

# Budget, Finance, and Economic Development Committee (2025-2027) on 2026-04-09 10:00 AM

Meeting Time: 04-09-26 10:00

## eComments Report

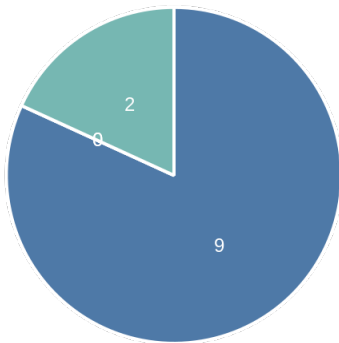
Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Budget, Finance, and Economic Development Committee (2025-2027) on 2026-04-09 10:00 AM	04-09-26 10:00	2	11	9	0	0

### Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

#### Overall Sentiment

Support (81%)   Oppose (0%)   Neutral (0%)  
No Response (18%)



**Budget, Finance, and Economic Development Committee (2025-2027) on 2026-04-09 10:00 AM**  
04-09-26 10:00

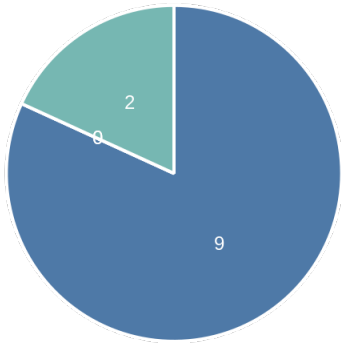
Agenda Name	Comments	Support	Oppose	Neutral
A G E N D A	10	9	0	0
BFED-1 PROPOSED FISCAL YEAR 2027 BUDGET FOR THE COUNTY OF MAUI (BFED-1)	1	0	0	0

**Sentiments for All Agenda Items**

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

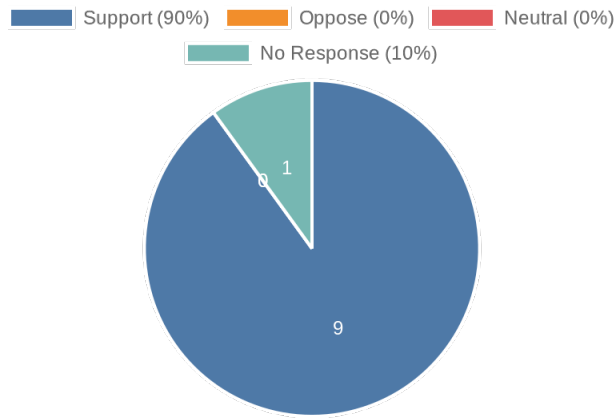
**Overall Sentiment**

Support (81%)   Oppose (0%)   Neutral (0%)  
No Response (18%)



Agenda Item: eComments for A G E N D A

Overall Sentiment



**Guest User**

Location:  
Submitted At: 5:06pm 04-09-26

Aloha, my name is Nakua Konohia-Lind. My family and I live in Koali, Hana. Both sides of my family are from Muolea. The non profit called Na Mamo O Muolea has been a critical component in reviving and maintaining the resources that my kupuna had gathered from. A wahi pana that I can show/teach my own kids the importance of place, people, history and culture. With that being said, I fully support Na Mamo O Muolea in all that they have done for this wahi, all that they continue to do and the plans for the future. Please consider them when going thru the budget and finance. Be pono and have aloha.

Mahalo, Nakua Konohia-Lind

**Guest User**

Location:  
Submitted At: 1:36pm 04-09-26

My name is Brian Villiarimo. I am a lineal descendant of Koali/Mu'olea. Me and my 6 siblings grew up fishing, hunting and foraging for sustenance in Mu'olea. The land always took care of us. My 'ohana all support Na Mamo O Mu'olea...because like the name says: We are heirs of Mu'olea.

As a member/volunteer of Na Mamo O Mu'olea for over 20 years, I support whole heartedly and pray the County continues to support Na Mamo by funding because all of the work and expectations of the community and the County is hard...and every time we get hit by a storm or other things that damage the aina..this is the group that has to fix, clean up and make the land productive and safe for all.

Please be pono and support Malama 'Aina.  
Thank you,  
Brian Villiarimo  
Hana Resident and Lineal Descendant of Mu'olea

**Guest User**

Location:

Submitted At: 11:35am 04-09-26

Aloha

My name is Legario eharis. I'm from Koali , Hana, Maui. I am in full support of Na Mamo o Muolea and the great stewardship and hard work the Group has done over the past years as the land lessee. I humbly ask for the county of Maui for continued grant support to fund the workers, projects so that the place can thrive into the future. Mahalo for your time and consideration, Aloha

**Travis Liggett**

Location:

Submitted At: 11:33am 04-09-26

Aloha Chair and Council Members,

Please consider the attached proposed ordinances as food for thought for alternative funding pathways that could follow the budget season, to reinforce functional community stability on many levels.

The proposed WAIWAI Act could act as a multi-purpose supplemental strategy to increase funding sources through budgets to help with a triple-challenge: watershed management, keeping kuleana lands in kuleana hands, and increasing resources for a multitudes of community health and material wealth systems, such as food production.

Also, the NANI Act, an ecosystem rights bill, could add to County resources to resolve related ecosystem health challenges by increasing mechanisms for ecosystem restoration funding, collaboration by placing the power of the public trust doctrine in the hands of the people like a metaphorical Hawaiian light saber!

Third, the proposed Hanai Kakou Act could codify the incredible community skillset of emergency housing provision after the 2023 wildfire disaster.

Fourth, making digital citizen initiative petition signature capacity in line with other digital participation measure, well established for court and other government identity and voter registration certifications, which would incrementally place legislative creativity equally into the hands of the disabled, elderly and other functionally impaired folks, who may not be physically ably to gather signatures in person.

Finally, passing a \$1.8 mil amendment to fund CBS-1169 design work for reef-safe wastewater disinfection capacity at the Kahului-Wailuku WWRF would pave the road for a donation-based philanthropic mechanism to fund the physical work, which could add new "muscle-memory" that could route very very large levels private philanthropy for other shared goals through Memorandum Of Agreement ordinances. There is simply no limit to the scale of MOA donation. A theoretical MOA single could accept 1000% the Mayor's baseline budget. A \$15 bilion MOA could solve most problem our community faces that are only limited by currency. We may not even know why the boats, planes and data stop, which may happen overnight! We as neighbors should start to plan for anything, at any moment, in the model of a functional "ark" a living machine that can operate indefinitely, without resupply.

There is a convergence between pre-colonization values and cutting-edge human space travel concepts of closed ecological life support system (ECLSS) concepts, in line with Buckminster Fuller's concepts of spacecraft earth, and Maui could really benefit from such policies, which are designed to be in line with his concept of a "trim-tab", a seemingly small change in policy that rights the course of our shared living life support system.

Mahalo nui loa,

Travis Liggett, M.S.  
travis.liggett@gmail.com  
+1(808) 291-9934

**Guest User**

Location:

Submitted At: 10:35am 04-09-26

Patrick Kauakea Kalaola  
Employee of Na Mamo O M\_olea  
(808) 269-1598

Aloha Chair and Committee members,

I support budget requests for Na Mamo O M\_olea. i have been volunteering at M\_olea for 15 years on the 'ina. About 5 years ago I started as a part time employee. I am a laborer, farm worker, machine operator and mechanic. Do everything and anything to keep things safe, clean and ready for community and 'ohana use.

If Na Mamo doesn't get funding, can't have anyone on payroll and everything will go down hill. We work really hard and want to m\_lama 'ina.

Mahalo

**Scott Crawford**

Location:

Submitted At: 10:17am 04-09-26

Aloha Chair and Members of the Committee,

I am writing as a member of the Board of Directors for Na Mamo O Mu'olea. I would like to express my support for the budget request submitted by our board president Anna Wailena Pu.

Mahalo,  
Scott Crawford  
Hana

**Guest User**

Location:

Submitted At: 9:51am 04-09-26

Aloha e Chair and Members of the Maui County Council,

My name is Anna Wailena Pu, a lineal descendant of M\_\_olea and the current President of N\_ Mamo o M\_\_olea. I am a mother of two children who not only have ties to this wahi through lineage but also by their names. Just like myself, their Hawaiian names were given to also in turn give back to the \_\_ina, to M\_\_olea. I humbly offer this testimony in strong support of funding assistance for the continued stewardship and necessary improvements to the M\_\_olea Preserve.

N\_ Mamo o M\_\_olea leases a County-owned parcel of land between H\_na and K\_pahulu. For over 20 years, our organization has m\_lama this 75-acre preserve for the benefit of the H\_na community, ensuring that its natural and cultural resources remain protected and accessible for generations to come. This \_\_ina, purchased through the County Open Space Fund, is a vital space for cultural practice, education, and community connection.

Currently, the Department of Water Supply is in the midst of a construction project involving a water pumping station located at the main entrance of our leased property. This project has significantly impacted access to our \_\_ina. Unfortunately, N\_ Mamo o M\_\_olea was given no prior notice of this work, nor were we provided the opportunity to offer input on its design, despite the project occurring on land we lease and actively manage.

We have 40 years remaining on our 50-year lease, and we are deeply committed to continuing our stewardship of this important place. However, once the Water Department's project is completed, we will be required to make substantial alterations to restore and secure our entrance. These improvements will include rebuilding stone walls, installing a new gate, realigning the access road, and restoring appropriate landscaping. These changes are essential to ensure both the safety and accessibility of the preserve for our community.

In addition to the entrance restoration, we face ongoing maintenance needs within the property. Our internal roads and trails, which are critical for access, safety, and management, have been damaged by recent heavy rainfall and require repair.

N\_ Mamo o M\_\_olea will be submitting a grant application to support these efforts. We respectfully request your consideration and support in providing funding for this important work. Continued investment in this preserve ensures that the community of H\_na can access, learn from, and care for this cherished \_\_ina.

Mahalo nui for your time, consideration, and continued support of community-based stewardship.

