

# HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE

Council of the County of Maui

## MINUTES

September 20, 2016

Council Chamber, 8<sup>th</sup> Floor

**CONVENE:** 1:30 p.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Stacy Crivello, Chair  
Councilmember Gladys C. Baisa, Vice-Chair  
Councilmember Robert Carroll  
Councilmember Don Couch  
Councilmember Don S. Guzman  
Councilmember Riki Hokama (In 1:33 p.m.)  
Councilmember Michael P. Victorino (Out 2:56 p.m.)

NON-VOTING MEMBERS:

Councilmember Elle Cochran (Out 2:56 p.m.)

**STAFF:** Michele Yoshimura, Legislative Analyst  
Tammy M. Frias, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)  
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

**ADMIN.:** Carol K. Reimann, Director, Department of Housing and Human Concerns  
Linda R. Munsell, Assisting Housing Administrator, Housing Division,  
Department of Housing and Human Concerns (Item HHT-42)  
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation  
Counsel

Seated in the gallery

Janice Y. Shishido, Deputy Director, Department of Housing and Human  
Concerns

**OTHERS:** Angela Reichert, Director of Operations, Surfing Goat Dairy (Item HHT-40)  
Brendan Balthazar, Owner, Diamond B. Ranch (Item HHT-40)  
Greg Friel, Haleakala Ranch Company (Item HHT-40)  
William Jacintho, President, Maui Cattlemen's Association (Item HHT-40)  
Mark Wilson, Director of Humane Enforcement, Maui Humane Society (Item  
HHT-40)

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**PRESS:** *Akaku--Maui County Community Television, Inc.*

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CHAIR CRIVELLO: . . .*(gavel)*. . . Good afternoon, Members. The meeting of the Housing, Human Services and Transportation Committee will now come to order. It is 1:30 p.m. on Thursday, September 20, 2016. Members, before we begin, may I please request, and also people in our gallery, that we all turn off or silence our cell phones or other noisemaking devices. At this time, I'd like to introduce our Committee Voting Members. I'm Committee Chair, Stacy Crivello. And with us today is Committee Vice-Chair, Gladys Baisa.

VICE-CHAIR BAISA: Good afternoon, Chair.

CHAIR CRIVELLO: Good afternoon. Thank you for being here. Committee Member, Bob Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR CRIVELLO: Thank you. Committee Member, Don Couch.

COUNCILMEMBER COUCH: Aloha. Good afternoon, Chair.

CHAIR CRIVELLO: Good afternoon. Committee Member, Don Guzman.

COUNCILMEMBER GUZMAN: Good afternoon, Chair.

CHAIR CRIVELLO: Thank you. And of course, Member Mike Victorino. Thank you for being here. Also with us today is Non-Voting Committee Member, who regularly attends our meeting, thank you, Councilmember Cochran, Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha. Thank you very much, Chair.

CHAIR CRIVELLO: Also, probably excused at the moment is Councilmember Riki Hokama. With us from the Administration Office, our representatives of Director of Housing and Human Concerns, Carol Reimann. Thank you for being here. And our Assistant Housing Administrator, Department of Housing and Human Concerns, Linda Munsell. Did I say that right?

MS. MUNSELL: Yes.

CHAIR CRIVELLO: Thank you. And with us from Corporation Counsel is Mr. Jeff Ueoka.

MR. UEOKA: Good afternoon, Chair.

CHAIR CRIVELLO: Good afternoon. And of course, our Committee Staff who always work so diligently is Committee Secretary, Tammy Frias; and our Legislative Analyst, Michele Yoshimura. Members, we have two items on the agenda today. So we'll get

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started with public testimony. Assisting us this afternoon from the Hana District Office is Dawn Lono.

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

CHAIR CRIVELLO: Aloha, Dawn. And from the Molokai District Office is Ella Alcon.

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR CRIVELLO: Thank you, Ella. And from our Lanai District Office is Denise Fernandez.

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR CRIVELLO: Thank you. Thank you, ladies. Members, joining us this afternoon is Committee Member, Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: Chair.

CHAIR CRIVELLO: Thank you for being here. For individuals who will be testifying in the Chamber, please sign up at the desk located in the 8<sup>th</sup> floor lobby, just outside the Chamber door. If you will be testifying from the remote testimony locations specified on the meeting agenda, please sign up with Council Staff at that location. Testimony will be limited to the item listed on the agenda today. Pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item with one minute to conclude if requested. When testifying, please state your name and the name of any organization you are representing. At this time, I'd like to call our first testifier, Angela Reichert. Following Angela is Brendan Balthazar.

