

COUNCIL OF THE COUNTY OF MAUI

WATER AUTHORITY, SOCIAL SERVICES, AND PARKS COMMITTEE

December 23, 2024

**Committee
Report No. _____**

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Water Authority, Social Services, and Parks Committee, having met on October 24, 2024, and December 2, 2024, makes reference to Bill 111 (2024), entitled “A BILL FOR AN ORDINANCE AMENDING TITLE 9, MAUI COUNTY CODE, TO ESTABLISH PROCEDURES FOR THE REMOVAL AND STORAGE OF PERSONAL PROPERTY IN PUBLIC PLACES AND A RIGHT TO SHELTER.”

Bill 111’s purposes are to: 1) establish procedures for the compassionate removal and storage of personal property in public places; and 2) recognize a human right to shelter, including offering access to services to stabilize one’s life and transition into supportive or permanent housing.

Your Committee notes Bill 111 would add Chapter 9.37 in the Maui County Code.

Your Committee further notes Bill 111 follows the Supreme Court of Hawai‘i’s decision in *Sonia Davis, et al. v. Richard T. Bissen, Jr., et al.* The Supreme Court held that “unabandoned possessions of houseless persons constitute property protected by the due process clause [of the Hawai‘i State Constitution].”

By correspondence dated October 22, 2024, the Managing Director transmitted proposed amendments to Bill 111.

By correspondence dated November 26, 2024, the Chair of your Committee transmitted a proposed CD1 version of Bill 111 (2024) with

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amendments your Committee agreed upon during the October 24, 2024, meeting and nonsubstantive revisions.

Your Committee received oral and written testimony in opposition to Bill 111 from advocates and individuals who have experienced houselessness requesting more time to review Bill 111. They noted the review was necessary to ensure the Managing Director's proposed amendments did not alter Bill 111's protective measure for those impacted by encampment removals.

Your Committee agreed to amend Bill 111, as follows:

- In the bill's title, replace "in public places" with "from encampments."
- In proposed Section 9.37.020, add "to a reasonable extent" to goals one and three to ensure flexibility.
- In proposed Subsection 9.37.040(A), allow the removal of impediments and immediate hazard encampments without needing the Police Chief or Fire Chief's determination and notifying the Mayor, Managing Director, or Director of Human Concerns.
- Amend proposed Subsection 9.37.040(B) to allow the posting of a notice at the encampment removal site when personal property is relocated.
- In proposed Subsection 9.37.050(A), add a requirement to include the date, time, and location of an informational meeting in the initial notice of an encampment removal.
- Amend proposed Subsection 9.37.050(D) to require an informational meeting at the encampment removal site at least

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four calendar days before the removal to inform individuals and provide them an opportunity to ask questions.

- Amend proposed Subsection 9.37.050(G) to allow photos of notices posted during the encampment removal process be available upon request instead of uploaded online.
- In proposed Subsection 9.37.080(A), amend “must be present at the start” to “should be available during” when referencing necessary County personnel, contractors, outreach providers, and other required personnel’s availability during encampment removal and cleanup.
- In proposed Subsection 9.37.090(B), require that post-encampment removal notices include a number to call for information about retrieving personal property.
- In proposed Subsection 9.37.090(C), increase the number of business days from “two” to “five” to allow the agency who organized the cleanup more time to send electronic documentation of the cleanup to the County.
- In proposed Subsection 9.37.100(A), add the requirement that personal property must be stored on the same island as the owner and may be recovered in “a separate accessible location designated by the County.”
- Delete proposed Subsection 9.37.110(D) to grant Council authority to establish a storage fee for personal property.

Your Committee acknowledged that houselessness is a complex issue which will require a multifaceted approach to address. Your Committee further acknowledged that Bill 111 can help to provide dignified assistance to those experiencing houselessness.

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Your Committee supported the need for County agencies such as the Office of the Mayor, Department of the Corporation Counsel, and Department of Human Concerns, and respective community organizations working with houseless individuals to meet and discuss how to best uphold *Sonia Davis, et al. v. Richard T. Bissen, Jr., et al.*

Your Committee recommended that further review of Bill 111 (2024) is warranted in the 2025 – 2027 Council term.

Your Committee voted 6-0 to recommend Bill 111 (2024) be referred to the Council Chair for the term beginning January 2, 2025. Committee Chair Sinenci, Vice-Chair Johnson, and members Cook, Kama, Sugimura, and U'u-Hodgins voted "aye." Committee members Lee, Paltin, and Rawlins-Fernandez were excused.

Your Water Authority, Social Services, and Parks Committee RECOMMENDS that Bill 111 (2024) be REFERRED to the Council Chair for the term beginning January 2, 2025.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



SHANE M. SINENCI, Chair