Me ka ha\_aha\_a,  
Anna W. Pu  
President, N\_ Mamo o M\_\_olea

**Guest User**

Location:

Submitted At: 9:50am 04-09-26

Claudia Kalaola – N\_ Mamo O M\_\_olea – a 501(c)(3) organization - NMOM

Aloha Madam Chair, and members of the Budget Committee,

NMOM is seeking funding in the amount of \$60K for the operation costs to support land management efforts, including security, \_\_ina restoration efforts, educational workshops, insurance, fencing materials, a water meter and water distribution supplies/equipment, portable toilets, payroll, and other related supplies to continue the work we have done for 20 years on the 75 acre preserve in the M\_\_olea ahupua\_a.

It is important to note that NMOM has the kuleana to steward and improve this \_\_ina per the lease agreement we hold with the County of Maui. The lease agreement is for a term of 50 years (40 years remaining). NMOM was selected by the County to steward this \_\_ina, and we have been diligent in all of our efforts, and want to continue our efforts of M\_lama \_\_ina.

NMOM will submit a grant application with all of the details for the requested funding.

Mahalo n\_nui, for your continued support of this important and historically significant \_\_ina.

Claudia Kalaola – Director  
N\_ Mamo O M\_\_olea  
P O Box 115  
Hana, HI 96713  
(808) 269-2514  
wehi@kalaola.com

**Guest User**

Location:

Submitted At: 9:39am 04-09-26

Aloha Maui County Council

My name is Jan Elliott and I'm writing on behalf of Na Mamo o Muolea in Hana.

I was not able to comment during your meeting in Hana. Na Mamo o Muolea leases a county owned parcel of land between Hana and Kipahulu. We have a 20 year history of managing this 75 acre preserve for the benefit of the Hana

Community. The Department of Water Supply has a water pumping station at the main entrance of this property and they are currently in the middle of a construction project that impacts our entrance. Once their project is complete, we will need to make major alterations to our entrance area in order to assure the security and accessibility of the property. We were given no notice of this water department project beforehand and have had no input into its design , even though it is on land we lease from the County of Maui. We have 40 years remaining on our 50 year lease. We would like to seek funding to rebuild the entrance area once the Water Department project is complete, as it seriously impacts our use of the property. We will need to rebuild stone walls , install a new gate, realign the road , and install new landscaping. This property was purchased using County Open Space Fund and we have received maintenance money for the property in the past. We also need to maintain our internal roads and trails for safety and security purposes. Some of these roads and trails have been damaged by recent heavy rainfalls. We will be submitting a grant application for this purpose and we hope you can provide some funding for this important project. Other members of Na Mamo o Muolea will also testify with detailed budget request

Mahalo

**Guest User**

Location:

Submitted At: 11:15am 04-08-26

Aloha Chair and Members of the Council,

My name is Rick Dobson. I've worked in animal health care on Maui for the past fourteen years, and I'm raising three children here. I'm writing in strong support of Bill 55 and continued funding for Adaptations Dance Theater.

Living on Maui comes with real limitations when it comes to access to professional arts and culture. For many families, including mine, traveling off island to experience live performance just isn't financially realistic. That's why having a company like ADT here matters—it brings high-quality, professional contemporary dance directly to our community.

I attended my first ADT performance in 2023, and it was also my first time seeing contemporary dance. It changed how I understood what dance could be. More importantly, it made me realize how important it is that this kind of work exists here on Maui. Since then, I've consistently brought my teenagers—and often their friends—to performances. It's become a meaningful part of their cultural education, and something we can access right here at home.

In a rural and geographically isolated place like Maui, organizations like ADT make a real difference. They contribute to quality of life and help make it possible for families, artists, and young people to stay here. It shows that we don't have to leave the island to experience or be part of high-level art.

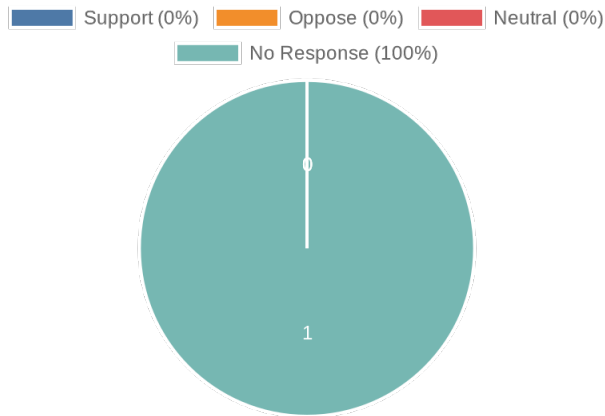
What stands out to me is that ADT is clearly supported by the community it serves. The audiences are local. The impact is local. I'm not part of the arts world—I'm a working parent—but I continue to support ADT because it has had a direct and lasting impact on my family.

I respectfully ask that you support Bill 55 and continue funding for Adaptations Dance Theater. It is an important part of building a strong, connected, and sustainable community here on Maui.

Mahalo for your time and consideration,  
Rick Dobson

#### Agenda Item: eComments for BFED-1 PROPOSED FISCAL YEAR 2027 BUDGET FOR THE COUNTY OF MAUI (BFED-1)

#### Overall Sentiment



#### BFED Committee

Location:

Submitted At: 5:31pm 04-09-26

Testimonies received from BFED Committee

## BFED Committee

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**From:** County Clerk  
**Sent:** Wednesday, April 8, 2026 1:39 PM  
**To:** BFED Committee  
**Subject:** Fw: mailto:lalaine@medb.org

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**From:** Joy Gerry <joygerry1@gmail.com>  
**Sent:** Wednesday, April 8, 2026 1:24 PM  
**To:** County Clerk <County.Clerk@mauicounty.us>  
**Subject:** mailto:lalaine@medb.org

[You don't often get email from joygerry1@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Aloha

I want to thank you for the STEMWORKS classes that are offered at Lokelani Middle School. My son, who went to Kihei El until 4 th grade and had an IEP, is now in a homeschool hybrid program. He has attended Lokelani's STEM classes after school for the last 2 years. This program is essential to his maturity and education. He is able to be a part of public school, engage with peers, participate in a larger classroom environment until he is mature enough to return to a public school format full time. This county program is so important to the students attending Lokelani, but the fact that it is available to students not attending public school makes it even more advantageous to Maui communities. The professionalism of the teachers is a positive benefit to the program. With all the struggles teens go through today, we need programs like this to continue.

Thank you so much,  
Joy Gerry

Sent from my iPhone

## BFED Committee

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**From:** Crystal Henkel <crystal.henkel.ms@gmail.com>  
**Sent:** Wednesday, April 8, 2026 2:21 PM  
**To:** County Clerk; Lalaine Pasion  
**Subject:** Support for Krank Cycle

You don't often get email from crystal.henkel.ms@gmail.com. [Learn why this is important](#)

April 8, 2026

Re: Letter of Support – Krank Cycles Keiki Bicycle Program

I am writing to express my enthusiastic support for the funding proposal championed by Krank Cycles to provide bicycles to keiki in our community. This initiative represents exactly the kind of investment in our children's futures that Maui so greatly needs, and I urge the Council to fund it fully.

Krank Cycles has put forward a thoughtful, comprehensive program. Each child who receives a bicycle will also receive a properly fitted helmet and road safety training. This holistic approach ensures that our keiki are not only given an opportunity to ride, but are equipped with the knowledge and tools to do so safely.

Beyond the physical gift of a bicycle, this program opens doors. When children discover an activity they are good at and enjoy, it builds confidence and a sense of identity. Cycling has a wonderful way of bringing young people together, and programs like this create the kind of supportive friend communities that help keiki thrive — socially and emotionally. Every child deserves the chance to find their passion and belong to a community that lifts them up.

Providing bicycles to children also encourages them to get outside, stay active, and develop healthy habits that can last a lifetime. At a time when youth physical activity is more important than ever, the Krank Cycles program promotes an active, healthy lifestyle in a way that is joyful and accessible. This is the kind of positive, preventive investment in community health that pays dividends for generations.

I stand fully in support of this program and strongly encourage the Maui County Council to provide the funding necessary for Krank Cycles to bring this vision to life. Our keiki are Maui's greatest treasure, and this program is a meaningful step toward ensuring they grow up healthy, connected, and empowered.

Mahalo for your time and consideration.

Respectfully,  
Thank you,  
Crystal Henkel  
(808) 439-7539

## BFED Committee

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**From:** Crystal Henkel <crystal.henkel.ms@gmail.com>  
**Sent:** Wednesday, April 8, 2026 1:48 PM  
**To:** County Clerk; Lalaine Pasion  
**Cc:** Janelle Tamayose  
**Subject:** Strong Support for Continued MEDB STEMworks funding

You don't often get email from crystal.henkel.ms@gmail.com. [Learn why this is important](#)

April 8, 2026

### **Re: Strong Support for Continued MEDB STEMworks Funding**

My name is Crystal Henkel, and I am a parent of a student at Pukalani Elementary School on Maui. I am writing to express my enthusiastic support for the continued funding of the MEDB STEMworks program.

STEMworks is not simply an extracurricular enrichment activity — it is a transformative educational experience that is shaping how our children see themselves and their futures. Programs like this one are rare, and the impact they leave on young learners is immeasurable.

My daughter, Eliana, is a living example of what STEMworks makes possible. Through this program, she discovered a genuine interest for science, developed a real understanding of coding, and experienced firsthand what it takes to build and control a robot. Watching her come home energized and eager to talk about what she had created and how it worked was something I truly value. That kind of spark — ignited at an early age — is truly priceless.

But beyond the hands-on technical skills, what has moved me most is the message Eliana and her classmates have received: that all careers are possible and accessible to them. For young girls growing up in Maui, hearing that message in an environment where they are actively doing science and engineering — not just reading about it — is powerful and lasting.

I respectfully urge you to continue investing in the STEMworks program. Our keiki deserve every opportunity to discover what they are truly capable of, and this program delivers exactly that. The future of our Maui community depends on young people who are curious, skilled, and confident — and STEMworks is helping build that future, one student at a time.

Thank you for your time and continued commitment to our children.