**. . .BEGIN PUBLIC TESTIMONY. . .**

MS. REICHERT: Right here? Hi, I'm Angela Reichert with Surfing Goat Dairy. We are testifying with regards to Councilmember Couch's amendment to the County Code 6.04.040. We believe that the line stating within a minimum four-foot high fenced property should be taken out with the remaining wording left intact to the amendment. In our daily use of our herding dogs, there are cases where goats have gotten out of fenced areas. Goats are smart animals and believe it or not, one will occasionally figure out how to unlatch a goat [sic] and let an entire herd out; or simple human error of not latching a gate properly will allow the goats to get out. In cases like these, it is necessary for us to be able to use the herding dogs to get the goats back into their pasture in a timely manner. Having to leash a dog while herding 20 to 40 of these animals is a pretty much impossible task. In addition to that, it can put the goats or the dogs in dangerous situations that are unnecessary. Please keep in mind that these working dogs are trained animals. They require at least a full year of

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training to learn the proper commands and to do this job effectively. We urge you to add the amendment without the phrasing regarding the requirement of fencing. None of the other exceptions to this rule require this fencing, keeping in mind that a lot of the animals that are referenced in these exceptions are not trained for the length of time that these animals are trained and taught proper commands. The animal control officers have already issued us two citations on this manner, and we have wasted time in the County court system trying to fight this issue with them. So they are out there, they are issuing citations for working dogs currently. So we urge this matter to be pushed through as quickly as possible. Thank you.

CHAIR CRIVELLO: Thank you. Mr. Balthazar, followed...oh I'm sorry. Ms. Reichert --

MS. REICHERT: Yeah?

CHAIR CRIVELLO: --we have some questions for you. Thank you. Sorry about that.

MS. REICHERT: Sorry about that. Yes.

COUNCILMEMBER COUCH: Thank you, Madam Chair. Thank you for your comments. Question for you, when the goats get out, are they on private property or public property at that time?

MS. REICHERT: They have gotten out...so where the Dairy borders is Ikena Kai Place, and quite often they have gotten out on to Ikena Kai. They've also gotten out to Ocean Vodka's property on the flip side of us or the easement in between; and as well, there is a subdivision, a residential subdivision that also borders our property and occasionally have...they have gotten out over there. So it's both public and private property.

COUNCILMEMBER COUCH: Okay. Part of this is to allow for people to basically have their dogs in their own yard.

CHAIR CRIVELLO: Are you asking a question or asking her to rephrase?

COUNCILMEMBER COUCH: Well, I'm trying to see if how we can get from her unless she's gonna be a resource. How we can get --

CHAIR CRIVELLO: Would you --

COUNCILMEMBER COUCH: --something that she's...

CHAIR CRIVELLO: --want her to be here as a resource person --

COUNCILMEMBER COUCH: Sure.

CHAIR CRIVELLO: --Mr. Couch?

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COUNCILMEMBER COUCH: Sure.

CHAIR CRIVELLO: Could you...would you be able to stay in the --

MS. REICHERT: Yeah.

CHAIR CRIVELLO: --galleries in case we need any further questions with --

MS. REICHERT: Yeah --

CHAIR CRIVELLO: --you?

MS. REICHERT: --that's fine.

CHAIR CRIVELLO: Thank you.

MS. REICHERT: No problem.

COUNCILMEMBER COUCH: Thank you.

CHAIR CRIVELLO: Thank you. Members, any further questions or comments for the testifier?

MS. REICHERT: No?

CHAIR CRIVELLO: Thank you.

MS. REICHERT: Okay. Thank you.

CHAIR CRIVELLO: Brendan Balthazar, followed by Greg Friel.

MR. BALTHAZAR: I guess everybody knows me. So there's no need for introduction.

CHAIR CRIVELLO: I'm afraid we do need your --

MR. BALTHAZAR: Even Stacy.

CHAIR CRIVELLO: --introduction.

