grass, tree branches, soil, sand, rocks, used charcoal, or ashes.

“Encampment” means ~~one~~five or more tents, structures, or an assembly of camping equipment or personal property located in an identifiable area within the County, which appears to be used for camping. Encampments do not include sites that are no longer in use for camping evidenced by all remaining items being garbage, debris, or hazardous materials.

“Garbage” means any object or material that has been

~~individuals, groups, and faith-based organizations and those providing meals, clothing, and other necessities.~~

“~~Pu‘uhonua~~Kauhale” means a temporary place of refuge, sanctuary, and asylum designated by the ~~County~~State, including a safe place where temporary shelter and basic necessities are provided, including showers, bathrooms, garbage removal, animal care, and safe storage of personal property and vehicles. ~~Pu‘uhonua~~Kauhale may be staffed with relevant human services, including:

A. A triage area where individuals are quickly

~~J. All other organizations providing legal, compassionate care to those who are unsheltered, including individuals, groups, and faith-based organizations and those providing meals, clothing, and other necessities.~~

“~~Pu‘uhonua~~Kauhale” means a temporary place of refuge, sanctuary, and asylum designated by the ~~County~~State, including a safe place where



# REMAINING REVISITS

1. The date the notice was posted.
2. That the impediment or immediate hazard encampment is subject to removal without further notice.
3. ~~Where~~How any removed personal property ~~will be stored, how~~ it may be claimed, including a telephone number to call and the duration of storage before final disposition.

C. If the impediment or immediate hazard encampment is terminated to be under the control of an individual who is present,

encampment, the County must post a notice as provided in section 9.37.090.

G. Any agency or contractor storing personal property must notify the department of human concerns of the storage ~~on the same day within one business day that~~ the personal property is stored. The department of human concerns must ~~post notice of maintain on its website a telephone number to call to retrieve the stored personal property on a designated County website where notices are maintained and available for public inspection.~~

H. The County must video record and photograph the removal of impediments and immediate hazard encampments.

## Proposed Subsection 9.37.040(B)

- Indicate how personal property can be claimed instead of where it will be stored.
- Include a telephone number on the notice. (pg.4)

## Proposed Subsection 9.37.040(G)

- Provide those storing personal property an extra day to notify the Department of Human Concerns of the storage. (pg. 5)
- Require the Department's website to maintain a telephone number people can call to retrieve their personal property.



# REMAINING REVISITS

1. An initial notice must be posted in the general vicinity of an encampment that is subject to removal stating:

1. The date the notice was posted.
2. The date and time range the removal is scheduled.
- ~~3. Where any removed personal property will be stored and for how long.~~
34. How any stored personal property may be claimed by its owner.
45. Contact information for outreach providers who can assist with shelter alternatives and other services.
- ~~56.~~ Date, time, and location of an informational

notice must be given, if possible, that the encampment is subject to removal as provided in the posted notice.

C. An initial notice in the general vicinity of an encampment must be posted at least 4514 days before an encampment removal starts ~~and at least 50 days before the encampment removal is projected to end.~~ If the action to physically remove the encampment is not started within the date range provided in the initial notice, the initial notice ~~of the encampment removal~~ must be reposted before removal may occur.

D. An informational meeting must take place at the site at least four calendar days before removal to inform individuals of the

## Proposed Subsection 9.37.050(A)

- Remove (3) “Where any removed personal property will be stored and for how long.” (pg. 5)

## Proposed Subsection 9.37.050(C)

- Amend the initial notice posting from 45 to 14 days and remove “and at least 50 days before the encampment removal is projected to end.” (pg. 5)

# REMAINING REVISITS

impending cleanup and an opportunity for the public to ask questions relating to the impending action.

E. ~~Both initial and final notices must be printed in Hawaiian, English, Chuukese, Tagalog, Ilocano, Spanish, and any other language that would further the notice's purposes~~Translation of the notice may be provided upon request.

F. Removal of a large encampment may occur over a period of days, provided each day's operations start during the period identified in the notice.

G. ~~The County must video record or photograph all notices~~

department of human concerns' website.

**9.37.070 Outreach for encampment removal.** A. Outreach providers contracted with the County must be notified of ~~and be present at every scheduled encampment removal when available, between the time that notice of removal is posted and the completed removal date, or until their services are no longer required~~within one business day of the posting of the initial notice.

B. If the need for a police response arises during an encampment removal, the County must make ~~every~~a reasonable

## Proposed Subsection 9.37.050(E)

- Initial and final notices may be translated upon request instead of being mandatory. (pg. 6)

## Proposed Subsection 9.37.070(A)

- Only require Outreach providers contracted with the County to be notified of a scheduled encampment removal.
- Remove the requirement they be present at every removal. (pg. 6)

# REMAINING REVISITS

~~and be present at every scheduled encampment removal when available, between the time that notice of removal is posted and the completed removal date, or until their services are no longer required within one business day of the posting of the initial notice.~~

B. If the need for a police response arises during an encampment removal, the County must make everya reasonable effort to ensure at least one female police officer responds if a woman or girl is present, and that at a majority of responding least one police officers areis certified in crisis intervention team training.

**9.37.080 Encampment removal and cleanup.** A. All necessary County personnel, contractors, outreach providers, and

9.37.100 and may be recovered as provided in section 9.37.110.

E. The County may remove and dispose of garbage, debris, and hazardous items.

F. ~~Vehieles that are being used as a primary shelter must not be considered abandoned or derelict. The County must assist in the towing of inoperable vehicles to a previously designated area.~~ All ~~other~~ vehicles tagged leading up to the cleanup should be treated as abandoned or derelict and removed in accordance with sections 10.48.200 and 20.20.060.

**9.37.090 Post-encampment removal notice.** A. A notice

## Proposed Subsection 9.37.070(B)

- Require the County to make a reasonable effort to ensure a female police officer responds during an encampment removal.
- Have at least one officer certified in crisis intervention training. (pg. 6)

## Proposed Subsection 9.37.080(F)

- Instead of the County assisting with towing of vehicles that are being used as a primary shelter, vehicles tagged leading up to the cleanup will be treated as abandoned or derelict. (pg. 7)



# REMAINING REVISITS

removal.

B. The notice must state:

1. The name and contact information for the agency that organized the cleanup.

2. The date the cleanup was performed.

~~3. Where any personal property is being stored by the County.~~

34. How any stored personal property may be claimed by its owner, including a telephone number to call for information about retrieving property.

~~45. Contact information for outreach providers who~~

of items by owner or specific location collected from. The log does not need to identify each individual item. Each item~~The personal property~~ must be kept until ~~the personal property~~it is recovered by its owner or the property is discarded as permitted under this chapter.

C. Personal property that is not ~~recovered after 90~~claimed for 30 days after the property was stored may be discarded or donated by the County.

## Proposed Subsection 9.37.090(B)

- Delete 3. “Where any personal property is being stored by the County.” (pg. 7)

## Proposed Section 9.37.100

- Log each group of items by owner or location instead of individually.
- Personal property that is not claimed for 30 days may be discarded or donated instead of 90. (pgs. 7-8)