Sincerely,  
Crystal Henkel  
Parent, Pukalani Elementary School

## BFED Committee

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**From:** County Clerk  
**Sent:** Wednesday, April 8, 2026 4:04 PM  
**To:** BFED Committee  
**Subject:** FW: Support for FY 27 Maui County Agriculture Program Funding - Testimony by CTAHR Dean  
**Attachments:** Maui\_BFED-1\_Bill\_55\_04-09-26.pdf

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**From:** CTAHR Dean's Office <ctahrapt@hawaii.edu>  
**Sent:** Wednesday, April 8, 2026 3:55 PM  
**To:** County Clerk <County.Clerk@mauicounty.us>  
**Subject:** Re: Support for FY 27 Maui County Agriculture Program Funding - Testimony by CTAHR Dean

You don't often get email from [ctahrapt@hawaii.edu](mailto:ctahrapt@hawaii.edu). [Learn why this is important](#)  
Apologies, sending the PDF document here:

Thanks,  
Carol

On Apr 8, 2026, at 3:48 PM, CTAHR Dean's Office <[ctahrapt@hawaii.edu](mailto:ctahrapt@hawaii.edu)> wrote:

Aloha,

Please see attached testimony provided by UH Mānoa College of Tropical Agriculture and Human Resilience Dean, Parwinder Grewal.

If you have any questions, please reach out.

<Maui\_BFED-1\_Bill\_55\_04-09-26.docx>

Thanks,

**Carol Oshiro**  
**Strategic Initiatives Manager**  
University of Hawai'i at Mānoa  
College of Tropical Agriculture and Human **Resilience**  
Office of the Dean  
A: 3050 Maile Way, Gilmore 202E, Honolulu, Hawai'i 96822  
T: (808) 956-8183  
W: [cms.ctahr.hawaii.edu/ctahrss](https://cms.ctahr.hawaii.edu/ctahrss)





Testimony Presented Before the  
Council of the County of Maui  
Budget, Finance and Economic Development Committee  
April 9, 2026 at 10:00 a.m.  
By  
Parwinder Grewal, Dean  
College of Tropical Agriculture and Human Resilience

BFED-1: FISCAL YEAR 2027 BUDGET FOR THE COUNTY OF MAUI

Chair Sugimura, Vice Chair Batangan and Members of the Committee:

Thank you for the opportunity to provide testimony in support of the proposed appropriation for Maui County Department of Agriculture, Agriculture Program for FY 27 to the University of Hawai'i College of Tropical Agriculture and Human Resilience (CTAHR) with funds of \$150,000. CTAHR respectfully offers comments.

CTAHR greatly appreciates the many years of advocacy from the Maui County Farm Bureau and other community stakeholders, and the continued budgetary support from the County of Maui for Cooperation Extension to address the highest and greatest needs in Maui Nui's five CTAHR Centers for Applied Research and Extension Services (CARES) facilities in regards to production, 4-H and youth development, and health and wellness.

The vision of CTAHR is an educated community, healthy population, and sustainable food system and environment that strengthens the well-being and economic development of the people of Hawai'i. CTAHR has made great effort to invest in faculty and staff for Maui County with the recruitment of five Extension agents of which two positions were new Extension agent positions.

The \$150,000 line-item grant provided annually by the Maui County Department of Agriculture to the College of Tropical Agriculture and Human Resilience for Maui Nui is critical to support our diverse programs. Our extension agents and their programs are deeply connected to the Maui Nui communities through their impactful projects that continuously respond to the community's needs and deliver practical solutions. Our diverse programs address human, agricultural, animal, and environmental needs and promote their well-being in multiple ways. The line-item grant helps research and/or outreach efforts of our current edible crops, nursery and landscape industry, family and intergenerational, water quality, Hawaiian homesteads, and urban horticulture programs. This grant will also be helpful to the new extension agents we are recruiting to address livestock, food safety, agricultural production and farm economics. All these programs have a significant impact on ensuring the well-being of families, farms, and our natural resources.

We thank you for the opportunity to provide testimony.

## BFED Committee

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**From:** County Clerk  
**Sent:** Thursday, April 9, 2026 9:41 AM  
**To:** BFED Committee  
**Subject:** Fw: budget testimony in support of Feed My Sheep

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**From:** Bill McLaughlin <billmcl2@mindspring.com>  
**Sent:** Thursday, April 9, 2026 9:34 AM  
**To:** County Clerk <County.Clerk@mauicounty.us>  
**Cc:** scott@feedmysheepmaui.com <scott@feedmysheepmaui.com>  
**Subject:** budget testimony in support of Feed My Sheep

[You don't often get email from billmcl2@mindspring.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

This letter is being written as testimony in support of Feed My Sheep and the contribution they make to the community.

Not only do they distribute high quality food but they also provide a friendly and caring feeling. The impact that they have

on the community is huge. We are in total support of Feed My Sheep and their concern for a healthy community.

Sincerely,

Bill & Laura McLaughlin

## BFED Committee

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**From:** Lorrie Betsill <lorrieinhawaii@gmail.com>  
**Sent:** Thursday, April 9, 2026 10:05 AM  
**To:** BFED Committee  
**Subject:** Testimony of Lorrie Betsill - Budget and Finance Committee

You don't often get email from lorrieinhawaii@gmail.com. [Learn why this is important](#)

Aloha Budget and Finance Committee of Maui County-

Please find my testimony below; I was unable to submit online and why sending this way.

Aloha Chair and Councilmembers,

My name is Lorrie Betsill. I have been a resident of Lahaina for nearly twenty years and have owned and operated businesses here, giving me firsthand experience with budgeting, financial planning, and economic sustainability in our community.

I am here today to express concern regarding the assumptions and priorities within the Mayor's proposed Fiscal Year 2027 budget.

First, I question the population data being used. The budget appears to reflect a population exceeding 160,000 residents. However, in the wake of the Lahaina fires and ongoing cost-of-living challenges, we have experienced a significant outmigration of local families. Many have relocated to the mainland in search of affordable housing and basic necessities. Realistically, our full-time resident population may be much closer to 125,000.

Additionally, Maui County has a substantial number of second-home owners who are not full-time residents. This distinction matters, and I do not see it clearly reflected in the assumptions driving this budget.

I also note the reliance on statewide visitor spending figures—reported at \$20.78 billion compared to \$17.72 billion in 2019. These increases are largely reflective of inflation and rising costs, not necessarily true economic growth. More importantly, there is no clear separation identifying what Maui County itself is generating in revenue. Without accurate, localized data, we risk building a budget on inflated or misleading figures.

Turning to expenditures, the proposed \$2.1 billion budget allocates more than half to the general fund, largely for salaries and personnel. On page 70, I noted 262 employees within environmental management. While environmental stewardship is important, I question whether this level of allocation reflects our most urgent needs at this time.

Maui County is in a period of economic distress. Every day, residents are leaving because they can no longer afford to live here, and many who remain are struggling financially and emotionally. This is not reflective of a healthy or thriving community.

I respectfully suggest that we realign priorities. We should be investing more in:

- **Economic recovery and financial strategy**, including positions focused on rebuilding local businesses and stabilizing our workforce
- **Public safety and infrastructure**, which are foundational to community stability
- **Water systems and resource management**, including revitalizing existing infrastructure such as the desalination plant in West Maui, which remains underutilized

This budget should reflect the reality our residents are living—not just projections on paper.

I respectfully request that the Council take a deeper look at both the data assumptions and staffing priorities before moving forward.

Mahalo for your time and consideration.

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With Warm Regard,

Lorrie Betsill

p: 808-303-0369

e: [lorrieinhawaii@gmail.com](mailto:lorrieinhawaii@gmail.com)

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

BILL NO. \_\_\_\_\_

A BILL FOR AN ORDINANCE  
ADDING A NEW CHAPTER TO TITLE 3, MAUI COUNTY CODE  
RELATING TO ULTRA-HIGH-VALUE REAL PROPERTY OWNERSHIP  
CLASSIFICATION AND TAXATION

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

**SECTION 1.** This Ordinance shall be known and may be cited as the Wealth Accountability for Island Wellbeing and Infrastructure Act (“WAIWAI Act”).

**SECTION 2.** Purpose. The purpose of this ordinance is to establish a real property classification based on the scale of aggregated real property ownership within Maui County, including both land and improvements. Extreme concentrations of real property ownership impose disproportionate demand on public infrastructure, environmental stewardship systems, shoreline management, transportation networks, and community resilience systems. The Council finds that the scale of aggregated real property ownership within the County is a property characteristic relevant to taxation because concentrated real property holdings generate distinct public costs, including infrastructure demand, environmental management obligations, and land-use impacts not associated with smaller ownership patterns. This ordinance therefore establishes a classification framework based on the aggregated scale of real property ownership within Maui County. This ordinance shall be interpreted and applied within the scope of Maui County’s authority to classify and tax real property under the Constitution and laws of the State of Hawai‘i.

**SECTION 3.** Maui County Code amended. The Maui County Code is amended by adding a new chapter to Title 3, to be appropriately designated by the County Clerk, establishing an ultra-high-value real property ownership classification and taxation framework, to read as follows:

“CHAPTER 3.XX

Ultra-High-Value Real Property Ownership Classification and Taxation

3.XX.010 Legislative findings and purpose.

1. The Council finds that the County of Maui is experiencing increasing concentration of real property ownership and escalating real property values that affect housing access, infrastructure demand, shoreline and watershed protection, and the stability of the County’s ecological and social systems.
2. The Council further finds that concentration of real property ownership, including land and improvements, imposes disproportionate impacts on public infrastructure, environmental protection systems, coastal management, transportation systems, and other public services necessary to sustain community life and environmental resilience.
3. The Council further finds that the concentration of extremely high-value real property ownership contributes to speculative property holding, reduced housing availability, and increased public infrastructure and environmental management costs borne by the residents of Maui County.
4. The Council further finds that the County possesses authority under the Constitution of the State of Hawai‘i, the Maui County Charter, and chapter 46, Hawai‘i Revised Statutes, to classify and tax real property and to impose and administer assessment and collection of real property taxes.
5. The Council further finds that aggregation of property interests under common beneficial ownership is necessary to prevent evasion of lawful real property tax classifications through fragmentation of ownership among related entities, trusts, or nominees.
6. The Council further finds that the taxation of real property according to classification reflecting public costs associated with concentrated ownership of real property is a legitimate exercise of the County’s taxing authority.
7. The Council further finds that establishing a real property classification and taxation framework for ultra-high-value real property holdings will ensure that such holdings contribute

proportionately to the maintenance of the public infrastructure, environmental stewardship systems, and community stability upon which life in Maui County depends.