MR. BALTHAZAR: And I'm Brendan Balthazar. I represent Diamond B. Ranch and Maui Cattlemen's Association. I'm...got pulled off my job to come down visit you guys again really in support of this amendment. As she was saying about herding dogs, you can imagine me with five working dogs all with ten-foot strings trying to ride my horse. I look like one freaking spider in distress. I mean, you know, ten dogs...I mean crazy. I mean this is ridiculous. I mean it should comply with the same other rules under the hunting dogs, which pretty much allowed to go. Now as far as the fence thing, I was already told it was already taken out. Because sometimes we boundary with...like

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HC&S and if they get out in the cane. You're not gonna have one fence around the cane. We need to go get that cattle back. As far as farming and the herding dog and the guard dogs, now those guard dogs, they gotta stay with those goats, and pretty much they're in fenced areas. But like all livestock, they're gonna get out at one time or another and that's the reason why we have our herding dogs to go get and bring 'em back. So I'm really in support of fixing this problem that addresses this leash issue. And I really appreciate, you know, Don bringing this thing up and hopefully you guys gonna support these changes.

CHAIR CRIVELLO: Thank you. Members, any questions or clarification or comments for the testifier? There being none, thank you. Mr. Greg Friel, followed by William Jacintho.

MR. FRIEL: Good afternoon, Chair Crivello and Members of the Council.

CHAIR CRIVELLO: Good afternoon.

MR. FRIEL: Yes, I just like to also look at that 6.04.040 and that number 5, that addition that dogs used for farming, agriculture, guarding, herding or used as service dogs are allowed to be worked without being tethered. I've been doing this for 39 years now using dogs all of that time. And it's just something that would not be possible to get our job done if the dogs are tethered. It's just something that I feel is very necessary, safety wise for the dog, for the livestock and for the people involved. So thank you very much for a chance to testify here.

CHAIR CRIVELLO: Thank you. Members, any...Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. Thank you, Mr. Friel, for being here. Question for you too is on the fence portion. I know when we're discussing it...when I was discussing it with several of the ranchers, they were okay with the fence but this is something new now that if we pull the fence thing out there, is that sufficient for you or is the fence...inside the fenced property, is that a concern of yours?

MR. FRIEL: Well, for us, you know, a stock type fence would be something that's necessary for us anyway, running...whether running sheep, goats or cattle. And so any fence that will hold them will hold dogs. On another note would probably be my home where I do have couple dogs that run loose because of some of the problems we had with trouble in the neighborhood, with burglaries and whatnot. But it is a four-foot fence. It's a stock fence --

COUNCILMEMBER COUCH: Yeah.

MR. FRIEL: --and so for myself, it's, you know, while I want the dogs to be able to protect my property at home, you know, I can't afford to have them get out either, so.

COUNCILMEMBER COUCH: Right. Okay. Thank you. Thank you, Chair.

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CHAIR CRIVELLO: Thank you, Mr. Couch. Members...Mr. Guzman?

COUNCILMEMBER GUZMAN: Chair, thank you. Did you have an opportunity to see the amendment that I proposed for the Committee?

MR. FRIEL: I don't think so.

COUNCILMEMBER GUZMAN: Okay. So, obviously that there's...my amendment would have been any dog actively working on authorized farm or ranch property. So it's basically, I...we realized wherein some lands are not fenced in and cattle and, you know, livestock do get away and they use the dogs to retrieve them, and it could be not on your property but on someone --

MR. FRIEL: A neighboring property.

COUNCILMEMBER GUZMAN: --else's property.

MR. FRIEL: Yes.

COUNCILMEMBER GUZMAN: That dog is actively working. And so, that's the difference between my version and --

MR. FRIEL: Okay.

COUNCILMEMBER GUZMAN: --Mr. Couch's version, where his is more narrow and mine is a little bit more loose --

MR. FRIEL: And...

COUNCILMEMBER GUZMAN: --and only defines an active working dog --

MR. FRIEL: Okay.

COUNCILMEMBER GUZMAN: --on farm or ranch property.

MR. FRIEL: And the key there is a working dog because he'd be under the restraint of working with me.

COUNCILMEMBER GUZMAN: Right.

MR. FRIEL: He might be a ways off but he'll hear my whistle. And so they're still under a mental tether --

COUNCILMEMBER GUZMAN: Right. And there --

MR. FRIEL: --so.

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COUNCILMEMBER GUZMAN: --Chair, there's also guardian dogs that --

CHAIR CRIVELLO: Yes --

COUNCILMEMBER GUZMAN: --sleep with...

CHAIR CRIVELLO: --we'll be --

COUNCILMEMBER GUZMAN: Yeah.

CHAIR CRIVELLO: --discussing --

COUNCILMEMBER GUZMAN: Okay.

CHAIR CRIVELLO: --this further --

COUNCILMEMBER GUZMAN: Okay.

CHAIR CRIVELLO: --when --

COUNCILMEMBER GUZMAN: Thanks.

