

# REQUEST FOR LEGAL SERVICES

**Date:** July 15, 2020  
**From:** Tasha Kama, Chair  
Affordable Housing Committee

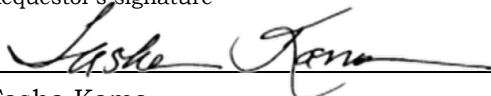
TRANSMITTAL  
**Memo to:**

**DEPARTMENT OF THE CORPORATION COUNSEL**  
Attention: Mimi DesJardins, Esq.

**Subject:** **A BILL FOR AN ORDINANCE ESTABLISHING THE COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS (AH-37)**

**Background Data:** Please review proposed bill, and if appropriate, approve as to form and legality.

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

Requestor's signature  Tasha Kama	Contact Person <u>Alison Stewart</u> (Telephone Extension: <u>7661</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): 4:30 p.m., July 15, 2020  
REASON: For posting on the July 24 Council meeting agenda

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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): Received at 4:12 p.m.  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date July 15, 2020

By /s/ Mimi Desjardins

(Rev. 7/03)

ah:ltr:037acc02:ans

Attachment

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

BILL NO. \_\_\_\_\_ (2020)

A BILL FOR AN ORDINANCE ESTABLISHING THE  
COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS

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

SECTION 1. Title 2, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

**“Chapter 2.31**

**COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS**

Sections:

- 2.31.010 Definitions.
- 2.31.020 Establishment.
- 2.31.030 Purpose.
- 2.31.040 Terms and operation.
- 2.31.050 Powers, duties, and functions.
- 2.31.060 Meetings.
- 2.31.070 Rules.
- 2.31.080 Requirement for council review.

**2.31.010 Definitions.** Whenever used in this chapter, unless the context otherwise requires:

“Homelessness” means a form of poverty characterized by the instability of housing and the inadequacy of income, health care, or social support.

“Commission” means the commission on healing solutions for homelessness.

“Member” means a member of the commission on healing solutions for homelessness.

**2.31.020 Establishment.** A. There is established a commission on healing solutions for homelessness consisting of eleven members.

B. One member from each of the nine council residency areas must be appointed by the council. These members must be fulltime residents of the respective residency areas.

C. Two members must be appointed by the mayor.

D. Members must be selected based on their knowledge, familiarity, or experience with: homelessness; local housing issues; affordable housing issues; vulnerable housing populations, including seniors, veterans, those who require mental health services, people with substance addiction, and the working impoverished; available housing stock; renter and homeowner housing issues; and housing development and financing for public and private sectors.

E. The commission must include at least one member with demonstrated expertise in native Hawaiian traditional and customary practices, as defined in section 2.28.070 of this code; at least one member of the clergy or faith-based leader; at least one representative from the Maui Homeless Alliance; and at least one member who was formerly or is currently experiencing homelessness as defined by this chapter.

**2.31.030 Purpose.** The commission is established to protect and promote public health, safety, and welfare of residents and maintain the commitment of aloha 'aina. As an advisory group, the commission will provide recommendations to the council and the administration on funding and policies to help combat and eliminate homelessness and poverty in Maui county.

**2.31.040 Terms and operation.** A. Commission members will serve for staggered terms of three years beginning on April 1 and ending on March 31, three years thereafter. Of the eleven members initially appointed, the two members appointed by the mayor will serve a term of one year; two members appointed by the council will serve a term of one year; three members appointed by the council will serve a term of two years; and four members appointed by the council will serve a term of three years.

B. Any vacancy will be filled for the unexpired term by the mayor or by the council, as the position was initially filled.

C. The members appointed by the mayor may be removed for cause by the mayor. The members appointed by the council may be removed for cause by the council by resolution.

D. Employees and officers of the state or county are eligible to be commission members, if the membership does not cause a conflict of interest under the code of ethics.

E. A majority of the entire membership of the commission constitutes a quorum to do business, and the affirmative vote of a

majority of the entire membership of the commission is necessary to take any action.

F. The commission must select a chair from its membership annually.

G. The commission has the power to subpoena witnesses and administer oaths to witnesses as to all matters within the authority of the commission.

H. The members will receive no compensation but will be entitled to be paid for necessary expenses incurred by them in the performance of their duties. Necessary expenses may be paid in advance as per diem allowances established by ordinance.

I. Except for purposes of inquiry and as otherwise provided by law, the commission and its members must not interfere in any way with the administrative affairs of any department or agency.

J. The department of housing and human concerns will provide staffing, technical, and clerical services required by the commission.

**2.31.050 Powers, duties, and functions.** The commission has the following powers, duties, and functions:

A. Make recommendations to the council and the administration on issues relating to housing and homelessness, including housing design, construction, and rehabilitation; land acquisitions; and resource management and sustainability.

B. Make recommendations to the council and the administration in evaluating new and existing programs; in the planning, expansion, maintenance, conservation, and rehabilitation of housing; and in ensuring long-term affordability and permanency of housing.

C. Make recommendations to the council and the administration to support a diverse residential environment and historical, cultural, and traditional living initiatives and solutions, such as kauhale.

D. Receive community priorities for restructuring and improving systems that have historically perpetuated homelessness and poverty in Maui county.

E. Provide policy recommendations to the council and the administration on community priorities for holistic mental health, social, environmental, cultural, and economic impacts that affect or are directly related to housing and homelessness.

**2.31.060 Meetings.** The commission must meet at least once a month.

**2.31.070 Rules.** The commission must adopt the necessary procedural rules that will enable it to conduct its business and carry out its duties and functions.

**2.31.080 Requirement for council review.** A. The council must review the operation of the commission within eighteen months of its first meeting but no sooner than twelve months after that first meeting.

B. The commission must provide an annual report to the council restricted to the commission's recommendations and the practicality of implementing them. A designated representative of the commission must be available to answer questions from the appropriate standing committee as determined by the council."

SECTION 2. This ordinance takes effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Mimi Desjardins

MIMI DESJARDINS

Department of the Corporation Counsel

County of Maui

ah:misc:037abill06:ans/alkl