8. The Council further finds that accurate classification of real property for taxation requires identification of the natural persons who ultimately control or benefit from ownership of property interests and that aggregation of property interests under common beneficial ownership is a necessary assessment methodology to prevent artificial fragmentation of property interests designed to evade lawful classification and taxation.
9. The Council further finds that extreme concentration of aggregated real property ownership within Maui County represents a distinct real property condition affecting land use patterns, infrastructure demand, shoreline protection, watershed stewardship, and housing availability, and that classification of property according to the scale of aggregated ownership is therefore a rational and lawful basis for real property taxation.
10. The classification established under this chapter applies equally to all property ownership groups meeting the classification thresholds regardless of residency, nationality, or jurisdiction of formation of any entity or owner.
11. The Council further finds that real property held in longstanding family ownership and maintained for agricultural production, watershed protection, conservation stewardship, and cultural real property stewardship provide substantial ecological, cultural, and community benefits to the County of Maui and therefore warrant distinct treatment from other forms of real property ownership that do not provide comparable public stewardship benefits.
12. The Council further finds that the classification established under this chapter is based on characteristics of real property ownership scale and its associated impacts on public systems and is not based on the identity, status, or personal characteristics of any owner.
13. The Council further finds that properly managed watershed lands provide essential ecosystem services including water flow regulation, erosion control, flood mitigation, fire risk reduction

and monitoring, soil quality preservation, soil permeability and infiltration capacity improvement, biodiversity support, and long-term ecosystem health monitoring through integrated ecological indicators.

14. The Council further finds that preservation and active stewardship of watershed lands provides public benefits whose long-term value to the people of Maui County substantially exceeds the foregone tax revenue that might otherwise be collected from such lands.
15. The Council further finds that generational family landholdings engaged in agricultural, conservation, or watershed stewardship often consist of large acreage holdings that generate limited cash income despite providing substantial ecological benefits, and that progressive taxation systems may unintentionally create risk of loss or forced sale of such lands when tax burdens increase despite limited income generated by the land.
16. The Council further finds that public policy should incentivize measurable watershed management and ecosystem stewardship by aligning real property tax treatment with demonstrated ecological stewardship outcomes.
17. The Council further finds that a well-designed taxation system may rebalance public burdens by redistributing tax obligations toward ownership patterns that generate substantial infrastructure demand, environmental management costs, and public service impacts while reducing burdens on land stewardship activities that mitigate such risks and costs.
18. The Council further finds that encouraging active watershed stewardship of generational landholdings may yield ecosystem services and risk-reduction benefits to Maui County that substantially exceed the public value that could be obtained through taxation of lands that are not actively managed for watershed function.

### 3.XX.020 Definitions.

For the purposes of this chapter:

“Aggregate property value” means the total assessed value of all real

property located within Maui County that is owned, controlled, or beneficially held by a common ownership group.

“Beneficial owner” means any natural person who directly or indirectly owns, controls, or benefits from a real property interest, including ownership or control exercised through a corporation, partnership, limited liability company, trust, nominee, or other legal arrangement.

“Common ownership group” means any combination of persons or entities that share beneficial ownership interests in real property or operate under common control or coordinated ownership.

“Constructive ownership” means ownership attributed to a person through family relationships, entity ownership, trust relationships, partnership interests, or other indirect ownership relationships.

“Director” means the director of finance of the County of Maui.

### 3.XX.030 Ultra-high-value property classification.

An ultra-high-value real property classification is established for common ownership groups whose aggregate property value within Maui County exceeds ten million dollars.

Classification under this section is determined solely by the scale of aggregated real property ownership within Maui County and shall not depend on the use, residency status, or domicile of the owner.

Classification under this section is based on the aggregate scale of real property ownership within Maui County as a property condition affecting public infrastructure demand and environmental management obligations.

### 3.XX.040 Ultra-high-value tax rates.

Real property classified as ultra-high-value under this chapter shall be taxed according to the total aggregate property value of the applicable common ownership group as follows:

Two percent of total assessed value where the aggregate property value is at least ten million dollars (\$10,000,000) but less than fifty million dollars (\$50,000,000).

Three percent of total assessed value where the aggregate property value is at least fifty million dollars (\$50,000,000) but less than one hundred fifty million dollars (\$150,000,000).

Four percent of total assessed value where the aggregate property value is at least one hundred fifty million dollars (\$150,000,000) but less than two hundred fifty million dollars (\$250,000,000).

Five percent of total assessed value where the aggregate property value exceeds two hundred fifty million dollars (\$250,000,000).

The director shall allocate the applicable tax proportionally across all parcels held by the common ownership group.

These rates constitute the real property tax rates applicable to the ultra-high-value classification.

The tax rates established in this section constitute lawful real property tax rates applicable to the ultra-high-value classification and are intended solely as classification-based tax rates within the County's real property taxation authority.

Property classified under the ultra-high-value classification shall be taxed solely under the rates established in this section and shall not be subject to other real property tax classifications for the same tax year.

The Council finds that the tax rates established in this section reflect the substantial public infrastructure, environmental management, shoreline protection, watershed stewardship, land-use and other costs associated with extremely large concentrations of real property ownership within Maui County.

The Council finds that the rates established under this section are intended to reflect the proportional contribution of extremely large aggregated real property holdings to the public costs associated with land use, infrastructure demand, and environmental stewardship within Maui County.

### 3.XX.050 Aggregation of ownership.

For purposes of determining aggregate property value, the director shall aggregate real property interests held through:

1. Entities under common ownership or control;
2. Beneficial ownership arrangements;
3. Trusts, nominees, or agents acting on behalf of another person;

4. Entities sharing substantially identical ownership interests;
5. Other arrangements in which property interests are held for the benefit of the same natural person or group of natural persons.

For purposes of determining aggregate property value, the director shall aggregate real property interests beneficially owned by the same natural person or common ownership group, whether held directly or indirectly.

The director may treat multiple entities or ownership structures as a single common ownership group where necessary to determine the true beneficial ownership of property interests within the County.

Aggregation of ownership under this section shall be interpreted as an administrative assessment methodology used to determine the applicable classification of real property for taxation.

#### 3.XX.060 Constructive ownership attribution.

In determining beneficial ownership, the director may apply constructive ownership principles including attribution of ownership among:

1. Family members;
2. Partners and partnerships;
3. Shareholders and corporations;
4. Members and limited liability companies;
5. Trustees, beneficiaries, and trusts;

and other relationships where ownership interests are held indirectly for the benefit of another person.

Constructive ownership may be applied to ensure that real property interests held through indirect ownership structures are included in determining aggregate property value.

#### 3.XX.070 Anti-avoidance rule.

No person shall restructure property ownership for the primary purpose of avoiding aggregation of property interests under this chapter.

The director may disregard any transaction, entity structure, or ownership arrangement that lacks a substantial economic purpose other than avoidance of classification under this chapter.

Property interests transferred among related parties or entities may be aggregated where the director determines that such transfers were undertaken primarily to avoid classification under this chapter.

### 3.XX.080 Beneficial ownership disclosure.

The director may require owners of real property to disclose information reasonably necessary to determine beneficial ownership and aggregate property value.

Disclosure requirements may include identification of natural persons who ultimately control or benefit from ownership of real property interests.

Failure to provide information reasonably requested by the director may result in provisional classification of the property based on the best information available, subject to correction upon submission of complete ownership information.

### 3.XX.090 Administration.

The director of finance shall administer and enforce this chapter and may adopt rules necessary to determine beneficial ownership, aggregate property value, and classification of property under this chapter.

The director may conduct investigations, require filings, and examine records necessary to determine ownership relationships relevant to this chapter.

The director may adopt reasonable safe-harbor rules, aggregation thresholds, and reporting requirements to ensure efficient and practical administration of beneficial ownership aggregation requirements while preserving the intent of this chapter. Administrative rules adopted under this section shall ensure reasonable implementation procedures consistent with existing real property tax administration practices of the County.

### 3.XX.100 Collection.

Taxes imposed under this chapter shall be collected in the same manner as other real property taxes of the County.

Unpaid taxes shall constitute a lien upon the affected property in the same manner as other unpaid real property taxes.

### 3.XX.110 Appeals.

Determinations made by the director under this chapter shall be subject to the same administrative and judicial appeal procedures applicable to real property tax assessments under the Maui County Code and applicable state law. Appeals under this section may include challenges to determinations regarding beneficial ownership, aggregation of property interests, and classification under this chapter.

### 3.XX.120 Stewardship real property exemption.

Real property that would otherwise be included in the ultra-high-value classification may be exempt from the tax imposed under section 3.XX.040 when the director determines that the property is maintained primarily for agricultural production, watershed protection, conservation stewardship, or cultural stewardship of the real property and is not held primarily for speculative or commercial development.

Eligibility for exemption may be established when the property:

1. Is used or maintained for agricultural production, conservation stewardship, watershed protection, cultural land stewardship, or similar mālama ‘āina practices;
2. Is held by a family ownership group, family trust, heir property structure, or similar multi-beneficiary ownership arrangement reflecting long-standing familial land stewardship;
3. Remains substantially undeveloped and is not actively marketed or entitled for subdivision, resort development, or speculative resale; and
4. Demonstrates long-term stewardship intent through continued agricultural, cultural, conservation, or residential use consistent with the protection of the land.

For purposes of this section, cultural land stewardship may include traditional and customary practices, subsistence agriculture, mālama ‘āina activities, or other forms of land care consistent with long-standing community stewardship traditions within Maui County.

Transfer of property through inheritance, devise, or succession among members of the same family ownership group shall not terminate

eligibility for this exemption if the above conditions continue to be met without interruption after transfer.

