

COUNCIL OF THE COUNTY OF MAUI

AFFORDABLE HOUSING COMMITTEE

July 24, 2020

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 6, 2020, and July 13, 2020 (reconvene), makes reference to County Communication 20-313, dated June 5, 2020, from Council Vice-Chair Keani N.W. Rawlins-Fernandez, relating to the matter of a commission on homelessness.

By correspondence dated June 10, 2020, Council Vice-Chair Keani N.W. Rawlins-Fernandez transmitted a proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING TITLE 2 OF THE MAUI COUNTY CODE, PERTAINING TO ESTABLISHING THE COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS.” The purpose of the proposed bill is to establish an advisory group to help combat and eliminate homelessness and poverty in Maui County.

By correspondence dated June 30, 2020, the Chair of your Committee transmitted a revised proposed bill entitled “A BILL FOR AN ORDINANCE ESTABLISHING THE COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS.” The revised proposed bill incorporated nonsubstantive revisions.

Your Committee discussed the need for a Commission on Healing Solutions for Homelessness (“Commission”) to serve as an advisory group to the County Council and the Administration. The purpose of the Commission is to provide recommendations on funding and policies to carry out the County’s priorities relating to housing and homelessness.

Your Committee discussed the composition of the 11-member Commission, and stressed the importance of including members with direct experience with homelessness and its associated conditions, including substance abuse, mental health issues, and poverty.

COUNCIL OF THE COUNTY OF MAUI

AFFORDABLE HOUSING COMMITTEE

Page 2

Committee
Report No. _____

Your Committee also discussed the powers, duties, and functions of the Commission, including making recommendations that support a holistic approach to addressing homelessness and promote a range of housing options and solutions, such as kauhale.

A Deputy Corporation Counsel advised your Committee the Commission would have the power to subpoena witnesses regarding matters within the Commission's authority.

The Commission is to be staffed by the Department of Housing and Human Concerns, which also staffs the Commission on Persons with Disabilities, Council on Aging, Commission on Children and Youth, and Animal Control Board. The Director of Housing and Human Concerns noted the Department's Homeless Division has only two staff persons and no clerical support, but added the administrative costs of the Commission would be mitigated by conducting meetings remotely.

The Director of Housing and Human Concerns also advised your Committee that Federal funding for homeless programs and services require the County to follow certain national guidelines and best practices, such as the Coordinated Entry System, which allocates resources on the basis of verified need. Your Committee noted that activities of the Commission should not jeopardize Federal funding.

Testimony was provided in support of using the more adaptive term "houseless" in the Commission's title and description; however the term "homeless" was considered more consistent with other County programs and services.

Your Committee notes the following policies in the Countywide Policy Plan could be furthered by creating the Commission:

- "Work with other levels of government and the nonprofit sector to expand services to address hunger, homelessness, and poverty."

COUNCIL OF THE COUNTY OF MAUI

AFFORDABLE HOUSING COMMITTEE

Page 3

**Committee
Report No.** _____

- “Provide the homeless population with emergency and transitional shelter and other supportive programs.”

Your Committee expressed support for creating the Commission and optimism for its ability to help decision makers effectively and compassionately address homelessness in Maui County. After further revising the bill to clarify the Commission’s structure and authority, your Committee voted to recommend the bill’s passage.

Your Committee voted 8-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Kama, Vice-Chair Molina, and members King, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura voted “aye.” Councilmember Hokama was excused.

Your Committee is in receipt of a further revised proposed bill, 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 the following:

1. That Bill _____ (2020), attached hereto, entitled “A BILL FOR AN ORDINANCE ESTABLISHING THE COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS,” be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 20-313 be FILED.

COUNCIL OF THE COUNTY OF MAUI

AFFORDABLE HOUSING COMMITTEE

Page 4

Committee
Report No. _____

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

A handwritten signature in black ink, appearing to read "Tasha Kama", written in a cursive style.

TASHA KAMA, Chair

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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

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