

**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 Hawaii, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine, designate and proclaim as follows:

**WHEREAS**, based on information provided by the County of Kauai, there has been a significant increase in the number of homeless individuals in the County of Kauai; and

**WHEREAS**, the County of Kauai points to statistics gathered by the Kauai Economic Opportunity, Inc. (KEO), a private, non-profit community action agency that has provided assistance to the homeless community for 42 years, including outreach programs, shelters and transitional housing; and

**WHEREAS**, KEO reports that based on the regular intake of homeless individuals requesting help, there was a 38% increase in Kauai's homeless population from the years 2003 to 2006; and

**WHEREAS**, Kauai's homeless population was 545 in 2003, 513 in 2004, 695 in 2005, and by August 2006 there were 750 homeless individuals receiving services from KEO, with an additional 309 homeless who applied for KEO housing services; and

**WHEREAS**, of the 750 homeless who received services from KEO in August 2006, 163 were children; and

**WHEREAS**, in January 2007, a survey of health conditions of the homeless on Kauai showed that there were 69 homeless individuals with a severe or chronic health condition; and

**WHEREAS**, two of the most common illnesses seen by KEO in the homeless population were streptococcus and staphylococcus infections, which it is believed could have been prevented or alleviated with proper shelter; and

**WHEREAS**, twenty-five percent of the homeless population on Kauai live in areas without access to portable toilets, bathrooms, showers and clean water; and

**WHEREAS**, there are homeless that are living in abandoned cars, camping in pastures, camping in Kalalau Valley, sleeping in or near office buildings -- including the historic County Building in Lihue -- and sleeping at beach parks; and

**WHEREAS**, human waste has been found on beaches and in parks around comfort stations; and

**WHEREAS**, due to complaints of human waste, a port-a-potty was recently placed near the County Building in Lihue; and

**WHEREAS**, in KEO's 2007 homeless population survey, 79% of Kauai's homeless population indicated this was the first time they had been homeless;

**WHEREAS**, this Proclamation is necessary in order to provide for secure, safe, and sanitary shelter for a large number of homeless individuals on Kauai and to provide needed health and social services to such individuals ; and

**WHEREAS**, given the number of homeless on Kauai, there is an exacerbated threat to human health and safety, and to the environment on Kauai; and

**WHEREAS**, there is a vacant building in Lihue, Kauai, known as the Lihue Courthouse and located at 3059 Umi Street, Lihue, Kauai, 96766, which can be renovated to provide a temporary shelter and necessary health and social services to homeless individuals on Kauai; and

**WHEREAS**, a temporary shelter will protect the health and safety of not only the homeless individuals on Kauai, but other members of the Kauai community as well; and

**WHEREAS**, section 127-10, Hawaii Revised Statutes, provides that when sections 127-1 to 127-9, Hawaii Revised Statutes, are not in effect, the Governor may exercise any and all powers contained in chapter 128, Hawaii Revised Statutes, in order to provide other disaster relief and that all provisions of the law provided in chapter 128, Hawaii Revised Statutes, during such period are made applicable to other disaster relief; and

**WHEREAS**, pursuant to Act 35, Regular Session Laws of Hawaii 1961, sections 127-1 to 127-9, Hawaii Revised Statutes, have been indefinitely suspended and are not in effect, and the provisions of Chapter 128, Hawaii Revised Statutes, are applicable to other disaster relief; and

**WHEREAS**, pursuant to section 127-10, Hawaii Revised Statutes, other disaster relief includes, but is not limited to, the preparation for and the carrying out of all functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by fire, flood, tidal wave, volcanic eruption, earthquake, or other natural causes and major disasters caused by acts of man, including but not limited to, massive oil spills, nuclear accidents, airplane crashes, and civil disturbances; and

**WHEREAS**, pursuant to section 128-8(4), 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 conflicts with, disaster relief or other emergency functions; and

**WHEREAS**, pursuant to section 128-9(8), 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 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 128-10(10), Hawaii Revised Statutes, the Governor may suspend chapter 103D, sections 103-50, 103-50.5, 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 128-10(15), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 128 and to provide for civil defense and other emergency functions;


**NOW, THEREFORE**, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine that a major disaster and catastrophe contemplated by sections 127-11, 128-8(4), 128-9(8), 128-10(10), 128-10(11), and 128-10(15), Hawaii Revised Statutes, has occurred in the County of Kauai related to its homeless population, and do hereby proclaim the areas of Kauai where homeless individuals congregate to be disaster areas and suspend, as allowed by federal law, the following statutes for the purpose of adapting the building known as the Lihue Courthouse, located at 3059 Umi Street, Lihue, Kauai, 96766, and operating it for temporary shelter for homeless persons and providing needed health and social services to those individuals:

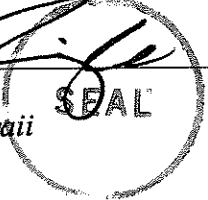
1. Section 102-2, **contracts for concessions in government buildings; bid requirements.**
2. Chapter 103D, **procurement code.**
3. Chapter 103F, **purchases of health and human services.**
3. Sections 105-1 to 105-10, **use of government vehicles, limitations.**
4. Section 464-4, **public works required to be supervised by certain professionals.**
5. Chapter 46, **counties**, to the extent that any county ordinance or regulation impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or is in conflict with, disaster relief or other emergency functions necessary to abate the threats to human health, safety, and welfare and to the environment identified herein;
6. Chapter 205A, **coastal zone management.**
7. Sections 206E-8.5, **developments within special management areas and shore-line setback.**

8. Chapter 343, **environmental impact statements.**
9. Sections 171-16(c), **notices**; 171-17, **appraisals**; and 171-59, **disposition by negotiation.**
10. Section 6E-8, **review of effect of proposed state projects**, as it relates to "historic property," that is, any building which is over fifty (50) years old.
11. Section 6E-9, **investigation, recording, preservation, and salvage; appropriations.**
12. Section 103-8.5, **works of art special fund.**
13. Section 37-41, **appropriations to revert to state treasury.**
14. Section 37-74(d), **transfer of funds between departments.**
15. Section 40-66, **lapsing of appropriations.**
16. Section 103-2, **revenues not specifically appropriated for other purposes shall be general realizations of the general fund.**
17. Chapter 205, **land use commission.**
18. Kauai General Plan and any other applicable community development plans.
19. Department of Health administrative rules:
  - a. Chapter 11-39; relating to air conditioning and ventilating.
  - b. Chapter 11-48; relating to ventilation.
  - c. Chapter 11-11; relating to sanitation.
  - d. Chapter 11-12; relating to food service and food establishment sanitation code.

I FURTHER DECLARE that a disaster emergency relief period shall commence as of July 11<sup>m</sup>, 2007, and continue through July 10<sup>th</sup>, 2008.

Done at the State Capitol State of Hawaii, this 11<sup>m</sup> day of July, 2007.

  
LINDA LINGLE  
Governor of Hawaii



APPROVED:



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MARK J. BENNETT  
*Attorney General*  
*State of Hawaii*