

COUNCIL OF THE COUNTY OF MAUI
AFFORDABLE HOUSING COMMITTEE

November 19, 2021

Committee
Report No. 21-117

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

Chair and Members:

Your Affordable Housing Committee, having met on September 2, 2021, September 13, 2021 (reconvened), October 18, 2021, and November 1, 2021, makes reference to Miscellaneous Communication dated January 19, 2021, from the County Clerk, referring Contract C7183, between the Office of Council Services and Hawaiian Community Assets, Inc., for a Comprehensive Affordable Housing Plan.

By correspondence dated August 27, 2021, the Chair of your Committee transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 9, MAUI COUNTY CODE, TO ESTABLISH A FUNDAMENTAL RIGHT TO HOUSING." The purpose of the proposed bill is to amend Title 9, Maui County Code, to establish a fundamental right to housing for Maui County residents.

By correspondence dated October 25, 2021, the Chair of your Committee transmitted a proposed resolution entitled "ESTABLISHING A RIGHT TO HOUSING FOR MAUI COUNTY RESIDENTS." The purpose of the proposed resolution is to establish a right to housing for Maui County residents.

Your Committee notes the central goal of the Comprehensive Affordable Housing Plan is to meet the County's long-term affordable housing needs. A key component of this goal is to recognize that all Maui County residents have a fundamental right to adequate housing.

Your Committee received public testimony and discussed the matter.

The Deputy Director of Housing and Human Concerns said the Department recognizes housing as a basic human need and works towards

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fulfilling that need, as provided in the Countywide Policy Plan. She expressed concern that the proposed resolution may be interpreted as requiring the County to provide housing at any cost to any person who enters the County.

Your Committee notes the proposed resolution is aspirational in nature and requires the County to use all available resources to progressively improve the housing situation in the County.

Your Committee notes the right to adequate housing means not only a physical dwelling, but housing that is affordable, habitable, accessible, culturally appropriate, and secure.

Your Committee further notes that adequately housed individuals and families are safer, more stable, and better able to participate in all facets of society; and those in need of adequate housing should be treated with compassion and respect.

Your Committee revised the proposed resolution to urge the Administration to provide housing and shelter options for residents to reside in safety. Your Committee noted that options should accommodate different resident dwelling choices not limited to structures with four walls and a roof.

Your Committee also revised the proposed resolution to make the reference to Article 25(1) of the 1948 Universal Declaration of Human Rights gender-inclusive.

Your Committee agreed the provision relating to vulnerable and disadvantaged groups should be expanded to include individuals dealing with mental health issues, and that community mental health organizations should be consulted on the appropriate terminology.

Your Committee noted that establishing a right to housing sets a clear priority for legislative and executive decision-making, and is an important part of an overall housing policy that is responsive and effective.

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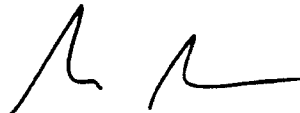
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Your Committee voted 8-0 to recommend adoption of the revised proposed resolution. Committee Chair Johnson, Vice-Chair Molina, and members Kama, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura voted "aye." Committee member King was excused.

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Affordable Housing Committee RECOMMENDS that Resolution 21-182, attached hereto, entitled "ESTABLISHING A RIGHT TO HOUSING FOR MAUI COUNTY RESIDENTS," be ADOPTED.

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



GABE JOHNSON, Chair

Resolution

No. _____

ESTABLISHING A RIGHT TO HOUSING FOR MAUI COUNTY RESIDENTS

WHEREAS, the United States signed the Universal Declaration of Human Rights ("UDHR") in 1948, recognizing adequate housing as a component of the human right to an adequate standard of living; and

WHEREAS, Article 25(1) of the UDHR proclaims the right of all individuals and their families "to a standard of living adequate for [their] health and well-being, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond [their] control;" and

WHEREAS, adequate housing means not only a physical dwelling, but includes affordability, habitability, accessibility, cultural appropriateness, and security of tenure, such as protection from housing discrimination, harassment, and forced removal from housing; and

WHEREAS, adequate and affordable housing and shelter must be accessible to all, with special consideration given to vulnerable groups in the community, including seniors, children, the physically and developmentally disabled, persons with terminal illness or chronic medical conditions, domestic violence survivors, victims of natural and man-made disasters, and other economically or socially disadvantaged groups; and

WHEREAS, the right to adequate housing is not realized for many individuals and families throughout Maui County, with residents living in substandard housing or lacking secure long-term housing, while hundreds more are experiencing or at immediate risk of homelessness; and

WHEREAS, the 2020 point-in-time count for Maui County reported 789 homeless men, women, and children, over half of which were unsheltered, including 33 unsheltered children; and

WHEREAS, the point-in-time count is the result of a single night of

outreach reporting, and the actual number of Maui County residents in need of housing or shelter is likely much higher; and

WHEREAS, adequately housed individuals and families are safer, more stable, and better able to participate in the social, economic, and civic life of the community; and

WHEREAS, the Countywide Policy Plan, adopted by Ordinance 3732 (2010), states the following policy: "Recognize housing as a basic human need, and work to fulfill that need;" now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it reaffirms the obligations under the Countywide Policy Plan and recognizes the right to adequate and affordable housing for all Maui County residents;
2. That it prioritizes access to housing and shelter in all aspects of its policy making and governance;
3. That it uses all available resources to progressively improve the housing situation in the County through specific and measurable actions to address community issues and needs;
4. That it urges the Administration to recognize, respect, and protect the right of all residents to live in security, peace, and dignity;
5. That it urges the Administration to provide adequate inventory of shelter and housing options for all residents to reside in safety; and
6. That certified copies of this Resolution be transmitted to the Honorable David Y. Ige, Governor, State of Hawai'i; the Honorable Ronald D. Kouchi, President, Hawai'i State Senate; the County of Maui delegation to the Hawai'i State Legislature; the State of Hawai'i delegation to the United States Congress; the Honorable Michael P. Victorino, Mayor, County of Maui; and the Director of Housing and Human Concerns.

APPROVED AS TO FORM AND LEGALITY:

/s/ Mimi Desjardins

Deputy Corporation Counsel
County of Maui

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