The director may adopt rules establishing documentation requirements for stewardship use, including agricultural activity, conservation stewardship, watershed protection, or cultural stewardship practices.

Eligibility for exemption shall terminate if the property is converted to speculative development, resort development, subdivision for luxury development, or other non-qualifying use.

### 3.XX.130 Watershed stewardship tax rate reduction.

#### A. Watershed stewardship tax reduction.

Real property that qualifies under the stewardship principles described in section 3.XX.120 and that demonstrates measurable watershed stewardship practices may receive a proportional reduction in real property tax rates otherwise applicable under Maui County real property tax code(s), as amended.

The tax rate reduction shall correspond directly to the verified percentage of watershed management achieved on the property according to objective watershed stewardship metrics established by rule, with a 1:1 ratio of percent watershed management to percent reduction in the applicable real property tax rate, such as:

1. A property demonstrating zero percent watershed management shall receive zero percent reduction in the applicable tax rate.
2. A property demonstrating fifty percent watershed management shall receive a fifty percent reduction in the applicable tax rate.
3. A property demonstrating one hundred percent watershed management shall receive a one hundred percent reduction in the applicable tax rate.

#### B. Determination of watershed stewardship percentage.

The director may adopt rules establishing objective metrics for determining watershed stewardship percentage. Such metrics may include measurable indicators relating to watershed function and ecological management including but not limited to:

1. Integrated surface and ground water flow management;
2. Erosion control;

3. Flood control;
4. Fire control and fire monitoring;
5. Soil quality monitoring, restoration and/or preservation;
6. Soil permeability and infiltration capacity monitoring, restoration and/or preservation;
7. Ecological monitoring and biodiversity assessments including fungal, insect, plant, wildlife, avian, and reptile surveys; and
8. Integrated ecosystem health indicators demonstrating sustained watershed function.

The director may consider both the proportion of watershed area actively managed and the effectiveness of management practices demonstrated through measurable ecological indicators.

### C. Administration.

The director of finance may establish verification procedures, documentation standards, and periodic review requirements necessary to determine watershed stewardship percentages and to ensure that reductions granted under this section correspond to measurable watershed stewardship outcomes.

The director may require submission of watershed stewardship plans, monitoring reports, ecological surveys, or other documentation reasonably necessary to determine compliance with the requirements of this section.

### 3.XX.140 Revenue disposition.

All revenues generated from taxation under this chapter shall be deposited into the County general fund. The Council expresses its intent that revenues generated under this chapter support the stability and resilience of Maui County's communities, infrastructure systems, and environmental systems.

### 3.XX.150 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable."

**SECTION 4.** Administration and rulemaking. The director of finance may issue rules, technical guidance, and administrative procedures necessary to

implement and enforce the ultra-high-value real property ownership classification established by this ordinance. Such guidance may include standards for determining beneficial ownership, ownership aggregation methodologies, reporting requirements, audit procedures, and other measures necessary to ensure accurate classification and prevent avoidance through ownership restructuring or nominee arrangements.

**SECTION 5.** Implementation and reporting. The director of finance may adopt administrative procedures necessary to implement the provisions of this chapter and may submit recommendations to the Maui County Council with any additional legislative actions necessary to ensure effective administration of the ultra-high-value property classification and aggregation framework.

**SECTION 6.** Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications that can be given effect without the invalid provision or application.

**SECTION 7.** Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

**SECTION 8.** Effective date and first-year application. This ordinance shall take effect upon approval. For the real property tax year in which this ordinance is enacted, the ultra-high-value classification and tax rates established under this chapter shall apply only to the portion of the tax year beginning on the date this ordinance becomes law and continuing through the remainder of that tax year. The director of finance shall calculate the applicable tax for that first year on a proportional basis corresponding to the portion of the tax year remaining after the effective date of this ordinance. Beginning with the next full real property tax year, the classification and tax rates established under this chapter shall apply for the entire tax year. For the first real property

tax year following enactment, the director of finance may implement beneficial ownership disclosure requirements, aggregation reporting procedures, and administrative systems necessary to identify common ownership groups subject to classification under this chapter. Administrative implementation activities authorized under this section shall not delay, suspend, or otherwise affect the applicability of the classification or tax rates established under this chapter beginning on the effective date of this ordinance.

INTRODUCED BY:

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

BILL NO. \_\_\_\_\_

A BILL FOR AN ORDINANCE  
ADDING A NEW CHAPTER TO TITLE 20, MAUI COUNTY CODE,  
RELATING TO ECOSYSTEM RIGHTS

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

**SECTION 1.** This Ordinance shall be known and may be cited as the Nā ‘Āina no I‘a Act, or NANI Act.

**SECTION 2.** Title 20, Maui County Code (Environmental Protection and Sustainability), is amended by adding a new Chapter 20.XX to read as follows:

“Chapter 20.XX

Ecosystem rights: watersheds and coral reefs.

This chapter establishes rights and duties enforceable under County law and shall be construed within the limits of County authority under the Constitution of the State of Hawaii and general law.

Section 1. Legislative findings and purpose.

A. The Council finds that:

1. Article XI, Sections 1 and 7 of the Constitution of the State of Hawaii establish an affirmative public trust duty to protect natural resources for present and future generations.
2. Watersheds, aquifers, streams, nearshore reefs, and coastal ecosystems are ecologically interconnected.
3. Maui County has experienced catastrophic wildfire, reef decline, coastal erosion, declining stream flow, aquifer stress, and climate-driven impacts.
4. Existing regulatory systems often address discrete permits rather than cumulative ecological harm.
5. Recognition of enforceable ecosystem-level rights strengthens, and does not replace, constitutional public trust protections.

6. Climate change, sea-level rise, coral bleaching, extreme rainfall, and wildfire risk shall be considered foreseeable stressors in evaluating measurable ecological harm.
7. The Council affirms that this chapter is grounded in the 'ike, kuleana, and stewardship traditions of Kanaka Maoli and the enduring principle of mālama 'āina.

B. Purpose. This chapter establishes enforceable ecosystem-level rights to prevent, halt, and remedy ongoing measurable ecological harm within County jurisdiction, consistent with constitutional limits and without creating retroactive liability.

Section 2. Definitions. As used in this chapter:

"Coral reef" means a coral reef ecosystem, including the fish, invertebrates, limu (algae), marine mammals, and all other living components that form a functional marine life ecosystem.

"Ecosystem person" means a coral reef or watershed with legal personhood.

"Legal personhood" or "legal person" means recognition in law as a rights-bearing entity, with the capacity to be represented in legal proceedings and to exercise rights and protections under the law. Legal personhood under this chapter is limited to the ecological rights expressly recognized herein and shall not be construed to grant an ecosystem person any rights, causes of action, or remedies that are uniquely personal to human beings (including claims for harassment, abuse, defamation, emotional distress, or similar personal dignitary harms), nor to create separate legal personhood for any individual fish, animal, plant, or other organism.

"Recognized customary knowledge" means knowledge derived from established Native Hawaiian or local community practices that have been consistently observed, transmitted, and validated within those communities and that are relevant to the stewardship, protection, or restoration of the affected ecosystem person.

"Science-backed claim" means a claim supported by credible evidence, including peer-reviewed research, governmental resource data, or expert testimony grounded in marine science, environmental science, recognized customary knowledge, or Kanaka Maoli traditional ecological knowledge.

"Lawful fishing activity" means commercial, recreational, cultural, or subsistence fishing or other lawful harvest of aquatic life that is conducted in compliance with applicable state and federal law, rules, licenses, permits, seasons, size limits, bag limits, gear restrictions, and area closures.

"Measurable ecological harm" means a material, scientifically demonstrable impairment of an ecosystem person's ecological integrity, including significant adverse change to live coral cover, recruitment, resilience, water quality, stream flow, aquifer recharge, sedimentation, or other parameters relevant to the affected ecosystem person, as established by a science-backed claim.

"Watershed" has the same meaning as in section 183-31, Hawaii Revised Statutes, as amended.

### Section 3. Watersheds and coral reefs; legal personhood.

A. Each watershed or coral reef located wholly or partially within the geographic boundaries of the County of Maui shall be recognized as a legal person for purposes of County law and shall have the rights, powers, and protections of a legal person, including the right to exist, flourish, and naturally evolve. These rights are ecosystem-level rights, defined to include measurable ecological conditions such as maintaining or increasing live coral cover, avoiding activities that impair recruitment or resilience, and ensuring conditions that allow natural recovery processes, and as reflected by Kanaka Maoli traditional and customary cultural values, practice, and worldview, including the notion and practice of mālama 'āina.

For the avoidance of doubt, the recognition of an ecosystem person under this section:

1. Does not equate an ecosystem person to a human being;
2. Does not create separate legal personhood for any individual fish, invertebrate, limu (algae), marine mammal, or other organism; and
3. Does not authorize any claim based solely on alleged harassment or abuse of an individual organism.

Lawful fishing activity shall not, by itself, constitute a violation of an ecosystem person's rights unless the plaintiff establishes, by a science-backed claim, that the conduct caused measurable ecological harm to the affected ecosystem person.

All rights secured by this chapter shall be inherent and inalienable, and shall be self-executing and enforceable against both private and public actors through appropriate equitable relief, including injunctive relief, mandatory corrective actions, and court-ordered restoration.

Courts shall have authority to issue mandatory or prohibitory injunctions, as justice requires, when a violation of an ecosystem person's rights is established. By codifying these rights, the County seeks to ensure the restoration and vitality of watershed and coral reef ecosystems for the benefit of present and future generations, in harmony with Kanaka Maoli knowledge and stewardship practices.

B. All County departments, agencies, boards, commissions, officers, and employees shall recognize the legal personhood of watersheds and coral reefs in the County and shall not engage in, authorize, or attempt to engage in activities that violate the rights, powers, and protections bestowed upon any ecosystem person by its establishment as a legal person.

Section 4. Natural resources; uses; activities; leases. The natural resources found associated with watersheds and coral reefs, including all flora and fauna, shall be considered to have an inalienable connection to the health and well-being of the ecosystem person. No use, activity, or lease involving watersheds or coral reefs shall be approved if it is reasonably likely to cause measurable ecological harm to the affected ecosystem person.

