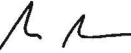


WASSP-13

September 4, 2025, Committee meeting

WATER AUTHORITY, SOCIAL SERVICES, AND PARKS COMMITTEE  
Amendment Summary Form

Legislation: Bill 111 (2024), on the removal and storage of personal property in public places and the right to shelter.

Proposer: Gabe Johnson, Councilmember. 

Description: The attached proposed CD1 version amends Bill 111 (2024) by incorporating amendments based on discussions with community advocates and Administration officials and my review of the meeting on the bill held by the Water Authority, Social Services, and Parks Committee (2023-2025 term) on October 24, 2024.

Motions: Move to substitute Bill 111 (2024) with the attached proposed CD1 version.

Attachments: Proposed CD1 version of Bill 111 (2024) and a marked-up copy reflecting the proposed amendments.

paf:mkm:25-178d

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

BILL NO. 111, CD1 (2024)

A BILL FOR AN ORDINANCE AMENDING TITLE 9, MAUI COUNTY CODE, ON  
THE REMOVAL AND STORAGE OF PERSONAL PROPERTY IN PUBLIC PLACES  
AND THE 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 numbered and read as follows:

**“CHAPTER 9.37**

**REMOVAL AND STORAGE OF PERSONAL PROPERTY FROM  
ENCAMPMENTS; RIGHT TO SHELTER**

Sections:

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

**9.37.020 Intent.** The County confirms the equal worth and dignity of every individual and recognizes the human right to shelter. Protecting our most vulnerable residents is one of the greatest concerns of government and its people. Experiencing housing insecurity or becoming unsheltered are not illegal acts. The prevalence of houselessness in a community is largely determined by low housing availability, high housing cost, and income inequality, according to the “Recommendations to Address Homelessness in Maui County” report prepared for the department of human concerns in 2024.

This chapter’s purpose is to provide procedures for the lawful, humane, and empathetic relocation of unsheltered people when necessary. The procedures are intended to ensure access to services and storage of personal property in a manner that is responsive to and considerate of the needs of the residents who are without shelter. The County recognizes that many of these residents may be persons with disabilities, have endured significant trauma, or have limited English proficiency.

The County is mindful of the following goals to be achieved through progressively implemented measures, consistent with available resources:

- A. A safe place to sleep and keep one’s belongings.
- B. An ability to remain with one’s spouse or domestic partner.
- C. An ability to remain with one’s companion animals in an environment that is habitable for all.
- D. Access to services necessary to allow someone to choose to stabilize one’s life and transition into supportive housing or permanent housing, including behavioral-health support, substance-abuse treatment, and other services.

This section does not create any liabilities, public or private, or any vested interests on behalf of any individual or entity as a cause of action against the County.

**9.37.030 Definitions.** In this chapter, unless the context otherwise requires:

“Debris” means unimproved organic material, including wood chippings, leaves, grass, tree branches, soil, sand, rocks, used charcoal, or ashes.

“Encampment” means one or more tents or structures or an assembly of habitation equipment or personal property located in an identifiable area within the County that either appears to be used for habitation or shelter or is declared by a person in the immediate vicinity as being used for habitation or shelter.

“Garbage” means any object or material that has been discarded by any person, is no longer in use or reasonably intended

to be used by any person having ownership or control over the object or material, or that cannot reasonably be considered to be of any value. “Garbage” includes food wrappings, used napkins and paper towels, loose papers, cardboard, or other items that appear to be uncared for, discarded, or abandoned.

“Hazardous items” includes:

A. Items containing or having the odor of gasoline, propane, lighter fluid, kerosene, paint, paint thinner, motor oil, brake fluid, alcohol, nail polish remover, or transmission fluid.

B. Car batteries, stand-alone lithium batteries, fireworks, or fertilizer.

C. Guns, ammunition, exposed razor blades, or shards of broken glass.

D. Controlled substances or drug paraphernalia as defined in section 329-1, Hawai‘i Revised Statutes, excluding medication prescribed to the person in possession of the medication.

E. Urine, feces, vomit, used feminine products, used condoms, used toilet paper, used tissue paper, or objects containing those items.

