OFFICE OF THE GOVERNOR

STATE OF HAWAIʻI

TWENTY-SIXTH PROCLAMATION RELATING TO HOMELESSNESS

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

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

WHEREAS, on January 23, 2023, a Proclamation was issued relating to homelessness that declared an emergency created by homelessness for the people of Hawaiʻi ("Proclamation");

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

WHEREAS, on March 20, 2023, a third Proclamation was issued relating to homelessness that clarified the terms of the Proclamation;

WHEREAS, on May 19, 2023, a fourth Proclamation was issued relating to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on July 18, 2023, a fifth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on September 15, 2023, a sixth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on November 9, 2023, a seventh Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on January 8, 2024, an eighth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on March 8, 2024, a ninth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on May 3, 2024, a tenth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on July 2, 2024, an eleventh Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on August 30, 2024, a twelfth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on October 29, 2024, a thirteenth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on December 27, 2024, a fourteenth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on February 25, 2025, a fifteenth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on April 25, 2025, a sixteenth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on June 3, 2025, a seventeenth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on July 29, 2025, an eighteenth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on September 23, 2025, a nineteenth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on November 18, 2025, a twentieth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on January 16, 2026, a twenty-first Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on March 16, 2026, a twenty-second Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on May 14, 2026, a twenty-third Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on July 10, 2026, a twenty-fourth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units;

WHEREAS, on September 8, 2026, a twenty-fifth Proclamation was issued related to homelessness that clarified the terms of the Proclamation and that included Rules Relating to the Construction of Homeless Dwelling Units; ("Emergency Rules");

WHEREAS, based on the twenty-fifth Proclamation and the Emergency Rules, the effort to issue development agreements that allow for the construction of homeless dwelling units is underway;

WHEREAS, more time is needed to continue the construction of homeless dwelling units and to relocate homeless individuals and families to completed dwelling units;

WHEREAS, there is a need to transition the effort to help the homeless population to include supportive services to begin to address the causes of homelessness;

WHEREAS, people with poor mental health are more susceptible to the three main factors that can lead to homelessness: poverty, disaffiliation, and personal vulnerability. Because they often lack the capacity to sustain employment, they have little income. Poor mental health may lead them to withdraw from friends, family, and other people. This loss of support leaves them with fewer resources to cope within times of trouble. Mental illness can also impair a person's ability to be resilient and resourceful; it can cloud thinking and impair judgment. For all these reasons, people with mental illness are at greater risk of experiencing homelessness;

WHEREAS, these frequent utilizers of emergency and homeless services often present with co-occurring illnesses and need specialized care that requires clinical expertise to evaluate their physical and mental impairments and to assist in overcoming barriers to accessing proper medical treatment and resources to meet basic needs like food, hygiene, safety, and transportation;

WHEREAS, the lack of triage, crisis, and treatment services has been a major gap in the State's system of behavioral health care for homeless persons and others with mental illness or substance use disorders. The safety and constant supervision available in triage, crisis, and treatment centers are in stark contrast to the chaos and vulnerability individuals experience on the street;

WHEREAS, community-based mental health services play an important role. Homelessness could be drastically reduced if people with severe mental illness were able to access supportive housing as well as other necessary community supports; and

WHEREAS, the creation of more permanent affordable housing, permanent supportive housing, transitional housing, shelter space, and mental, behavioral, and physical support services for people experiencing homelessness and those at risk of homelessness 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, Hawai'i 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 Hawai'i Revised Statutes:

I. Suspension of Laws

Section 127A-13(a)(3), HRS, **Additional Powers in an Emergency Period,** 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 those with mental or behavioral health and co-occurring disorders common to 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:

Section 127A-30, HRS, **Rental or Sale of Essential Commodities During a State of Emergency; Prohibition Against Price Increases**, to prevent the automatic statewide, 96-hour operation of this section, which is unnecessary for this emergency. The invocation and suspension of section 127A-30, HRS, contained in any other proclamation are not affected by this Proclamation.

