

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**THIRTY-THIRD PROCLAMATION  
RELATING TO WILDFIRES**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, to provide relief for disaster 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 proclaim as follows:

**WHEREAS**, on August 8, 2023, the first Proclamation Relating to Wildfires was issued declaring a state of emergency to exist in the counties of Maui and Hawai'i;

**WHEREAS**, on August 9, 2023, after wildfires spread considerably and burned a number of structures in and around Lāhainā, the Second Proclamation Relating to Wildfires was issued, extending the emergency declaration to the entire State;

**WHEREAS**, since August 9, 2023, thirty additional proclamations relating to wildfires have been issued, including the most recent Thirty-second Proclamation Relating to Wildfires issued on August 24, 2026;

**WHEREAS**, these fires burned thousands of acres, cut off communications, and forced closure of roads and schools, and evacuations in the Kohala Ranch and Kula areas;

**WHEREAS**, the fires caused significant loss of life and property in Maui County, thousands of people are without adequate housing, and the town of Lāhainā has been destroyed, including King Kamehameha III Elementary School;

**WHEREAS**, on October 30, 2023, a wildfire ignited in the Mililani Mauka area of Oahu which required considerable county, state, and federal resources to combat;

**WHEREAS**, on July 10, 2024, a new wildfire ignited in upcountry Maui in the vicinity of Crater Road that has burnt approximately 500 acres, requiring additional government resources to protect public health and safety, property, and natural resources;

**WHEREAS**, on July 11, 2024, two wildfires ignited in west Kauai, requiring additional government resources to protect public health and safety, property, and natural resources;

**WHEREAS**, on July 15, 2024, a new wildfire ignited in the Hanapepe area on Kauai and spread rapidly, requiring additional government resources to protect public health and safety, property, and natural resources;

**WHEREAS**, on the evening of July 18, 2024, another wildfire ignited on the Island of Kauai near Kokee Road and has spread in the direction of Waimea, requiring additional government resources to protect public health and safety, property, and natural resources;

**WHEREAS**, on the morning of June 15, 2025, another wildfire ignited and spread in the Kahikinui area on the Island of Maui, causing evacuations and threatening homes;

**WHEREAS**, on July 6, 2025, a major wildfire ignited in the Maili area of West Oahu, requiring evacuation of hundreds of homes in the area. This fire required additional government resources to protect public health and safety, property, and natural resources;

**WHEREAS**, it is necessary to continue recovery and mitigation efforts by federal, state, and county agencies, including ensuring adequate health services, shelter, housing, and schools for survivors, as well as to mitigate conditions contributing to wildfire risks;

**WHEREAS**, it is necessary to supplement the thirty-second proclamation to ensure a continued and effective statewide response to the wildfire emergency, including the August 2023 Lāhainā wildfire;

**WHEREAS**, under sections 127A-14 and 127A-16, Hawaii Revised Statutes (HRS), the Governor may determine whether an emergency or disaster has occurred, or whether there is an imminent danger or threat of an emergency or disaster and authorize actions under chapter 127A, HRS, including expending funds;

**WHEREAS**, section 127A-9, HRS, provides immunity from civil liability for certain entities and individuals while engaging in emergency management functions, including volunteers whose services are accepted by authorized persons, except in cases of wilful misconduct, gross negligence, or recklessness; and

**NOW, THEREFORE**, I, JOSH GREEN, M.D., Governor of the State of Hawai'i, hereby determine that an emergency or disaster contemplated by section 127A-14,

HRS, is occurring in the State of Hawai'i, and to continue recovery and mitigation efforts, authorize and invoke the following emergency provisions, if not already in effect upon this declaration of an emergency:

**I. Invocation of Laws**

Sections 127A-12 and 127A-13, HRS, 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-13(a)(1), HRS, and determine that disaster-generated debris on private property in impacted areas constitutes an immediate threat to life, public health, and safety, and to the economic recovery of the community at large.