Section 5. Right of action. Any individual, public agency, or private entity may bring an action against another individual or entity that violates the rights of an ecosystem person to exist, flourish, regenerate, and naturally evolve. Remedies shall be limited to equitable relief, including injunctive relief, ecosystem restoration plans, monitoring, and penalties as provided by this chapter. An action brought under this section shall be accompanied by a science-backed claim. The complaint shall identify the specific right alleged to be violated and the measurable ecological harm alleged to have occurred or to be imminent. Standing under this section shall be construed consistent with the purposes of this chapter and Article XI, Sections 1 and 7 of the Constitution of the State of Hawaii.

Actions under this chapter shall be filed in a court of competent jurisdiction. Nothing in this chapter expands or limits the jurisdiction of the state courts, but the County recognizes these rights as enforceable legal interests under County law.

A. A court shall order restoration or rehabilitation measures necessary to repair harm to the ecosystem person or to prevent imminent harm. Restoration shall be available to remedy measurable ecological harm consistent with Section 15 of this chapter.

B. A court may authorize the establishment of a community-based restoration plan, in consultation with relevant public trustee agencies and Native Hawaiian practitioners.

C. Remedies shall prioritize ecological integrity and cultural continuity over monetary damages. No monetary damages shall be awarded to plaintiffs. Civil penalties collected under this chapter shall be deposited into a special fund as provided in Section 18.

D. The court may award reasonable attorney's fees and costs to a prevailing plaintiff acting in good faith.

#### Section 6. Public trust doctrine; duties of public trustees.

A. The County recognizes that watersheds and coral reefs are held in public trust under Article XI, Sections 1 and 7 of the Constitution of the State of Hawaii for the benefit of present and future generations, and shall exercise its powers in a manner consistent with those constitutional duties. Public trustee agencies shall have a duty to protect, preserve, and restore ecosystem persons consistent with Article XI, Sections 1 and 7 of the Constitution of the State of Hawaii.

B. Nothing in this chapter shall be construed to limit, modify, or impair constitutional public trust duties recognized under Article XI, Sections 1 and 7 of the Constitution of the State of Hawaii.

#### Section 7. Representation; guardianship; community participation.

A. An ecosystem person may be represented in legal proceedings by any guardian, community steward, or representative acting in good faith to protect the rights and interests of the ecosystem person. No single person or entity shall have exclusive authority to represent an ecosystem person.

B. In determining appropriate representation, a court shall consider, as relevant:

1. The connection of the proposed representative to the ecosystem and any material interest they hold in the outcome of the action; and
2. The extent to which the proposed representative consults with Native Hawaiian practitioners and community stewardship organizations connected to the ecosystem.

C. In any action under this chapter, the court shall permit intervention by Native Hawaiian practitioners or community stewardship organizations with a recognized connection to the ecosystem person.

D. A court may appoint a guardian ad litem or other representative for an ecosystem person.

E. A court may dismiss or limit participation in an action if it finds retaliation, bad faith, private gain, or conduct inconsistent with the purposes of this chapter.

Section 8. Enforcement; no waiver of accountability; supremacy; application.

A. Notwithstanding any law to the contrary, no officer, agency, or authority of the executive branch of the County shall enter into or enforce any waiver, indemnity agreement, memorandum of understanding, lease, permit, or other legal instrument purporting to release, excuse, or shield any person, corporation, agency, or other entity from liability or accountability under this chapter for harm to an ecosystem person. Any such provision is void.

B. In the event of a conflict between this chapter and any other provision of the Maui County Code, including any law, rule, regulation, permit condition, contract, or agreement that would limit or immunize any party's responsibility for harm to a watershed or coral reef, this chapter shall govern, provided that this subsection shall be construed in harmony with existing public trust doctrine protections. Nothing in this chapter shall be construed to supersede or conflict with state or federal law. Nothing in this chapter shall be construed to interfere with or duplicate enforcement authority vested exclusively in the State of Hawaii or the United States under the federal Clean Water Act (33 U.S.C. § 1251 et seq.) or other existing protections; however, the rights and remedies recognized herein are independent and supplemental equitable protections addressing ongoing ecological harm within County jurisdiction. This chapter operates within the County's constitutional and statutory authority. Nothing in this chapter shall be construed to regulate emissions standards, fuel composition, air quality requirements, or to establish greenhouse gas emission limits.

C. Nothing in this chapter shall be construed to expand the County's regulatory jurisdiction beyond that authorized by state law. Nothing in this chapter authorizes a court to invalidate, suspend, revoke, or modify a permit issued by the State of Hawai'i or the United States. Relief shall

be limited to equitable measures addressing ongoing measurable ecological harm within County jurisdiction. Liability under this chapter attaches only to measurable ecological harm occurring within the geographic jurisdiction of the County of Maui.

D. Nothing in this chapter shall be construed to require the issuance of any new County permit, approval, variance, discretionary review, or procedural authorization beyond those otherwise required by existing law. This chapter establishes substantive ecosystem rights enforceable through equitable relief and does not create an independent permitting program.

E. This chapter shall apply to acts and omissions that continue to occur or begin on or after the effective date of this Ordinance, and shall not apply retroactively except to the extent permitted by law. This chapter applies to any ongoing condition, operation, activity, or discharge that continues to cause measurable ecological harm on or after the effective date, regardless of when the condition began.

F. Nothing in this chapter shall be construed to impose civil liability, authorize restorative relief, or allow civil penalties for conduct occurring before the effective date of this Ordinance, nor to reopen, nullify, or disturb any final judgment, final settlement agreement, or final administrative disposition that became final before the effective date of this Ordinance. This subsection shall not preclude prospective equitable relief to end or mitigate an ongoing violation that is occurring on or after the effective date of this Ordinance, provided that any civil penalty under Section 18 shall be based only on violations occurring on or after the effective date of this Ordinance.

#### Section 9. Citizen enforcement safeguards and community protections.

A. Citizen enforcement under this chapter shall be conducted in a manner that respects Native Hawaiian traditional and customary practices, community stewardship, and co-governance.

B. Any person or organization intending to bring an action under this chapter shall provide written notice of intent to sue no fewer than sixty days before filing to:

1. The relevant public trustee agency or agencies; and
2. Native Hawaiian practitioners, community organizations, or

stewardship groups known to have a connection to the affected ecosystem.

The notice shall describe the alleged harm, the relief sought, and proposed cooperative steps toward resolution.

C. Within the notice period, any practitioner, community group, or public trustee may respond and propose actions to address the concern through cooperative or customary means. A court may stay proceedings to allow such resolution.

D. No enforcement action under this chapter shall be maintained against the exercise of Native Hawaiian traditional and customary rights, lawful subsistence, recognized community restoration or management activities conducted in good faith, or lawful fishing activity; provided that this subsection shall not bar an action supported by a science-backed claim establishing that the challenged conduct caused measurable ecological harm to the affected ecosystem person.

E. A court shall dismiss, and may impose costs, fees, or sanctions upon any action brought in bad faith, for harassment, retaliation, or to impede legitimate cultural or stewardship practices.

F. Parties are encouraged to resolve disputes through Native Hawaiian dispute-resolution practices, ho‘oponopono, or other forms of mediation before or during litigation.

#### Section 10. Restoration; continuing duty of repair.

A. Restoration of degraded lands and waters is a continuing moral and fiduciary duty owed to present and future generations.

B. This section and this chapter shall be construed to authorize restorative and equitable remedies only for violations occurring on or after the effective date of this Ordinance, including for ongoing conditions that continue to impair ecological integrity, cultural practice, or public trust values on or after the effective date.

C. Any person, corporation, government, or other entity that causes or contributes to measurable ecological harm on or after the effective date of this Ordinance, including by maintaining, operating, controlling, benefiting from, or failing to remediate a condition, structure, discharge, or activity that originated before the effective date but continues to impair ecological integrity on or after the effective date, shall have a continuing duty of repair under this chapter commensurate with its role, capacity, and present control, management, influence, or ongoing

benefit.

D. Courts and public trustee agencies shall give priority to cases where:

1. The harm remains ecologically or culturally significant;
2. The ecosystem retains potential for recovery or rehabilitation; and
3. Restoration will materially advance ecological integrity or community well-being.

Courts may phase remedies or employ cooperative plans to prevent excessive burden while ensuring long-term repair.

E. Courts are encouraged to employ mediation, restorative justice, and customary Native Hawaiian reconciliation processes in designing restoration plans that advance the purposes of this chapter.

F. Nothing in this section shall preclude the County or any community from acknowledging, documenting, or educating about historic ecological harms as part of an official record of reconciliation, even where full physical restoration is not feasible.

G. Apportionment and Contribution. Where measurable ecological harm is divisible and a reasonable scientific basis exists to apportion responsibility, a court may allocate restorative obligations proportionate to each responsible party's contribution. Where harm is indivisible or apportionment is not reasonably determinable, responsible parties may be held jointly and severally liable for equitable restoration, subject to rights of contribution among themselves.

Section 11. Preservation of constitutional public trust protections.

Nothing in this chapter shall be construed to limit, modify, or supersede the constitutional public trust duties recognized in Article XI, Sections 1 and 7 of the Constitution of the State of Hawaii, nor to alter the standards or protections established in In re Water Use Permit Applications (Waiahole Ditch), 94 Haw. 97 (2000); Ka Pa'akai o ka 'Āina v. Land Use Commission, 94 Haw. 31 (2000); or any other public trust jurisprudence.

Section 12. Relationship to existing environmental laws.

A. The rights recognized by this chapter are in addition to, and shall not preclude, any rights, duties, or remedies available under other laws.

B. Compliance with other permits or regulations shall not, by itself, bar a finding of violation of this chapter if measurable ecological harm is

established.

C. Compliance with a valid permit issued by the State of Hawai'i or the United States shall create a rebuttable presumption that the permitted activity does not cause measurable ecological harm within County jurisdiction. This presumption may be overcome by a science-backed claim demonstrating material, ongoing measurable ecological harm occurring within County jurisdiction.