F. Other items the County is prohibited by law from storing.

“Immediate hazard encampment” means an encampment in which hazardous items are present or when the people living outdoors:

A. are at risk of serious injury or death that exceeds the risks normally associated with exposure to the elements; or

B. engage in conduct that creates a risk of serious injury or death to others. Lawful conduct—such as cooking or proper use of a grill or hibachi—does not pose a risk of serious injury or death.

“Impediment” means tents, personal property, garbage, debris, or other objects at or near an encampment that:

A. are on a public sidewalk;

B. impede the pedestrian or transportation purposes of public rights-of-way; or

C. impede areas that are necessary for or essential to the intended use of a public property or facility.

“Interested parties” includes:

A. Maui Homeless Alliance Continuum of Care.

B. Members of the County commission on healing solutions for homelessness.

C. Members of the County commission on persons with disabilities

D. All service agencies receiving funding through the county department of human concerns.

“Outreach provider” means an entity or person who provides services supporting houseless individuals, including:

- A. Case managers who provide shelter or housing.
- B. Case managers who provide substance-abuse treatment.
- C. Case managers who provide behavioral-health support.
- D. U.S. Department of Veterans Affairs case managers.
- E. State department of human services’ benefit, employment, and support services division.
- F. Maui Humane Society and other animal-welfare organizations.
- G. Legal Aid Society of Hawai‘i and other legal-service providers.
- H. State department of human services’ child and adolescent mental health division.
- I. State department of education social workers.
- J. American Civil Liberties Union of Hawai‘i.
- K. Any entity or person identified by an encampment occupant as an advocate.

“Personal property” means portable items such as tents, chairs, camping stoves, grills, clothing, or prescribed medications that are not hazardous items or garbage.

“Safe zone” means a temporary place of refuge, sanctuary, and asylum where temporary shelter and basic necessities are provided. Safe zones may be staffed with relevant human services, including:

- A. A triage area where encampment occupants are quickly assessed for their most urgent needs.
- B. Licensed medical staff, including street-medicine providers.
- C. Outreach providers.
- D. Hygiene and garbage disposal facilities or units.
- E. Transportation services.
- F. Representatives of housing providers to screen, intake, and facilitate those who are unsheltered in obtaining appropriate shelter or other housing, including:
  - 1. Emergency shelter.
  - 2. Temporary housing.
  - 3. Behavioral-health facilities and services.
  - 4. Domestic-violence shelters.
  - 5. Substance-abuse treatment.
  - 6. Senior housing.

7. Subsidized housing.

G. Temporary housing for encampment occupants who are waiting to be placed in an appropriate shelter or other housing.

A safe zone must not be designated as an encampment.

**9.37.040 Removing impediments and immediate hazard encampments.** A. The County may remove impediments and immediate hazard encampments as provided in this section. Sections 9.37.060 and 9.37.070 do not apply to removing impediments and immediate hazard encampments.

B. If personal property is removed, a notice must be affixed. The notice must state:

1. The date and time the notice was posted, with a phone number, email address, and name of County designee where a person may receive information on the encampment removal.

2. That the impediment or immediate hazard encampment must be immediately removed and is subject to removal without further notice.

3. How any removed personal property may be claimed, including a telephone number to call and the duration of storage before final disposition.

C. If the impediment or immediate hazard encampment is under the control of an encampment occupant who is present, the County must provide written and verbal notice to the encampment occupant to immediately remove their personal property.

D. Personal property must be removed and stored as provided in section 9.37.100 and may be recovered as provided in section 9.37.110.

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

F. Upon removing an impediment or immediate hazard encampment, the County must post a notice as provided in section 9.37.090.

G. Any agency or contractor storing personal property must notify the department of human concerns of the storage within one business day that the personal property is stored.

H. The County must video record or photograph the removal of impediments and immediate hazard encampments. Records must be made available upon request for five years.

I. The managing director must establish an appeal process by administrative rule for instances when an encampment occupant asserts the County has not followed this section.

**9.37.050 Identifying and providing alternative shelter before removing encampments.**

A. Before removing an encampment, the County must identify alternative shelter locations for encampment occupants, such as available housing, shelter accommodations with or without day programs, or authorized managed encampments or safe zones.

B. The County must also provide information on access to substance-abuse treatment and behavioral-health support.

C. The alternative shelter locations must be accessible, available to, and have sufficient capacity and services to accommodate each encampment occupant starting on the date an encampment removal notice is posted and must continue to be available until the encampment removal is completed.