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

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 37-74(d)(1) for legislative reporting requirements.

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**.

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 171, HRS, **Public Lands**.

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**.

Chapter 237, HRS, **General Excise Tax Law**, to the extent that the suspension shall only apply to qualified persons or firms involved with a newly constructed, or a moderately or substantially rehabilitated, project that is either developed under this Proclamation, subject to the attached Governor's Emergency Rules, or is a state project, for the provision of housing for homeless persons. The suspension shall apply to the planning, design, financing, construction, sale, or lease in the state of a project that has been certified under the attached Governor's Emergency Rules, or is a state project. "Moderate rehabilitation" and "substantial rehabilitation" shall have the same meaning as set forth in section 201H-36(d), HRS.

Chapter 343, HRS, **Environmental Impact Statements,** to the extent necessary to expedite the provision of housing for homeless persons, subject to the attached Governor's Emergency Rules.

Chapter 346, HRS, **Social Services**, except for section 346-388.1.

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

Sections 601-1.5, 708-817, 708-818, 708-820(1)(c), 708-830.5(1)(d), 708-840(1)(c) and (d), 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.

Pursuant to section 127A-25, HRS, I hereby adopt the Rules Relating to Construction of Homeless Dwelling Units attached hereto. These rules shall have the force and effect of law.

II. State Cooperation

Pursuant to 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 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.

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I FURTHER DECLARE the disaster emergency relief period shall commence immediately and continue through January 5, 2027, 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 at the State Capitol, this 6th *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
Construction of Homeless Dwelling Units

§1 Purpose and Authority
§2 Definitions
§3 Applicability of Proclamation and Rules
§4 Project Eligibility
§5 Project Agreements

§1 Purpose and Authority.

These rules are intended to expedite and apply only to construction of temporary or permanent housing for people experiencing homelessness or who are at risk of homelessness. Quickly creating such spaces is key to reducing unsheltered homelessness.

Projects that propose to house or serve low-income people living in public housing or people experiencing homelessness or who are at risk of homelessness are eligible for coverage under this Proclamation and these rules.

These rules are adopted pursuant to sections 127A-11, 12, 13, and 25, Hawai'i Revised Statutes ("HRS"), to respond to the homelessness emergency declared by the Governor and have the force and effect of law.

§2 Definitions.

"At risk of homelessness" is defined as:

(a) An individual who is exiting an institutional facility where he or she resided and who resided in an Emergency Shelter or place not meant for human habitation immediately before entering that institution, provided that no subsequent residence has been identified; and the individual or family lacks the resources or support networks, e.g., family, friends, faith-based, or other social networks, needed to obtain other Permanent Housing.

(b) An individual or family who will imminently lose their primary nighttime residence, provided that: (i) The primary nighttime residence will be lost within 14 days of the date of application for Homeless assistance; (ii) No subsequent residence has been identified; and (iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based, or other social networks, needed to obtain other Permanent Housing; or

(c) Any individual or family who: (i) is fleeing, or is attempting to flee,

domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; (ii) has no other residence; and (iii) lacks the resources or support networks, e.g. family, friends, faith-based, or other social networks, needed to obtain other Permanent Housing.

"Dwelling," "dwelling unit," or "unit" means any structure or room, for sale, lease, or rent, that provides shelter. § 356D-1, HRS.

"Emergency Shelter" means a homeless facility designed to provide temporary shelter and appropriate and available services to homeless families or individuals for a specified period of time who are not able to stay in a transitional shelter or reside in a dwelling unit. § 346-361, HRS.

"Homeless" means:

(1) An individual or family who lacks a fixed, regular, and adequate night-time residence; or

(2) An individual or family who has a primary night-time residence that is:

(A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations;

(B) An institution that provides temporary residence for individuals intended to be institutionalized; or

(C) A public or private place not designed for or ordinarily used as sleeping accommodations for human beings.

