

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

MINUTES

October 18, 2021

Online via BlueJeans Link

CONVENE: 1:33 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Gabe Johnson, Chair
Councilmember Michael J. Molina, Vice-Chair (in 1:47 p.m.)
Councilmember Tasha Kama
Councilmember Kelly Takaya King (out 2:58 p.m.)
Councilmember Alice L. Lee
Councilmember Tamara Paltin
Councilmember Keani N.W. Rawlins-Fernandez (in 1:51 p.m.)
Councilmember Shane M. Sinenci (out 2:58 p.m.)
Councilmember Yuki Lei K. Sugimura (in 1:51 p.m.)

STAFF:

David Raatz, Supervising Legislative Attorney
James Forrest, Legislative Attorney
Alison Stewart, Legislative Analyst
Laksmi Abraham, Legislative Analyst
Rayna Yap, Committee Secretary
Kristeena Locke, OCS Assistant Clerk

Axel Beers, Executive Assistant for Councilmember Kelly Takaya King

Ellen McKinley, Executive Assistant for Councilmember Kelly Takaya King

Evan Dust, Executive Assistant for Councilmember Tasha Kama

Davideane Sickels, Executive Assistant for Councilmember Tasha Kama

Kate Griffiths, Executive Assistant for Councilmember Gabe Johnson

Lois Whitney, Executive Assistant for Councilmember Tasha Kama
Roxanne Morita, Lanai District Office

Jordan Helle, Executive Assistant for Councilmember Yuki Lei Sugimura

Stacey Moniz, Executive Assistant for Councilmember Gabe Johnson

Sarah Freistat-Pajimola, Executive Assistant for Councilmember Keani N.W. Rawlins-Fernandez

ADMIN.: Lori Tsuhako, Director, Department of Housing and Human Concerns

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

Clyde (Buddy) Almeida, Housing Administrator, Department of
Housing and Human Concerns
Sananda Baz, Managing Director, Department of Management
Johann Lall, GIS Analyst IV, Department of Planning
Mimi DesJardins, Deputy Corporation Counsel, Department of the
Corporation Counsel

OTHERS: Kenna StormoGipson, Hawaii Budget and Policy Center
Keisa Liu
Elle Cochran
Rachel Walls
Stan Franco
Paul Deslauriers
Lisa Darcy
Jason Economou
Maya Marquez
Faith Chase
Jordan Hocker
Leslee Matthews
Noelani Ahia

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR JOHNSON: . . .*(gavel)*. . . Aloha. Will the Affordable Housing Committee meeting of October 18, '21...2021 please come to order. I'm Gabe Johnson, Committee Chair. And present with me in the room today is Kate Griffiths and Stacey Moniz. As required by the Governor's most recent emergency proclamation, Members at non-public locations should state who, if anyone, is present with them. Members joining us today is Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Okay. There we go. Aloha kakahiaka, or I guess it's 'auinalā. I don't see the latest greeting today from the Chair, but I will go back...

COUNCILMEMBER LEE: It's there.

COUNCILMEMBER KING: It is?

COUNCILMEMBER LEE: Yeah. Salve.

COUNCILMEMBER KING: Salve. Oh, that's right. You got...you came in late on the morning meeting. Okay. And salve, everyone. And bonjour.

CHAIR JOHNSON: Salve to you, Councilmember King. Next we have Councilmember Tasha Kama. Oh, go ahead.

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

COUNCILMEMBER KING: I guess I'm supposed to report that I'm here by myself and there's no one else in the room. Thank you.

CHAIR JOHNSON: Okay. Thank you for that, Councilmember. Next we have Councilmember Tasha Kama. Salve to you.

COUNCILMEMBER KAMA: Salve to you, Chair, and aloha 'auinalā to all my colleagues. I'm here at my home in my room, and I am by myself also. Thank you.

CHAIR JOHNSON: Thank you. Okay. Next we have Council Chair Alice Lee. Salve to you, Chair Lee.

COUNCILMEMBER LEE: Salve to you and my colleagues. I hope everyone is having a great afternoon. Looking forward to your meeting. And I'm home alone here in Wailuku.

CHAIR JOHNSON: Okay. Thank you, Chair Lee. Next we have Councilmember Tamara Paltin. Salve to Councilmember Paltin.

COUNCILMEMBER PALTIN: Aloha 'auinalā kākou mai Malu 'Ulu o Lele. I'm here at the West Maui District Office with Angela, and we're more than six feet apart. And salve kākou.

CHAIR JOHNSON: Salve kākou to you as well. All right. And finally, we have Councilmember Shane Sinenci on the call. Salve to you, Councilmember Shane.

COUNCILMEMBER SINENCI: Salve, Chair, and aloha 'auinalā kākou from the virtual hale . . .*(inaudible)*. . . Aloha. I'm here by myself.

CHAIR JOHNSON: Okay. Now the other Councilmembers, Councilmember Mike Molina, Councilmember Keani Rawlins-Fernandez, and Councilmember Yuki Sugimura are all excused. They'll be coming in a little bit later. Okay. Joining us from the Administration are Housing and Human Concerns Deputy Director Lori Tsuhako, Deputy Director Linda Munsell, Managing Director Sandy Baz, and Deputy Corporation Counsel Mimi DesJardins. Our Committee Staff is Legislative Analyst Alison Stewart, Committee Secretary Rayna Yap, Legislative Attorney James Forrest, and Assistant Clerk Kristeena Locke. So Members, we're going to do our testimony first. Our agenda items are two agenda items, Comprehensive Affordable Housing Plan: Right to Shelter, AH-14(1); and AH-14(2), Comprehensive Affordable Housing Plan: Right to Housing. Testifiers can join the BlueJeans meeting using the information on the agenda. Written testimony can be sent at any time using the eComment link at mauicounty.us/agendas. Oral testimony is limited to three minutes per item, per item now. While waiting for your turn to testify, please turn off your microphone and video. When you are called upon, please unmute yourself, state your full name, and if you are testifying on behalf of an organization or if you're a paid lobbyist. If you have...if you've joined this meeting on BlueJeans, Staff will add your name to the testifier's list. The link on the list will be posted in the chat, and you may chat if you wish to be added or taken off the list. Chat should not be used to provide testimony or comments during the meeting. If you do not wish to testify or once testimony is closed, you will be disconnected from BlueJeans,

AFFORDABLE HOUSING COMMITTEE
Council of the County of Maui

October 18, 2021

and please continue to watch the meeting on *Akakū* Channel 53, Facebook Live, or the mauicounty.us website. Mahalo for your cooperation. Members, I would like to proceed with oral testimony without any objections.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (Excused: MM, KRF, YS)

CHAIR JOHNSON: Okay. Ms. Stewart, will you please call the first testifier?

. . .(BEGIN PUBLIC TESTIMONY). . .

MS. STEWART: First testifier is Keisa Liu.

MS. LIU: Aloha. Can you guys hear me okay? I'm not in my regular spot. You see me okay too?

CHAIR JOHNSON: You're a little bit, what's the word, laggy, so you could turn off your camera, Keisa? We can hear you loud and clear.

MS. LIU: Perfect. Okay. Perfect. I'm going to do it this way. I was concerned. Okay. So aloha, Chair Johnson, Councilmembers, and members of the public. My name is Keisa Liu, and I am here to testify on agenda items AH-14(1) and (2), and I'll start with AH-14-1 [sic]. I would like to mahalo Councilmember Johnson and his team for putting together both bills. They are critically needed and acknowledging that our houseless and homeless residents of Maui County are indeed a part of the community our local government is supposed to serve. And I'm embarrassed to say this, but it's true; I love my home and the people. Sometimes we're not very good at acknowledging when we're not trying our best. We're not always good at stepping into change. I think we get scared, we get scared to fail, so we do nothing or we celebrate the good we do even when it's not enough or the work isn't done. It's become a habit of ours. But it's a habit that is hurting our community and it's a habit that is keeping us stagnant when it comes to trying something different in tackling houselessness here. Now, I have been to several other communities (*audio interference*) ever since I was at the Amala Cleanup as a legal observer and an advocate. I was at the Luakini...the Luakini cleanup as a legal observer, and three minutes is not enough tell you everything that I witnessed.

CHAIR JOHNSON: Ms. Liu?

MS. LIU: Yeah?

CHAIR JOHNSON: Ms. Liu? I beg your pardon, but we can barely hear you right now, you're breaking up. Would you mind calling back on your cell phone or something or...

MS. LIU: I will do that. Mahalo.

AFFORDABLE HOUSING COMMITTEE
Council of the County of Maui

October 18, 2021

CHAIR JOHNSON: Okay. We'll...we'll call your name up when you get back on. Apologize for that technology. Okay. Okay. Ms. Stewart, will you please call the next testifier?

MS. STEWART: The next testifier is Elle Cochran, to be followed by Rachel Walls.

MS. COCHRAN: Hi. Can you hear me? Can you see me? Hi. Aloha.

CHAIR JOHNSON: We can see you, we can hear you. Yeah.

MS. COCHRAN: Aloha, Councilmembers. This is Elle Cochran. I'm here to testify on items AH-14(1) and (2), Right to Housing and Right to Shelter. And it is definitely a human right, you know, and it should never be criminalized. Here it's just been...we are at a crisis and a critical level, have been. I see and hear of people leaving the island daily, people on the verge of becoming homeless. And the cost of living...cost of housing and rentals is just out of control, astronomical, driving not just our local residents away, but people who have wanted to call this their home, you know, until...until the day they die. And it's hasn't...they're...they're just be driven off by the droves. So the one thing that I...and I support both...both items. On the Right to Shelter, AH-14(1), the item 9.37.040 Right to Shelter, item B, number 3, it states an ability...the right to shelter may...must include number 3, an ability to remain with one's partner, and I'd like to add in pets. As a pet lover, I have four dogs and God forbid if I ever had nowhere to go but I still had my pets, I would want my pets to be with me. So if we can add in pets to that section. And I know a lot of homeless, unsheltered people out there, that's one of their securities, you know, is having a dog, having pets. And whenever we've had to sadly kick the unsheltered people down the road, you know, kick them out of this one spot but they have nowhere to go, no transitional housing, no alternative but to just go and pack up their stuff and move to the next beach, next...you know, next bush, whatever it is, they have pets, and Humane Society has had a big issue with that. So please don't forget our four-legged family members. And you know, I've always said that this County, we have a rich County, people. I've balanced this budget, we are balancing almost a billion dollars, billion, for not even 170,000 people. No one, no one here in this County should be houseless, you know, should not go without...with...with proper, you know, food--food, shelter, water, medical, education--all of the above. We have more than enough money to go around. It's how it's being prioritized. I've always said we need to revisit that and take care of it. But this County has the means, and we have the knowhow. So I'm glad that Administration is here today, and Department of Housing and Human Concerns is here today. We need to build those transitional housing, you know. And yes, everyone is entitled. But I do know of people out there, they don't want to live in organized housing, they choose not to. But the people who choose to want to have shelter and housing, please, we have to give them that opportunity. And again, we have the means, we have the funds, we have the knowhow, it's just that political will. And...and it's about all these words are just a bunch of words on a piece of paper if it doesn't get implemented, and I've seen that happen generation after generation, you know. And the eight years I was there just fighting and building bills, laws, ordinances, and yet it falls on deaf ears when it reaches the 9th Floor into the Administration and the departments, which is unfortunate, because in the end the community suffers. And here, it's going to be our...you know, our...our less fortunate people out on the streets

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

living out in the cold, out in the rain, out in the hot sun, whatever, and we need to do something about it. It's...it's been...you know, been needed to do something about, but at this time, more and more people are...are...it's at a crisis level, like I said. Housing is astronomical, no one here can afford it, and rentals are skyrocketing. I have long-term rentals, I'm not going to go out there and charge the kind of rates that I know I can get, but you know how many people I'm going to displace? I'm not doing that. And so I...I wish people could have heart and have understanding and compassionate [sic] and empathy for the...for the less fortunate, and...and to help, right, to help lift and raise people up so they can have, you know, a helping hand and a leg up to get ahead in this world, and in particular in our community. So I just want to thank all of you for doing what you do. But my message is please let's...I support everything here that Member Johnson and his team have put forward. And also would like to see Administration to take it to heart and fulfill what...what is being written in these documents. So with that, that's all I have at this time, and thank you very much for your time and for listening, and mahalo.

CHAIR JOHNSON: Thank you for your testimony, Ms. Cochran. Members, do we have any questions? Seeing none. Once again, thank you for your time. Have a good one, Elle.

MS. COCHRAN: Thank you, Gabe. Aloha.

CHAIR JOHNSON: Okay. Aloha. Let's see if we can get Ms. Liu back on. I saw that she texted that she's back on and ready to go.

MS. LIU: I am here. Can you hear me now?

CHAIR JOHNSON: We can hear you much better now, Keisa. Please continue --

MS. LIU: Okay.

CHAIR JOHNSON: -- with your testimony. Oh wait, before we start...before you start, I just saw Councilmember Mike Molina come on, so let's give a shoutout to Councilmember Mike Molina. The word of the day is...I forget already. Konnichiwa.

VICE-CHAIR MOLINA: Konnichiwa to you, Mr. Chairman and my colleagues and everyone else joining us for this great meeting today. Aloha.

CHAIR JOHNSON: Aloha. Thanks...thanks for coming back. I know you...you got to be exhausted from your long journey. And okay, let's see, Keisa Liu, if you can continue your testimony please.

MS. LIU: And is it okay if I have my video on? Can you guys see me okay? Or should I...

CHAIR JOHNSON: Yeah, you're much better than you were before. Yeah.

