

OFFICE OF THE GOVERNOR
STATE OF HAWAII

PROCLAMATION

By the authority vested in me as Governor by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, a recent statewide homeless count highlights the significant increase in homelessness for the entire state; and

WHEREAS, the 2015 Statewide Point-in-Time Count, which is a statewide unduplicated count of homeless individuals and families throughout Hawai'i, estimates the total number of homeless individuals statewide is 7,620; and

WHEREAS, the statewide Count estimates the number of unsheltered homeless individuals is 3,843; and

WHEREAS, of the 3,843 unsheltered homeless individuals, the statewide Count estimates that there are 185 unsheltered families, which consist of a total of 439 unsheltered children throughout the state; and

WHEREAS, these unsheltered homeless individuals and families are living on privately owned and public lands, including the streets, public parks, beaches, and elsewhere on each island; and

WHEREAS, these unsheltered homeless individuals and families are without access to portable toilets, bathrooms, showers and clean water; and

WHEREAS, these unsheltered homeless individuals and families require health and social services in order to maintain themselves safely and in reasonable health; and

WHEREAS, the efforts of state and county law enforcement agencies enforcing state and county laws and providing for the public health and safety are resulting in homeless moving from public lands; and

WHEREAS, existing shelters have been successful in assisting a large number of homeless, but many more individuals remain in need of shelter and assistance; and

WHEREAS, various other shelter projects and opportunities are in the process of being developed, but more time is needed to allow for completion; and

WHEREAS, the completion of more shelter projects is necessary to protect the health and safety of not only the homeless individuals, but all members of the community; and

WHEREAS, the largest population of homeless unsheltered families live on the island of Oahu, consisting of approximately 71 unsheltered families for a total of 153 unsheltered children under the age of 18 years of age; and

WHEREAS, the State is exploring various locations on which temporary buildings may be constructed, installed, or renovated in order to shelter these homeless individuals in a safe and sanitary manner and to provide necessary health and social services to them; and

WHEREAS, these possible locations, as well as others that may be identified, will be designed to provide temporary transitional shelter for the homeless and to provide necessary health and social services to assist these individuals and families in successfully transitioning into permanent housing; and

WHEREAS, the completion of the shelter site, together with any associated contracts, is necessary to protect the health and safety for the homeless individuals and families; and

WHEREAS, in addition to the temporary shelter initiative, and associated contracts, the State Department of Human Services, Homeless Programs Office currently administers numerous contracts with private providers for homeless services statewide; and

WHEREAS, these State homeless programs provide emergency and/or transitional shelter, including adequate meals or cooking facilities; outreach services, including case management to enable families to obtain and retain permanent housing, job training, medical and social services referrals, childcare, educational and life skills

classes; emergency grants, which provide monetary assistance to assist with housing, food, medical and other types of expenses arising from emergency needs, including housing rental deposit and rent, utility costs/deposit, emergency medical care and expenses, transportation and job-hunting expenses; and housing placement, which coordinates housing opportunities with private landlords; and

WHEREAS, the contracts for these existing State funded homeless programs will terminate at the end of December 2015 and January 2016 but there is a great risk that procurement will not be completed before the termination date of these contracts; and

WHEREAS, if these State funded homeless programs were to close or cease operations, homeless services would discontinue and significant numbers of homeless individuals and families would be without the necessary life-sustaining services, including the temporary shelter services, leaving many more individuals and families displaced increasing the number of unsheltered homeless statewide; and

WHEREAS, the lack of secure, safe, and sanitary shelter, and adequate health and social services, for this large number of people without homes is endangering the health, safety, and welfare of the people, including families and children, and poses a threat to the environment, and demands emergency action to prevent or mitigate suffering, injury, loss, or damage; and

WHEREAS, the Legislature of the State of Hawaii has appropriated from the general revenues of the State, monies as may be necessary for expenditure by or under the direction of the Governor for the immediate relief of the conditions created by the disaster; and

WHEREAS, in expending such monies, the Governor may allot any portion to any agency, office, or employee of the state or a county for the most expeditious and efficient relief of the conditions created by the disaster; and

WHEREAS, pursuant to sections 127A-14 and 127A-16, Hawaii Revised Statutes, the Governor is authorized to determine whether an emergency or disaster has occurred, or there is an imminent danger or threat of an emergency or disaster and authorize actions under chapter 127A, Hawaii Revised Statutes, and the expenditure of funds thereunder; and

WHEREAS, pursuant to section 127A-13(a)(3), Hawaii Revised Statutes, the Governor is authorized to suspend any law which impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws specifically made applicable to emergency personnel; and

WHEREAS, pursuant to section 127A-13(a)(2), Hawaii Revised Statutes, the Governor is further authorized to relieve hardship and inequities or obstructions to the public health, safety, and welfare found by the Governor to exist in the laws and to result from the operation of federal programs or measures taken under chapter 127A, Hawaii Revised Statutes, by suspending laws in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose; and

WHEREAS, pursuant to section 127A-12(a)(8), Hawaii Revised Statutes, the Governor may suspend chapters 103D and sections 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4, Hawaii Revised Statutes, and I find that these provisions, in whole or in part, impede or tend to impede the expeditious discharge of emergency disaster relief functions for this occurrence and that compliance therewith is impracticable due to existing conditions; and

WHEREAS, pursuant to section 127A-12(b)(16), Hawaii Revised Statutes, the Governor is further authorized to order and direct government agencies, officials, officers, and employees of the State, to take such action and employ such measures for law enforcement, medical, health, firefighting, traffic control, warnings and signals, engineering, rescue, construction, emergency housing, other welfare, hospitalization, transportation, water supply, public information, training, and other emergency functions as may be necessary, and utilize the services, materials, and facilities of the agencies and officers; and

WHEREAS, pursuant to section 127A-12(b)(9), Hawaii Revised Statutes, the Governor may appoint, employ, train, equip, and maintain, with compensation, or on a volunteer basis without compensation and without regard to chapters 76, 78, and 88, such agencies, officers, and other persons as the Governor deems necessary to carry out emergency management functions; determine to what extent any law prohibiting the holding of more than one office or employment applies to the agencies, officers, and

other persons; and subject to the provisions of chapter 127A, Hawaii Revised Statutes, provide for the interchange of personnel, by detail, transfer, or otherwise, between agencies or departments of the State; and

WHEREAS, pursuant to section 127A-12(b)(19), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 127A, Hawaii Revised Statutes notwithstanding that powers in section 127A-13(a) may only be exercised during an emergency period; and

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawaii, hereby determine that an emergency or disaster contemplated by section 127A-14, Hawaii Revised Statutes, has occurred in the State of Hawai'i, and do hereby proclaim an emergency for the purpose of implementing the emergency management functions as allowed by law, authorizing the expenditure of State monies as appropriated for the speedy and efficient relief of damages, losses, and suffering resulting from the emergency, and hereby invoke the following measures under the Hawaii Revised Statutes:

1. Sections 127A-13 and 127A-12, Hawaii Revised Statutes, suspend, as allowed by law, the following statutes and regulations to the extent necessary for the purpose of establishing a temporary transitional shelter and facilitating contracting with private providers of homeless services:
 - a. Chapter 6E, Hawaii Revised Statutes, **Historic Preservation**.
 - b. Section 37-41, Hawaii Revised Statutes, **appropriations to revert to state treasury**.
 - c. Section 37-74(d), Hawaii Revised Statutes, **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), Hawaii Revised Statutes, and any such transfers or changes shall be considered authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.
 - d. Section 40-66, Hawaii Revised Statutes, **lapsing of appropriations**.

- e. Chapter 46, **county organization and administration** as any county ordinance, rule, regulation, law, or provision in any form applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this Proclamation.
- f. Chapter 89, Hawaii Revised Statutes, **Collective Bargaining In Public Employment.**
- g. Chapter 89C, Hawaii Revised Statutes, **Public Officers And Employees Excluded From Collective Bargaining.**
- h. Chapter 92, **Public Agency Meetings and Records**, to the extent that any notice requirements or any other provisions of Chapter 92 may delay the expeditious action, decision, or approval of any agency.
- i. Section 102-2, Hawaii Revised Statutes, **Contracts For Concessions In Government Buildings; Bid Requirements.**
- j. Section 103-2, Hawaii Revised Statutes, **General Fund.**
- k. Section 103-53, Hawaii Revised Statutes, **Contracts With The State Or Counties; Tax Clearances, Assignments.**
- l. Section 103-55, Hawaii Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services.**
- m. Chapter 103D, Hawaii Revised Statutes, **Hawaii public procurement code.**
- n. Chapter 103F, Hawaii Revised Statutes, **Purchases of Health and Human Services.**
- o. Chapter 104, Hawaii Revised Statutes, **wages and hours of employees on public works.**
- p. Sections 105-1 to 105-10, Hawaii Revised Statutes, **use of government vehicles, limitations.**

- q. Section 127A-30, Hawaii Revised Statutes, **Rental or sale of essential commodities during a state of emergency; prohibition against price increases.**
 - r. Chapter 171, Hawaii Revised Statutes, **Public Lands.**
 - s. Chapter 205, Hawaii Revised Statutes, **Land Use Commission.**
 - t. Chapter 205A, Hawaii Revised Statutes, **Coastal zone management.**
 - u. Chapter 206E, Hawaii Revised Statutes, **Hawaii Community Development Authority.**
 - v. Chapter 343, Hawaii Revised Statutes, **Environmental impact statements.**
 - w. Chapter 346, Hawaii Revised Statutes, **Social Services.**
 - x. Section 464-4, Hawaii Revised Statutes, **public works required to be supervised by certain professionals.**
 - y. Sections 601-1.5, 708-817, 708-818, 708-820, 708-830.5, and 708-840, Hawaii Revised Statutes, to the extent that these sections contain provisions for the suspension, tolling, extension, or granting of relief from deadlines, time schedules, or filing requirements in civil, criminal, or administrative matters before the courts of the state or to the extent that these sections contain provisions for criminal penalties that are automatically heightened by reason of any declared disaster or emergency.
2. Section 127A-12(b), Hawaii Revised Statutes, and in order to provide emergency relief consistent with the intent of this Proclamation, I hereby direct all state agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to address the objectives of this Proclamation in addressing the homeless situation.

I FURTHER DECLARE that a disaster emergency relief period shall commence immediately and shall terminate automatically sixty days after the issuance of this Proclamation or by a separate proclamation whichever occurs first. Notwithstanding the

termination of a disaster emergency relief period, any contracts, agreements, procurements, or programs entered into, started, or continued by reason of the provisions of this Proclamation shall continue. However, any contract entered into under this Proclamation for providing homeless services shall be limited to a period not to exceed 12 months.

I FURTHER DECLARE that this Proclamation is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of Hawai'i or its agencies, departments, entities, officers, employees, or any other person.

Done at the State Capitol, this
16th day of October, 2015.



DAVID Y. IGE
Governor of Hawaii

APPROVED:



DOUGLAS S. CHIN
*Attorney General
State of Hawaii*