

**COUNCIL OF THE COUNTY OF MAUI**

# **AFFORDABLE HOUSING COMMITTEE**

August 5, 2022

**Committee**  
**Report No.** \_\_\_\_\_

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

Chair and Members:

Your Affordable Housing Committee, having met on July 14, 2022, makes reference to Bill 108 (2022) entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.76 AND SECTION 13.04A.070, MAUI COUNTY CODE, RELATING TO USE OF VEHICLES FOR PURPOSES OF HUMAN HABITATION AT COUNTY PARKING LOTS.”

Bill 108’s purpose is to establish a pilot project allowing houseless persons to temporarily use their vehicles for purposes of human habitation on County property, in accordance with Section 291C-113, Hawaii Revised Statutes (“HRS”), which states: “Each of the counties may enact and enforce ordinances regulating the use of vehicles for purposes of human habitation. Upon each of the counties enacting an ordinance pertaining to the use of vehicles for purposes of human habitation, then so far as that county is concerned, the ordinance shall have full force and effect, and shall supersede section 291C-112 until the ordinance is repealed or otherwise made invalid.”

Your Committee notes the use of any vehicle for human habitation between the hours of 6:00 p.m. and 6:00 a.m. while parked on any roadway, street, highway, or other public property is currently prohibited under Section 291C-112, HRS.

Your Committee further notes Bill 108 is the enabling legislation that would allow the County to establish a pilot project using County parking lots. The pilot project received an allocation of up to \$200,000 in the Fiscal Year 2023 Budget under the Department of Housing and Human Concerns, Homeless Programs, “to establish a safe zone or sleeping space for the houseless.”

**COUNCIL OF THE COUNTY OF MAUI**

# **AFFORDABLE HOUSING COMMITTEE**

Page 2

**Committee**  
**Report No.** \_\_\_\_\_

Your Committee received public testimony, the majority of whom were in full support of Bill 108. Your Committee heard from houseless individuals with direct experience of using their vehicle for habitation purposes.

Your Committee noted the proliferation of houseless individuals throughout the County who have no choice but to sleep in their vehicles because of a lack of affordable housing and low-entry shelter options. These individuals often are employed, have families on the island, and have children who attend school.

Your Committee also noted various challenges these individuals face, including: citations, fines, and other enforcement actions; the need to relocate frequently; fear of theft, assault, and other crimes; complaints from neighbors; and lack of basic necessities such as water and restrooms.

Your Committee further noted that insufficient or interrupted sleep can negatively impact basic survival and functioning abilities, and can make it even more difficult for a person to transition out of houselessness.

Your Committee discussed the use of parking lots that are controlled, selected, and supervised by the County to provide safe sleeping sites for our most vulnerable community members.

Your Committee also discussed the benefits of safe sleeping sites, including the potential for on-site wrap-around services, including social services, housing assistance, mobile hygiene units, and other types of compassionate community outreach.

Your Committee further discussed various aspects of a pilot project, including hours of operation, prohibited activities, and security measures; but emphasized that project parameters and other specific details would be discussed once the project is ready to be introduced.

Your Committee agreed to amend Bill 108 to ensure that:

COUNCIL OF THE COUNTY OF MAUI

# AFFORDABLE HOUSING COMMITTEE

Page 3

**Committee  
Report No.** \_\_\_\_\_

- Parking lots remain open to the general public during regularly scheduled hours;
- At least one gate remains unlocked for emergency purposes; and
- Council reviews the pilot project within 12 months after the project commences.

Your Committee expressed support for taking the necessary steps to enable a pilot project for safe sleeping sites as a temporary and transitional response to houselessness.

Your Committee voted 7-0 to recommend passage of Bill 108, CD1 (2022) on first reading. Committee Chair Johnson, Vice-Chair Molina, and members Kama, King, Paltin, Sinenci, and Sugimura voted “aye.” Committee members Lee and Rawlins-Fernandez were excused.

Your Committee is in receipt of Bill 108, CD1 (2022), approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s revisions and nonsubstantive revisions.

Your Affordable Housing Committee RECOMMENDS that Bill 108, CD1 (2022), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.76 AND SECTION 13.04A.070, MAUI COUNTY CODE, RELATING TO USE OF VEHICLES FOR PURPOSES OF HUMAN HABITATION AT COUNTY PARKING LOTS,” be PASSED ON FIRST READING and be ORDERED TO PRINT.

