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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

November 2, 2020

Director of Council Services
Tracy N. Fujita, Esq.

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OFFICE OF THE
COUNTY CLERK

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: **PROHIBITION OF DISTRIBUTION OF GOODS AND FUNDS IN PUBLIC AREAS WITHOUT PROVISION OF WRAP-AROUND SERVICES (PAF 20-288)**

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 12.55, MAUI COUNTY CODE, PROHIBITING THE DISTRIBUTION OF GOODS AND FUNDS TO UNSHELTERED INDIVIDUALS IN PUBLIC AREAS WITHOUT SIMULTANEOUS PROVISION OF WRAP-AROUND SERVICES," be placed on the next Council meeting agenda.

A handwritten signature in black ink, appearing to read "Tasha Kama".

TASHA KAMA
Presiding Officer Pro Tempore

Attachment Draft Bill

COUNTY COMMUNICATION NO. 00-545

ORDINANCE NO. _____

BILL NO. _____ ()

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 12.55, MAUI COUNTY CODE, PROHIBITING THE DISTRIBUTION OF GOODS AND FUNDS TO UNSHELTERED INDIVIDUALS IN PUBLIC AREAS WITHOUT SIMULTANEOUS PROVISION OF WRAP-AROUND SERVICES

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

SECTION 1. Title 12, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

“Chapter 12.55

PROHIBITION OF DISTRIBUTION TO UNSHELTERED INDIVIDUALS WITHOUT WRAP AROUND SERVICES

Sections:

12.55.010	Purpose
12.55.020	Definitions
12.55.030	Prohibition of Distribution
12.55.040	Violation
12.55.050	Effective Date

12.55.010 Purpose

This regulation of the distribution of goods and funds to unsheltered individuals and groups is to:

1. Promote the public health and welfare, and
2. Encourage unsheltered individuals to accept social services offered by the county or funded by the county, by supporting the county’s participation in the national Housing and Urban Development (HUD) policy of “housing first.”

12.55.020 Definitions

When used in this chapter, unless the context clearly indicates a different meaning, for the purposes of chapter 12.55, the following words and terms shall be defined as follows:

“Department,” unless otherwise stated, means the Department of Housing and Human Services, or the appropriate

department with responsibility for the county's management of human services.

"Distribution" means the transfer of items between individuals regardless of the nature and timing of that transfer. Distribution includes:

A. Leaving items in a specified location for retrieval by another person;

B. Electronic transfer of funds from one individual to another, and;

C. Physical handing of items from one individual to another.

"Distributor" means any individual or group that conducts the distribution of goods or funds, regardless of the legal status of that individual or group.

"Unsheltered" means living without an established regular place of residence within a structure legally permitted for residential use. A person residing temporarily within a county-designated shelter is not considered to be unsheltered.

"Wrap-around services" means social services provided by providers officially recognized by the Department, as defined in this chapter. Wrap-around services include but are not limited to social program registration, financial counseling, chemical dependency treatment, and psychological counseling.

"Goods" means physical items that may be used in the course of living, including, but not limited to, prepared and packaged foods, clothing, and household items that can be used to create or serve as ad-hoc structures such as blankets and tarps.

"Funds" means any form of negotiable currency, including but not limited to, currency, cryptocurrency and gift cards.

"Public Areas" means any location owned or operated by the county including public right-of-way, parks, open space, and any property under the control of the county either by ownership or by Governor's executive order.

12.55.030 Prohibition of Distribution

A. The distribution of goods and funds to unsheltered individuals and groups is prohibited in public areas without the simultaneous provision of wrap-around services to the individuals or groups receiving the goods and funds distributed.

B. The requirement for simultaneous provision of wrap-around services is considered to have been met if a county-recognized provider of service offers services to the unsheltered individuals at the same time and in the same location as the distribution of goods and funds.

C. Two (2) business days prior to any distribution of goods and funds to unsheltered individuals or groups in public areas, the

distributor will provide written notice to the Director of Housing and Human Resources, or designee, on a form provided by the department. The form will identify the nature of goods and funds being distributed, the location of that distribution and the individual or organization that will be providing wrap-around services. The department will provide to the distributor a copy of the notice timestamped to acknowledge receipt.

D. A copy of the timestamped notice provided by the department will be retained by the distributor and made available for inspection by county staff at any and all times during the distribution.

12.55.040 Violation

A. Failure to notify the department or failure to produce a timestamped notice to the department as required in 12.55.030(D) is violation of this chapter.

B. Violation of this chapter will result in the following schedule of fines:

1. Upon first violation, a fine of one hundred dollars (\$100) will be assessed;
2. Upon second violation, a fine of two hundred dollars (\$200) will be assessed;
3. Upon third violation, a fine of three hundred dollars (\$300) will be assessed;
4. Upon fourth violation, a fine of four hundred dollars (\$400) will be assessed, and;
5. Upon fifth violation, a distributor, and any organization the distributor is associated with, will not be permitted to conduct distribution for a period not less than six (6) months.

12.55.050 Effective Date

This chapter will be effective February 1, 2021.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui