

OFFICE OF THE GOVERNOR
STATE OF HAWAII
**THIRD PROCLAMATION
RELATING TO HEAVY RAINS AND FLOODING**

By the authority vested in me 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, pursuant to Chapter 127A, HRS, emergency powers are conferred on the Governor of the State of Hawai'i to respond to disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, on December 6, 2021, the Governor issued his Proclamation declaring an emergency as a result of emergency conditions created by heavy rains and flooding; and

WHEREAS, on December 10, 2021, the Acting Governor issued a Second Proclamation Relating to Heavy Rains and Flooding as a result of emergency conditions created by heavy rains and flooding; and

WHEREAS, the conditions giving rise to the emergency continue in the county of Maui, and the City and County of Honolulu , State of Hawai'i, and are adversely impacting recovery efforts and efforts to repair, reconstruct, improve, and otherwise perform work on various roadways, bridges, infrastructure, hillsides, and streams;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine that an emergency or disaster contemplated by section 127A-14, HRS, continues in the county of Maui, and the City and County of Honolulu, State of Hawai'i, and do hereby authorize and invoke the following emergency provisions to the extent necessary for those engaged in emergency management functions and efforts to repair, reconstruct, improve, and otherwise perform work on various roadways, bridges, infrastructure, hillsides, and streams as set forth herein:

I. **Invocation of Laws**

The following emergency provisions are expressly invoked:

Sections 127A-12 and 127A-13, HRS, in order for county and state agencies to provide emergency relief and engage in emergency management functions as defined in section 127A-2, HRS, as a result of and in response to this event.

Section 127A-12(b)(16), HRS, directing all state agencies and officers to cooperate and extend their services, materials, and facilities as may be required to assist in emergency response efforts.

Section 127A-16, HRS, by activating the Major Disaster Fund.

II. **Suspension of Laws**

The following specific provisions of law are suspended, as allowed by federal law, pursuant to section 127A-13(a)(3), HRS, to the extent that the law impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws which by Chapter 127A, HRS, specifically are made applicable to emergency personnel to the extent necessary for county and state agencies to engage in emergency management functions and efforts to repair, reconstruct, improve, and otherwise perform work on various roadways, bridges, infrastructure, hillsides, and streams:

Chapter 6E, HRS, **historic preservation**, to the extent that compliance requires additional time detrimental to the expeditious and efficient execution of emergency repairs.

Section 103-50, HRS, **building design to consider needs of persons with disabilities; review fees**, to the extent that compliance results in any additional delays seeking advice and recommendations from the Disability and Communication Access Board on any construction plans prior to commencing with construction.

Chapter 103D, HRS, **Hawaii public procurement code**, to the extent that compliance results in any additional delays involved in meeting procurement requirements for selecting contractors in a timely manner to respond to emergency situations.

Chapter 174C, HRS, **state water code**, to the extent that compliance results in any additional delays involved with securing approvals from state or county agencies.

Chapter 183C, HRS, **conservation district**, to the extent that any repair, reconstruction, improvement, or work is located within the conservation district.

Chapter 205A, HRS, **coastal zone management**, to the extent that compliance results in any additional delays involved with securing approvals from the counties or the Department of Land and Natural Resources for work within the special management area.

Chapter 342D, HRS, **water pollution**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Health.

Chapter 343, HRS, **environmental impact statements**, to the extent that compliance results in any additional delays involved with the environmental review process.

III. Severability

If any provision of this Proclamation is rendered or declared illegal for any reason, or shall be invalid or unenforceable, such provision shall be modified or deleted, and the remainder of this Proclamation and the application of such provision to other persons or circumstances shall not be affected thereby but shall be enforced to the greatest extent permitted by applicable law.

I FURTHER DECLARE that the disaster emergency relief period shall commence immediately and continue through April 8, 2022, unless terminated or superseded by separate proclamation, whichever shall occur first. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements,

procurements, programs, or employment of personnel entered, started, amended, or continued by reason of the provisions of the proclamations relating to this emergency shall continue in full force and effect.

Done at the State Capitol, this
8th day of February, 2022.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Holly T. Shikada
Attorney General
State of Hawai'i