This term does not include any individual imprisoned or otherwise detained under an act of Congress or a state law. § 346-361, HRS.

"Homeless facility" means a development designed to provide shelter for homeless families or individuals pursuant to this part, or to facilitate any other homeless program authorized by this part and may include emergency or transitional shelters. § 346-361, HRS.

"Institutional facility" means a:

(1) Hospital;
(2) Convalescent home;
(3) Nursing home;
(4) Extended care facility;

(5) Mental institution;
(6) Rehabilitation center;
(7) Health maintenance organization;
(8) Psychiatric center;
(9) Intellectual disability center;
(10) Penal institution; or
(11) Any other organization whose primary purpose is to provide a physical environment for patients to obtain health care services or at-home care services, except those places where physicians, dentists, veterinarians, osteopaths, podiatrists, or other prescribers who are duly licensed, engage in private practice. HRS § 328C-1.

"Permanent housing" means community-based housing without a designated length of stay. Examples of permanent housing include, but are not limited to, a house or apartment with a month-to-month or annual lease term or home ownership.

"Transitional shelter" means a homeless facility designed to provide temporary shelter and appropriate and available services for a maximum of twenty-four months to homeless families or individuals qualified by the pertinent provider agency or department to stay in the transitional shelter. § 346-361, HRS.

§ 3 Applicability of Proclamation and Rules.

These rules shall apply only to those construction projects of temporary or permanent housing for people experiencing homelessness or who are at-risk of homelessness which are certified by the Coordinator on Homelessness ("Coordinator") as having met the requirements for eligibility set forth in these rules ("Certified Projects").

Certified Projects do not require further state approvals to proceed with the project. Certified Projects will not be subject to the state regulations suspended under the Proclamation.

Certified Projects are still required to seek applicable county approval in the appropriate county where the project is located. The counties may adopt an expedited approval process to support the provision of housing for homeless individuals and families while still ensuring that improvements constructed pursuant to the Proclamation meet life safety standards as defined by the counties.

The Coordinator may also approve the application of the suspension of laws set forth in the Proclamation for projects proposed by state agencies where the use of the suspended laws shall be for operational functions of the agency or to repair, renovate, or refurbish existing housing for use or occupancy by people

experiencing homelessness.

§ 4 Determination of Project Eligibility.

(a) Project proponents seeking to have the terms of the Proclamation apply to their project shall submit to the Coordinator the following documentation:

(1) Name, address, email address and telephone number of the project proponent and each member of the project team. If the project proponent is a corporation or other legal entity, evidence of the project proponent's status and registration with the Department of Commerce and Consumer Affairs, and the names, address, email address and telephone number of each officer and director of the entity. The name, address, email address, and telephone number of the main point of contact should be identified;

(2) Proof that the project proponent has site control such as a deed, agreement of sale, long term lease, or other disposition;

(3) A description of the project proponent's experience or involvement, if any, in the development of housing or projects of similar scope, size, and complexity;

(4) A description of the project proponent's past or current experience or involvement, if any, in any programs or its provision of services, including other than housing, that would give evidence of the project proponent's ability to manage a project of this type and scope;

(5) A conceptual site plan showing the general development of the project site including the locations and descriptions of proposed and existing buildings, parking areas, unusual site features, proposed and existing major drainage facilities;

(6) A development plan including the number of units, maximum occupancy, construction method, and infrastructure needs. The infrastructure needs should include a description of methods of sewage and solid waste disposal and sources of water and other utilities as well as depth and location of any trenches required;

(7) The proposed funding for the project, including the manner in which the project will be funded during the development and construction of the project, and upon completion of the project and sources of repayment of financing, if applicable. This should include any proposed grants, donations, loans, bonds, tax credits, or other sources of financial resources;

(8) The project's method of homeless verification (e.g., homeless verification letter or Homeless Management Information System database); and

(9) The project proponent's plan for obtaining community input (e.g., via Neighborhood Board meeting, neighborhood survey, or community meeting).