MS. LIU: Okay. I'm going to start over. If that's okay. So I will start with AH-14(1) first. And of course again I'd like to mahalo Councilmember Johnson and his team for putting

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

both of the bills together, and they are critically needed for our houseless and homeless residents of Maui County. And it's indeed part of...that is indeed part of our community and our local government is meant to serve. And I am really embarrassed to say that it's critically needed, but it is true, I love my home, I love the people, but sometimes we are not very good at acknowledging when we are not trying our best. We're not good at stepping into change, and I think we get scared. I think we get scared to fail, so we do nothing or we celebrate the good we do even when it's not enough or the work isn't done, and it's become a habit. But it's a habit that is hurting us as a community. It's a habit that is keeping us stagnant when it comes to trying something different in tackling the houselessness here. Now, I have been to several of the committee meetings at a...at Amala that Share Your Mana had set up with the residents. I was at the Amala cleanup as a legal observer and advocate, and I was at the Luakini cleanup as a legal observer, and three minutes is not enough to tell you everything that I witnessed. But what I did see and experience made me realize that the transition into permanent housing isn't set up for our chronically houseless or our refusers of services to be successful. There does need to be an in between or a different path altogether out of homelessness and houselessness, because it does hurt more than just our residents, that's something I noticed as well. And there is a ripple effect of trauma that occurs at those cleanups beyond just the residents. So it does hurt our community, it does need to be addressed. To get our residents what they need, we do have to do a mindset switch away from the gaslighting of houseless and the punitive tactics that are used to force them into permanent housing because again, it hurts more than just the residents. This bill is a step away from what we've been doing, and a step towards where we need to go, and I am in full support of it. Now, when it comes to AH-14(2), I'm also in full support of this bill, especially when it comes to ensuring the right to access the adequate housing, and it's the access in particular that I think we need to work on. Because the reality is access to adequate housing is just not there, it's not accessible. There are so many barriers in place when it comes to the access, and many of them really are social and psychological barriers that have been created and perpetuated in our community. And I want to say this again, that they are social and psychological barriers. And I think part of our problem is that our...is our refusal to accept that anything that is not physical or a tangible barrier is not a barrier, but it most certainly is. Now, we all have a hand in how our lives play out and the decisions we make, but so does our environment and life experiences and access to resources and sleep, and if we are getting enough socialization to even feel worthy. And all of these things play a role in how we move through life, and sometimes when we simplify that reality and boil it down to refusal of services, we actually create a barrier to those services. We cannot keep putting the onus solely on the individual when clearly we are playing a part in keeping them exactly where they are at. Now, we have to change. We are not stupid people, and we are not heartless people. And we may not think we are not brave enough to make good choices, but we most certainly are. And we are so much more capable than what we give ourselves credit for. So again, thank you, Councilmember Johnson, for bringing this forward. And Council, please keep it going. I agree with Elle that we need to keep it going. We need it. Mahalo for your time and consideration.

CHAIR JOHNSON: Thank you for your testimony, Keisa Liu. Before we ask for questions from the Members, I'd like to recognize two...two of our Members. We have Councilmember

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

Yuki Lei Sugimura who just came on the call. I did find the greeting of the day, it's...it's salve. Salve...

COUNCILMEMBER SUGIMURA: Salve, salve. Salve, everybody. Thank you.

CHAIR JOHNSON: Okay. And then we also have, from Moloka'i, Councilmember Keani Rawlins-Fernandez joining the call. Salve to you, Councilmember.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā, Chair. My apologizes for my tardiness. Salve kākou. And I am here at the Moloka'i District Office by myself on this side. Mahalo.

CHAIR JOHNSON: Okay. So Members, do we have any questions for our testifier? Okay. Seeing none. Thank you for your testimony, Ms. Liu, really appreciate it. Okay. Ms. Stewart, will you call our next testifier please?

MS. STEWART: The next testifier is Rachel Walls, to be followed by Stan Franco.

MS. WALLS: Aloha. I first want to express my gratitude for this forum and for everyone participating today. I'm Rachel Walls. I'm testifying on both AH-14(1) and (2), and I am in full support of both. I served as a legal observer during the Amala Place cleanups, and later as a volunteer in that same space being of service to my neighbors. What I witnessed during the week-long cleanup solidified in my heart the recognition that housing should be a fundamental right. The United Nations recognizes it as such. And were it not for the solely capitalistic aims that drive our housing market, maybe we would too. What I witnessed that week was human beings being displaced by other human beings. Trauma all around. I saw lives, possessions, families, community mental health statuses completely upended. I heard the narratives that they were given 30 days and that they're just lazy and drug addicted, but where does one who's already unsheltered go? What about the elder who's a double amputee and recent stroke victim? What about the mothers who can't afford childcare, let alone a permanent roof over their heads, with the cost of housing what it is and no measures to stop the bleeding? I find it odd, almost discriminatory, that those unsheltered were given 30 days to move, but the housed had a Federal moratorium of more than a year, and now have the option of meditation. Can we not see that irony in that? And our elected officials continue throwing short-term money at a long-term problem with no permanent solution on the horizon. Bandages over gaping wounds. Unwilling to give the unsheltered a seat at the table to hear or even consider the most important voice to speak on the topic. Instead we convene committees and organizations who have never faced being unsheltered, most who have never faced dealing with smug administrators holding the key to receipt of public benefits, most who have never been told that they have to move what few possessions they have to a place that they don't, most who would struggle immensely within the systems they attempt to force others to live within under the guise of charity. If we were to listen to the voices most affected, we would hear managed encampments over shelters. If we paid attention to the people most affected, we would see community, sharing, giving, supporting, resilience with what little resources they have. If we stop for a second and really sat with the narratives presented, would we continue to penalize

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

those considered at the bottom while glorifying the resource hoarders occupying what we consider the top? Or would we open our eyes to all the ways we are failing each other as a society and work to dismantle the systems that place any of us at opposite spectrums? I hope for the latter. Managed encampments will cost taxpayers much less than the million of dollars being pushed around shuffling the unsheltered for political clout. A managed encampment is what the unsheltered want, and would be a first step ensuring that our unsheltered are given a firm foundation on which to rebuild rather than continuous traumatic threat of criminal penalty for having the audacity to simply live. Thank you for your time.

CHAIR JOHNSON: Thank you, Ms. Walls, for your testimony. Members, do we have any questions for our testifier? We do have one from Councilmember Sugimura. Go ahead.

COUNCILMEMBER SUGIMURA: Thank you for being here. I was just wondering, you mentioned in the...your testimony that you were a legal observer, so --

MS. WALLS: Yes.

COUNCILMEMBER SUGIMURA: -- what does that mean, and who were you...I'm not sure, if you could explain and say who...what organization.

MS. WALLS: Well, legal observers just are trained like organizers who enter spaces where there's interaction between the public and police officers, and we just record events in the event that that information is necessary.

COUNCILMEMBER SUGIMURA: Interesting. And so were you representing another organization? Did I miss that?

MS. WALLS: I didn't represent an actual organization, but I was trained through the National Lawyer's Guild.

COUNCILMEMBER SUGIMURA: I see, you're an attorney by profession and you're looking at it from that perspective versus the police then?

MS. WALLS: You don't have to be an attorney to become a legal observer. I am an attorney, not licensed here yet, but you don't have to be an attorney to be a legal observer.

COUNCILMEMBER SUGIMURA: Thank you. Thank you.

CHAIR JOHNSON: Okay. Thank you, Councilmember Sugimura. Members, any other questions for our testifier? Seeing none. Thank you, Ms. Walls. Appreciate your testimony.

MS. WALLS: Thank you. No worries.

CHAIR JOHNSON: Ms. Stewart, will you...oh, I'm sorry, we do have one. Councilmember Paltin?

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Walls, for your testimony. I just was wondering if...if you ever did get the answer from the other night, what you mentioned in the...in your testimony about how much is being spent.

MS. WALLS: No, I haven't. That's something I definitely should follow up on. It's probably on...it's on me for not following up on like total cost, but I am in the process of getting documentation together to file the Hawaiian equivalent of a FOIA to find out that information of how much of these sweeps are costing.

COUNCILMEMBER PALTIN: Okay. Thank you. Let us know.

MS. WALLS: Definitely.

CHAIR JOHNSON: Okay. Thank you, Councilmember Paltin. Members, any other questions for our testifier? Seeing none. Thank you for your testimony, Ms. Walls. Ms. Stewart, will you please call the next testifier?

MS. STEWART: The next testifier is Stan Franco, to be followed by Paul Deslauriers.

MR. FRANCO: Good afternoon, Chair Gabe and Members of the Affordable Housing Committee. My name is Stan Franco, and I speak for myself today. I support AH-14(1) and (2), the concept of housing and shelter as a human right. I believe that it is true because in my studies as a young man to be a Catholic priest, and as an older man to be a deacon in the Catholic church, I had been moved by my Catholic church's teaching on social justice. For the past hundred years, all popes have stated that each human person needs to be assured the basic necessities of living, including housing. Jesus himself in the Gospel of Matthew said that we will be judged by how we provide for the life necessities of our least fortunate brothers and sisters. Over the past 35 years, I've been front and center in creating the first homeless shelter, the first daily feeding program, the first food bank, and four different coalitions of people to address the unavailability of homes for our local residents in Maui County. I have worked tirelessly for the last four years to have a housing plan created for Maui County, and I congratulate you for listening, funding, and creating that plan. But I'm asking you to take another step forward. Make housing a human right, the key concept of the Comprehensive Affordable Housing Plan for Maui County. It is clear to me, and it should be to every one else, in the plan developed by Hawai'ian Community Assets, the people with the lowest income in Maui County have the largest need for housing. It is plain written in the plan. I beg you, I beg you not to forget them and make housing a human right. Thank you for listening.

CHAIR JOHNSON: Thank you...thank you, Stan. Members, do we have any questions for Mr. Franco? Seeing none. Thank you for your testimony once again. Ms. Stewart, will you please call the next testifier?

MS. STEWART: The next testifier is Paul Deslauriers, to be followed by Lisa Darcy.

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

MR. DESLAURIERS: Aloha, Chair Johnson and Councilmembers. My name is Paul Deslauriers and I'm here to testify on 14(1) and (2). I'm not a lobbyist, but I am speaking from my experience of six years overseeing the first day center for the homeless and unemployed in Berkshire County in western Massachusetts where we had over 60 people a day come through our door. We also started the transitional housing for people coming out of detox because they were left homeless basically once they go out of detox. And what we consistently seeing is that when people have a foundation, a place where they can gather and they are not being pushed away, it really has a huge impact on their self-esteem, on their ability and stability to move forward in life, and this is essential. And I'm a bit shocked that we don't have that here in Maui County, especially as Elle mentioned that we have the resources, we have the finances to do this. We have the land for managed encampments. And...and what I've seen is that...you know, what I was facing in Berkshire County was that this was the attitude; if we support them they'll stay around, they'll stick around. My God, here we are, this is our ohana, and can you imagine if you had one of your members of your family who was ill or had drug addiction or problems and were on your doorsteps and you just kept on calling the police to sweep them away? Is that ohana? And in some ways I hope this message gets to the Administration so that they can take action. And I hope that what you're doing here now and the collective voice can make a difference. We need to.

CHAIR JOHNSON: Thank you, Paul, for your testimony. Members, do we have any questions for Paul? We do have one from Councilmember Kelly King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Paul. Just wanted to clarify something that you said in your testimony about your previous experience of having 60 people a day come through your doors. What services did you offer them?

MR. DESLAURIERS: Sure. We offered showers, bathroom facilities obviously, and then we had also refreshments. We had people donating from the different stores, so we always had food that was always available, and coffee. We had computer services. And then we had social services. And the important thing is that when you have a...a group coming together like this in one location, it makes it so easier...much easier for social services. And...and what they found...

COUNCILMEMBER KING: I just...I just wanted to know if you had housing for them, because were you...it sounded like there were people coming into your space, but not necessarily staying?

MR. DESLAURIERS: Yeah, we had...we had a cot shelter that we started. We were expecting initially about 20 people to utilize it, we had 132 people use the cot shelter. It's a winter cot shelter that we'd had. And again, we were faced with a lot of different issues, but there are counties who have very...very good responses and solutions. We also had...I also managed the continuum of care that we had for Berkshire County. And we've seen that people, when they transition, when they have that foundation to start from, they can really move forward in society in a wonderful way. It doesn't work for everyone, but for...certainly, I think that it should be part of our kuleana to do this.

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

COUNCILMEMBER KING: Okay. So there...it was like an overnight of a kind of thing and they come back the next day if they needed a cot?

MR. DESLAURIERS: That's correct, that's correct. And...and...yes. But...but again, I think managed encampments would be an ideal solution here to begin with on a foundational level. So thank you, Councilman Johnson, for putting this forward like this.

COUNCILMEMBER KING: Okay. Thank you, Paul.

MR. DESLAURIERS: Okay.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR JOHNSON: Okay. Members, any other questions for Paul? Seeing none. Thank you for your testimony, Paul. Ms. Stewart, will you please call the next testifiers? And can you give us the count on how many we have?

MS. STEWART: There are eight people on the list. The next is Lisa Darcy, to be followed by Jason Economou.

MS. DARCY: Good evening, Councilmember Johnson and Councilmembers. It's actually good afternoon I guess where you're at. My name is Lisa Darcy, and I am the founder of Share Your Mana. You may also know me previously as the executive director at Ho'omoana and having worked in Mental Health Kokua and the State to run the clubhouse for individuals who have mental illness with Aloha House as well. I'm...I'm currently the Upcountry commissioner on the Commission for Healing Solutions for Homelessness, and it is...it is an exciting opportunity to testify on this...this information tonight. I'm going to apologize for kind of being all over the map. I'm mentally exhausted in a lot of ways, and I think you all understand that, so bear with me. Seeing AH-14(1) and (2) really is a much larger concept than I think anybody on this...in this group right now even really understand. As someone who has been tirelessly working on this for decades, the concept of right to housing versus right to shelter can seem as if it's pretty much overlapped, but in fact, as I start to really distill this and work on this, it...it reminds me of how important the right to housing is for every human being, and if you didn't get a good night sleep the night before, you know how it is hard to concentrate. If you live in circumstances where you aren't able to use a bathroom or you aren't able to...or you're continuously worried about your job, it affects you. And so the right to housing is a really important concept. And it could be somebody maybe who went through a divorce and they needed a place to go. It isn't...they don't necessarily need enormous amounts of support, but they're going to need to get on their feet. And everybody needs that security to know you're going to have a way to get back on your feet. I think that's really important. And then when you look at the right to shelter, the right to shelter is a much larger conversation around all of the complexities that happen when people's lives disintegrate. People fall into being unhoused, unsheltered and homeless. It's not usually a quick...it's not a quick fall, it's a disintegration of things in your life generally. And so those kinds of situations really need a lot more attention. I'm going to go right back to believing that the Housing and Human Concerns needs to

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

bifurcate, and housing and the concept of all of our...just taking care of all of the monies is one thing, but then the human needs is an entirely separate and it's...it's often a very emotional conversation. And I think they need to be...to be separated. I come here every...every time I can to speak with everyone in hopes that I'll have a really good report. And I'm usually very critical. So I am...you know, I'm hoping that you all stick with me in all of this, because I look forward to coming and saying we've got something that works, it's working. And...and that hasn't really happened. I'm having a lot of press from all over contact me. I want to be able to say we're doing something great, look what's working. I'm not going to get into the pages and pages of details, of course, that I always put together for this because I have six minutes. But data shows that housing is our number one feature in our lives that gives us safety and hope and community. And...and...and if you want housing or community or shelter, but having all of those basic human needs. If we have to actually make legislation that says yes, we're entitled to this as a human being, then let's do it. Let's just do it. If we can't get our heads around that as a human being and we actually have to make laws, let's please do it, because we know this is how people heal, this is how people create community, this is how people go back to work and earn a place in their life. And so when they sit down at a holiday, they can say...they can complain about their boss instead of being shamed and not wanting to go or not wanting to participate. Those are the conversations that I really want to have. I really want to talk about different types of programs and...and...and creative solutions. And I just want to say I'm so appreciative of Councilmember Johnson's team and everybody who is supporting this because this is the kind of stuff that we have to get into these weeds and we have to separate these, and we have to bring a lot of our emotion. It's a very emotional...because we all have judgment and we place it, and we place it and we don't even realize it. So we have to have those conversations and we have to realize the right to shelter is actually, I think, different than a right to housing, but both are really fundamental in a healthy community. . . .(timer sounds). . . I didn't say one thing that I wrote down, so thank you.