D. If there are insufficient alternative locations for encampment occupants, the removal must not proceed.

E. The County or its designee must maintain an updated list of alternative shelter locations on the County's website and at a physical location.

**9.37.060 Encampment removal and notice requirements.**

A. An initial written notice must be posted in the immediate vicinity of an encampment that is subject to removal. This initial notice must provide the following information:

1. The date the notice was posted.
2. The date and time range the removal is scheduled.
3. Where, when, and how any stored personal property may be claimed by its owner or designee.
4. A list of alternative shelter locations according to section 9.37.050 and contact information for outreach providers.
5. Contact information for the County or its designee who can explain where an encampment occupant may identify an outreach provider and receive information on the encampment removal; or provide a link to the website created under section 9.37.110 where an encampment occupant may identify an outreach provider and receive information on the encampment removal.
6. A link to this chapter or instructions for obtaining a copy of this chapter.
7. Date, time, and location of an informational meeting to be held according to section 9.37.060(D).

B. If an encampment occupant is present at the encampment, written and verbal notice must be given that the encampment is subject to removal as provided in the posted notice.

C. The initial notice must be posted at least 45 days before an encampment removal starts. The initial notice must be posted in a location where it is clearly visible and can be easily read by individuals at the encampment. If the action to physically remove the encampment is not started within the date range provided in the initial notice, inhabitants must be notified of the updated removal date. If an extreme weather event occurs or a public health emergency is declared at any point during the 45-day period, the encampment removal must be postponed by the number of days of the extreme weather event or public health emergency, or new notice must be given.

D. At least five business days before removal, the County must have an informational meeting at the site to inform individuals of the impending cleanup and provide an opportunity for the public to ask questions about the impending action. At this meeting, the County must provide alternative locations identified in section 9.37.050 to each encampment occupant.

E. A final notice containing the information required by this section must be affixed to any tent, structure, or vehicle subject to removal two days before removal.

F. American Sign Language or foreign-language interpretation of any notice required under this section must be provided if requested and the request is reasonable. Translation of the notice into additional languages must be provided if requested and the request is reasonable. Translation and interpretation services must be provided within one business day.

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

H. The County must video record or photograph all notices at the time of posting. Photos of the notices must be made available upon request.

**9.37.070 Outreach for encampment removal.** A. Outreach providers must be notified of every scheduled encampment removal within one business day of the posting of the initial notice. Outreach providers must be notified of the informational meeting scheduled in accordance with section 9.37.060(D) no less than one business day before the informational meeting takes place

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

C. The County must maintain a list of outreach providers and their contact information. The list must be updated before the



posting of any initial or final notice, and before the informational meeting required under subsection 9.37.060(D).

**9.37.080 Encampment removal and cleanup.** A. A representative from the department of human concerns and other required personnel must be available during an encampment removal and cleanup.

B. New tents, structures, or vehicles that were placed in the immediate encampment area after the initial notice was posted may be removed.

C. The County must take reasonable steps to allow encampment occupants to segregate their personal property from material that is not personal property, either before or during the removal, if the segregation does not pose a danger to the individual segregating the personal property from the other material. If the owner of personal property is not present or is unable to segregate their personal property, the County must take reasonable steps to segregate personal property from material that is not personal property, if the segregation does not pose a danger to the individual segregating the personal property from other material.

D. Personal property must be stored as provided in section 9.37.100 and may be recovered as provided in section 9.37.110.

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

F. All vehicles tagged leading up to the encampment removal may be treated as abandoned or derelict and removed under sections 10.48.200 and 20.20.060, except that vehicles must not be removed by the County until during the scheduled encampment removal and that owners must have the first option of relocating their vehicles themselves.

G. The County must video record or photograph encampment removal and cleanup. The video or photographic records must be maintained for a period of five years and made available under chapter 92F, Hawai'i Revised Statutes, and section 13-9(3), revised charter of the County of Maui (1983), as amended.

H. The managing director must establish an appeal process by administrative rule for instances when an encampment occupant asserts the County has not followed this section.

**9.37.090 Post-encampment removal notice.** A. A notice must be prominently posted for at least 10 days in the general vicinity of a removed encampment following such removal. Outreach providers must receive a copy of the notice or be verbally informed of the contents of the notice.

