OFFICE OF THE GOVERNOR
STATE OF HAWAIʻI

FIFTH PROCLAMATION RELATING TO SEPTEMBER 2026 TROPICAL CYCLONES

By the authority vested in me by the Constitution and laws of the State of Hawaiʻi, 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 Hawaiʻi, proclaim as follows:

WHEREAS, the State is still recovering from Tropical Storm / Hurricane Lala, which impacted the State starting around August 14, 2026, and continued through around August 16, 2026. Lala caused loss of life, and significant damage to power, transportation, communications, and other infrastructure, and to private property across the State;

WHEREAS, on September 2, 14, 22, and October 21, 2026, I issued my first, second, third, and fourth Proclamations, respectively, Relating to September 2026 Tropical Cyclones to aid government's preparation, response, and recovery for Hurricane Lowell. The Fourth Proclamation relating to September 2026 Tropical Cyclones must be supplemented to enable continued response and recovery;

WHEREAS, Lowell passed to the west of Kauai County around September 7 to September 8, 2026, causing significant damage to public and private property and infrastructure on Kauai and elsewhere throughout the State. Hundreds of residential and commercial customers on Kauai were without access to electrical power;

WHEREAS, it is critical that the State and counties have sufficient resources to clear debris, secure infrastructure, conduct emergency relief efforts, and take other measures to respond to and recover from Hurricane Lowell and other tropical cyclones that may impact the State; and

NOW, THEREFORE, I, JOSH GREEN, M.D., Governor of the State of Hawaiʻi, hereby declare the existence of a state of emergency under section 127A-14, Hawaii Revised Statutes (HRS), because tropical cyclones pose an imminent danger or threat of an emergency or disaster in the State of Hawaiʻi. This Proclamation covers the entire

State of Hawai'i and is intended to allow government to prepare for, respond to, and recover from:

1) Hurricane Lowell;

2) Remnants of Tropical Depression 15-E (potential Tropical Cyclone Nolo); and

3) any additional storms or other hazards that may exacerbate the impacts of these tropical cyclones or hinder recovery efforts.

I further authorize and invoke the following emergency provisions, if not already in effect upon this declaration of an emergency:

I. Invocation of Laws

Section 121-30, HRS. I authorize and direct the Adjutant General to activate such units of the Hawai'i National Guard as may be necessary to assist and aid civilian authorities in disaster relief and in averting any imminent public danger and threat and to ensure the compliance with the civil laws of the State of Hawai'i.

Subsection 127A-12(b)(5), HRS, to ensure that public property of the State is available to support the government's emergency preparation, response, and recovery operations.

Subsection 127A-12(b)(13), HRS. I require each public utility, or any person owning, controlling, or operating a critical infrastructure, to protect and safeguard the property and infrastructure, or to provide for its protection and safeguarding; protecting or safeguarding may include regulating or prohibiting public entry, or permitting entry on terms and conditions as I may prescribe.

Subsection 127A-12(b)(16), HRS. I direct all state agencies and officers to cooperate and extend their services, materials, and facilities as may be required to assist in emergency response efforts at the direction of the Adjutant General of the State of Hawaii.

Section 127A-16, HRS. I activate the Major Disaster Fund.

Under section 127A-25, HRS, I hereby adopt the attached (1) Rules Relating to the Emergency Farmer Relief Program; and (2) Rules Relating to Housing Relief Programs. These rules shall have the force and effect of law.

Section 201B-9, HRS. At 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, as allowed by federal law, under subsections 127A-12(b)(8) and 127A-13(a)(3), HRS, to the extent that the law impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or conflicts with, emergency functions, including laws which by this chapter specifically are made applicable to emergency personnel:

Chapter 6E, HRS, **historic preservation**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency.

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.

Subsection 37-74(d), HRS, **program execution**, except for subsections 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 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 allow government agencies to prepare for, respond to, and recover from the emergency.

Chapter 76, HRS, **civil service law**, to the extent necessary to allow qualified personnel to be hired that would be directly involved in the expeditious and efficient execution of emergency actions.

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

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.

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

Section 103-53, HRS, **contracts with the State or counties; tax clearances, assignments**, only to the extent necessary to waive the Internal Revenue Service 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 prepare for or 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 prepare for or respond to emergency situations.

Chapter 104, HRS, **wages and hours of employees on public works**, 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 121-40, HRS, **pay of enlisted personnel while on active duty,** to allow the Adjutant General to afford pay and allowances to enlisted members of the Hawaii

National Guard at the maximum E-5 pay and allowances rate regardless of years of service.

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

Section 127A-30, HRS, **rental or sale of essential commodities during a state of emergency; prohibition against price increases**, as it relates to this Proclamation and emergency. The invocations and suspensions of section 127A-30, HRS, contained in any other emergency proclamations are not affected by this Proclamation.

Paragraph (3) only of section 174C-71, HRS, **protection of instream uses – limited to stream channel alterations**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency.