CHAIR JOHNSON: Okay. Of course we all know Ms. Darcy from all of her hard work on this issue. So Members, without objection, I'll designate Lisa Darcy as a resource person under Rule 18(A) for the Comprehensive Affordable Housing Plan: Right to Shelter, AH-14(1).

VICE-CHAIR MOLINA: No objections.

CHAIR JOHNSON: No objections?

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR JOHNSON: Okay. All right. So Lisa, well, if you don't mind just holding off on the call, we'll come back to you when we get through some more. Mahalo. Okay. Ms. Stewart, will you please call the next testifier?

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

MS. STEWART: The next testifier is Jason Economou, to be followed by Maya Marquez.

MR. ECONOMOU: Good afternoon, Council Chair and Committee Members, or I should say Committee Chair and Committee Members. My name is Jason Economou and I am the government affairs director for the REALTORS® Association of Maui, and I am a registered lobbyist. And I'm also giving this testimony on behalf of RAM. Our vision statement is a home for everyone, so we can definitely get behind the concept of a right to housing. Housing, as Ms. Darcy just said, is an integral factor of health and success for all of us, and it really is a shame that so many of our residents must continue without that opportunity. Rights are complicated and amorphous things that are frequently abridged or amended based on the interpretations of the courts or those who happen to hold office at any given time. This is true of rights that we seemingly understand, like the right to free speech or the right to exercise one's religion. However, things get a lot more complicated when you're creating a new right out of whole cloth. Now, the current legislative proposal does not do enough to address these complicating factors, and it doesn't really explain how this right to housing would look in practice. So we can't support this specific legislation that was attached to this agenda at this time. Notwithstanding, as so many of the testifiers before me have said, you know, we do support the concept of a right to housing. And I urge caution as you begin this hopefully longer than one meeting process to define and outline what the right to housing actually would mean, how it would be exercised, and how it would be enforced. This process of defining and outlining new rights should not be done hastily. Hasty action leads to unintended consequences, and it is much harder to eliminate a poorly constructed law than it is to make a good law in the first place. So please refine your legislation and make it more clear and understandable. Answer a lot of the questions, like what does this look like? How would this be done? You know, as a legislative body, you do not pass concepts, you pass laws. So this law, as it's currently written, is...is a bit vague, and it leaves a lot of important questions unanswered. Like, you know, what is a public right of action, what do you mean when you say that? So please just keep on working on this. You know, we support housing, so...so we support the concept; but this legislation, we would just like to see a bit more detail. Thank you.

CHAIR JOHNSON: Thank you, Mr. Economou. Members, do we have any questions? We have some from Councilmember Paltin, followed by Councilmember Sinenci.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Economou. So just clarifying, you don't support or oppose this, you need more info?

MR. ECONOMOU: Yeah, that's...that's pretty much why I'm here. I'm here asking for more information. You know, what would this look like in practice, how would this right be granted and enforced...you know, when...when is the right triggered? When you show up off the airplane do you suddenly get the right to housing and right to shelter? Or is it only for residents, is it only for lineal descendants? Who is this for? You know, I know that this was largely in response to what happened at Amala Place...

COUNCILMEMBER PALTIN: You answered that question. I just had one follow-up question.

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

MR. ECONOMOU: Sorry.

COUNCILMEMBER PALTIN: Oh, no problem. Sorry to interrupt. I guess my follow-up question would be, would you support something like Massachusetts or New York has in legislation?

MR. ECONOMOU: You know I'm...I haven't looked at them before coming on this meeting, so I don't want to like just say I support something without actually looking at it first. So...so maybe.

COUNCILMEMBER PALTIN: Okay. That's the only other two states that I found that has something like this, that's why. So I mean, they already have the law. And so just was wondering if other folks have done it, if you would support something along those lines. But don't want to let you say something you don't mean. So thank you.

MR. ECONOMOU: Thank you.

CHAIR JOHNSON: Thank you, Councilmember Paltin. Now we have Councilmember Shane Sinenci followed by...I thought I saw...yeah, okay, Councilmember Molina's after him. Okay.

COUNCILMEMBER SINENCI: Mahalo, Chair. And aloha, Mr. Economou, for your testimony this afternoon. I was just curious, how does the...the REALTORS® Association, do you see yourselves as realtors being part of this process?

MR. ECONOMOU: You know, I would hope so. You know, part of it depends really on what you mean by the...the right to housing. As you know, realtors are really limited with...as far as like we can't discriminate against, you know, purchasers based on where they're from geographically. So...so you know, if it deals with...with housing transactions, it's not like we, you know, can give a preference to somebody just because they're from Maui because that would violate fair housing laws. So it would really have to...to do with what the role of a licensed realtor would be in this, and...and how fair housing might be implicated. And that's...that's where we want more detail.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR JOHNSON: Okay. Thank you, Councilmember Shane Sinenci. Let's move on to Councilmember Molina.

VICE-CHAIR MOLINA: Thank you, Mr. Chairman. And good afternoon, Mr. Economou, good to see you again. Just keeping on with the...your concerns about maybe the bill, the current bill may be too ambiguous, maybe potentially leaving a lot of holes. Do you see legal concerns with this from your point of view? I know you're an attorney as well. Just from where you're at, anything that could, I guess, impact the County if we pass this as is for closing up any potential loopholes or providing specifics?

MR. ECONOMOU: You know, the devil's in the details. You know, with...with this current

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

legislation, I don't know what a public right of action means. So...so therein lies the first thing. You know, my basic understanding of a public right of action, it would suggest that...that like Councilmember Johnson, on behalf of the Affordable Housing Committee, could sue the Mayor for not doing enough to provide the right to housing. And...and I think that would be just a whole bunch of issues that I...I think the County would want to avoid. So...so like defining what that would mean, that's...that's one...I mean yeah, there could be, especially if the right to housing infringes on anybody else's private property rights. Like that's...that's where you really get into...to some tricky territory. So that's why I urge caution moving forward. You know, conceptually --

VICE-CHAIR MOLINA: Okay.

MR. ECONOMOU: -- I love the concept, but...but we just need a lot of details.

VICE-CHAIR MOLINA: Okay. Thank you very much. Thank you, Chair.

MR. ECONOMOU: Thank you.

CHAIR JOHNSON: Okay. Any other questions for Mr. Economou? You just mentioned, Mr. Economou...I have a question. You mentioned that...you talked about private property. Do...do you...does RAM have an opinion on private property of homeless folks?

MR. ECONOMOU: I mean, when I...when I speak of private property rights, I'm talking about real property specifically. And...and yeah, I think RAM thinks that everybody's rights should be protected, I mean regardless of...of what those...you know, what it impacts. I mean, the...the dignity of all people should be respected. So...so that's...that's where we stand. Yeah, rights shouldn't be violated, even if it's --

CHAIR JOHNSON: Yeah.

MR. ECONOMOU: -- you know (*audio interference*)

CHAIR JOHNSON: Amen to that. Okay. I appreciate that, Mr. Economou. Members, any other questions for our testifier? Okay. Seeing none. Thank you for coming out.

MR. ECONOMOU: Thank you.

CHAIR JOHNSON: Ms. Stewart, will you call the next testifier please?

MS. STEWART: The next testifier is Maya Marquez, to be followed by Faith Chase.

MS. MARQUEZ: Aloha, Councilmembers. Thank you for allowing me to testify. I am in support of AH-14(1) and (2). I believe houselessness mirrors everything that is broken in our society. It reflects our biases, our meanness, our lack of compassion, and our views of each other as fellow human beings. When we speak of houselessness, our words, along with our programs, funding streams, and academic research often focus appropriately on housing, healthcare, and services; all are essential for ending houselessness. Yes,

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

house...yet houselessness is about more than this, it is also about poverty, oppression, ostracism, inequality, and racial injustice. When we massively reduce affordable housing, houselessness results. When racial discrimination stubbornly persists in housing and employment, houselessness results. When black men and boys continue to be incarcerated in massive numbers, houselessness results. When kānaka are disproportionately incarcerated, then released with no plan, houselessness results. Because the detrimental effects of sweeps on houseless persons are out of proportion with their alleged governmental purpose and the interference with houseless persons' privacy in their makeshift housing creates disparate and disproportioned harm compared to regularly housed persons, these acts violate the privacy rights of houseless people. Sweeps, a concept of equating unhoused human beings' bodies and their lifelong possessions with trash to be swept, seized, discarded by the same State agencies that pick up the trash off the road. Follow it up with a gun-toting agency such as the police to enforce the dehumanizing of unhoused and unroofed humans. The notions of sweeps and equating humans with trash is nothing new under the settler colonizer sun. The original stealing fathers, my affectionate name for founding fathers, imported anti-poor people laws when they first stole these indigenous territories. Laws like the ugly laws that made it illegal to be unsightly, aka disabled or houseless in public, incarcerated poor people for being poor. All under the guise of helping us or taking care of poor people, which ties in perfectly to the savior industrial complex and the cult of rehabilitation. And while all this poor people hate unfolds, popular culture is fed a terrifying collective understanding that equates the lack of humans in a landscape with cleanliness. The Starbuck-ization of the world I call it. That somehow people didn't have the money to pay their rent, they are not worthy of being seen as human. Not to mention the entire basis of a capitalistic culture itself that relies on everything being a commodity, from mama earth to our care workers, and that there must be poor people for rich people to even exist. Sweeping humans wasn't met with proper shock, disgust, or even empathy. It is just accepted as the new normal. What I and these fellow testifiers witnessed during the recent sweep of Amala Place was that we have to do better as a community. I am ready for these changes and some real solutions, and I am in support of these bills. Mahalo for your time.

CHAIR JOHNSON: Thank you, Ms. Marquez. Members, do we have any questions for our testifier? Seeing none. Thank you once again. Ms. Stewart, will you call the next testifier please?

MS. STEWART: The next testifier is Faith Chase, to be followed by Jordan Hocker.

MS. CHASE: Aloha, Chair Johnson. Aloha, Committee Members. I just...of course I'm in support of both of these. Thank you for...this is a...this is a pretty exciting day. Thank you. I just want to echo what Elle Cochran was saying about animals. I think that is really an important missing piece. Perhaps the Humane Society might...or other animal groups might be able to bridge with the efforts of serving the houseless, homeless, those living in their cars, those struggling with safe sleeping spaces. I just wanted to quickly mention in a proactive measure that the temporary investigative group from the commission is sustainable housing, and there are some breakouts that I hope will be thought provoking, and maybe people here listening and even my fellow

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

Councilmembers might provide input. And one of them is urgency of recommendations. One of them is regional considerations. One of them is green initiatives. Another is means to collect ideas. The fifth one is identifying challenges. The sixth one is moving recommendations to RFP stage, request for proposals. Sometimes I think there's some muddy area from a good idea to the RFP stage. And the last one is just internal on TIG reporting so that our TIG group knows who to report information to. And I also wanted to say that I created a Facebook page while we were all talking, I was listening to these amazing testimonies, thank you to everyone before me, called Sustainable Housing Ideas Maui, and I'll...I'll try to push it out and I'll send out a press release to my Councilmembers. But you know, because it's hard to get together, maybe this can be an intermediate portal. And I appreciate all the discussion today and all the testifiers. Thank you.

CHAIR JOHNSON: Thank you, Faith, for your testimony. Members, do we have any questions for Ms. Chase? Seeing none. Thank you once again. Ms. Stewart...

MS. CHASE: *(audio interference)*

CHAIR JOHNSON: A hui hou. Ms. Stewart, will you call the next testifier please?

MS. STEWART: The next testifier is Jordan Hocker, to be followed by Leslee Matthews.

MS. HOCKER: Okay. Hello, everyone. Thank you so much. Can you hear me okay? My data is a little spotty over here.

CHAIR JOHNSON: Yes.