B. The notice must state:

1. The name and contact information for any agencies or contractors that performed the cleanup.
  2. The date the cleanup was performed.
  3. How any stored personal property may be claimed by its owner, including an email address and telephone number to contact to get information about retrieving property.
  4. Contact information for outreach providers who can assist with shelter alternatives, safe zones, and other services.
  5. The location of all safe zones in the County.
- C. The agency or designee that organized the cleanup must, within five business days of the cleanup, send electronic documentation of the cleanup to the department of human concerns and the mayor's office.

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

B. The County must maintain a log of personal property removed from an encampment. In cases when encampment occupants are present at the time of property removal, they must receive a copy of the log entry describing their personal property removed by the County. The log must document each group of items by owner or specific location collected from. The personal property must be kept until it is recovered by its owner or the property is discarded as permitted under this chapter.

C. Personal property that is not claimed for 55 days after the property was stored may be discarded or donated, or auctioned by the County.

**9.37.110 Online reporting of notices and property logs.** A. Within one business day of the posting of a notice or property log under this chapter, the County or its designee must upload a copy of the notice or property log to a County website. The County website must include a function that allows encampment occupants to identify advocates as outreach providers under section 9.37.030 and for all interested parties and members of the public to be notified when a new upload is made.

B. The County must maintain and display on the website, contact information including an email address or telephone number, to retrieve stored personal property. The telephone number must have a voicemail and call-back system if staff are unable to answer calls.

C. Instructions and forms for appeal processes required by this chapter must be available on this website.

**9.37.120 Recovering stored personal property.** A. Individuals or their authorized agents claiming personal property that has been removed from an encampment may contact the County or its designee at a designated phone number and email address. The telephone number must have a voicemail and call-back system if staff are unable to answer calls.

B. No identification is required for an individual to recover the property. The property owner or authorized agent claiming personal property on behalf of an individual must describe the items with particularity. The log of personal property must indicate who received the recovered property.

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

D. The storage and recovery of personal property removed from an encampment must be provided to property owners and their authorized agents free of charge during regular business hours.

E. In the instance when an individual recovering personal property determines items are missing or damaged, the individual may file a "Claim for Property Damage" with the County Clerk.

**9.37.130 Budgeting.** The council must make appropriations required to implement this chapter in the annual budget ordinance.

**9.37.140 Reporting.** The County must produce an annual report for the council and public documenting encampment removals that occurred in the prior fiscal year. The report must include a description of each removal, number of persons impacted, services offered and accepted, and cost to the County.

**9.37.150 Administrative rules.** The managing director must adopt administrative rules to implement this chapter."

SECTION 2. This Ordinance takes effect on July 1, 2026.

APPROVED AS TO FORM AND LEGALITY:

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Department of Corporation Counsel  
County of Maui

paf:mkm:25-178c

INTRODUCED BY:

  
\_\_\_\_\_  
GABE JOHNSON

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

BILL NO. 111, CD1 (2024)

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

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

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

**“CHAPTER 9.37**

**~~ESTABLISHING PROCEDURES FOR THE~~ REMOVAL AND  
STORAGE OF PERSONAL PROPERTY FROM ~~ENCAMPMENTS~~  
~~AND A RIGHT TO SHELTER~~ ENCAMPMENTS; RIGHT TO  
SHELTER**

Sections:

9.37.020	Intent.
9.37.030	Definitions.
9.37.040	Removing impediments and immediate hazard encampments.
9.37.050	<del>Encampment removal and notice requirements.</del>
<del>9.37.060</del>	Identifying <del>or and</del> providing alternative shelter <del>before</del> removing encampments.
<u>9.37.060</u>	<u>Encampment removal and notice requirements.</u>
9.37.070	Outreach for encampment removal.
9.37.080	Encampment removal and cleanup.
9.37.090	Post-encampment removal notice.
9.37.100	Storage of personal property removed from an encampment.
<del>_____</del>	<del>9.37.110</del> <u>Online reporting of notices and property logs.</u>
<u>9.37.120</u>	Recovering stored personal property.

9.37.~~120~~130

Budgeting.

9.37.~~130~~140

Reporting.

9.37.150

Administrative rules.