Sections 127A-13(a)(8), 127A-25, and 127A-29, HRS. I hereby order that making any unsolicited offer to an owner of real property located in the areas encompassed by United States Postal ZIP codes 96761, 96767, and 96790 on the island of Maui to purchase or otherwise acquire any interest in the real property is prohibited. I further prescribe and adopt this order as a rule having the force and effect of law under section 127A-25. Any person who intentionally, knowingly, or recklessly makes an unsolicited offer to an owner of real property located in in the areas encompassed by United States Postal ZIP codes 96761, 96767, and 96790 on the island of Maui to purchase or otherwise acquire any interest in the real property shall be guilty of a misdemeanor and upon conviction, the person shall be fined no more than \$5,000, imprisoned no more than one year, or both. The foregoing notwithstanding, it shall be an affirmative defense to prosecution if the property owner to whom the offer was made was not impacted by this wildfire emergency. For purposes of this order, "person" means any individual, partnership, corporation, limited liability company, association, or other group or entity, however organized. "Unsolicited" means not asked for or requested.

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.

Section 127A-30, HRS, **rental or sale of essential commodities during a state of emergency; prohibition against price increases.** For the island of Maui only, I

hereby invoke, effective for the entire duration of this Proclamation, section 127A-30(a)(1), HRS, the prohibition against price increases only for the essential commodity of rentals of residential dwellings. Prices for this essential commodity may not exceed regular prices that were in effect as of August 9, 2023, when Section 127A-30 was invoked in the Second Proclamation Relating to Wildfires, unless authorized by law or this Proclamation. Any additional operating expenses incurred by the landlord, and which can be documented, may be passed on to the tenant. If rent increases are contained in a written instrument that was signed by the tenant before August 9, 2023, the increases may take place under the written instrument. Provided, however, that affordable and workforce housing projects contain limited income housing units that are bound by Federal, State, and County regulatory agreements that ensure the continued affordability of the housing units by allowing reasonable tenancy terms and rental increases while protecting income limited tenants from being “priced” out of their units. Rent adjustments per the established regulatory agreements can balance affordability for residents with the operational and maintenance costs incurred. Rental income from market rate units within the projects is necessary to off-set the cost of limited income affordable units and keep the projects economically viable. This paragraph shall therefore not apply to housing projects where all the units are owned by the same entity and are: (1) subject to a regulatory agreement under chapter 201H, HRS, or chapters 2.96 or 2.97 of the Maui County Code; and (2) the regulatory agreement subjects units to governmental regulations relating to rent increases; notwithstanding that these housing projects may contain market rate units.

Sections 127A-13(a)(8) and 127A-25, HRS. I hereby order that any tenancy between a hotel, motel, or condominium operated as a hotel or motel on the island of Maui and a person displaced by this wildfire emergency shall not be deemed to create a landlord tenant relationship, nor convert the dwelling unit of the tenancy into a residential dwelling unit, under section 127A-30, chapter 521, and chapter 666, HRS, unless specified otherwise in such tenancy agreement. I further prescribe and adopt this order as a rule having the force and effect of law under section 127A-25, HRS.

Section 201B-9, HRS. Upon the request of the Board of the Hawai'i Tourism Authority, I hereby declare that a tourism emergency exists in the State. I further

authorize the Hawai'i Tourism Authority, in coordination with the Department of Budget and Finance, to use monies in the Tourism Emergency Special Fund to respond to the emergency and provide relief under section 201B-10, HRS.

## **II. Suspension of Laws**

I suspend the following specific provisions of law under section 127A-13(a)(3) 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 this chapter specifically are made applicable to emergency personnel:

Chapter 6E, HRS, **historic preservation**, only to the extent necessary to: (1) allow for emergency demolition, removal, and disposal of wildfire-generated debris; (2) reconstruction of harbor infrastructure and facilities within State Small Boat Harbors in areas impacted by the wildfire disaster; (3) allow for the construction or erection of temporary housing for use by displaced victims of the Lāhainā wildfires; and (4) construct a public school to replace King Kamehameha III Elementary School, provided that construction or erection of temporary housing and the school may commence after consultation with, and upon the approval of, the State Historic Preservation Division. Any work performed under this limited suspension shall be subject to cultural, historic, and archaeological monitoring as appropriate. I also order State agencies and personnel, to the extent allowed by law and in consultation with the State Historic Preservation Division, to protect and preserve items of historic or cultural significance to the town and historic character of Lāhainā regardless of age, including but not limited to, business signs and other landmarks.

