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By Dept of the Corporation Counsel at 1:55 pm, Aug 30, 2021

REQUEST FOR LEGAL SERVICES

Date: August 27, 2021
From: Gabe Johnson, Committee Chair

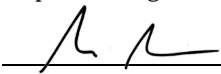
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Moana Lutey, Esq.

Subject: COMPREHENSIVE AFFORDABLE HOUSING PLAN: RIGHT TO SHELTER (AH-14(1))

Background Data: Please see attached bill. Please submit signed bill to ah.committee@mauicounty.us.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Gabe Johnson	Contact Person <u>James Forrest</u> (Telephone Extension: <u>7137</u>)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): _____
REASON: _____

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: MDJ	ASSIGNMENT NO. 2021-0011	BY: jcm
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____
Concerns regarding the proposed legislation should be discussed in executive session.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 09/10/2021

By /s/Mimi DesJardins

(Rev. 7/03)

ah:ltr:014(1)acc01:jbf

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE AMENDING TITLE 9, MAUI COUNTY CODE, TO
ESTABLISH A FUNDAMENTAL RIGHT TO SHELTER

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

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

“Chapter 9.37

RIGHT TO SHELTER

Sections:

9.37.010	Applicability.
9.37.020	Intent.
9.37.030	Purposes.
9.37.040	Right to shelter.
9.37.050	Permanent housing.
9.37.060	Budgeting.
9.37.070	Administrative rules.

9.37.010 Applicability. This chapter applies to all Maui
County residents.

9.37.020 Intent. It is the council’s intent to confirm the
equal worth and dignity of every individual by creating a right to
shelter for all residents throughout the County.

9.37.030 Purposes. This chapter’s purposes are to:

A. Ensure every person living on Maui County’s streets has
the ability to promptly secure shelter that is safe and supportive,
with the ultimate goal of unsheltered residents accessing supportive,
permanent housing.

B. Allow unsheltered residents to access the services they
need to succeed and obtain permanent housing, including mental
health, addiction treatment, and other services.

9.37.040 Right to shelter. A. The fundamental human right to shelter is declared to exist in Maui County. This right ensures access to adequate shelter for all Maui County residents. This right is exclusively enforceable by a public right of action. It is the shared obligation of the County and its agencies to respect, protect, and fulfill this right through progressively implemented measures, consistent with available resources, within an aggressive, but reasonable, time frame.

B. The right to shelter must include:

1. A safe place to sleep and keep one's belongings.
2. An ability to access the shelter without having to sign up on a daily basis.
3. An ability to remain with one's partner.
4. An ability to access services necessary to stabilize one's life and transition into supportive housing or permanent housing, including mental health, addiction treatment, and other services.

9.37.050 Permanent housing. The council does not intend that the right to shelter will be in lieu of prioritizing permanent housing for people who lack housing. Permanent housing is the goal and priority. Shelter is critically important in providing people with safe and healthy transitional living space until they can obtain permanent housing.

9.37.060 Budgeting. The council recognizes that the process to create a countywide right to shelter is complicated and will require significant dialogue and budgeting decisions. But the council also recognizes its responsibility to include appropriations in the annual budget ordinance that make the right to shelter a reality.

9.37.070 Administrative rules. The director of housing and human concerns must adopt administrative rules to implement this chapter's provisions.”

SECTION 2. This Ordinance takes effect upon approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

ah:misc:014(1)abill01:jbf