(b) Expedited reviews in the following areas shall be completed, as set forth herein, to determine whether the project is likely to have an adverse impact on resources and to define any mitigation and monitoring of impacts needed. Once the reviews are complete, the Coordinator may certify the project and the project may proceed to be developed under the Proclamation. The project proponent shall provide the following information to the Coordinator:

(1) Historical review (DLNR SHPD)
   a. TMK of property;
   b. Preliminary site plan;
   c. Proposed construction methodology;
   d. Proposed underground infrastructure;
   e. Any grading or trenching plans;
   f. Information of historic properties on the project site;
   g. Any prior historical or archaeological studies or reports done; and
   h. Photos of the property.

(2) Environmental issues (DOH HEER)
   a. TMK of property;
   b. Whether the dwelling units or restroom facilities will be serviced through a sewer connection or whether an individual wastewater system will be installed;
   c. Whether an NPDES permit will be required. An NPDES permit is required if:
      i. 1 acre or more of land will be disturbed (e.g. by grading), either on its own or as part of a larger common plan of development that will disturb 1 or more acres of land; or
      ii. if there will be any construction-related discharge to state waters (e.g., hydrotesting, dewatering); and
   d. Whether an U.S. Army Corps of Engineers Regulatory Program permit is required because there is anticipated to be the discharge of dredged or fill material into waters of the United States.

(3) Endangered species impacts (DLNR DOFAW)
   a. TMK of property;

b. Any on-site or nearby streams, waterways, or wetlands;
c. Any native vegetation on site;
d. Any known native fauna on site;
e. Vegetation control anticipated to occur as part of construction, including but not limited to tree trimming or cutting, mowing of grassy areas, or removal of native vegetation;
f. Any night time construction anticipated, if yes, months during which night time construction will be used;
g. Lighting plans; and
h. Whether the property is covered by a habitat conservation plan.

(4) Flood plain management (DLNR Engineering)
a. TMK of property; and
b. Floodplain management zone.

If potential adverse impacts are identified, the project will be required to address these impacts in accordance with standard State processes for development projects. These processes include, but are not limited to, the review processes set forth in HRS chapters 6E, 322, 342D, 342E, 343, and Hawai'i Administrative Rules chapters 11-53, 11-55, 11-56, 11-62, 13-275, and 13-284.

Notwithstanding the Proclamation, counties may establish their own process or rules for ensuring that a Certified Project meets life safety standards.

§ 5 Project Development Agreements.

If, after reviews under section 4 of these rules are complete and the Coordinator finds that the project proponent has submitted the required project information under Section 4(a), the Coordinator may accept the project as qualified under the Proclamation. Upon acceptance, the Coordinator shall enter into a development agreement with the project proponent.

The terms and conditions of the development agreement shall include:

(a) The purpose of the agreement, which shall include the development of dwelling units for homeless individuals or families;

(b) A description of the role and responsibilities of the project proponent and other parties to the agreement;

(c) Any measures required to mitigate any anticipated adverse effects of the project;

(d) A restrictive covenant requiring the property to be used for dwelling units for homeless individuals or families for a minimum of twenty years. Where

the project proponent only has a leasehold interest with a remaining term of less than twenty years the restrictive covenant may be for less than twenty years, but in no case shall it be less than fifteen years with the option to extend the restriction to twenty years if the lease term is extended; and

(e) Standard clauses that the Coordinator determines to be required, including, but not limited to, the following:

1. Indemnity
2. Severability
3. Termination; and
4. Assignability.

A memorandum regarding the development agreement will be recorded at the Bureau of Conveyances or Land Court against the fee simple or leasehold interest, as appropriate.

Once an agreement is executed and the memorandum is filed, a project will be considered "certified" under the Proclamation. An annual review of every project is required to verify compliance with the conditions under the Project Agreement.

(f) The fully executed development agreements will be posted on the Coordinator's or other government website.