Section 37-41, HRS, **appropriations to revert to state treasury; exceptions**, to the extent that appropriations lapse at the end of the fiscal year before completion of the emergency actions.

Section 37-74(d), HRS, **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), HRS, 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, to the extent that legislative authorization would likely delay appropriation transfers or changes between programs to provide necessary funding to complete the emergency actions.

Section 37-77, HRS, **claims for legislative relief**, and section 662-11, HRS, **compromise**, only to the extent necessary to allow the Attorney General to settle claims presented for payment from the One Ohana Bank Trust Account.

Section 40-66, HRS, **lapsing of appropriations**, to the extent that the timing of the procurement of the construction of the emergency permanent repairs may occur the fiscal year following the original emergency proclamation.

Chapter 46, HRS, **county organization and administration, provisions applicable to all counties, general provisions**, to the extent necessary to respond to the emergency.

Chapter 76, HRS, **civil service law**, to the extent necessary to respond to the emergency.

Chapter 89, HRS, **collective bargaining in public employment**, to the extent that compliance with this chapter is detrimental to the expeditious and efficient execution of employment actions relating to the emergency.

Chapter 89C, HRS, **public officers and employees excluded from collective bargaining**, to the extent that compliance with this chapter requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Chapter 91, HRS, **administrative procedure**, to the extent necessary for the expeditious provision of interim housing, housing assistance programs, transportation, relocation assistance, supportive services or programs.

Chapter 92, HRS, **public agency meetings and records**, as follows: section 92-3.7(a), to suspend the physical location requirement for Maui-based boards; section 92-15, for boards with Maui-based members, to suspend the quorum requirements, and to the extent the absence of Maui-based members would prevent a board from meeting them, the voting requirements under section 92-4(a) (executive meetings); section 92-9(b), for Maui-based boards, to suspend the deadline for posting minutes; and section 92-3.1(a), for limited meetings of any board related to the emergency, suspend the requirement for the board's vote and concurrence by the Office of Information Practices.

Section 94-4, HRS, **certificate to same**, and section 3-20-9, HAR, **fees for services**, to the extent necessary to waive fees for copying, certifying, and other services provided by the State Archives Division to victims of the wildfires, provided

that: (1) persons requesting services shall provide documentation of State or Federal assistance received or being processed due to the wildfire emergency (i.e., FEMA Disaster assistance ID number, receipts and/or declaration of loss of property, Lāhainā residency, etc.); (2) the services relate to those records needed to show evidence of identity, property, and individual rights that are available at the Public Archives and which the Archives Division would ordinarily be responsible for providing copies of; (3) requestors shall provide exact citations or references regarding the requested records; and (4) processing of requests is on a “first-come-first serve” basis, but priority will be given to those in immediate need to help establish identity.

Section 103-2, HRS, **general fund**, to the extent that compliance results in any additional delays.

Section 103-50(e), **building design to consider needs of persons with disabilities; review fees**, to waive the review fees for State Disaster Housing Projects supporting Lāhainā wildfire survivors.

Section 103-53, HRS, **contracts with the State or counties; tax clearances, assignments**, only to the extent necessary to waive the Internal Revenue Service (IRS) tax clearance requirement.

Section 103-55, HRS, **wages, hours, and working conditions of employees of contractors performing services**, to the extent that compliance results in any additional delays.

