

OFFICE OF THE GOVERNOR

STATE OF HAWAII

THIRD PROCLAMATION RELATING TO HOMELESSNESS

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 damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, Josh Green, M.D., Governor of the State of Hawai'i, hereby determine, designate, and proclaim as follows:

WHEREAS, homelessness is a humanitarian crisis that threatens the health, safety, security, and wellbeing of our community; and

WHEREAS, on January 23, 2023, an Emergency Proclamation was issued relating to homelessness that declared an emergency created by homelessness for the people of Hawai'i; and

WHEREAS, on January 26, 2023, a second Emergency Proclamation was issued relating to homelessness that clarified the terms of the Emergency Proclamation; and

WHEREAS, the creation of more permanent affordable housing, permanent supportive housing, transitional housing, and shelter space is necessary to protect the health, safety, and welfare, not only for individuals experiencing homelessness, but for all residents of the State, but it must be done in a way that is respectful to our environment, our history, and our *iwi kupuna*.

NOW, THEREFORE, I, Josh Green, M.D., Governor of the State of Hawai'i, hereby determine and proclaim that an emergency contemplated by section 127A-14, Hawaii Revised Statutes (HRS), is continuing in the State of Hawai'i, and in order to promote and protect the public health, safety, and welfare of the people of the State of Hawai'i, and to prepare for and maintain the flexibility to take proactive, preventative, and mitigative measures to minimize the adverse impact that the present emergency may cause on the State, and to work cooperatively and in conjunction with federal and county agencies, do hereby invoke the following measures under the Hawaii Revised Statutes:

I. Suspension of Laws

Section 127A-13(3), HRS. To the extent necessary to expedite the acquisition, construction, repair, renovation, and occupancy of housing that is designed exclusively for permanent, temporary, or transitional occupancy by persons experiencing homelessness or at risk of being homeless, and the provision of services to those persons, I hereby suspend the following statutes and regulations:

Chapter 6E, HRS, **Historic Preservation** to the extent necessary to expedite the provision of housing for homeless persons, subject to the Governor's emergency rules to be promulgated.

Section 37-41, HRS, **Appropriations to Revert to State Treasury; Exceptions.**

Section 37-74(d), HRS, **Program Execution**, except for sections 37-74(d)(2) and 37-74(d)(3), and any such transfers or changes considered to be authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.

Section 40-66, HRS, **Appropriations Lapse When**.

Chapter 46, HRS, **General Provisions**, to the extent prescribed by the Counties in order to meet the minimum requirements for health and safety and floodplain management.

Chapter 76, HRS, **Civil Service Law**.

Chapter 89, HRS, **Collective Bargaining in Public Employment**.

Chapter 89C, HRS, **Public Officers and Employees Excluded from Collective Bargaining**.

Chapter 92, HRS, **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.

Section 102-2, HRS, **Contracts for Concessions; Bid Required, Exception**.

Section 103-2, HRS, **General Fund**.

Section 103-53, HRS, **Contracts with the State or Counties; Tax Clearances, Assignments**.

Section 103-55, HRS, **Wages, Hours, and Working Conditions of Employees of Contractors Performing Services**.

Section 103-55.5, HRS, **Wages and Hours of Employees on Public Works Construction Contracts**.

Section 103-55.6, HRS, **Public Works Construction; Apprenticeship Agreement**.

Chapter 103D, HRS, **Hawaii Public Procurement Code**.

Chapter 103F, HRS, **Purchases of Health and Human Services**.

Chapter 104, HRS, **Wages and Hours of Employees on Public Works**.

Sections 105-1 to 105-10, HRS, **Government Motor Vehicles**.

Chapter 171, HRS, **Public Lands**.

Section 183C, HRS, **Conservation District**.

Chapter 205, HRS, **Land Use Commission** except as it applies to conservation district lands and important agricultural lands.

Chapter 205A, HRS, **Coastal Zone Management**.

Chapter 206E, HRS, **Hawaii Community Development Authority**.

Sections 302A-1601 through 302A-1608, HRS, **School Impact Fees**.

Chapter 343, HRS, **Environmental Impact Statements** to the extent necessary to expedite the provision of housing for homeless persons, subject to the Governor's emergency rules to be promulgated.

Chapter 346, HRS, **Social Services**.

Section 464-4, HRS, **Public Works**.

Sections 601-1.5, 708-817, 708-818, 708-820, 708-830.5, 708-840, HRS, to the extent 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 reasons of any declared disaster or emergency.

Section 127A-25(c), HRS, rules and orders, to the extent the requirement to publish rules adopted pursuant to chapter 127A, HRS, in a newspaper of general circulation in the State shall be suspended inasmuch as the posting of such rules on the applicable state or county government website or by other means of official announcement as provided by this section brings the rules' content to the attention of the general public.

II. State Cooperation

Section 127A-12(b), HRS. I hereby direct all state agencies and officers to cooperate with and extend services, materials, and facilities as may be required to assist in all efforts to address the objectives of this Proclamation.

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.

IV. Enforcement

No provision of this Proclamation, or any rule or regulation hereunder, shall be construed as authorizing any private right of action to enforce any requirement of this Proclamation, or of any rule or regulation. Unless the Governor, Director of Emergency Management, or their designee issues an express order to a non-judicial public officer, no provision of this Proclamation, or any rule or regulation hereunder, shall be construed as imposing any ministerial duty upon any non-judicial public officer and shall not bind the officer to any specific course of action or planning in response to the emergency or interfere with the officer's authority to utilize his or her discretion.

I FURTHER DECLARE that the disaster emergency relief period shall commence immediately and continue through May 19, 2023, unless terminated or superseded by separate proclamation, whichever shall occur first.

I FURTHER DECLARE that notwithstanding the termination of this emergency relief period, all contracts and agreements entered into and all procurements started

during the emergency relief period shall continue in full force and effect until expiration or termination of the contracts and agreements, and all construction projects commenced during the emergency relief period shall remain covered by the terms of this Proclamation through completion of construction.

I FURTHER DECLARE that this Proclamation or subsequent emergency rules 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, the counties of this State, or any State or County agencies, departments, entities, officers, employees, or any other person.

Done at the State Capitol, this 20th day of March, 2023.



Josh Green, M.D.
Governor of Hawai'i

APPROVED:



Anne E. Lopez
Attorney General, State of Hawai'i