MS. HOCKER: Okay. Great. All right. So I'm going to testify on both agenda items, so just bear with me. I'm going to start with the bill that establishes housing as a fundamental right. Would like to thank Councilmember Johnson and his Staff for putting this together, it's aptly timed. So for the fundamental right to housing, I appreciate that this bill makes the distinction from housing being a basic human need *(audio interference)* within Maui County, but I am concerned about the lack of language in this bill that I feel is necessary, which is to establish an explicitly stated right to housing regardless of health or disability status. It's often overlooked with our housing plans because I feel like it's easier to accommodate people who are able to work, and it is also an overlooked element of our housing and houselessness situation that our unsheltered residents are often suffering the effects of childhood trauma and/or trauma simply from being unsheltered. Just going to give you folks a *(audio interference)* breakdown like 101 on trauma. When an adult or a child experiences trauma without proper support or coping mechanisms, that individual is more likely to develop physical or mental illnesses and disabilities, they're more likely to suffer from substance abuse, and have strained relationships. Current housing resources for our most vulnerable lack this consideration, both from agencies tasked with helping, but also from an administrative standpoint. And even if we write trauma informed policy, we still need trauma informed people to carry it out, which from my experience as a legal observer at Amala Place is not embodied. I really want to talk about the trauma of being swept. We need to

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

recognize that handling our most needy individuals this way is traumatizing them further, and that in those decisions, the Administration becomes responsible for further directly harming its citizens. When police show up to remove individuals from one location under threat of citation or arrest, that's traumatic. And it gets worse when you see with your own eyes officers follow them to the next location that they find. It's basically being stalked by an administration and the police who have the full authority to arrest you. There's no ordinance against homelessness, and yet we're criminalizing them. That's trauma. What is traumatizing is having the Mayor promise no arrests on a Friday, and then to be woken up by the police on a Monday who are stating otherwise, which is exactly what happened at Amala Place. Promises were broken, that's traumatic. It's further traumatic to see press releases that come from the Administration saying they offered everyone housing when that same body knows that we don't have the appropriate shelter or accommodation for all of our unsheltered residents, let alone the folk...everybody down at Amala. It's traumatizing further because it's manipulative and needless defamation of their character. While failing to mention that in order to get little housing or shelter that's offered, you must divulge deeply personal information to strangers who don't care or aren't aware as to why that would be triggering to you. We need trauma-informed policy, and we need the Administration to stop gaslighting our homeless on their right of housing regardless of how sick they are. So thank you. I'm going to move on to the right of shelter. There's some language in this bill that's very spot on, and I feel like it challenges many of the viewpoints of the narrative I've seen reflected in current County officials and County-funded outreach entities. You're going to have to forgive me because I'm going to focus on what's missing again. The intention of this bill is to confirm the equal worthy...the equal worth and dignity of every individual, and at face value you might wonder why is this necessary. The short answer is that I believe there are many people in positions who do genuinely not feel like that's the truth in their heart. You are equally worthy of respect and dignity as someone who is living on the streets. And if you don't believe that, that you're in a position of helping our unsheltered residents, then I'm going to suggest to come to Jesus or that you find a new line of work. You cannot help people you do not fundamentally respect, nor is it realistic to expect people who have a heightened sense of awareness due to trauma to trust you when they know you feel that way. It's obvious from the actions, and don't think that people can't smell it coming. I'd like to focus on the purposes of the bill, specifically for the wording of safe and supportive. I feel like the current handling of our unsheltered residents is one that dictates what support is regardless of whether or not it's actually supportive. Be separated from your emotional support animals in order to get a bed. And if you have PTSD, which many do, it's not supportive to be bunked in a room with a mess full of other people, nor is it always safe. My way or the highway isn't safe or supportive. People die on the streets. Please, yes, have boundaries and rules, but if they aren't trauma-informed rules and regulations then again, they're not supportive. This current Administration in action seems resentful of actual support. As I saw down at Amala, there were many who did not see these folks as actual human beings and spoke with massive contempt in their voice about them. I appreciate that this bill requires the Director of Housing and Human Concerns to uphold this. I want to let the Administration know that some of the public is deeply invested in watching what changes happen and what continues to occur. For many of us there are several

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

generations watching. And I'll leave you with this; when I left my home to go be a legal observer down at Amala Place, my daughter wasn't worried about what the residents there would be doing, she was more worried about what the police might do to people who are trying to help them. Thank you for your time today. That concludes my testimony.

CHAIR JOHNSON: Okay. We...thank you, Ms. Hocker. We have a question for you from Councilmember Sinenci.

COUNCILMEMBER SINENCI: *(audio interference)* Chair. And aloha, Ms. Hocker, for your testimony. It looks like in one of the bills, the right to housing, there are administrative rules. It dictates the Director of Housing and Human Concerns to adopt administrative rules to implement this chapter's provisions. Are you supportive of the Department creating these administrative rules or...I guess, I don't know if we...we're able to come up with...

MS. HOCKER: Yeah, I am supportive of...of the Department adopting administrative rules, but more specifically that they come from a place of trauma-informed care. What I saw down at Amala was a lot of individuals who didn't recognize that maybe someone having a breakdown or maybe someone going into a fit of anger was actually a trauma response. I feel like it's easy to look at people who are messy on the outside and judge them. I think it's easy to do that when you have a lot. And so I would hope that in the adoption of the rules, there's a perspective shift coming within the Department as well that is asserted by these specific rights.

COUNCILMEMBER SINENCI: Thank you, Ms. Hocker.

MS. HOCKER: Thank you.

CHAIR JOHNSON: Okay. Members, any other questions for Ms. Hocker? Seeing none. Thank you for your testimony. Okay. Ms. Stewart, will you call the next testifier please?

MS. STEWART: The next testifier is Leslee Matthews, to be followed by Noelani Ahia.

MS. MATTHEWS: Good afternoon, everyone. Can you hear me and see me okay?

CHAIR JOHNSON: Loud and clear, Leslee.

MS. MATTHEWS: Okay. Thank you. My name is Leslee Matthews. I am calling in from Saint Theresa's Church where Maui Rescue Mission, Project Vision do outreach every Monday. I've taken a moment to step into my car. I am a licensed master social worker and an attorney, and I've been coming out to do outreach here every week with folks that are desperately in need of a better response, not only from our government, but from our people. I was also at Amala Place during what was one of the most traumatic things that I've seen. People's lives, their whole belongings, their cars...

CHAIR JOHNSON: Oh, Leslee, you're frozen. Ms. Matthews, can you hear me? That's

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

technology, yeah. Okay. Let's see. I guess we'll have to come back to her unless she unfreezes. Okay. You turned off your camera, it looks like. Can you speak, Leslee? Can we hear you? I'm not hearing nothing. So why don't we go to the next testifier, and then, Leslee, if you want to get on the phone, you can use it, or you can try again, but we'll go to the next testifier and see if you come back on the call. Okay. Ms. Stewart, will you call the next testifier?

MS. STEWART: The next testifier is Noelani Ahia.

MS. AHIA: Aloha. Can you hear me?

CHAIR JOHNSON: Loud and clear, Noelani.

MS. AHIA: Great. Aloha mai kākou. Mahalo, Councilmembers, for being here to take testimony. And mahalo to the community members who have come out to advocate today. I'm...I'm really proud of our community at this particular juncture, and...and the level of emotional intelligence and...and deep experience that's being displayed by the people in the community who really care and have compassion about this...this issue. So I'm...I'm testifying on both items. I am in support of both items. Fundamental right to housing and shelter, yes, these are fundamental, they are human rights. I would like...you know, I have compassion for everybody who is houseless and unsheltered. And...but I want to specifically speak to the issue of Kānaka Maoli in Hawai'i who are houseless and landless in our own land. These are stolen lands, and this is settler colonialism playing out in real time. You can draw a direct line between the erasure of our people going back to the overthrow all the way to Amala Place, and you can see the way cultural genocide is playing out in real time. Settler colonialism is predicated on the erasure of our people. Whether it's through dispossession or through forced assimilation, it is erasure of who we are as a people. You know, I...I come here a lot and speak to you folks about iwi kupuna because it's something that's very, very important to me because I see it as something that has been perpetrated on our people as a way of erasure, as...as the most brutal form of disrespect when our burials are bulldozed. But I feel the same way about our houseless kānaka that are being bulldozed. They're being bulldozed just like our iwi kupuna. And these are really two sides of the same coin. This is systemic racism, this is historic injustice, this is settler colonialism, and we simply cannot stand to have it anymore. We have too many...too many bright minds on this Council now to allow that to continue, and I...and I believe in the power of our community and the power of this Council to make affirmative changes that affirm the humanity, especially for our kānaka people, but for all human beings. When we look at Amala Place and we look at the way that that was handled...I went into that actually as the...as the...as a liaison to the Mayor because I had brought him down there early, I wanted him to see the humanity of the people that were there and recognize that these are our neighbors. These...these are our...our aunties and uncles and cousins and sisters and brothers and sisters. And I had to step out of that role of connecting with him because I couldn't support the plan that he had going forward for these folks. And...and I was very clear and direct with him that sweeping people is not okay. Sweeps are not humanitarian, they are violence, they are violence against our people. And when we looked at the timeline of how that went down and the fact that there...there were not

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

opportunities for folks to go other places, we can see that this is really a condition that was created by the County itself because folks prior to the pandemic have been at Kanahā Beach Park, and they were functioning relatively well. It wasn't until the parks were closed that they ended up on the street. And for a certain period of time they had water and trash, and it was very clean and sanitary down there. It wasn't until the County opened the road and removed the water and the trash services that other people started coming in and dumping. And these folks who were trying to just survive down there were blamed and gaslit for all of the "rubbish" and they were treated as if they were rubbish. When they actually moved people out...the numbers keep changing, every report that I read and every article I read has a different number, but I believe...I believe Maude from Family Life Services said it was about 20-some people who got sheltered out of maybe 60 to 80 people who had been down there. And the people who got sheltered, I spoke with some of them after, we've been keeping up with some of them. One auntie had her dogs and she couldn't take them to the shelter, so someone else took them temporarily but couldn't keep them, brought them back to her at the shelter, and she had no place to go, so she slept on the bus stop for a few nights. We have other folks who went into the shelter and they had a fairly decent accommodation and they were woken up at night, at 10:00 at night, told they had to move to another unit. So again, they were displaced from their shelter unit, put in another unit that was filthy that they couldn't sleep in, so they went outside and they slept outside. This is what happens to our folks when we put them in shelters. Shelters can be useful in...in some instances, and they can be a temporary stepping stone, but they're certainly not a long-term solution. We need to do things like managed camps. We need a pu'uhonua in every single moku. We need to create kauhale style living. We need to look to our past, we need to look to our kānaka ancestors who lived on this 'āina for thousands of years successfully with everybody fed, everybody having community, everybody having kuleana, everybody having a place and knowing their place. And that is what's so sorely lacking in our community now. This...this lack of place, this sense of...sense of disconnect, particularly from our culture and from our ancestors, directly leads to things like drug addiction and...and sometimes incarceration. We're talking about a whole system of racial disparity in Hawai'i that...that creates the conditions that lead people to houselessness. So what we need to do is not put Band-Aids, we need to go back, look to the past to what worked for our kupuna, and reimplement those things, and build communities. Addiction, that's...here's a whole nother thing, and . . .(timer sounds). . . Okay. We need to destigmatize addiction, I'm just going to leave it at that. Thank you.

CHAIR JOHNSON: Okay. Thank you, Ms. Ahia. You know, you had such a wonderful testimony, and I know you're very knowledgeable. I wanted to make you a resource. So Members, without objection, I would like to designate Noelani Ahia as a resource person under Rule 18(A) given her expertise in the previous discussion.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR JOHNSON: Okay. Is that all right with you, Ms. Ahia?

AFFORDABLE HOUSING COMMITTEE
Council of the County of Maui

October 18, 2021

MS. AHIA: Absolutely, I'd be honored.

CHAIR JOHNSON: All right. All right. Wonderful. Okay. Now, we had some technical difficulties with Ms. Matthews. And Councilmember Keani Rawlins-Fernandez, did you reach out to her and get her on the line?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, I have her on the line. Are you ready, Ms. Matthews?

MS. MATTHEWS: Yes. Thank you very much. Can you all hear me?

CHAIR JOHNSON: Loud and clear.

MS. MATTHEWS: Okay. Great. Thank you so much. And thank you for bearing with me. I'm out at outreach with Maui Rescue Mission and Project Vision Hawai'i at Saint Theresa's Church, so I didn't have good cell service. But my name is Leslee Matthews, I'm a licensed master social worker and an attorney. And I want to thank Councilmember Johnson for putting these two very important items on the agenda, the right to shelter and housing. I speak as someone that has been working with vulnerable populations for well over a decade. And I have been doing outreach with Maui Rescue Mission and Project Vision Hawai'i, which serve our community of houseless folks and come out here. I was also present at Amala Place and watched with my own eyes what took place in one of the most traumatic things that I have seen happen here in Maui County where people's whole homes were ushered away in major machinery of their belongings, the things that they hold dear to them. I had an opportunity to meet with folks before that, and they were talking about needing access to water, being able to take their trash places. They would raise the money to take their trash to the...to the...to the dump and to the disposal areas where you're supposed to bring those things. When they found out that folks were from Amala Place, they turned them away and said that it was hazardous material. This is not the way that we treat people. As...as law enforcement officers were there, I heard them engaging in discussions that were disparaging of the people that they are sworn to serve and protect, saying how could people live like this, this is so dirty, maybe if they stopped doing drugs, making all kinds of assumptions on our taxpayer dollars about these folks. And how we care for the least of those is how we care for and love ourselves. And what I did not see was love that was there. What I saw were legal observers and advocates that gathered together to get the work done. I asked members of the Mayor's Administration what's the plan, we have people her with cars, we can help transport, I'm an attorney and a social worker, I can do intake and get folks to where they were needing to be. I was told that there's no plan. There's been this idea that there were social workers that were out there. To my knowledge, I was one of the only social workers that was there, and I was not with the County. So we have to be honest about the services that we're providing. We have to be honest that these are people, and we need to care for them better. I've been working with a woman that is in her 60s that's been houseless for over two years. I've reached out to the appropriate person that's supposed to...the appropriate organization that's supposed to do her homeless verification just so we can get her into shelter, and I

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

haven't been given a phone call back, neither has she. So I'm going to tell her after I get out of the car from taking my break at this outreach that you're going to have to come back another week, and hopefully then we can get you into shelter. We have to be serious about this right to shelter. In my conversations with folks that are houseless, they want you to know that it's not that they're refusing services, they're unable to receive the services as they're given. And I told...I talked to one of the officers that was there, and I said you may come to my home and offer me \$1,000, but if you come with law enforcement I'm going to be a little bit with trepidation. It's the same thing. What happened at Amala Place was deeply disturbing. How much money was spent to bring in all this heavy machinery? How much money was spent to have all of these County employees and officials there when we could have gotten folks into housing? We could have gotten folks the things that they need to survive. I've sat with people who've said that they've been displaced from their home, and they're told to go to Kanahā because when they go there, then maybe they can get into services. One of the women that I spoke with was...had cancer with a colostomy bag, and she was taken there by one of our service providers to wait for shelter. Shelter can't wait when you have cancer. Shelter can't wait when you're caring for your kids. Shelter just can't wait. We don't have adequate ways for folks to get into shelter. We don't have adequate ways to provide long-term permanent housing for people. We need to get real and be serious about caring for people's needs, and not in a way that disparages them. The conversations that were had at the Amala Place "cleanup" were disparaging. It didn't honor the dignity and worth of all people, which as a social worker, we're taught to honor the dignity and worth of all people. If we had more people that were trauma informed, that understood what people were going to, and as one of the other testifiers said, if maybe they'd respond in a way, it's not because they're angry at you, but it could be because they're acting out of trauma. So I support a bill that would look at the right to shelter and to take folks as they are. I also help do mediations for landlord-tenant issues. Just today I spoke with a woman who's owed \$45,000. So we're on a brink of a major disaster. There's more people that are...would be houseless but for the moratoriums and everything else. We need a comprehensive plan. I want to thank Maui Rescue Mission, Project Vision Hawai'i, the folks that are day in and day out setting up all over the island of Maui to meet people where they are. And I know that one of the other questions was who do we look to . . . *(timer sounds)* . . . I would hope that we look at the people that are doing the work. We have to do better by people. I'm not sure if it was shared already, but we lost someone, one of our houseless community members, who succumbed in front of Walmart. Housing and shelter literally are tied to the longevity of someone's life. So I appreciate you, Councilmember Johnson, for putting these items on the...on the agenda, and I hope that we move forward with more care and love for the least of these because how we care for them is how we care for ourselves.