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 103F, HRS, **purchases of health and human services**, 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 104, HRS, **wages and hours of employees on public works**, and implementing administrative rules, to the extent that compliance with this chapter

requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Sections 105-1 to 105-10, HRS, **use of government vehicles, limitations**, to the extent that compliance with this chapter requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Section 127A-16(a)(2), HRS, **major disaster fund**, only to the extent necessary to suspend the \$10,000,000 limit on expenditures for a single emergency or disaster.

Section 127A-25(c), HRS, **rules and orders**, to the extent the requirement to publish rules adopted under 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.

Section 127A-30, HRS, **rental or sale of essential commodities during a state of emergency; prohibition against price increases**, except on the island of Maui as described in section I, above. The automatic, statewide invocation of this provision is not needed for this emergency. This suspension does not affect any invocations or suspensions of section 127A-30, HRS, contained in any other proclamation.

Chapter 171, HRS, **public lands, management and disposition of**, to the extent necessary to respond to the emergency.

Chapter 180, HRS, **soil and water conservation districts**, to the extent necessary to respond to the emergency.

Chapter 180C, HRS, **soil erosion and sediment control**, to the extent necessary to respond to the emergency.

Chapter 183, HRS, **forest reserves, water development, zoning**, to the extent necessary to respond to the emergency.

Chapter 183C, HRS, **conservation district**, to the extent necessary to respond to the emergency.

Chapter 183D, HRS, **wildlife**, to the extent necessary to respond to the emergency.

Chapter 184, HRS, **state parks and recreation areas**, to the extent necessary to respond to the emergency.

Chapter 187A, HRS, **aquatic resources**, to the extent necessary to respond to the emergency.

Chapter 195, HRS, **natural area reserves system**, to the extent necessary to respond to the emergency.

Chapter 195D, HRS, **conservation of aquatic life, wildlife, and land plants**, to the extent necessary to respond to the emergency.

Section 200-10, HRS, **permits and fees for state small boat harbors; permit transfers**, to the extent necessary to respond to the emergency.

Chapter 205, HRS, **land use commission**, to the extent necessary to respond to the emergency.

Chapter 205A, HRS, **coastal zone management**, to the extent necessary to respond to the emergency, which includes repairs and reconstruction of structures affected by the Lahaina Wildfire, redevelopment of existing affordable housing projects affected by the Lahaina Wildfire located on State owned property or financed by State funds, and construction of the replacement public school, subject to compliance with the Hawaii's coastal zone management program objectives, the West Maui Community Plan, and conditions of approval by the Maui County Planning Director to reduce substantial negative impacts on the Special Management Area. Further, that the Special Management Area and shoreline area regulations shall only be applied to parcels located makai of Front Street as determined by the Maui County Planning Director.

Section 281-32(a), HRS, **licenses, temporary**, to the extent necessary to allow licensees of premises that are no longer in operation due to the August 8, 2023 wildfires to transfer their operations to new premises within the County of Maui under temporary licenses or permits, provided that the licensees and their operations were in compliance with these sections before August 8, 2023.

Chapter 269, HRS, **public utilities commission**, to the extent necessary to respond to the emergency during the emergency period.

Chapter 271, HRS, **motor carrier law**, to the extent necessary to respond to the emergency during the emergency period.

Chapter 271G, HRS, **Hawaii water carrier act**, to the extent necessary to respond to the emergency during the emergency period.

Chapter 302A, Part VI, Subpart B, **school impact fees**, to the extent necessary to waive the collection of all school impact fees for proposed dwelling units in the West Maui School Impact District designated by the Board of Education and to refund all school impact fees collected since August 8, 2023, in the West Maui School Impact District.