**9.37.020 -Intent.** The County confirms the equal worth and dignity of every individual and recognizes ~~athe~~ human right to shelter.— Protecting our most vulnerable residents is one of the greatest concerns of government and its people. Experiencing housing insecurity or becoming unsheltered are not illegal acts. The ~~purpose and intent~~prevalence of this chapter~~houselessness in a community~~ is largely determined by low housing availability, high housing cost, and income inequality, according to the “Recommendations to Address Homelessness in Maui County” report prepared for the department of human concerns in 2024.

This chapter’s purpose is to provide ~~the~~ ~~procedures to~~ ~~compassionately relocate~~for the lawful, humane, and empathetic relocation of unsheltered people when necessary, including offering. The procedures are intended to ensure access to services and storage of personal property. ~~In doing so, the~~ in a manner that is responsive to and considerate of the needs of the residents who are without shelter. The County recognizes that many of these residents may be persons with disabilities, have endured significant trauma, or have limited English proficiency.

The County is mindful of the following goals to be achieved through progressively implemented measures, consistent with available resources:

~~1A.~~ A safe place to sleep and keep one’s belongings,  
~~to a reasonable extent.~~

~~2B.~~ An ability to remain with one’s spouse or domestic partner.

~~3C.~~ An ability to remain with one’s companion animals in an environment that is habitable for all, ~~to a reasonable extent.~~

~~4D.~~ Access to services ~~that~~necessary to allow someone to choose ~~to~~ stabilize one’s life and transition into supportive housing or permanent housing, including ~~pu‘uhonua,~~ behavioral-health support, substance-abuse treatment, and other services.

This section does not create any liabilities, public or private, or any vested interests on behalf of any individual or entity as a cause of action against the County.

**9.37.030– Definitions.** In this chapter, unless the context otherwise requires:

"Debris" means unimproved organic material, including wood chippings, leaves, grass, tree branches, soil, sand, rocks, used charcoal, or ashes.

~~"Encampment" means one or more tents, or structures, or an assembly of campinghabitation equipment or personal property located in an identifiable area within the County, which that either appears to be used for camping. Encampments do not include sites that are no longerhabitation or shelter or is declared by a person in use for camping evidenced by all remaining itemsthe immediate vicinity as being garbage, debris, or hazardous materialsused for habitation or shelter.~~

"Garbage" means any object or material that has been discarded by any person, is no longer in use or reasonably intended to be used by any person having ownership or control over ~~suchthe~~ object, ~~or whichmaterial, or that~~ cannot reasonably be considered to be of any value, ~~including. "Garbage" includes~~ food wrappings, used napkins and paper towels, loose papers, cardboard, or other items ~~whichthat~~ appear to be uncared for, discarded, or abandoned.

~~"Hazardous items" means combustible objects, weapons, controlled substances, drugs, drug paraphernalia, or items containing medical, human, or biological waste. This includes:~~

A. Items containing or having the odor of gasoline, propane, lighter fluid, kerosene, paint, paint thinner, motor oil, brake fluid, alcohol, nail polish remover, or transmission fluid.

B. Car batteries, stand-alone lithium batteries, fireworks, or fertilizer.

C. Guns, ammunition, exposed razor blades, or shards of broken glass.

D. ~~Non-prescription drugs, controlled~~Controlled substances, ~~syringes, needles,~~ or drug paraphernalia as defined in section 329-1 ~~of the Hawai'i, Hawai'i~~ Revised Statutes, ~~excluding medication prescribed to the person in possession of the medication.~~

E. Urine, feces, vomit, used feminine products, used condoms, used toilet paper, used tissue paper, or objects containing those items.

F. Other items the County is prohibited by law from storing ~~under state or federal law.~~

~~"Immediate hazard encampment" means an encampment in which hazardous items are present or when the people living outdoors:~~

~~1. AreA. are~~ at risk of serious injury or death that exceeds the risks normally associated with exposure to the elements; or



~~2. Create~~B. engage in conduct that creates a risk of serious injury or death to others. Lawful conduct—such as cooking or proper use of a grill or hibachi—does not pose a risk of serious injury or death.

“Impediment” means tents, personal property, garbage, debris, or other objects at or near an encampment that:

~~A. Are in a County park or~~A. are on a public sidewalk;

~~B. Interfere with~~B. impede the pedestrian or transportation purposes of public rights-of-way; or

~~C. Interfere with~~C. impede areas that are necessary for or essential to the intended use of a public property or facility.