CHAIR JOHNSON: Thank you, Ms. Matthews. We have a question for you from Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Matthews, for your testimony. I just wanted to clarify because you said you were a social worker and attorney, and you said you supported a bill. I just was wondering, as an attorney, do you support this bill? Some other attorney was saying it wasn't specific enough.

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

MS. MATTHEWS: I support...in looking at...I have to pull up my other device so I can look specifically at the bill. I support a bill...and the United...the UN has done...looked at this, they've done a fact sheet on the...the human right to adequate housing. I think that the bill that's proposed maybe could be a little bit more detailed and, you know, provide maybe more information, but I think it's a great start. I think that as we look at more specifically when we're looking at bill...the bill as the right to shelter, I like the things that it says, but to access a safe place to sleep and keep one's belongings, the ability to access shelter without having to sign up every day. A lot of the folks that are out here, they...they are victims of theft, so their belongings are...are stolen. They lose their vital documents, and that's one of the things that I'm doing is helping folks access their vital documents, because once they don't have those, they can't apply for SNAP or what was formerly known as food stamps. They can't apply for different health services. So I definitely am in support of this bill, and maybe even expanding it and making it a little bit more detailed, but I...I do support these two bills. And if they can be more expansive and detailed, I would also support that as well.

COUNCILMEMBER PALTIN: How about for kanakas in their homeland?

MS. MATTHEWS: That is one of the big things, and that is...what I think was one of the hardest things to wrap my mind around is that we had a lot of kānaka that were there at Amala Place. And from my discussions with people that know more than I do in that area, not only are they being shoved out, but they have direct ties to that area over off of Amala Place. And so not only have they been displaced in their own homeland, but they're being displaced from a particular place where they have ties to. And we're not honoring that people live in community. We're not honoring that people take care of each other, and that they built community there. And then we're further retraumatizing them in...in a place that's already traumatic. So I think that...I also teach...I...I...I started teaching for the University of Hawai'i, I teach social work in the law, and what we're talking about is that services need to be culturally responsive. It has to be...we have to remember whose land we're on, and how they have taken care of themselves for so many years. And that honestly, Councilmember Paltin, was one of the most heartbreaking things is that we had Kānaka Maoli that were displaced again, and it's further traumatizing what's already very traumatic. And it's done in a way that doesn't honor their dignity and worth, and it's done in a way that demonizes them for the situation that we can help get them out of, that we can provide the resources for folks. I...I don't know how much it costs and I wish somebody would look into it. How much did it cost, that supposed cleanup, and how many people could we have housed and provided services for rather than retraumatizing people.

COUNCILMEMBER PALTIN: Well, if it was the County's own equipment and County's own workers, that's not like a extra cost, right? It would just be...

MS. MATTHEWS: Well, they...they did have like tow services and other services that weren't specifically owned and operated by the County, but I could see how the County could possibly save money to...to do some of that if they did it themselves. But some of the operators that were out there were not County employees.

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

COUNCILMEMBER PALTIN: Thank you, Ms. Matthews. Thank you, Chair.

CHAIR JOHNSON: Okay. Members, any other questions for our testifier? Seeing none. Thank you, Ms. Matthews, for your testimony, really appreciate it.

MS. MATTHEWS: Thank you very much. Have a great day. Thank you.

CHAIR JOHNSON: Thank you. Ms. Stewart, my understanding we have only one more testifier, is that true?

MS. STEWART: Yes, Chair.

CHAIR JOHNSON: Okay.

MS. STEWART: The last...I'm sorry, the last testifier signed up is Kenna StormoGipson.

CHAIR JOHNSON: Okay. Thank you, Kenna, for joining us. Members, after this testifier we'll...we'll probably take our 15-minute break, so just letting you know. Okay. Kenna, thank you.

MS. STORMOGIPSON: All right. Well, I'll try to keep it short since I'm standing between everybody and their break. But aloha, Council. And I just appreciate everybody for trying to take a more comprehensive approach to this issue. I wanted to share a little bit that, you know, Salt Lake City in 2005 put a ton of money into...addressed homelessness, but it wasn't part of an overall strategy. And so they actually ten years later did not make much progress because for all the folks...they created 2,400 housing first homes, but there was no larger affordable housing plan, and so at the end of the day they only reduced their number by 400. Because for the 2...the other 2,000 that were housed, another 2,000 fell in. And so I just really want to put forward how important it is to have this comprehensive approach. And then I also would put forward that perhaps it's not just a right to housing, but affordable housing. And that's because you have so many people on Maui paying more than 30 percent of their wages for housing. And so it's affecting everyone from zero all the way up to 120 percent of AMI. And...and so what's happening is you're hollowing out your middle class as well, right? And so I wanted to share that, you know, Finland in 2002 established a right to housing, in 2008 they had a program with funding, and they've now seen a 90 percent drop as part of a comprehensive strategy in how many unsheltered people they have. But all the...all the data and information shows that you really have to look at housing as a whole, and how to keep it affordable all the way from zero to 120 percent AMI. And...yeah, and I just want to encourage everybody that it is achievable, it's doable.

CHAIR JOHNSON: Okay. Thank you, Ms. StormoGipson. I know, Members, we probably have questions for her. I was hoping to designate her as a resource so we can...all right. So Members, without objection, I'll designate Ms. StormoGipson as a resource person under Council Rule 18(A), the Right to Housing, AH-14(2).

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR JOHNSON: Okay. We...oh, let me do a last call for testifiers, and then we can take our break after that. So this is the last call for testifiers. If you wish to testify, please unmute your audio and/or video and identify yourself. Okay. Seeing there are no more individuals wishing to testify, without objection I will now close oral testimony and introduce written.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS

. . .(END PUBLIC TESTIMONY). . .

CHAIR JOHNSON: Okay. So it's 2:58, Members, how about we do a 15-minute break? It's Monday, we'll give it a little bit longer, so at 3:15. Okay. The Affordable Housing and...Affordable Housing Committee is in recess until 3:15 on 10/18/2021. . . .(gavel). . .

RECESS: 2:58 p.m.

RECONVENE: 3:17 p.m.

CHAIR JOHNSON: . . .(gavel). . . Will the Affordable Housing Committee of 10/18/2021 come back to order. Members, I hope you feel rested from your quick break. And it's Monday, so we're ready to trudge through this beautiful week. I want to kind of do a bit of like a time a management because it seems to me that we're not going to have enough time to discuss these two bills, and they're very important. So your Chair's opinion would be to...my plan is defer these two, but let's start the discussion to...until...until we get to our meeting ending, until 4:30. So that's kind of my intention right now is just having...okay, so having said that, we'll get the show on the proverbial road. Go ahead, Chair Lee, you have your hand up.

COUNCILMEMBER LEE: Yes. So can we start asking questions?

CHAIR JOHNSON: Let me...let me get started with --

COUNCILMEMBER LEE: Okay.

CHAIR JOHNSON: -- we're going to...we're going to call up a couple people, and then we'll get into the questions and answers. Yeah.

COUNCILMEMBER LEE: Okay.

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

CHAIR JOHNSON: All right. So we have before us the AH-14(2) and AH-14(1) with the proposed bills to amend Title 9, Maui County Code, to establish a fundamental rights to housing and a fundamental right to shelter. These bills may seem similar, but they represent separate policies with different issues to consider.

AH-14(2) COMPREHENSIVE AFFORDABLE HOUSING PLAN: RIGHT TO HOUSING

(MISC)

CHAIR JOHNSON: I'd like to discuss the Right to Housing first. Adequate housing is universally viewed as one of the most basic human needs, and in many ways, it is the foundation on which other rights and entitlements are built, such as access to employment, education, healthcare, and social services. Adequate housed individuals and families are safer, more stable, and better able to participate in social, political, and economic life of the community. By...by establishing a right to housing in Maui County, we're committed to using all available resources to take concrete and deliberate steps, and to continuously improve the County's overall housing situation. So what does that mean? Continuing to develop affordable long-term housing options for residents, identifying issues and developing strategies to address them, provide housing and rehousing assistance to individuals and families in need, protecting against housing discrimination, uninhabitable housing, and housing loss, including from sweeps, forced removal from housing, and forced evictions, paying special attention to vulnerable and underserved groups, including our Native Hawaiians, veterans, domestic violence victims, those in need of mental health or substance abuse treatment, children and seniors. The proposal seeks to promote the goals of a comprehensive and holistic plan for housing. It also provides a clear statement of the Council's priorities, which are to recognize, respect, and protect the rights of all residents to live in a secure peace...to live in security, peace, and dignity. On this matter we have with us Kenna StormoGipson, the Director of Housing Policy for the Hawai'i Budget and Policy Center, who can provide with us some context and points to consider. So Kenna, if you're on the call, I'd like to call upon you to speak to this. There she is.

MS. STORMOGIPSON: Oh, yeah. Sorry, maybe I got confused and I included most of my points in the...in the testimony. But just to say that it is achievable. There is a financial pathway for Maui to actually pay for a comprehensive housing plan. And I just would really want to iterate that there are huge long-term benefits from an economic standpoint of if you're able to ensure that most residents aren't paying more than 30 percent of their wages towards housing. So that in the short term, yes, it will require extensive subsidies; but long term, I think for the...for the residents of Maui County, there are significant social and economic benefits.

CHAIR JOHNSON: Okay. Thank you, Kenna. Members, did you have any questions for our resource person Ms. StormoGipson? Okay. We do have one from Chair Lee, followed by Councilmember Paltin.

COUNCILMEMBER LEE: Hi. Kenna, you mentioned that you're aware of a similar law in Finland?

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

MS. STORMOGIPSON: Uh-huh.

COUNCILMEMBER LEE: And what about the United States? There are two states, two states that have this law?

MS. STORMOGIPSON: Well, there's...there's states...the right to shelter law, yes. The right to affordable housing, not that I'm aware of.

COUNCILMEMBER LEE: Okay. So in these two states, are...are there ordinances similar to these ordinances we have before us today?

MS. STORMOGIPSON: You know, I'd have to do a little more research to really contrast them, but I know that essentially it says if you're going to be, you know, having a homeless sweep or somehow we're moving a homeless person, you need to provide a place for them to go. And I do know as a...so I'd have to look more into the actual detailed language, but I know that as a result, New York City, for example, did construct thousands of shelters for folks, right. But yeah, sorry, I'd have to get back with more details on the exact language.

COUNCILMEMBER LEE: Okay. And also...also, what if someone refuses shelter, what is the liability of the County?

MS. STORMOGIPSON: Yeah, I would have to speak to some, like, lawyers in New York or something. Unfortunately I can't give a detailed analysis of that.

CHAIR JOHNSON: Okay. Well, we can have Forrest come and answer on that because he...he did some --

COUNCILMEMBER LEE: Okay.

CHAIR JOHNSON: -- of that research. Okay. Is that...

COUNCILMEMBER LEE: Okay.

CHAIR JOHNSON: Okay. Forrest, did you hear Chair Lee's question?

MR. FORREST: Hi, Chair. Yes, I did. So the bill...both bills were actually drafted off of versions of California bills. There are other nations that have this right to housing in their constitutions. The New York State law, from the constitution, it does have a right to housing, and that...that primarily is the...probably the oldest law on the books in the U.S. Washington D.C. had a version of a right to housing or right to shelter, and several places in California either have it proposed or have had proposals recently. But this particular version of the bill...

COUNCILMEMBER LEE: Okay. Forrest, Forrest, okay, I got that. Forrest, what happens if we pass these bills and we don't have the inventory or the shelters or the affordable

AFFORDABLE HOUSING COMMITTEE
Council of the County of Maui

October 18, 2021

homes to provide people who have a right to these...these things? What is the County's liability?

MR. FORREST: And Chair, if I may. They were drafted to limit liability, so most of the common concerns about, you know, an individual's right to sue the County are limited. That's what that public right of action is. A public right of action is sort of contrary to a private right of action. So there wouldn't be a private right of action to sue the County. Also in the bill, related to the budget, you know, there's two...two bills in front of us, and both of them basically say they...you know, they limit the County's action to what is actually possible. They recognize the budget concerns. So the...Corp. Counsel had an actual, you know, concern with this also, and we can work on some language to further limit the County's responsibility if...if that's what the body decides.

COUNCILMEMBER LEE: Okay. Yes, I did notice that Corporation Counsel didn't sign the draft ordinance, yeah.

CHAIR JOHNSON: Okay.

COUNCILMEMBER LEE: Okay. Thank you, Chair.