Chapter 171, HRS, **public lands, management and disposition of**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency and to the extent necessary to allow utilities and private landowners to protect, maintain, and repair infrastructure located on private property where public use and purposes are impacted by the emergency such as utility transmission lines and public shoreline access; provided that the utilities and private landowners notify the Hawaii Emergency Management Agency before commencing any work and immediately stop work if ordered by a State agency.

Chapter 179, HRS, **flood control and flood water conservation**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency.

Chapter 179D. HRS, **dams and reservoirs**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency.

Chapter 183C, HRS, **conservation district**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency and to the extent necessary to allow utilities and private landowners to protect, maintain, and repair infrastructure located on private property where public use and purposes are impacted by the emergency such as utility transmission lines and public shoreline access; provided that the utilities and private landowners notify the Hawaii Emergency

Management Agency before commencing any work and immediately stop work if ordered by a State agency.

Chapter 195D, HRS, **conservation of aquatic life, wildlife, and land plants**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency.

Chapter 205, HRS, **land use commission**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency and to the extent necessary to allow utilities and private landowners to protect, maintain, and repair infrastructure located on private property where public use and purposes are impacted by the emergency such as utility transmission lines and public shoreline access; provided that the utilities and private landowners notify the Hawaii Emergency Management Agency before commencing any work and immediately stop work if ordered by a State agency.

Chapter 205A, HRS, **coastal zone management**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency and to the extent necessary to allow utilities and private landowners to protect, maintain, and repair infrastructure located on private property where public use and purposes are impacted by the emergency such as utility transmission lines and public shoreline access; provided that the utilities and private landowners notify the Hawaii Emergency Management Agency before commencing any work and immediately stop work if ordered by a State agency.

Chapter 279A, HRS, **statewide transportation planning**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency.

Section 286-106, HRS, **expiration of licenses**; subsection 286-107.5(a) **reactivation of expired licenses, fees, road test waived**; subsection 286-236(e), HRS, **commercial driver's license qualification standards**; sections 286-107(a), (b), (c), (d), (g), and (h), HRS, **license renewals, procedures and requirements**; subsection 286-239(g), HRS, **commercial driver's license**; section 286-239.5, HRS, **reactivation of expired commercial driver's license, fees, road test waived**; section 286-241, HRS, **notification of disqualification, suspension, revocation,**

cancellation, marking medical certification status as not-certified, or downgrading of commercial driver's licenses or permits, subsection 286-306(a), HRS, **expiration; renewal; replacement**, to the extent necessary to enable the County of Kauai to waive or extend the renewal, expiration, reactivation, or other deadlines for licenses and permits that occurred or will occur during the emergency period.

Subsections 286-181(b), (c), and (d), HRS, **pupil transportation safety**, and Chapter 19-42, HAR, and any other applicable administrative rules, to the extent they limit exemptions for vehicles or drivers, or impose qualifications on drivers, that would impede the government's ability to provide or contract for school bus services, or to authorize independent schools to provide school bus services for their students, in the County of Kauai.

Chapter 342B, HRS, **air pollution control**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency.

Chapter 342D, HRS, **water pollution**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency.

Chapter 342E, HRS, **nonpoint source pollution management**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency.

Chapter 342F, HRS, **noise pollution**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency.

Chapter 342H, HRS, **solid waste pollution**, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency.

Chapter 343, HRS, **environmental impact statements**, and section 11-200.1, HAR, to the extent necessary to allow government agencies to prepare for, respond to, and recover from the emergency and to the extent necessary to allow utilities and private landowners to protect, maintain, and repair infrastructure located on private property where public use and purposes are impacted by the emergency such as utility transmission lines and public shoreline access; provided that the utilities and private landowners notify the Hawaii Emergency Management Agency before commencing any work and immediately stop work if ordered by a State agency. This includes suspending the deadline for accepting or not accepting a final statement within 30 days

of agency receipt under section 343-5(e), HRS, and other deadlines under chapter 343, because the impacts of Hurricane Lowell prevent residents of Kauai County from meaningfully participating in the environmental review process. The deadlines shall be tolled until either: (1) the agency acts on the application; or (2) this Proclamation's emergency period expires. Any agency relying on this deadline suspension must file a notice with the Office of Planning and Sustainability to keep the public informed of the environmental review process.

Chapter 457, HRS, **nurses**, and chapter 16-89, HAR, **nurses**, to the extent necessary to allow out-of-state licensed practical nurses, registered nurses, advanced practice registered nurses, and advance practice registered nurses with prescriptive authority with a current and active license, to practice on the island of Kauai without a license; provided that they have never had their license revoked or suspended and are hired by a State or county agency or facility, or by a hospital, including related clinics and rehabilitation hospitals, nursing home, hospice, pharmacy, clinical laboratory, hemodialysis clinic or other health care entity.