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

  
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GABE JOHNSON, Chair

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

BILL NO. 108, CD1 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.76 AND SECTION 13.04A.070, MAUI COUNTY CODE, RELATING TO USE OF VEHICLES FOR PURPOSES OF HUMAN HABITATION AT COUNTY PARKING LOTS

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

SECTION 1. The 2016 Hawaii Housing Planning Study ("Study") states the Homeless Point-In-Time count for the County of Maui was 1,137, an 18.6 percent increase from the year before. In addition, the Study identifies 5.8 percent of households in the County of Maui as "hidden homeless" households where someone living in the household does not have the resources to buy or rent their own place, and an additional 23.9 percent of households are at risk of being homeless.

Sweeps of homeless encampments merely shift people from one place to another. Multiple solutions are needed to address the growing homeless population. The purpose of this bill is to enact an ordinance in accordance with Section 291C-113, Hawaii Revised Statutes ("HRS"), to establish a pilot project allowing homeless people to temporarily use their vehicles for purposes of human habitation on County of Maui property. Without this enabling ordinance, use of any vehicle for human habitation between the hours of 6:00 p.m. and 6:00 a.m. while the vehicle is parked on any roadway, street, highway, or other public property is prohibited by Section 291C-112, HRS.

SECTION 2. Chapter 10.76, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

**“10.76.076 County parking lots used for human habitation.** A. Definitions. Whenever used in this section, unless the context otherwise requires:

“Department” means a department established under chapter 2.12.

“Director” means the director of a department established under chapter 2.12.

“Purposes of human habitation” includes use of a vehicle as a dwelling place, living abode, or sleeping place.

B. People can use their vehicles for purposes of human habitation within the area designated by the director at parking lots managed by the department, subject to the following:

1. Human habitation within vehicles is permitted from 7:00 p.m. to 7:00 a.m., or such hours depending on the location so as not to interfere with the parking lot’s open hours for the general public.

2. Vehicles must enter and exit from the parking lot in accordance with the hours designated in subsection (B)(1), or as authorized by the director.

3. At least one gate to the parking lot must remain unlocked.

4. Each person within the vehicle must register with department staff or other personnel authorized by the director upon entering the parking lot.

5. No cooking, including on a grill or hibachi, is permitted.

6. Department staff, or other personnel authorized by the director, must monitor the parking lot during the hours designated in subsection (B)(1).

7. All county, state, and federal laws, rules, and regulations must be complied with, including section 13.04A.070, relating to general prohibitions applicable to all parks and recreation facilities.

C. The council must review this section within twelve months after the commencement of a pilot project in accordance with this section.”

SECTION 3. Section 13.04A.070, Maui County Code, is amended by amending subsection B to read as follows:


“B. Except as otherwise authorized by permit, license, lease, or contract issued in accordance with this code, within the limits of any park or recreational facility, it is unlawful for any person to:

1. Be present during designated closed hours for that park or recreational facility, or between the hours of 10:00 p.m. and 6:00 a.m., or when closed to the public [pursuant to] under section 13.04A.040(B)(1)[.], except as authorized under chapter 10.76.
2. Distribute, post, or place any commercial handbill, circular, notice, or other advertising material.
3. Wash, polish, or repair cars or other vehicles.
4. Store, repair, or condition any boat, canoe, raft, or other vessel.
5. Park or operate any vehicle on grassed or sand areas with the exception of a personal mobility device.
6. Use or operate loudspeakers.
7. Dance on any gymnasium floor.
8. Engage in archery.
9. Kindle, build, maintain, or use any fire other than in a grill or hibachi.
10. Display or set off fireworks.
11. Engage in commercial activity, including catering or other commercial food distribution.
12. Provide classes, lessons, teaching, or instruction.
13. Bring into, possess, or dispose of any human or animal remains.
14. Feed any animal or animals, or stage any food or water for any animal or animals, except as provided in subsection D.
15. Manage feral animal colonies. Any colony management authorized by a permit, license, lease, or contract issued in accordance with this code must be designed to reduce and eliminate the colony.
16. Consume any intoxicating liquor:
  - a. Between the hours of 10:00 p.m. and 6:00 a.m.
  - b. At any time in any public restroom.
  - c. Within a one thousand five hundred foot radius of the boundary of any public or private preschool, kindergarten, elementary, intermediate, middle, secondary, or high school, or youth center, between the hours of 6:00 a.m. and 10:00 p.m., except on weekends[,] and State and County holidays.”

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

  
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MIMI DESJARDINS  
Deputy Corporation Counsel  
Department of the Corporation Counsel  
County of Maui

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INTRODUCED BY:

*Kelly T. King*

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KELLY TAKAYA KING