“Interested parties” includes:

A. Maui Homeless Alliance Continuum of Care.

B. Members of the County commission on healing solutions for houselessness.

C. Members of the County commission on persons with disabilities

D. All service agencies receiving funding through the county department of human concerns.

“Outreach provider” means an entity or person who provides services supporting houseless individuals, including:

A. Case managers who ~~provider~~provide shelter or housing.

B. Case managers who provide substance-abuse treatment.

C. Case managers who provide behavioral-health support.

D. U.S. Department of Veterans ~~Affairs’~~Affairs case managers.

E. State department of human services’ benefit, employment, and support services division.

F. Maui Humane Society, ~~Hawaii Animal Rescue Foundation,~~ and other animal-welfare organizations.

G. Legal Aid Society of ~~Hawai’i~~Hawai’i and other legal-service providers.

H. State department of human services’ child and adolescent mental health division.

I. State department of education social workers.

~~J. All other organizations providing legal, compassionate care to those who are unsheltered, including individuals, groups, and faith-based organizations and those providing meals, clothing, and other necessities~~ American Civil Liberties Union of Hawai’i.

~~“Pu‘uhonuaK.~~ Any entity or person identified by an encampment occupant as an advocate.

“Personal property” means portable items such as tents, chairs, camping stoves, grills, clothing, or prescribed medications that are not hazardous items or garbage.

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

A. A triage area where individualsencampment occupants are quickly assessed for their most urgent needs.

B. Licensed medical staff, including street-medicine providers.

C. Outreach providers.

D. Hygiene and garbage disposal facilities or units.

E. Transportation services.

~~D.~~ F. Representatives of housing providers to screen, intake, and facilitate those who are unsheltered in obtaining appropriate shelter or other housing, including:

1. Emergency shelter.
2. Temporary housing.
3. Behavioral-health facilities and services.
4. Domestic-violence shelters.
5. Substance-abuse treatment.
6. Senior housing.
7. Subsidized housing.

G. Temporary housing for encampment occupants who are waiting to be placed in an appropriate shelter or other housing.

A safe zone must not be designated as an encampment.

**9.37.040- Removing impediments and immediate hazard encampments.** A. The County may remove impediments and immediate hazard encampments immediately, as provided in this section. Sections 9.37.050, 9.37.060, and 9.37.070 do not apply to removing impediments and immediate hazard encampments.

B. If personal property is ~~relocated, removed,~~ a notice must be ~~posted at the removal site as soon as reasonably possible. affixed.~~ The notice must state:

1. The date and time the notice was posted, with a phone number, email address, and name of County

designee where a person may receive information on the encampment removal.

2. That the impediment or immediate hazard encampment must be immediately removed and is subject to removal without further notice.

3. ~~Where~~How any removed personal property ~~will be stored, how it~~ may be claimed, including a telephone number to call and the duration of storage before final disposition.

C. If the impediment or immediate hazard encampment is ~~determined to be~~ under the control of an ~~individual~~encampment occupant who is present, the County must provide written and verbal notice to the encampment occupant to immediately remove their personal property ~~must be given to the individual, if possible.~~

D. Personal property must be removed and stored as provided in section 9.37.100 and may be recovered as provided in section 9.37.110.

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

F. Upon removing an impediment or immediate hazard encampment, the County must post a notice as provided in section 9.37.090.

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

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

### **~~9.37.050 Encampment removal and notice requirements.~~**

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

~~1. The date the notice was posted.~~

~~2. The date and time range the removal is scheduled.~~

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

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

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

~~6. Date, time, and location of an informational meeting to be held in accordance with subsection D.~~

~~B. If individuals are present at the encampment, verbal notice must be given, if possible, that the encampment is subject to removal as provided in the posted notice.~~

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

~~D. An informational meeting must take place at the site at least four calendar days before removal to inform individuals of the impending cleanup and an opportunity for the public to ask questions relating to the impending action.~~

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

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

~~G. The County must video record or photograph all notices at the time of posting. Photos of the notices must be made available upon request. for five years.~~

~~I. The managing director must establish an appeal process by administrative rule for instances when an encampment occupant asserts the County has not followed this section.~~

**9.37.060-050 Identifying ~~or~~and providing alternative shelter before removing encampments.** A. ~~Prior to~~Before removing an encampment, the County must identify alternative shelter locations for encampment occupants, such as available housing, shelter accommodations with or without day programs, or authorized managed encampments or "no barrier" shelters, and pu'uhonua, safe zones.