CHAIR CRIVELLO: --we start addressing the bill. Thank you. Thank you, Mr. Friel.

MR. FRIEL: Thank you.

CHAIR CRIVELLO: Thank you. William Jacintho?

MR. JACINTHO: Good afternoon, Maui County Councilmembers. My name is William Jacintho, President of the Maui Cattlemen's Association. The Maui Cattlemen's Association is an organization representing small and large livestock producers in Maui County, including Molokai and Lanai. We are in full support of any additional changes in County Codes to assist ranchers and farmers, in order to survive in this challenging business. We support the proposed language in the County Communication's No. 16-186, amending Section 6.04.040, Maui County Code, relating to animal regulations reading as follow: A. An owner of a dog shall keep the dog under restraint except for the following: 5. A dog actively working on authorized farm or ranch property. That is the language we support. Thank you for the opportunity to testify. You may reach the Maui Cattlemen's Association through the address provided above.

CHAIR CRIVELLO: Thank you, Mr. Jacintho. Members, any comments, questions or clarification?

COUNCILMEMBER COCHRAN: Chair? Oh, I'm sorry.

CHAIR CRIVELLO: Ms. Baisa, and then Ms. Cochran.

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VICE-CHAIR BAISA: Thank you very much, Chair. And thank you, William, for being here.

MR. JACINTHO: Thank you.

VICE-CHAIR BAISA: You've heard the earlier testimony and this difference in the proposed amendments.

MR. JACINTHO: Correct.

VICE-CHAIR BAISA: How do you feel about the four-foot fence?

MR. JACINTHO: The four-foot fence I can understand the intent. But as the others have stated, when animals get away, there's no four-foot fence at, many times. So that becomes an issue, you know, how do you work 'em? So, however you craft the language, you need to include under the command of, you know, I guess the dog, the master of the dog.

VICE-CHAIR BAISA: I see. So you really prefer the other language that says a dog actively working on authorized farm or ranch property?

MR. JACINTHO: Correct. That's very simplified.

VICE-CHAIR BAISA: And it...

MR. JACINTHO: You know, I get nervous with four-foot this and that. Not all our ranch fences are hog wire. A lot of it is stonewalls or barbed wire, and the fence is not dog-proof. So, you know, what's the next step? We gotta put dog-proof fence. That be kind of hard. So I think the dogs are fine. I don't know of people having problems, you know, with dogs like out of control or being taken to the shelter or, you know, I don't know. I don't have...I don't see or have heard of any problem, so. We don't have a problem. Let's not make one.

VICE-CHAIR BAISA: So when your dog is out and not leashed, you're generally close by?

MR. JACINTHO: Correct.

VICE-CHAIR BAISA: Okay.

MR. JACINTHO: Yeah.

VICE-CHAIR BAISA: Okay. Thank you.

MR. JACINTHO: And as the others have said, these dogs are well-trained. And, you know, they're in full control.

VICE-CHAIR BAISA: Okay. Thank you very much.

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MR. JACINTHO: Thank you.

CHAIR CRIVELLO: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And good afternoon, Mr. Jacintho.

MR. JACINTHO: Good afternoon.

COUNCILMEMBER COCHRAN: And so in your...I was just curious what your definition of authorized farm or ranch, that word authorized. Is that like, what, it's paying as RPT or I mean, how do we or the --

MR. JACINTHO: Well, that is...

COUNCILMEMBER COCHRAN: --enforcement know it's an authorized?

MR. JACINTHO: That's a good question. That is the language that is being proposed.

COUNCILMEMBER COCHRAN: Okay.

MR. JACINTHO: And I'm thinking authorized would be, you know, the owner or workers of the ranch or in goat farm for that matter, you know, any animal, ranching, farming activity.

COUNCILMEMBER COCHRAN: Thank you very much. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Thank you. Members...Mr. Victorino?

COUNCILMEMBER VICTORINO: Yeah, just one quick question for Mr. Jacintho. The others also mentioned that sometimes, you know, animals do not just stay on farmland, they get into other areas, the public roadways, you know. So, when we're crafting this, would that encompass in your...when you say authorized farm, would that encompass something like that? Because animals don't just stay where they're at, when some cattle, horses and goats get out, they go wherever they wanna go.

MR. JACINTHO: Yeah, and it all depends. I mean some animals tend to stay where they know they're supposed to be.

COUNCILMEMBER VICTORINO: Right.