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 January 3, 2027, unless terminated or superseded by separate proclamation, whichever shall occur first. This Proclamation supersedes my October 21, 2026, Fourth Proclamation Relating to September 2026 Tropical Cyclones. 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 at the State Capitol, this
4th day of November 2026

JOSH GREEN M.D.,
Governor of Hawai`i

APPROVED:

Anne E. Lopez

ANNE E. LOPEZ
Attorney General
State of Hawai`i

Rules Relating to the Emergency Farmer Relief Program

§1 Purpose and Authority
§2 Grant Standards for Emergency Farmer Relief Program

§1 Purpose and Authority. These rules are adopted under sections 127A-9, 11, 12, 13, and 25, Hawaii Revised Statutes, to respond to the storm systems that are the subject of the Fifth Proclamation Relating to September 2026 Tropical Cyclones. The following rule is necessary to establish standards for the issuance of grants by the Department of Agriculture and Biosecurity for its Emergency Farmer Relief Program. These rules have the force and effect of law.

§2 Grant Standards for Emergency Farmer Relief Program. Applications for grants shall be submitted to the Department of Agriculture and Biosecurity and shall contain information as necessary and required for the Department of Agriculture and Biosecurity to administer the Program. At a minimum, the applicant shall:

(1) Be a farmer, rancher, or agricultural business that suffered damage and/or loss caused by the storm systems covered by the Fifth Proclamation Relating to September 2026 Tropical Cyclones;

(2) Have an active State of Hawaii general excise tax license in good standing;

(3) Agree to use State funds exclusively for the purposes authorized under this Program; and

(4) Not be eligible to receive more than one grant of $1,500.00 from the Program.

Rules Related to Housing Relief Programs

§1 Purpose and Authority
§2 Grant Standards for Rental Assistance Program
§3 Grant Standards for Home Repair Program
§4 Grant Standards for General Disaster Assistance Program

§1 Purpose and Authority. These rules are adopted under sections 127A-9, 11, 12, 13, and 25, Hawaii Revised Statutes, to respond to the storm systems that are the subject of the Fifth Proclamation Relating to September 2026 Tropical Cyclones. The following rule is necessary to establish standards for the issuance of grants by the Hawai'i Emergency Management Agency for its Housing Relief Programs. These rules have the force and effect of law. Neither these rules nor programs shall create any property interest or entitlement for any person to receive a grant award. All grants under these rules are subject to the availability and release of funds.

§2 Grant Standards for Rental Assistance Program. Applications for rental assistance grants shall be submitted to the Provider contracted by the State and shall contain information as necessary and required for the Hawai'i Emergency Management Agency to administer the Program. At a minimum, the applicant shall:

(1) Be a Hawai'i resident whose housing was impacted as a direct result of the storm systems covered by the Fifth Proclamation Relating to September 2026 Tropical Cyclones;

(2) Be a household that rented or owned a primary home that suffered damage or loss and:

a. Who is ineligible for federal disaster assistance under the FEMA Individual Assistance (IA) program;

b. Who was denied federal disaster assistance under the FEMA IA program; or

c. Who has exhausted IA assistance that FEMA awarded and has a remaining unmet housing need;

(3) Be a household that can independently secure a lease for a residential unit that will serve as a primary home;

(4) Agree to use State funds exclusively for the purposes authorized under this Program; and

(5) Receive no more than 12 months lease rent based on eligible area fair market value, as determined by the U.S. Department of Housing and Urban Development, from the Program.

§3 Grant Standards for Home Repair Program. Applications for home repair grants shall be submitted to the Provider contracted by the State and shall contain information as necessary and required for the Hawai'i Emergency Management Agency to administer the Program. At a minimum, the applicant shall:

(1) Be a Hawai'i resident whose housing was impacted as a direct result of the storm systems covered by the Fifth Proclamation Relating to September 2026 Tropical Cyclones;

(2) Be a household that owned a primary home, or in limited circumstances rented a housing unit and was responsible for the repair and maintenance of such unit, that suffered damage or loss and:

a. Who is ineligible for federal disaster assistance under the FEMA IA program;

b. Who was denied federal disaster assistance under the FEMA IA program; or

c. Who has exhausted IA assistance that FEMA awarded and has a remaining unmet housing need;

(3) Be a household that can undertake repairs that could restore a primary home to a habitable condition;

(4) Agree to use State funds exclusively for the purposes authorized under this Program; and

(5) Receive no more than one grant of up to $25,000.00 from the Program.

§4 Grant Standards for General Disaster Assistance Program. Applications for general disaster assistance grants shall be submitted to the Provider contracted by the State and shall contain information as necessary and required for the Hawai'i Emergency Management Agency to administer the Program. At a minimum, the applicant shall:

(1) Be a Hawai'i resident whose housing was impacted as a direct result of the storm systems covered by the Fifth Proclamation Relating to September 2026 Tropical Cyclones;

(2) Be a household whose primary home suffered damage or loss and:

a. Who is ineligible for federal disaster assistance under the FEMA IA program;

b. Who was denied federal disaster assistance under the FEMA IA program; or

c. Who has exhausted IA assistance that FEMA awarded and has a remaining unmet housing need;

(3) Be a household that is not otherwise eligible for any other housing relief program provided for in these rules;

(4) Agree to use State funds exclusively for the purposes authorized under this Program; and

(5) Receive no more than one grant of up to $5,000.00 from the Program as follows:

a. A minimum award of $2,000 per eligible household; and

b. An additional $500 per household member for households consisting of 3 or more individuals up to a maximum of $5,000 for the entire household.