B. The County must also provide information regarding access to substance-abuse treatment and behavioral-health support. ~~Information about the alternatives~~

C. The alternative shelter locations must be accessible, available to the, and have sufficient capacity and services to accommodate each ~~occupants~~occupant starting on the date an encampment removal notice is posted and must continue to be available until the encampment removal is completed. ~~The County, or its designee, must maintain an updated list of alternative shelter locations on the department of human concerns' website.~~

D. If there are insufficient alternative locations for encampment occupants, the removal must not proceed.

E. The County or its designee must maintain an updated list of alternative shelter locations on the County's website and at a physical location.

**9.37.060 Encampment removal and notice requirements.**

A. An initial written notice must be posted in the immediate vicinity of an encampment that is subject to removal. This initial notice must provide the following information:

1. The date the notice was posted.

2. The date and time range the removal is scheduled.

3. Where, when, and how any stored personal property may be claimed by its owner or designee.

4. A list of alternative shelter locations according to section 9.37.050 and contact information for outreach providers.

5. Contact information for the County or its designee who can explain where an encampment occupant may identify an outreach provider and receive information on the encampment removal; or provide a link to the website created under section 9.37.110 where an encampment occupant may identify an outreach provider and receive information on the encampment removal.

6. A link to this chapter or instructions for obtaining a copy of this chapter.

7. Date, time, and location of an informational meeting to be held according to section 9.37.060(D).

B. If an encampment occupant is present at the encampment, written and verbal notice must be given that the encampment is subject to removal as provided in the posted notice.

C. The initial notice must be posted at least 45 days before an encampment removal starts. The initial notice must be posted in a location where it is clearly visible and can be easily read by individuals at the encampment. If the action to physically remove the encampment is not started within the date range provided in the initial notice, inhabitants must be notified of the updated removal date. If an extreme weather event occurs or a public health emergency is declared at any point during the 45-day period, the encampment removal must be postponed by the number of days of the extreme weather event or public health emergency, or new notice must be given.

D. At least five business days before removal, the County must have an informational meeting at the site to inform individuals

of the impending cleanup and provide an opportunity for the public to ask questions about the impending action. At this meeting, the County must provide alternative locations identified in section 9.37.050 to each encampment occupant.

E. A final notice containing the information required by this section must be affixed to any tent, structure, or vehicle subject to removal two days before removal.

F. American Sign Language or foreign-language interpretation of any notice required under this section must be provided if requested and the request is reasonable. Translation of the notice into additional languages must be provided if requested and the request is reasonable. Translation and interpretation services must be provided within one business day.

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

H. The County must video record or photograph all notices at the time of posting. Photos of the notices must be made available upon request.

**9.37.070 —Outreach for encampment removal.** A.

Outreach providers must be notified of ~~and be present at every~~ scheduled encampment removal ~~when available, between the time that notice of removal is posted and the completed removal date, or until their services are within one business day of the posting of the initial notice.~~ Outreach providers must be notified of the informational meeting scheduled in accordance with section 9.37.060(D) ~~no longer required, less than one business day before the informational meeting takes place~~

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

C. The County must maintain a list of outreach providers and their contact information. The list must be updated before the posting of any initial or final notice, and before the informational meeting required under subsection 9.37.060(D).

**9.37.080 —Encampment removal and cleanup.** A. ~~All~~

~~necessary County personnel, contractors, outreach providers, A representative from the department of human concerns~~ and other required personnel ~~should~~must be available during ~~an~~ encampment removal and cleanup.

B. New tents, structures, or vehicles that were placed in the immediate encampment area after the initial notice was posted may be removed.

C. The County must take reasonable steps to allow encampment occupants to segregate their personal property from material that is not personal property, ~~as long as either before or during the removal, if~~ the segregation does not pose a danger to the individual segregating the personal property from the other material. If the owner of personal property is not present or is unable to segregate their personal property, the County must take reasonable steps to segregate personal property from material that is not personal property, if the segregation does not pose a danger to the individual segregating the personal property from other material.