CHAIR JOHNSON: Thank you, Chair Lee. Let's move on to Councilmember Paltin. And remember, this is our questions for Ms. StormoGipson, but if we need, you know, anyone else, they can go to that. So go ahead, Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. StormoGipson. I just wanted to clarify because I thought you had said just now before Chair Lee's question that the County can afford a comprehensive affordable housing plan. I thought that's what you guys delivered to us, a comprehensive affordable housing plan.

MS. STORMOGIPSON: Yes. Yeah, that was just clarifying that...that it is feasible financially. I mean not, you know, today, it would take a series of years, but it's not a...it's certainly not impossible, it's very feasible.

COUNCILMEMBER PALTIN: So you meant to implement, not afford to...

MS. STORMOGIPSON: Yeah, so I meant...I meant to implement, yeah.

COUNCILMEMBER PALTIN: Oh, okay, okay, okay. I was thinking like didn't we already do that. Got it, thanks.

CHAIR JOHNSON: Okay. Members, any more questions for Ms. StormoGipson? Okay. Thank you. I...I just want to thank Ms. StormoGipson for joining us today. And I believe she will be able to stay for the rest of the meeting if any other questions are...are...will arise. Okay. Thank you once again. Okay. Now I'd like to hear comments from...or feedback from the Department of Housing and Human Concerns. So I'd like to recognize Director Tsuhako if she's on the call. Let's see, she should be on the call.

AFFORDABLE HOUSING COMMITTEE
Council of the County of Maui

October 18, 2021

MS. TSUHAKEO: Good afternoon, Chair Johnson and Members.

CHAIR JOHNSON: Good afternoon, Director.

MS. TSUHAKEO: I'm wondering did you also ask for our Managing Director to be present? I'm trying to confirm that he will be on the call.

CHAIR JOHNSON: Yes, we did ask him, and I did see him on the call earlier, but I know how busy he is, so he might have popped in and out.

MS. TSUHAKEO: All right. So Chair, if I understood your...your guidance immediately after the break, your preference is to limit the Committee's discussion to one bill, which is the Right to Housing; is that correct? And just focus on that right now for today's meeting?

CHAIR JOHNSON: I...I...I don't think we have enough time to do both, so let's just have a discussion on these, both of them. So I'd love to hear your opinion on these two bills. You...you know, so the floor is yours, Director Tsuhako.

MS. TSUHAKEO: Thank you. Thank you, sir. You know, I think that both of the...the proposals are very aspirational, and I don't have any...I don't have any objections to the aspiration. I think the...like many other items that we discuss at the level that we're discussing today is the devil is in the detail. So how do you...how do you create administrative rules for something that's totally aspirational? I think that Council Chair Lee brought up a good question when she asked earlier is, what is the County's liability if some of these aspirational concepts are translated into code? That's also a concern for us. I think in terms of the housing, you know, I don't know many more...many people who would just say that no, people don't have a right to housing, but how do you operationalize it? Again, it is really a challenge. I think, you know, very...all of us are very willing to work with...with your Staff and with the Committee to try and find a way to do as Mr. Economou suggested, we put more detail into the language so that it's...you know, the concepts are...are defined and...and made more clear so that there's...there's much less ambiguity about what it means and what we intend to happen as a community. I also want to just make sure that Chair knows that I received your...your correspondence on the 13th, and a response was sent through the Mayor's Office this morning as a...to your...to your letter and should...should be reaching you shortly. I apologize that we weren't able to get that to you in time for...in time for you to have that and share with the other Members of the Committee before today's meeting.

CHAIR JOHNSON: Okay. Thank you, Director Tsuhako. So yeah, the letter I sent is on Granicus if you folks would like to see it. And one...I...I haven't checked my emails during the meeting, but I have a feeling we'll continue this conversation as we move along. So Members, do we have any questions for Director Tsuhako? We do have one from Councilmember Molina. Go ahead.

VICE-CHAIR MOLINA: Thank you, Mr. Chairman. And good afternoon, Director. In...in your opinion will...you know, if this bill passes, how would this bill change your operations to implement this chapter? And also, would the Department consider revising the *(audio*

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

interference) to recognize housing as a human right?

MS. TSUHAKE: I...I'm sorry, Councilmember Molina, I was not able to understand you. I heard maybe your first sentence, and then the rest of it was garbled.

VICE-CHAIR MOLINA: Oh, okay. Can you hear me now?

MS. TSUHAKE: It's a little bit garbled.

VICE-CHAIR MOLINA: Oh, okay. So I hope this reaches you. Again, my first question was will passing the bill change your operations to implement this chapter from the Department's perspective?

COUNCILMEMBER PALTIN: Maybe you can turn off your video.

VICE-CHAIR MOLINA: Yeah. I guess I must be garbled today. That's what happens when you (*audio interference*) Let me turn off my video. How's that sound, better?

MS. TSUHAKE: Yes. Yeah, I'm sorry to repeat your question. But I...I...if I heard you correctly, your question was how would the passage of the proposed bill affect the Department's operations; is that correct?

VICE-CHAIR MOLINA: Yeah, that's correct. If you can comment on that first.

MS. TSUHAKE: I'm not really sure. I think part of it...you know, much of it actually depends on how the administrative rules are crafted. I...you know, I think the premise of having more affordable housing at people...affordable to people, you know, wider range, so having housing that's affordable to people who make very little income and...and also having workforce housing available is...is I would say a given for the Department. We know that we have to address the need over a pretty large continuum of...of...of incomes for people. So I...I don't see that...that having this proposal pass would...would change that focus.

VICE-CHAIR MOLINA: Okay. That's...that's...that's good, Madam Director. And if you could quickly answer my last question was if, again, with regards to the bill passing, would the Department consider revising the second goal that's posted on your website which recognizes housing as a human right?

MS. TSUHAKE: I don't know, Councilmember. I...I think...as I said, very aspirational, and I'm...I'm very much in support of that aspiration. That yeah, we can look at...we...you know, housing...housing...you know, and you guys have heard from various testifiers today, and we know that secure and safe housing is one of the tenets of...of...is a social determinate of health, not just for individuals, but for a community. So there...there is...there is reason to believe that having secure and safe housing is going to be good for our community, and of course, we support that.

VICE-CHAIR MOLINA: Okay. All right. Thank you, Madam Director. Thank you, Chair.

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

CHAIR JOHNSON: Okay. Thank you, Councilmember Molina. Members, do we have any more questions for Director Tsuhako? We do have one from Councilmember Sugimura. Go ahead.

COUNCILMEMBER SUGIMURA: Thank you, Director, for...for being here. And the direction then, if we were to implement this or pass this, then what kind of changes within the Department would you see...foresee?

MS. TSUHAKO: Thank you for your question, Councilmember. You know, I think that...I...I respond to your question just sort of with a big-picture view of not...not just this issue as a...you know, as a...as a hopeful statement for our community, but also in terms of the...the proposed affordable housing plan that this body has also been considering over the past few months. And in combination with the efforts that we know are taking place with...within our Department in terms of using affordable housing funds and...and leveraging those funds with Low-Income Housing Tax Credits to help developers actually create more units, right? So it's...it's sort of a combination of that. I think that it might...enactment of this might require us to expand our Department staffing. The...the more development there is, especially of affordable housing, the more workforce housing agreements we have to...we have to enter into with developers, the more grants we have to issue for affordable housing funds. So there'll be a...there'll be a bureaucratic response to carry the requirements of having additional development of affordable housing. So I...I don't know, I can't tell you how many staffing...how many Staff that would take, but I think that it would...if I had to guess, I would say it would include an expansion of the Department to sort of absorb the additional work.

COUNCILMEMBER SUGIMURA: One last question, Chair, if I could?

CHAIR JOHNSON: Okay. Sure.

COUNCILMEMBER SUGIMURA: So throughout the years, we've heard about other states who send us homeless people or people who need housing. So how do you see this bill be impacted by those kinds of relationships? I...I believe that when we would hear it, it would...it would be like a...do we send them back or...you know, it was...it wasn't with open arms. I want to say, you know, that the County hears these rumors, I don't know how true they are, but what is your Department position on situations like that if it would happen?

MS. TSUHAKO: The Department certainly wouldn't bring people to Maui to become homeless or to be homeless on Maui. I mean, I certainly understand the appeal. I think that anecdotally, if you talk to somebody in the supermarket, they'll tell you oh, yeah, I know that...you know, my friend knows that this certain guy came from the mainland and the State of Massachusetts paid for their ticket and things like that. You know, I think in the last point-in-time count that was conducted, I think it was in 2020, we found that the percentage of people who are counted as homeless here on Maui, but who've been homeless and moved to the island was, you know, not very big. Like I think it was 8 percent. It's still more than we want. And we do know that people do move here from

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

the mainland, and in...with the intention to be homeless. People have called the shelters three weeks ahead of time and said, you know, I want to make a reservation. What for? Oh, to come and stay at your shelter, you know, I'm moving there. And of course, they are not allowed to go into the shelter unless they're truly homeless. So I...I don't know how many people there are who would come here to be homeless, but we certainly don't do anything to encourage it. And part of the work that's done in the homeless service system is to help reconnect those people with their family. If their family lives on the mainland, then we try to help get the family reconnected with that person and see if the family would be willing to accept them back home where they came from. And that's one of the ways that we solve homelessness for that person. So it...it happens more than I think people realize.

COUNCILMEMBER SUGIMURA: So if we pass this policy and the situation that you described, would you be able to ship them back home, or do we have to keep them here and house them because we have this policy? That...I...I...it's a question that is lingering based upon your answer.

MS. TSUHAKE: We cannot ship anybody back home unless they want to be shipped back home, Councilmember. So that might be...that might be a gut-level reaction from many people who live here is like just send them back to the mainland. You know, like about ten years ago, there was a large initiative in the Legislature called Return to Home Program. The Visitors Bureau and the Legislature provided a fund to literally send people back to the mainland. And it ended up not working very well because many people came back. So there's no way...we live in the 50th state, so there's no way to prevent people from returning to Hawai'i if they have the resources to do that and if they choose to. So I...I don't think that that's a good...you know, just arbitrarily shipping somebody back to the mainland is really going to do any good for...for that individual person or...or for us as well, because they...they can always come back.

CHAIR JOHNSON: Oh, okay. Members, any other questions for Director Tsuhako? Because...okay. Oh, we do have one from Councilmember Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So I was trying to follow the conversation with Member Sugimura and Director Tsuhako, and it sounds like that these two ordinances, if passed, could be a potential floodgate for people to come to Hawai'i because of these two ordinances. I mean, is that where that conversation is going, Ms. Tsuhako?

MS. TSUHAKE: Thank you for your question, Councilmember Kama. I think that that was part of the concern that was expressed by Councilmember Sugimura is if these proposals were enacted, would that be...would that be perceived as a tacit invitation for people to come to Maui and expect that upon arrival, they can immediately be sheltered, and then that thereafter might be entitled to housing.

COUNCILMEMBER KAMA: Thank you. Chair, my sense is that if we want this ordinance to do what the intent is, that we need to do a lot of work on it to keep it tight so that the people to whom we want this to benefit are actually going to benefit from this. And that...that we don't open up the floodgates for other people to come, but just so that we

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

take care of those who are here and those to whom we want to benefit from this ordinance. So thank you, Chair. Thank you, Ms. Tsuhako.

CHAIR JOHNSON: Okay. I'm sure we all agree on that, Councilmember Kama. Let's move on to Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Director Tsuhako. I just wanted to follow up on one of the testifiers mentioning that the shelter that was provided, they had to move out to a different unit in the middle of the night, like 10:00. I just was wondering if you knew anything about that?

MS. TSUHAKE: Hi, good afternoon, Councilmember Paltin. I...I was not aware of that. I will, however, check in with the agency and...and ask about the circumstances of that. I know that, you know, at one point there was a census conducted of all the people who were actually habitating [sic] on the side of the road at Amala. I think there were 67 people counted there. And you know, by the end of the...by the end of the intervention, 46 of them had been sheltered, so that's about 68 percent of the people who were living on the side of the road actually entered shelter, which I think is...is a good outcome for them. And so the...the shelters right now and the case managers there are working with these folks to help them get into permanent housing. It's a step that we all want them to take. But I will...I will go ahead and...and check in with the shelter and inquire about...about that particular situation. And I'm not...I...I don't recall exactly who said it, but their...their...who...whoever had that information is welcome to send me an email if they know at least the last name of the person who was involved so that we can trace it a little bit better. Thank you.

COUNCILMEMBER PALTIN: Thank you. Couple other follow-up questions. Do you know if we do have shelters that...shelter services that allow pets on Maui County?

MS. TSUHAKE: Yes. The pallet home shelters that are located here on Waiale Street have, since their inception, housed pets as well as humans. I think the circumstances that I understood at Amala is some of the...some of the residents there had more animals per person than could have been accommodated at the Waiale pallet home shelters. And that's why the agencies who were trying to help people transition into the shelters were encouraging them to like find a foster home or a family member who could keep the excess animals for them safely so that the people could transition into the shelter with the...you know, I think the most that we've taken in is two...two dogs per resident there. So it was just trying to problem solve, you know, to remove that barrier to get somebody into the shelter.

COUNCILMEMBER PALTIN: And then my last question, have you heard of the squattheplanet.com website?

MS. TSUHAKE: No, Councilmember, I'm not familiar with that.

COUNCILMEMBER PALTIN: Oh, okay. I guess, you know, like you were saying before about people moving to a location with the intention of being homeless, I guess this Squat the

AFFORDABLE HOUSING COMMITTEE
Council of the County of Maui

October 18, 2021

Planet assists folks in that maybe.

MS. TSUHAKE: And it's called Squat the Planet?

COUNCILMEMBER PALTIN: Squattheplanet.com.

MS. TSUHAKE: Thank you. I'll go look.

CHAIR JOHNSON: Okay. Members, any other questions for Director Tsuhako? Seeing none. I...I think after this discussion here, I...I've heard that...you know, I've heard the Members, I've heard a lot of people discussing this. The Comprehensive Affordable Housing Plan: Right to Housing, AH-14 [sic], I'm...I'm thinking we're going to defer it, and in the interest of time we can move on to the next one, the Right to Shelter so we can start discussing that one. So...and I know Sandy Baz is on the call, so I'd also like to have him come and speak to this. So just to reiterate, we're going to defer housing...Right to Housing and move on to the Right to Shelter, and we can start up that discussion. So I want to thank Director Lori Tsuhako. I know you have a...a big burden on this, this is not an easy problem, so we're here trying to find solutions. So I appreciate you, I appreciate your time, and I look forward to working more with you. You know, that's what this body wants to do is we want to work with the Administration and, you know, solve problems. So thank you once again, Director.

