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, in May 2006, approximately 2,534 homeless individuals on the Leeward Coast of Oahu in the City and County of Honolulu were receiving services from the State, and of that number approximately 942 were children; and

WHEREAS, in May 2005, approximately 1,722 homeless individuals on the Leeward Coast of Oahu in the City and County of Honolulu were receiving services from the State, and of that number 637 were children, such that it is clear the number of homeless in this area has grown dramatically; and

WHEREAS, many homeless on the Leeward Coast are not receiving State services, so the total number of homeless currently in the area can reasonably be expected to be higher than 2,534, and it has been estimated to be as high as 4,000; and

WHEREAS, most of these individuals are living on the beaches along the Leeward Coast in public parks and elsewhere; and

WHEREAS, the comfort stations at the public parks in this area include a total of only 98 functional toilets and 45 functional showers for between 2,500 and 4,000 homeless people and others who use the parks; and

WHEREAS, human waste has been observed on Leeward Coast beaches on sand and rocks, and in the parks around the comfort facilities, posing a threat to human health and safety and to the environment; and

WHEREAS, the City and County of Honolulu announced on June 26, 2006, that it plans to close and renovate the beach parks along the Leeward Coast this fall, with closures beginning perhaps as early as September 2006; and

WHEREAS, a closure of any beach park and its facilities along the Leeward Coast will likely displace the homeless individuals located in those parks and could seriously exacerbate the threat to human health and safety, and to the environment, posed by the inadequate public comfort stations along the Coast; and

WHEREAS, significant numbers of the homeless individuals living along the beaches on the Leeward Coast require health and social services in order to maintain themselves safely and in reasonable health; and

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

WHEREAS, land is available on the Leeward Coast and in Kalaeloa on which buildings may be constructed to shelter these homeless individuals temporarily in a safe and sanitary manner and to provide necessary health and social services to them; and

WHEREAS, existing buildings may be available on the Leeward Coast that can be renovated to provide safe and sanitary temporary shelter to these individuals, along with necessary health and social services; 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 and sections 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, have occurred in the above areas in the State of Hawaii, and do hereby proclaim the areas of the Leeward Coast where homeless individuals congregate to be disaster areas and suspend, as allowed by federal law, the following statutes for the purpose of creating shelters for the temporary shelter of 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.**
4. Sections 105-1 to 105-10, **use of government vehicles, limitations**.
5. Section 464-4, **public works required to be supervised by certain professionals**.
6. 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 along the Leeward Coast;
7. Chapter 205A, **coastal zone management.**
8. Sections 206E-8.5, **developments within special management areas and shore-line setback**, and 206E-194, **Kalaeloa community development district; development guidance policies.**
9. Chapter 343, **environmental impact statements**.
10. Sections 171-16(c), **notices;** 171-17, **appraisals**; and 171-59, **disposition by negotiation.**

I FURTHER DECLARE that a disaster emergency relief period shall commence July 6, 2006, and continue through July 5, 2007.

Done at the State Capitol State of
Hawaii, this 6th day of July, 2006.

LINDA LINGLE
Governor of Hawaii

APPROVED:

MARK J. BENNETT
Attorney General
State of Hawaii