D. Personal property must be stored as provided in section 9.37.100 and may be recovered as provided in section 9.37.110.

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

F. ~~Vehicles that are being used as a primary shelter must not be considered. All vehicles tagged leading up to the encampment removal may be treated as~~ abandoned or derelict. ~~The County must assist in the towing of inoperable vehicles to a previously designated area. All other vehicles should be~~ and removed in accordance with under sections 10.48.200 and 20.20.060, except that vehicles must not be removed by the County until during the scheduled encampment removal and that owners must have the first option of relocating their vehicles themselves.

G. The County must video record or photograph encampment removal and cleanup. The video or photographic records must be maintained for a period of five years and made available under chapter 92F, Hawai'i Revised Statutes, and section 13-9(3), revised charter of the County of Maui (1983), as amended.

H. The managing director must establish an appeal process by administrative rule for instances when an encampment occupant asserts the County has not followed this section.

**9.37.090 –Post-encampment removal notice.** A. A notice must be prominently posted for ~~a minimum of ten calendar~~ at least 10 days in the general vicinity of a removed encampment following such removal. Outreach providers must receive a copy of the notice or be verbally informed of the contents of the notice.

B. The notice must state:

1. The name and contact information for ~~the agency~~ any agencies or contractors that organized/performed the cleanup.
2. The date the cleanup was performed.



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

~~43. How any stored personal property may be claimed by its owner, including a an email address and telephone number to call for contact to get information about retrieving property.~~

~~54. Contact information for outreach providers who can assist with shelter alternatives, puuhonuasafe zones, and other services.~~

~~5. The location of all safe zones in the County.~~

C. The agency or designee that organized the cleanup must, within five business days of the cleanup, send electronic documentation of the cleanup to the department of human concerns and the mayor's office ~~of the mayor~~.

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

B. The County must maintain a log of personal property removed from an encampment. ~~Each item must be kept until the personal property~~In cases when encampment occupants are present at the time of property removal, they must receive a copy of the log entry describing their personal property removed by the County. The log must document each group of items by owner or specific location collected from. The personal property must be kept until it is recovered by its owner or the property is discarded as permitted under this chapter.

C. Personal property that is not ~~recovered after ninety~~claimed for 55 days after the property was stored may be discarded or donated, or auctioned by the County.

**~~9.37.110~~ 9.37.110 Online reporting of notices and property logs.** A. Within one business day of the posting of a notice or property log under this chapter, the County or its designee must upload a copy of the notice or property lot to a County website. The County website must include a function that allows encampment occupants to identify advocates as outreach providers under section 9.37.030 and for all interested parties and members of the public to be notified when a new upload is made.

B. The County must maintain and display on the website, contact information including an email address or telephone number, to retrieve stored personal property. The telephone number must have a voicemail and call-back system if staff are unable to answer calls.



C. Instructions and forms for appeal processes required by this chapter must be available on this website.

**9.37.120 Recovering stored personal property.** A. Individuals or their authorized agents claiming personal property that has been removed from an encampment may contact the County or its designee at a designated phone number and email address. The telephone number must have a voicemail and call-back system if staff are unable to answer calls.

B. ~~Individuals~~ No identification is required for an individual to recover the property. The property owner or their authorized agent claiming personal property on behalf of an individual must describe the items with particularity. ~~No identification is required for an individual to recover the property.~~ The log of personal property must indicate who received the recovered property.

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

D. The storage and recovery of personal property removed from an encampment must be provided to property owners and their authorized agents free of charge during regular business hours.

E. In the instance when an individual recovering personal property determines items are missing or damaged, the individual may file a "Claim for Property Damage" with the County Clerk.

**9.37.120—130 Budgeting.** The council must make appropriations required to implement this chapter in the annual budget ordinance.

~~**9.37.130 Administrative rules.** The County may~~**9.37.140 Reporting.** The County must produce an annual report for the council and public documenting encampment removals that occurred in the prior fiscal year. The report must include a description of each removal, number of persons impacted, services offered and accepted, and cost to the County.

**9.37.150 Administrative rules.** The managing director must adopt administrative rules to implement this chapter."

SECTION 2. This Ordinance takes effect on July 1, ~~2025~~2026.

APPROVED AS TO FORM AND LEGALITY:

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Department of Corporation Counsel  
County of Maui

paf:mkm:25-178c