D. For projects consisting of one hundred percent affordable housing, as defined by Maui County Code, or essential public infrastructure serving a related public purpose, including projects undertaken by the County, State, or Federal government, courts shall consider housing need, public purpose, and feasibility in fashioning equitable relief. Relief shall prioritize mitigation, adaptive management, or restoration measures over project prohibition or delay where measurable ecological harm can be prevented or remedied.

Section 13. Coastal zone and marine management. Public trustee agencies shall incorporate ecosystem person rights into coastal zone management, marine protected area design, and reef management planning.

Section 14. Watershed management. Public trustee agencies shall incorporate ecosystem person rights into watershed planning, stream restoration, aquifer protection, and land-use decisions affecting water resources.

Section 15. Burden of proof.

A. Scientific standards. In any action under this chapter, the plaintiff bears the burden of proof by a preponderance of the evidence. Measurable ecological harm must be material and scientifically demonstrable. Claims of cumulative harm shall be supported by credible methodology. Courts shall consider best available science, recognized customary knowledge, and Kanaka Maoli traditional ecological knowledge.

B. Cumulative and Concurrent Causation. Measurable ecological harm may result from cumulative, incremental, or interacting stressors over time. A defendant need not be the sole, primary, or predominant cause of harm to be held responsible under this chapter. Liability may attach where the defendant's conduct is a substantial contributing factor to measurable ecological harm, even if other natural forces, background conditions, or third-party conduct also contributed to the same harm.

Section 16. Remedies; restoration; monitoring.

A. Courts may order restoration, remediation, monitoring, and adaptive management. Restoration may include remediation necessary to return the ecosystem person to baseline ecological conditions that would likely have existed absent the cumulative measurable ecological harm. In fashioning equitable relief, courts shall consider proportionality, feasibility, and constitutional limitations, and may phase remedies to avoid unnecessary constitutional conflict while ensuring restoration of ecological integrity.

B. Civil penalties shall be assessed as provided in Section 18 and shall be deposited into the ecosystem rights special fund as provided in Section 17.

C. In cases involving residential housing projects serving documented affordable housing needs, courts shall, where practicable, tailor relief to avoid unnecessary delay or prohibition of housing units while ensuring protection of ecosystem person rights.

Section 17. Ecosystem rights special fund.

A. There is established the ecosystem rights special fund called the NANI Fund to be administered by the County department(s) designated by the Mayor in collaboration with the party or parties who brought the action resulting in the deposit of funds under this chapter, and, where applicable, in consultation with appropriate public trustee agencies and recognized Native Hawaiian practitioners and community stewardship organizations connected to the affected ecosystem.

B. Moneys collected under this chapter shall be deposited into the fund and used exclusively for restoration, monitoring, community stewardship, and implementation of this chapter.

C. The Mayor shall submit an annual report to the Council summarizing expenditures, actions and restoration outcomes under this chapter.

Section 18. Civil penalties.

A. Any person or entity who violates this chapter shall be subject to civil penalties.

B. Penalties shall be assessed per violation, per day of violation, and per affected ecosystem person.

C. Penalties shall be scaled to the severity of measurable ecological harm, the violator's role and capacity, deterrence, and constitutional

proportionality principles, and shall not be excessive in relation to the gravity of the violation.

D. Each day that a violation continues shall constitute a separate and distinct violation.

E. In addition to civil penalties, the court may order disgorgement of any economic benefit realized by the violator as a result of the violation.

F. Civil penalties shall be in addition to, and not in lieu of, full costs of restoration, remediation, monitoring, and long-term ecological recovery.

G. If the violation is found to be knowing, intentional, or in reckless disregard of ecosystem person rights, the court may increase the civil penalty up to three times the amount otherwise authorized.

H. In determining penalties, the court shall consider cumulative ecological harm, including harm arising from incremental or aggregated conduct over time, historical patterns of conduct, and prior violations affecting the same ecosystem person.

I. In assessing penalties under this section, courts shall consider proportionality, feasibility, and constitutional limitations to ensure penalties are not disproportionate to the measurable ecological harm established.

Civil penalties assessed under this section shall be recoverable in a civil action brought in a court of competent jurisdiction and shall be deposited into the NANI Fund established by this chapter.”

**SECTION 3.** Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

**SECTION 4.** This Ordinance takes effect on approval. If any provision of this Ordinance or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision.

INTRODUCED BY:

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

BILL NO. \_\_\_\_\_

A BILL FOR AN ORDINANCE  
ADDING A NEW CHAPTER TO TITLE 2, MAUI COUNTY CODE  
RELATING TO A ZERO UNSHELTERED RESIDENT GUARANTEE EMERGENCY  
HOUSING PROVISION

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

**SECTION 1.** This Ordinance shall be known and may be cited as the Zero Unsheltered Act (“Hānai Kākou Act”).

**SECTION 2.** Purpose and authority. The County of Maui enacts this ordinance pursuant to its general police powers under Hawai'i Revised Statutes 46 - 1.5(8) and Maui County Charter 3 - 6, to ensure the protection of public health, safety, and welfare. This Act guarantees that no resident of Maui County remains involuntarily unsheltered for more than 24 hours after requesting shelter or housing. For purposes of this Act, the unsheltered population is estimated between 1,000 and 2,000 residents based on County and agency data.

**SECTION 3.** Maui County Code amended. The Maui County Code is amended by adding a new chapter to Title 2, to be appropriately designated by the County Clerk, establishing a zero unsheltered resident guarantee emergency housing provision policy for the County of Maui.

“CHAPTER 2.XX

Zero Unsheltered Resident Guarantee Emergency Housing Provision

2.XX.010 Findings

The Maui County Council finds and declares the following:

1. Stable housing is a fundamental determinant of public health, safety, and community stability. Residents who lack access to safe and adequate shelter experience significantly higher rates of

- illness, injury, and mortality, and the resulting impacts are borne by emergency services, health systems, and the broader community.
2. The County of Maui has the authority and responsibility under Hawai'i Revised Statutes section 46-1.5 and the Maui County Charter to enact ordinances that protect the health, safety, and welfare of residents and to establish programs that address urgent public needs.
  3. Unsheltered homelessness creates measurable personal and public health and safety risks, including exposure to extreme weather, increased emergency medical utilization, sanitation concerns, and strain on public infrastructure.
  4. Data compiled by County agencies and nonprofit service providers indicates that the number of unsheltered individuals in Maui County is estimated at a level that a coordinated emergency housing guarantee program is feasible and cost-effective when compared to the public costs of unmanaged homelessness.
  5. Jurisdictions that prioritize rapid access to shelter, coordinated intake systems, and immediate housing placement experience significant reductions in unsheltered homelessness and improved outcomes in public health, public safety, and economic stability.
  6. Ensuring that no resident remains involuntarily unsheltered promotes dignity, strengthens community wellbeing, and supports the County's long-standing commitment to the values of mālama and kuleana.
  7. Establishing clear access channels for requesting housing assistance, measurable timelines for response, and transparent reporting mechanisms will improve accountability and enable the County to meet this objective efficiently.
  8. A stable and dedicated funding source is necessary to ensure the reliability and long-term effectiveness of an emergency housing guarantee program.
  9. The 2023 wildfire response demonstrated that Maui County and its community partners possess the operational capacity to rapidly coordinate emergency shelter and housing at scale, regardless of income level or economic status. Codifying this capability preserves the systems and expertise developed during that emergency.
  10. Providing rapid access to adequate shelter reduces emergency medical utilization, law enforcement burden, and other public costs associated with unmanaged homelessness.
  11. Therefore, the Maui County Council finds that establishing a Zero Unsheltered Resident Guarantee Emergency Housing Provision is a reasonable and necessary exercise of the County's police powers to protect public health, safety, and welfare.

## 2.XX.020 Definitions

Resident: An individual domiciled in the State of Hawai'i for at least one year immediately preceding the filing of a Housing Writ, consistent with the minimum state residency period required under the Hawai'i State Constitution for certain public offices. For purposes of this chapter, Resident includes U.S. citizens, lawful permanent residents, and other non-citizens lawfully present in the State, as well as individuals eligible for emergency services under federal and state law, regardless of actual or perceived immigration status.

Adequate Housing: Unit with lockable door, potable water, sanitation, electricity, climate control meeting County minimum standards relating to a given dwelling unit microclimate, and reasonable access to public transportation.

Housing Writ: A one-page form submitted online or in person requesting immediate shelter or housing. A Housing Writ shall be considered valid upon submission of sufficient information to reasonably identify the requesting resident and enable the County or its designee to contact or locate the resident for housing placement.

Unsheltered: A person who would be considered "homeless" under 42 U.S.C. 11302 and related state statutes, including individuals living in public spaces, vehicles, encampments, or other places not meant for human habitation. For purposes of this chapter, the term "unsheltered" shall be used interchangeably with "homeless" as defined in those codes.

Zero Unsheltered Resident Guarantee: The emergency housing guarantee program established by this chapter.

## 2.XX.030 Housing Writ Access Channels

A Housing Writ may be filed by:

1. A free online website designated by the County
2. Dedicated toll-free call-collect line
3. Any phone (mobile or landline)
4. Mental health support agencies
5. Unsheltered support agencies
6. Public transportation operators
7. 211 call center
8. 911 emergency system
9. Department of Transportation or tribal enforcement officers (HRS 261 - 17)
10. Emergency phones in public places

11. Any other reasonable means determined by the County

All County employees shall be trained and authorized to issue Housing Writs upon request.

2.XX.040 Guarantee of Housing

The County shall offer adequate shelter within 24 hours of the submission of a valid Housing Writ. If unmet, the resident is entitled to the inflation-scaled equivalent of \$250/day on the date of measure passage in statutory damages paid from the Maui Housing First Trust Fund. The availability or temporary unavailability of County shelter capacity shall not relieve the County of its obligations under this section.

If a resident declines an offer of adequate housing that meets the requirements of this chapter, the County shall be deemed to have satisfied its obligations under this section for that Housing Writ.