COUNCILMEMBERS VOICED NO OBJECTIONS (Excused: KK, SS)

ACTION: DEFER.

AH-14(1) COMPREHENSIVE AFFORDABLE HOUSING PLAN: RIGHT TO SHELTER
(MISC)

CHAIR JOHNSON: Okay. So moving on to AH-14(1), Right to Shelter. Is...is...is Mr. Baz on the call?

MR. BAZ: Hi, Chair. Aloha. Hi, Chair.

CHAIR JOHNSON: Oh, okay. I'm sorry.

MR. BAZ: Can you hear me and see me okay? Yeah.

CHAIR JOHNSON: Yeah. I can hear you and see you.

MR. BAZ: Okay. So I apologize, I'm balancing other meetings and...and tasks while monitoring this call as well.

CHAIR JOHNSON: So you're just going to...okay. Well, let me...let me just start...start the conversation here real quick, okay? So as with the Right to Housing, the Right to Shelter prioritizes access to housing particular for those who are unhoused or at risk of being

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

so. A specific focus of this bill would be for the County to provide enough emergency and transitional housing to meet the immediate demand so that any eligible person who needs...who needs and accepts an offer of shelter can be accommodated. Currently New York City is the only municipality with a right to shelter law, which evidence shows has drastically reduced the number of people living on the street, in parks and in cars and so forth. Other places, including California, Massachusetts, have also provided that similar measures. The offer of housing is not mandatory, people can choose to decline if they are not otherwise in violation of the law. Being unsheltered is not against the law. It should be noted that even where there is a right to shelter, not every person may be eligible. This speaks to what we were just talking about. For example, requirements could be...include a resident of the County, having an income level below a certain AMI, having children under 21 in the household and/or a qualifying person, such as domestic violence, loss due to fire, or other emergency or eviction not due to criminal activity. In Maui County, the 2020 point-in-time count reported 789 homeless men, women, and children, of which 414, or 52 percent, were unsheltered. The actual number of unsheltered people in Maui Nui, of course, is much higher than that point-in-time count. But even if we take that as basis, on a single night in January 2020, outreach efforts found 33 children, Members, 33 children among those living unsheltered. Is it ever...that's the class of Lānaʻi--graduating class by the way...Lānaʻi High School. Is it ever acceptable for any one of our children to be without shelter? As COVID financially...financial relief ebbs and flows along with the state of our local economy, the situation is likely to get worse. The time to act is now, and the action is go. The most compassionate response we can give is to provide shelter to those who need it. With us today to offer comments and hands-on experience with these issues is Lisa Darcy from Share Your Mana. So Members, let's recognize...or I want to recognize Lisa Darcy, if you're on the call. Okay. Lisa Darcy, can you speak to this?

MS. DARCY: Yes. Thank you for having me here. Over the years you've heard my testimony, and the direct experience that I continue to bring to this body is you are receiving an incorrect narrative. The experience that I have found through the various different agencies that I've worked for and in starting Share Your Mana is that people want housing. They are desperate for housing. And one of the positions that I continue to take is the way that our agencies and our Administration approaches this is actually designed to fail, and we need a new structure in which to address the way people view the system and the way they interact in the system. And we also need training on...on working and approaching individuals who are living in these conditions by being partners. And this is something that, you know, I came here 20 years ago to do. was to create leaders with the individuals who are in these conditions, and to have them become our teachers. And that continues to be unsupported, and that is a critical piece to this. The other part of the narrative that is incorrect is that, you know, we spend a lot of time talking about our fear of people coming here. It...it...I spend I don't know how many hours discussing this, when we do not have...and in fact you...I can pull...you can pull Maude's testimonies out many times saying that narrative is...is not substantial whatsoever. And I...I'm curious to know what the amount of people that move from Colorado to Louisiana is, and do they...do the people in Louisiana fear people from Colorado moving there? And if so, what...and how does that impact their system and whether they have space? You know, that's an important narrative that we must get

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

beyond, and more importantly, we must get beyond the fear of actually succeeding to help our residents. That narrative hinders every one of us in this group from actually creating local solutions. I have to get...we have to get past that. I think what I'll do is maybe even just...if there are specific questions maybe. I know that you're, you know, time limited right now, so shall I do that?

CHAIR JOHNSON: Okay. Members, do we have any questions for Ms. Darcy? Okay. I...I have a question for you, Ms. Darcy, in regards to this bill in particular. Do you...do you have any suggested amendments, is there anything you wanted to add to it that you want to speak on?

MS. DARCY: Yes. Thank you. So...and specifically in the Right to Shelter, under 9.37.040, and I'm going to be honest that, you know, I'm in New Jersey and it's...it's almost 10:00 at night. And so I've been...I haven't been involved in this until, you know, today really. So one of the pieces that I see under B is somebody already mentioned pets, and of course that's really important. Number 3 under B would be an ability to remain with one's partner. I would even expand that to ohana. This is a cultural aspect that has become very clear to me that family members, and there's also generational houselessness now and people unhoused, that it's really significant to keep families together and ohana together, and...and I think that's something for consideration. None of the specifics under B actually speak directly to hygiene and food, so access to having places to clean up, to have showers, to have privacy. The access to privacy is something that people who have offices and live housed, I don't think you can even begin to understand how invasive it is and...and how threatening life is without being able to take a private shower, to be able to dress privately, and...and have access to cooking your own food. These are really significant. Also...also under B would be flexibility in terms of...the shelters have some pretty rigid rules. People who are working and need access to have flexible hours and being able to come and go without being cited for perhaps working or taking care of a family member, that's...that's...that's important. Under 9.37.060 in budgeting, there's just some language I would probably change there. And...and under administrative rules, I would recommend, and report monthly on progress and issues. It's really important to understand what the progress is, and if the...and what the Administration would be finding as...as issues. Just to speak a little bit more also on approaching. I...I've never come across anyone who didn't say they wanted housing. If I walk up to them and ask them a yes or no question, which is...is a technique, almost everybody will say no because of a bad experience they had. But when I start to unfold it and talk to them and listen to them, they always...you can always create a place where they would live and that they would say yes to. And Maui County has no flexibility or creativity in its entry system, and it's very low...you know, we need much more low-barrier solutions. And I just want to say that the narrative that keeps going around that people don't want housing, I...I...I've never seen that, so I really want to explore that as well with this somehow.

CHAIR JOHNSON: Okay. Thank you, Ms. Darcy. Members, do we have any other questions? We do have one from Councilmember Molina. Go ahead.

VICE-CHAIR MOLINA: Yeah, thank you very much, Mr. Chair. And good afternoon, Ms. Darcy.

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

Am I coming through clearly enough? I know my last session, Director Tsuhako had a hard time understanding. Can you hear me okay?

CHAIR JOHNSON: It's a little bit better. Yeah.

VICE-CHAIR MOLINA: Oh, okay. Okay. A quick question and maybe, Mr. Chair, you can chime in. So Ms. Darcy, are you just...you're representing the Homeless Solutions Committee as well, or just more as an individual basis?

MS. DARCY: So tonight I'm speaking as an individual.

VICE-CHAIR MOLINA: Okay.

MS. DARCY: Yeah. And you know, one of the other pieces that would be really important to this is would be implement waitlists, and to...and to...to always have creative places on how people can access what...where spaces are available. It's...it's a pretty complicated process to actually find out if there is any space available anywhere, and...and...and I think that needs to be...people need to be able to access and understand when and where beds and spaces are available as well.

CHAIR JOHNSON: Okay.

VICE-CHAIR MOLINA: Okay. Thank you for your responses, Ms. Darcy. Thank you, Mr. Chair.

CHAIR JOHNSON: Yeah. Members, any other questions for Ms. Darcy? Okay. I want to thank you for your time, Ms. Darcy. I know you do a lot of work, and I look forward to hearing more from you the next time you come testify.

MS. DARCY: Thank you.

CHAIR JOHNSON: Okay. So I...I want to speak a little bit on this...on this...this bill right...real quick. You know, after what...what we saw that happened down in Amala Place, I figured I don't ever want it to go that route again. That did not seem like it was a...it was...it was...it shouldn't happen that way. You know, so I...I looked at like how many police showed up, and there was no female police, but there was majority women that were homeless. And there was a lot of things we could do better. And that's...that's kind of where I'm coming from. I look at the sweeps as we got to be better, we got to be better than that. So that's kind of where I'm coming from on this. And I think I wanted to...you know, I designated Noelani Ahia as a resource person to speak, and she was down there as a legal observer. So I want to call her on as...as...as a resource person to speak on this bill in particular. Before we do that, let's...let's speak with...let's...go ahead, Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. You know, I think with...with both of these bills, like conceptually, you know, we...we agree. Well, okay, I guess I won't speak for anyone else. Sorry, my bad. I agree, you know, and...and conceptually

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

I...you know, I...I like it, but I think it would be helpful for me and possibly others if you could like walk us through the language of the bill and...and explain to us how each like...so you don't want to see a repeat of what happened at Amala. I don't either. And so I would like to understand in practical terms how, as you walk us through the bill, it would prevent that repeat from happening.

CHAIR JOHNSON: Well, I think...you know, I...I hear you loud and clear. I do want to kind of rewrite the bill so that it is exactly laser focused, right? So that...you know, the way I'm looking at is, it was kind of broadly written and I'm hearing people saying we don't like broadly written. So I'm trying to go...and I don't want to write just a resolution, you know, and just say oh, this is...this has no teeth. So I wanted to come back with some teeth. So I figure this is a good time to have the discussion on what you folks think would be an important thing that this bill would have. Like I'm...I'm...I...my opinion is the sweeps could be done better, make the Department provide adequate affordable housing, intend...recognize, respect, and protect the right of residents to live in a secure and peaceful...with dignity. Now, how do we do that, right? Like that's...that's the...that's why I kind of called on this body to say let's have a discussion about it. The...it's generally, in my opinion, a little bit more vague because you put like flag on the hill, this is what we want to have happen. But also, the debate is, yeah, you don't want to just have a bill with no teeth, you want to have teeth in it, so how do we get that? And that's why your question to me is not a deflection when I come back and say I'm going to ask you folks the same question. Like how do we get there? Like what is...what is amendable to the...the body and amendable and what's legal, we bring in the lawyers, and what's amendable to the Department so that we all can kind of move forward. Because if...if...if the way it is...I don't like the way it is, if I just be honest, I don't like the way we're...we're doing it. So I'm going to kind of push to say okay, body, okay, Members, of all...all of our Councilmembers, what...what say you? You know, here's what I say, what say you? So that's...that's...it's kind of...it's general for a reason, and I know that's like why I'm...that's my stance on it. So I wanted to...that's where I'm at with it. And I know Tasha Kama's hand is up, so go ahead, Councilmember Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I just wanted to mention that I...I heard one of the testifiers say that the onus was on the County, and I...and I wrote that down and I didn't put who said it. But I think in trying to find a solution for our unsheltered, that some of the onus also belongs on them. I mean, we all have to assume some personal responsibility for our actions or our inactions. And to me, to be able to empower our unsheltered so that we lift them up, and we help to lift them up, and not help to keep them in their same situation. So that's my comment, Chair. And as we continue to look and dialogue about what the potential solutions could be, that that's one of the things I look for is...you know, I always say if you give a man a fish, you fed him for the day; but if you teach him how to fish, you have fed him for life. And that's what I want to be able to do with our unsheltered, and that's what I think what we're all asking the same question in terms of the legislation. How do we specifically accomplish this thing that we are saying? So thank you, Chair.

CHAIR JOHNSON: Well said, Councilmember Kama. You know, when...when I...when I...when you speak on that, I...I...I kind of am looking back on Amala Place where how the

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

majority of the people down there were Hawaiians, right? So this is something that we all as a body agree, we got to...we got to help the folks that have the...you know, the bloodlines here. This is the most...this is so important. So I thought that if we brought Noelani Ahia out here and she can speak on these particular things, she's much more better at it than I am when it comes to those cultural issues. So Ms. Ahia, are you on the call?

MS. AHIA: I'm here. Thank you.

CHAIR JOHNSON: Okay. What say you on this bill?

MS. AHIA: Oh, I want to start by saying that if you feed the man a fish before you teach him, then he's not hungry, and then it's much easier for him or her to learn how to fish. Sometimes when people are in these very unstable conditions we need to help stabilize them first before...before trying to put onus back on them. And I do agree with the other testifier that...that the onus isn't just on the County, it's on the State, and it's on the entire settler system that created the conditions that has led to houselessness in the first place. That being said, this is a little bit of a sidetrack, but I think if we're really going to talk about root cause in a...we may need to have a separate conversation about looking at land title issues and having the County facilitate land title research to get Hawaiians back on our kuleana lands. Because most of us have some connection to kuleana land, and we could go back to it, but there are other people currently occupying it that don't have clear title. So that's...that's a fundamental thing that we're going to have to look at going forward is getting Hawaiians back on our own land that was stolen from us because we all know there's a long history of plantation politics that dispossess people and flat out made fake titles and changed...swapped parcels on the maps, and you know, put names of people on titles that didn't even exist, and then sold it on down the line. And that's why people buy title insurance now. So you know, there...there is a mechanism for the people who bought faulty titles to be able to get their money back because they bought title insurance. So that's...that's one major piece that we have to look at is how come Hawaiians aren't on our own land, and how can we get kānaka back on the land? And then we have to partner with the State, and we have to look at the fact that our crown and government lands were never ceded, they were seized, and those lands, even in the Apology Bill, are listed to be set up for the benefit of Native Hawaiians and the general public, which some people look at that as native Hawaiians with a small N is 50 percent, and the general public is the rest of us who don't have 50 percent blood quantum, which is a racist trope in and of itself. So we have to start looking at ways...at ways to get Hawaiians back on the land. That's a more long-term solution. But in the temporary, with Amala Place there was a very simple solution. Before the pandemic, a lot of those folks were at the beach park that had access to running water and showers and bathrooms. Super simple. And we were begging the Mayor, let's just help people move back over there so we can get them off of the road and then...and then you can do your whatever project you want to do for the...the ecosystem at the pond. But there was a refusal to allow people to simply go back to the park, which...which could have been a very loose managed camp, and it would have allowed people to stay in community, keep their animals with them, and have the safety of community that they had built at Pu'uhonua o Kanahā. That would have been a very, very simple temporary solution.