Chapter 342D, HRS, **water pollution**, and implementing rules including but not limited to HAR chapters 11-53, 11-54, 11-55, 11-56, and 11-62, to the extent necessary to respond to the emergency and conduct emergency management functions, provided that the suspension of these laws is applicable only to: (1) the discharges of water pollutants (making unnecessary the need to obtain National Pollutant Discharge Elimination System permits for industrial, construction and municipal related discharges, including stormwater discharges) or water quality certifications associated with (a) demolition, structural restoration and new construction performed by persons utilizing pollution and erosion control best management practices to minimize debris and sediment runoff and erosion, (b) design, construction, operation, maintenance, and closure of the Permanent Disposal Site, commonly referred to as the "Central Maui Landfill, Phase VII, Part 1" performed by persons utilizing pollution and erosion control best management practices to minimize debris and sediment runoff and erosion; and (2) the restoration and continued use of existing cesspools including the use of existing cesspools with the restoration of existing dwellings and the construction of new dwellings for the purpose of replacing that which was lost to fire, provided that such use also otherwise conforms with chapter 11-62, HAR, and the attached DOH Guidance documents, as may be amended or supplemented from time-to-time – "DEPARTMENT OF HEALTH, GUIDANCE FOR EXISTING CESSPOOL USE IN THE WAHIKULI HOUSELOTS SUBDIVISION, Effective March 19, 2024" and "DEPARTMENT OF HEALTH (DOH), GUIDANCE FOR EXISTING CESSPOOL USE IN RESIDENTIAL KULA, MAUI, Effective October 18, 2024.

Chapter 342E, HRS, **non-point source pollution management and control**, to the extent necessary to support emergency management functions.

Chapter 342H, HRS, **solid waste pollution**, and implementing rules including section 11-58.1, HAR, to allow for the permanent landfilling of the fire-related debris at the Permanent Disposal Site; and for the design, construction, operation, maintenance, and final encapsulation of fire debris with closure cap of the Permanent Disposal Site and associated work, conditioned upon this closure consisting of a hydraulic separation of the fire debris from any other waste cell and the PDS design including appropriate leachate capture and removal. Notwithstanding anything contained in this paragraph, the suspension of laws contained in this proclamation relating to wildfires does not apply to either (1) the acceptance of non-fire-related debris or municipal solid waste at the Permanent Disposal Site; or (2) the expansion of the Permanent Disposal Site beyond the Central Maui Landfill, Phase VII, Part 1.

Chapter 343, HRS, **environmental impact statements**, to the extent necessary to respond to the emergency.

Section 463-10.5, HRS, **guards; registration, instruction, training, testing, and continuing education required; renewal of registration**, to the extent necessary to allow out-of-state licensed guards with a current and active license, or those previously licensed under Chapter 463, HRS, but who are no longer current and active, to engage in the business of guarding statewide without a Hawai'i license; provided that they have never had their license revoked or suspended, have not been convicted of a felony within the last five years, and are hired by a Hawai'i licensed guard agency whose license is current, active, and in good standing.

Section 464-4, HRS, **public works required to be supervised by certain professionals**, to the extent necessary to respond to the emergency.

Section 467-7, HRS, **licenses required to act as real estate broker and salesperson**, as it applies to the management and operation, including rental, of State-owned temporary lodging for persons displaced by the Lāhainā wildfire and those assisting with the Lāhainā wildfire recovery.

Section 514B-112(c), HRS, **condominium community mutual obligations**, to the extent necessary to allow condominiums and condominium owners to house persons displaced by the wildfire emergency in excess of time limits contained in declarations, by-laws, and house rules.

### **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.

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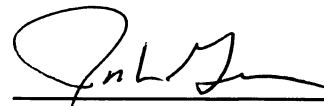
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**I FURTHER DECLARE** that this proclamation supersedes all earlier proclamations relating to wildfires described above. The disaster emergency relief period shall commence immediately and continue through December 15, 2026, unless terminated or superseded by separate proclamation, whichever shall occur first. Following the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into, started, amended, or continued by reason of the provisions of the proclamation relating to this emergency shall continue in full force and effect to the extent allowed by law.

Done this 16<sup>th</sup> day of October 2026



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JOSH GREEN, M.D.,  
*Governor of Hawai'i*

APPROVED:



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ANNE E. LOPEZ,  
*Attorney General, State of Hawai'i*