Statutory damages under this section shall accrue beginning 24 hours after submission of a valid Housing Writ and shall cease upon the County's offer of adequate housing or voluntary withdrawal of the request.

Awards paid under this section are intended to promote stability, housing, and wellness. Recipients are encouraged to prioritize essential needs and avoid harmful or addictive purchases (such as alcohol, tobacco, and gambling) that undermine the program's purpose.

Awards under this section shall be issued through secure payment systems that support housing and essential needs and, where technically feasible, block purchases of alcohol, tobacco, gambling, and other non-essential harmful products, consistent with County administrative rules.

Peer navigators shall be available to assist recipients in using awards effectively and to protect recipients from exploitation by third parties.

2.XX.050 County tools.

The County shall utilize vacant hotels, tiny-home villages, ADU leasing programs, land-use waivers, strategic rezoning of commercial properties (including malls and large retail sites), or any other method deemed appropriate to meet Housing Writ obligations.

The County may contract with nonprofit organizations, private providers, or other governmental entities to assist in fulfilling the obligations of this chapter.

2.XX.060 Aloha Public Benefit Contribution Program.

A Public Benefit Contribution is hereby established. The contribution shall be collected annually from any business entity holding a valid Maui County business license with total gross receipts exceeding \$1 million in the preceding fiscal year.

(a) Fee Schedule:

\$1 - 2M gross receipts: 0.5%

\$2 - 5M gross receipts: 1%

\$5 - 10M gross receipts: 2%

\$10M+ gross receipts: 3%

(b) All revenues collected under this section shall be deposited into the Maui Housing First Trust Fund.

(c) The Council may, by ordinance, adjust thresholds and rates to ensure the program's revenues meet the funding needs necessary to administer and enforce the Zero Unsheltered Resident Guarantee program.

(d) The purpose of this regulatory contribution is to mitigate the measurable impacts that large-scale commercial activity places on local housing stability, workforce housing demand, and public service systems, and to support the County's administration and enforcement of the Zero Unsheltered Resident Guarantee program, pursuant to the County's police powers and authority to license and regulate businesses under HRS 46-1.5(8) and the Maui County Charter.

This contribution is imposed as a condition of business licensure and program participation and is not a general revenue tax.

2.XX.070 Enforcement

Any resident submitting a Housing Writ, or any nonprofit service provider, legal services organization, or other entity representing affected residents, may bring an action in a court of competent jurisdiction to compel compliance with this chapter.

2.XX.080 Transparency

A publicly accessible, regularly updated dashboard shall be maintained on a County website displaying the number of Housing Writ submissions, placements, and the number of residents currently awaiting housing placement.

The director of health and human services shall provide an annual report to the Maui County Council summarizing Housing Writ submissions, placements, program costs, and outcomes.”

**SECTION 4.** Administration, implementation, and reporting. The director of health and human services may issue rules, technical guidance, and administrative procedures necessary to implement and enforce the zero unsheltered resident guarantee emergency housing provision established by this ordinance. Such guidance may include standards for determining resident status, housing writ form development and implementation, and other measures necessary to ensure proper implementation of this chapter. The director may also adopt administrative procedures necessary to carry out the provisions of this chapter and may submit recommendations to the Maui County Council for any additional legislative actions necessary to ensure effective administration of the zero unsheltered resident guarantee. The rights and obligations established by this ordinance shall remain enforceable regardless of whether administrative rules have been adopted. County agencies shall make good faith efforts to coordinate resources and partnerships necessary to ensure timely compliance with this chapter.

**SECTION 5.** Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications that can be given effect without the invalid provision or application.

**SECTION 6.** Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

**SECTION 7.** This ordinance shall take effect upon approval.

INTRODUCED BY:

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

BILL NO. \_\_\_\_\_

A BILL FOR AN ORDINANCE  
ADDING A NEW CHAPTER TO TITLE 2, MAUI COUNTY CODE  
RELATING TO ELECTRONIC SIGNATURE REGISTRATION FOR  
INITIATIVE PETITIONS

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

**SECTION 1.** This Ordinance shall be known and may be cited as the Direct Digital Democracy Act (“DDD Act”).

**SECTION 2.** Purpose.

The purpose of this ordinance is to authorize a secure electronic method for registering signatures for citizen initiative petitions under Article XI of the Maui County Charter while preserving the Charter’s requirement that signatures be affixed in the presence of a circulator. This ordinance establishes standards for equivalent electronic presence including digital identity verification, voter registration verification, and secure electronic recordkeeping so that electronic petition signatures may be verified with integrity and transparency.

**SECTION 3.** Maui County Code amended.

The Maui County Code is amended by adding a new chapter to Title 2, Administration, to be appropriately designated by the County Clerk, to read as follows:

"Chapter 2.XX

Electronic Initiative Petition Procedures

This chapter establishes procedures for the electronic registration and verification of initiative petition signatures administered by the Office of the County Clerk. This chapter is intended solely to implement and facilitate the requirements of Article XI of the Maui County Charter and

shall not be construed to modify, expand, or diminish any Charter requirements governing initiative petitions. The provisions of this chapter shall be applied and interpreted within the limits of County authority under the Constitution of the State of Hawai'i and general law.

Section 2.XX.010 Scope.

This section establishes an optional electronic signature process for initiative petitions submitted under Article XI of the Maui County Charter. The electronic process supplements, and does not replace, traditional paper petition circulation.

Section 2.XX.020 Definitions.

Electronic presence means a verifiable digital interaction between a signer and a petition system that establishes the signer's identity, voter registration status, and intent to sign the petition through authenticated digital verification equivalent to physical presence before a circulator.

Identity verification provider means an independent digital identity verification service capable of validating a user's identity through government-issued identification or other authentication measures.

Digital petition platform means a secure electronic system approved by the county clerk that records petition signatures, verifies identity and voter status, and maintains an auditable record of each signature.

Verified voter record means confirmation that the signer is an active registered voter eligible to participate in the petition under applicable law.

Section 2.XX.030 Petition registration.

1. A petition sponsor seeking to use the electronic signature procedure shall submit the initiative petition text to the office of the county clerk in the same manner required for traditional petition circulation.

2. The county clerk shall review the petition text for compliance with Article XI of the Maui County Charter.

3. Upon determining that the petition meets applicable requirements, the county clerk may authorize the use of the electronic petition procedure and assign the petition a digital petition identification number.

Section 2.XX.040 Authorized digital petition platform.

Electronic signatures may be collected only through a digital petition

platform approved by the county clerk.

The platform must provide the following capabilities:

1. Identity verification of the signer
2. Voter registration verification
3. Secure digital signature capture
4. Automated duplicate signature detection
5. Tamper-resistant audit records
6. Secure data storage accessible for review by the county clerk

The platform must maintain records sufficient to verify each signature independently.

Section 2.XX.050 Identity verification.

Before signing an electronic petition, a user must complete identity verification through an approved identity verification provider.

Verification methods may include:

1. Validation of government-issued identification
2. Biometric verification such as facial recognition
3. Device authentication
4. Multi-factor authentication

Identity verification must confirm the signer's name and residence address.

Section 2.XX.060 Voter registration verification.

After identity verification, the digital petition platform shall verify the signer's voter registration status using available voter registration records.

The system shall confirm:

1. Active voter registration status
2. Matching name and residence address
3. Eligibility to sign the petition

If voter registration cannot be verified, the system shall prevent completion of the petition signature.

Section 2.XX.070 Digital signature record.

Each electronic signature record must include the following information:

1. Full name of the signer
2. Residence address of the signer
3. Date and time of the signature
4. Device identification or internet protocol address associated with the signature
5. Confirmation of identity verification
6. Confirmation of voter registration verification
7. A cryptographic or equivalent secure audit record

The digital system shall automatically prevent duplicate signatures.

Section 2.XX.080 Electronic circulator presence.

For purposes of satisfying the Charter requirement that signatures be affixed in the presence of a circulator, the digital petition platform shall record a verified electronic interaction demonstrating that:

1. Signer's identity has been authenticated
2. Signer's voter registration status has been verified
3. Petition text has been displayed and reviewed in full to the signer
4. Signer has affirmed the intent to sign the petition

The authenticated digital verification record may constitute electronic presence equivalent to circulator presence when the county clerk determines that the system satisfies the requirements of this section.

Section 2.XX.090 Signature audit trail.

The digital petition platform shall maintain a permanent audit trail for each signature, including verification records and cryptographic integrity checks. The county clerk shall have authority to review audit records for verification of petition validity.

Section 2.XX.100 Data integrity and security.

The digital petition platform must employ security practices sufficient to ensure the integrity of petition signatures, including:

1. Encrypted data transmission
2. Tamper-resistant storage
3. Duplicate detection
4. Verification logging

The system must allow the county clerk to export records for independent verification.

Section 2.XX.110 Petition verification.

Upon submission of a completed petition, the county clerk shall verify electronic signatures using digital audit records and voter registration data. Electronic signatures verified through an approved digital platform may be counted toward the total number of valid signatures required under Article XI of the Maui County Charter. The county clerk retains final authority to determine the validity of petition signatures.

Section 2.XX.120 Accessibility.

Electronic petition procedures are intended to improve accessibility for individuals who cannot participate in traditional in-person petition circulation due to disability, mobility limitations, or other barriers.

Section 2.XX.130 Digital platform certification.

Before electronic signatures may be collected, the petition sponsor must submit to the county clerk a description of the digital petition platform and its identity verification systems. The county clerk may approve the platform for use if it complies with this section."

**SECTION 4.** Clerk authority. The county clerk may issue technical guidance regarding acceptable identity verification systems, digital security standards, and audit procedures necessary to ensure the integrity of the electronic petition process. The county clerk may suspend or revoke authorization of any digital petition platform that fails to maintain required security or verification standards.

**SECTION 5.** Implementation. If the county clerk determines that amendments to the Maui County Charter or additional legislation are required to fully implement electronic petition signatures, the county clerk may submit recommendations to the Maui County Council.

**SECTION 6.** Severability. If any provision of this ordinance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision.

**SECTION 7.** Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

**SECTION 8.** This Ordinance takes effect on approval.

INTRODUCED BY:

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