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

And in the meantime, look for land for a managed camp. The County owns parcels that could very, very easily be set up. Tents are not that expensive to purchase. We could do very, very simple tents on lifted platforms to, you know, prevent from...from flooding...because that was a big issue down at Amala when the big rains came was flooding. Set people up so they can be stable, and then you can empower them. Empowerment is super, super important, and that...that is what Lisa has...Darcy has been doing down there for the past two years. In fact, I heard many residents tell me it was because of Lisa that they spoke up for the first time. And you have to remember, many of our kānaka people have been told for generations you're stupid, you're lazy, you just can't learn. In fact, I have...I have a very close person to me who's ten years younger than me who was told when he was in school those books aren't for you, they're for the Japanese kids. And this person's now getting his PhD in political science and refuting all of these things. But our...our people have been systematically oppressed to believe that they're not qualified, capable, or good enough to be a regular American. And to be honest, once...once we actually look at that lens of what it means, that...that was assimilation that was genocidal, to be taught that we were supposed to be good Americans, because that disconnected us from who we were as a people. So we have to look at these root causes and imbalances for our people. And one of the safest, healthiest ways is to get people reconnected to 'āina because kānaka is 'āina and 'āina is kānaka, and that's where our nourishment comes from, that's where our source of wisdom comes from, and our 'ike, and our cultural practices that...that happen when we actually grow food on the land, when we malama 'āina. And a managed camp could be as simple as a small piece of 'āina that could be farmed by the people living there so that everybody has kuleana. Because a lot of folks...people who are addicted, oftentimes they don't do well in the traditional western addiction problems because they don't address that disconnect. And when people find purpose again, when they find value in themselves, when they feel like they're contributing to their community and they're making it better for themselves and everybody else, they thrive. And those traumas can be transformed and transmuted in those cultural practices that our ancestors have been doing for 2,000 years on this land. So there...there are very real solutions, it just takes political will. But I did want to mention too, I think it's in the County Code in Chapter 16.28, there's a provision for experimental and demonstration housing projects. I believe there's about a million dollars in that fund. And to me, it seems like a no-brainer, I can't believe nobody has accessed and utilized this yet. This would be a perfect way...a perfect outlet to put together a prototype of what a managed camp...a culturally based, culturally sensitive, trauma informed, evidence-based managed camp could look like. There's already funding available. So I would encourage you folks to possibly weave that into this legislation. But at the end of the day, we have to...we have to understand those root causes, we have to understand settler colonialism. In fact, maybe I'll send some of you folks a...I'll send you a reading if you don't really understand what that is conceptually. And many people don't because we weren't taught this in school because we were, you know, prevented from learning all of this information about who we are and...and the system that oppressed us. The oppressor never want...what is...I think Audre Lorde said you cannot dismantle the master's house using the master's tools. We have to...we have to simply reach outside of that. And what we really need to look at is our collective liberation. Right now we're...we're shackling our people, and what we need to do is liberate them, and liberate ourselves in that process, and then we build

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

the holistic Hawai'i that actually benefits everybody. Just one last thing, you know, I...I really am not that concerned about...about people moving here to become houseless. I'm not worried about poor people moving here because very few have the...the resources to do that. I am much more concerned about rich, wealthy billionaires moving here. We just had Jeff Bezos purchase property here. We've got, you know, the folks on Lāna'i. We've got Zuckerberg on Kaua'i. We have million-dollar mansions sitting all over the State that are empty. They are people's second, third, and fourth homes. And that...that to me is a sin of gargantuan proportion when we have our own people lying out on the street and dying in front of Walmart. We need to rebalance the equity in this County and provide...I mean, you know, there are people in cities like Oakland where single mothers are going and they're occupying, they're occupying these empty places to make a statement and say, you know...

CHAIR JOHNSON: Okay. Ms. Ahia...

MS. AHIA: Okay. Sorry. I could go on. Thank you.

CHAIR JOHNSON: I...I know, I...I...I mean...I mean sing it, that's all I can say. But I...I want to have the Members have a chance to ask you some questions because we're going...in the interest of the time, we only got about 15 minutes left before the meeting goes. So --

MS. AHIA: Absolutely.

CHAIR JOHNSON: -- Members, do we have any questions for Ms. Ahia? Go ahead, Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Ahia. Mahalo for being with us and serving as a resource. I...two things. One, the Experimental and Demonstration Housing Fund was something that I created in...or I introduced and...and this Council created in 2019. And so...and then this Council put a million dollars into that fund in --

MS. AHIA: Mahalo for that.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- 2020. The DHHC, so Department put out an RFP and there was only one entity that bid on the project, I believe, was the update that they gave us. But if you know anyone that would like to, you know, utilize that million or more for that purpose, please encourage them to, you know, reach out to the Department. Because I think the Department would be willing to put out an RFP again. It's a revolving fund, so it...the money is still there. And if there was an interest and like some kind of successful pilot project, I think this Council may be interested in putting in more funding there, or even the Affordable Housing Fund could possibly be accessed. So I just wanted to address that. And then the...the second one is...okay, so for kānaka, for those that you reached out to and connected with at Amala and in other places...so on Kaua'i...I met with the DHHL Deputy Chair, and on Kaua'i they're doing a shelter for kānaka on DHHL land. It's something that DHHL is open to, but that racist condition of 50 percent or more is...is there, and so therefore, they would only be able to house

AFFORDABLE HOUSING COMMITTEE
Council of the County of Maui

October 18, 2021

50 percent or more Hawaiians on that shelter...in that shelter. Do you know if some of them would be able to qualify?

MS. AHIA: I do...I do believe a lot of them would be able to qualify. Although like...like Lisa pointed...or I think it was Leslee pointed out, folks having their paperwork to be able to prove their descendancy might be a bit of a problem when you're dealing with folks who are living on the streets and they don't have access to all of their birth certificates and vital records and the...the hoops that you have to jump through. But I'm willing to bet there are people who are already on the DHHL list waiting who are currently houseless, and it could be a good place to start at least to eliminate some of the...some of the...the houseless conditions for kānaka.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Ahia. Mahalo, Chair.

MS. AHIA: Mahalo.

CHAIR JOHNSON: Okay. Thank you, Councilmember Keani Rawlins-Fernandez. Let's move on to Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Ahia, for your resources. I had a couple questions. The first one, when I previously reached out to DHHC to try to reach out to the beneficiaries, we were told that was non-shareable information because it would violate those folks' privacy, so we were never able to like move any more further with that. But I guess my other question was, as your role previously of the Mayor's liaison, would you be able to share why Kanahā was not allowed?

MS. AHIA: Not allowed to...

COUNCILMEMBER PALTIN: I mean the reason.

MS. AHIA: You mean...oh, I wasn't given a reason, just no. On multiple occasions, no, no, no, no, no. I'm going to take a wild guess and say that it's because...because of the perception of houseless people and the...the judgments around cleanliness. The Mayor had put in...he wrote an editorial piece in *The Maui News* where he said someone had emailed him and thanked him for the cleanup because now they could...they could access Kanahā more easily without all the...all the people and the rubbish. And again, I'm...I'm more...I'm not concerned about people who already have a lot being able to access more things. I'm worried about people who have nothing being able to access something. And I think that the thought of folks moving just off the road into the Kanahā camp would have to...folks who have those kinds of judgments seemed like a non-solution for them because it still may have...may have made it uncomfortable for them because they don't know how to sit in that discomfort and see this as a societal problem that we've all failed at. Instead they...they put the onus on the individual, and this is definitely a societal issue. And so I think that the...that was the main reason is...is the appearance. The Mayor wanted the appearance that it would be clean. And you know, he used...he used that it's for the betterment of those people as the reason, but it really wasn't, that's not the way that it worked out. It did not work out for the

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

betterment of the people. A lot of them were safer where they were, or would have been safer at Kanahā in community. Does that make sense? Am I making sense?

COUNCILMEMBER PALTIN: I guess so. But in one of the TIG meetings that we were recently in the police was there, and they said that there's only four legal car camping properties in Maui County. Two are on Moloka'i, one is at Kanahā, and one is at Pāpalaua. So if Kanahā is a legal car camping place, what's...I guess you don't know, but my question is, what's the problem?

MS. AHIA: I don't know what the problem is. It seemed like a very, very simple and easy solution. Even if it was just temporary, it seemed like a much safer solution than having people scatter. Because now we've lost track of a lot of folks. We're still in touch with some. But because of the scattering, a lot of those folks that don't have phones, nobody knows where they are. And some of them we do know went to other encampments, who were then served with notice to vacate from the new place that they went to, so...and some of those were folks...one aunty in particular, she has a son that has a particular legal condition where she has to be his guardian, and he...because of his particular circumstances wasn't allowed to go to the shelters, he wasn't qualified. So Mayor had said that he would, you know, make special accommodations for folks like that, but the process that he tried to use was to have somebody that was very unsafe to me and other people ask for personal information from those people, and we didn't feel comfortable giving that particular individual--who wasn't working with an agency, but was rather a County employee--people's personal information. So those people never got the accommodations that...that the Mayor had promised that he would get for them.

COUNCILMEMBER PALTIN: And then I just had one last question. Like...so I'm not sure if it was you, I'm sorry, I didn't take notes of who said what, but that the Mayor promised that there wasn't going to be arrests and then the...the police made arrests or something like that.

MS. AHIA: So what happened was...you know, when I...when I brought him down there the Friday before, he came with an entourage of law enforcement, of DOCARE and...and I believe MPD was there too. And I said to him quietly to the side, you know, the...this presence of police makes people very, very uncomfortable because they're oftentimes criminalized. Many of them have warrants because they got cited for something, you know, inconsequential, but they couldn't make their court date because they don't have a car, and then there's a bench warrant, and now, you know, they're just living in this constant state of fear of the police. And so I told him, you know, it...this kind of presence is not safe for people, and this is not the...the right way to go about this very sensitive circumstance. And so his assistant emailed me back later and said Mayor wanted you to know that there's going to be police there on Monday, but they're just there for everybody's safety, so tell everybody not to worry. I was like okay. So we show up and, you know, there's no services there, Monday morning at 7:00 the police are there, and the police start threatening to give citations and arrest if people don't leave. And this was Monday, the services weren't even scheduled to be there until Tuesday, but they're already making people get out. So that lack of coordination led to even more stress for people. But I...I can't remember if it was Monday or Tuesday, but at one point I had an

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

October 18, 2021

interaction with the captain who was on site, and he started threatening me, if you don't leave, you're going to...you're going to be arrested, and he was very aggressive with me. And so I told him, the Mayor said no arrests, the Mayor said no arrests, that you guys are here for people's protection. And he wouldn't listen to me, so I got the Mayor on the phone and I said, Mayor, they're threatening to arrest people. So I put him on the phone with the captain and...and the Mayor did call them off, which I was very grateful for. He told the police to stand down. But they clearly never got the memo before they showed up that day, and they came in...not all of them, some of them were very kind, but they...they're trained to...you know, they're trained to look for criminals and they're...they're trained to...to enforce whatever they're told to enforce, and what they were enforcing was inhumane. They were...they were looking to criminalize people who were not criminals. And so there was a major, major disconnect between the communication and the Mayor's Office and MPD.

COUNCILMEMBER PALTIN: And...and...sorry, one final clarification on what you were saying. Do you know who was the lead agency that was coordinating all of this? Was it DHHC, or was it the Management Department, or was it the Mayor's...

MS. AHIA: I was told that Family Life Center was supposed to be there. So it was the...as...as far as my understanding is, it was the Mayor's Office, and they were coordinating with Family Life Center. I don't know what the interaction was between law enforcement or...or DOCARE...I mean MPD or DOCARE or...or the Office of Environmental Control or any of the other agencies. I believe that was done through the County.

COUNCILMEMBER PALTIN: Okay. Thank you. Thank you, Chair. Sorry, guys.

MS. AHIA: There was no overarching, you know, organizer. The only person who was a point person on site was the Mayor's Community Relations Liaison who...who...okay, I'm not going to...if you don't have anything nice to say, don't say anything, so I'm just going to leave it at that. Thank you.

CHAIR JOHNSON: Okay. Well, thank you, Ms. Ahia, for your...your...your...what...your testimony on what happened. You know, my Staff was down there for...two days beforehand and a lot of us, you know, we read it in the paper, saw it on social media. So okay, this is...you know, in my heart of hearts, I think that we can do better if...like the last...the last choice in my opinion would be to sweep, but if we did do it, it should be done with dignity, it should be done legally, it should be done with compassion. So that's...that's kind of how I feel when it comes to that, and we can put that in the Code. So Members, I think...I want to thank everybody, and I thank all the resource folks and all of the Department that came out and testified. And I know everybody's traveling and coming back from traveling, so folks got to somehow...you know, you must be tired from all your hard work. But I...I think it's...I would like to defer this item, the Right to Shelter, AH-14(1) [sic].

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (Excused: KK, SS)

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

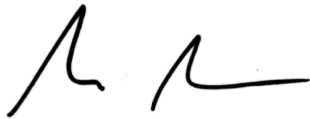
October 18, 2021

ACTION: DEFER.

CHAIR JOHNSON: So it's 4:26, Members, and I think we can end the meeting a...just a little bit early. So...but thank you all for, you know, asking all these tough questions. We all are here to, you know, just help those folks who need it the most, and that's...that's the common bond that...that brings us together. So thank you all, folks. I'm going to end the meeting. It's now 4:27, 10/18/2021, the Affordable Housing Committee is...is finished. . . .*(gavel)* . . .

ADJOURN: 4:27 p.m.

APPROVED BY:



Type text here
GABE JOHNSON, Chair
Affordable Housing Committee

ah:min:211018:ds

Transcribed by: Daniel Schoenbeck

AFFORDABLE HOUSING COMMITTEE
Council of the County of Maui

October 18, 2021

CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 48 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 8th day of November 2021, in Kula, Hawai'i

A handwritten signature in black ink, reading "Daniel Schoenbeck", is positioned above a horizontal line.

Daniel Schoenbeck