MR. JACINTHO: It's when others get involved, or like there's traffic or cars or people, hunters and whatnot --

COUNCILMEMBER VICTORINO: Yeah.

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MR. JACINTHO: --that push these animals further and further away. And the further away they get, the more distraught, and they can't figure out what's going on by the time their radar is off, left the lot.

COUNCILMEMBER VICTORINO: Understood, understood.

MR. JACINTHO: Yeah.

COUNCILMEMBER VICTORINO: I just wanted to know if authorized, you know, meant even for areas that may not be farmland or ranch land at that point in time.

MR. JACINTHO: Yeah. Correct.

COUNCILMEMBER VICTORINO: Yeah, so that was my question, but I guess we'll discuss it more, Madam Chair --

CHAIR CRIVELLO: Yes --

COUNCILMEMBER VICTORINO: --in the Committee.

CHAIR CRIVELLO: --we will.

COUNCILMEMBER VICTORINO: So --

MR. JACINTHO: I think the --

COUNCILMEMBER VICTORINO: --I just...

MR. JACINTHO: --authority is more on the ownership of the business.

COUNCILMEMBER VICTORINO: Right.

MR. JACINTHO: It's kinda the way I look at it.

COUNCILMEMBER VICTORINO: Okay.

CHAIR CRIVELLO: We'll get --

COUNCILMEMBER VICTORINO: Thank you.

CHAIR CRIVELLO: --that clarified further when we discuss --

MR. JACINTHO: Yeah.

CHAIR CRIVELLO: --the bill.

COUNCILMEMBER VICTORINO: Thank you, Mr. --

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MR. JACINTHO: Thank you.

COUNCILMEMBER VICTORINO: --Jacintho.

CHAIR CRIVELLO: Thank you. Thank you. Members, I will be checking with our District Office if...Ms. Lono, is there anyone wishing to provide testimony from the Hana District?

MS. LONO: There is no one waiting to testify at the Hana Office, Chair.

CHAIR CRIVELLO: Ms. Alcon, is there anyone wishing to provide testimony from the Molokai District Office?

MS. ALCON: There is no one here on Molokai waiting to testify.

CHAIR CRIVELLO: Thank you. Ms. Fernandez, is there anyone wishing to provide testimony from the Lanai District Office?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

CHAIR CRIVELLO: Mahalo. Is there anyone in the gallery who would like to testify? Members, as there are no further individuals in the Council Chamber or District Offices wishing to testify, without objection, I will now close public testimony.

COUNCILMEMBERS: No objections.

CHAIR CRIVELLO: Thank you.

**. . .END OF PUBLIC TESTIMONY. . .**

**ITEM HHT-42: FAIR MARKET RENTS FOR MAUI COUNTY (CC 16-201)**

CHAIR CRIVELLO: Members, we will now turn to our agenda. First on the agenda is HHT-42, Fair Market Rents for Maui County. The Committee is in receipt of County Communication 16-201, from the Director of Housing and Human Concerns, transmitting an update of fair market rental rates for Maui County from the United States Department of Housing and Urban Development. The Committee may discuss fair market rental rates for the County and their impact on the HUD Section 8 Housing voucher program, including the ability of voucher holders to be competitive in the current rental market. The Committee may also consider the filing of County Communication 16-201 and other related action. At this time, I'd like to ask comments from the Department of Housing and Human Concerns.

MS. REIMANN: Aloha, Chair, Councilmembers.

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CHAIR CRIVELLO: Aloha.

MS. REIMANN: So the fair-market rent and the payment centers before you are based...are for our housing voucher program, which is the Federal government's program for assisting very low and extremely low-income families to afford decent, safe and sanitary housing in the private market. Housing assistance is provided on behalf of a family or individual. Participants are able to find housing of their choice such as single-family homes, townhouses and/or apartments. Housing choice vouchers are administered locally by our Housing Section 8 program. We receive Federal funds from the US Department of Housing And Urban Development, also known as HUD, to run the program. For the current fiscal year, we are allocated approximately \$16.9 million. With an average of 1,390 families on the program this past year, the average assistance provided per family equates to approximately \$12,200 per family per year. Eligibility for a housing voucher is based on the total annual gross income and family size set by HUD. Basically, families whose income is considered very low or at 50 percent of the area median income and below can qualify. Fifty percent of the area median income for Maui is \$40,250. So for example, a family of 4 would qualify if their income was less than \$40,250 or less. The tenant pays 30 percent of their income as their portion in the rent, and the program subsidizes the remainder of the rent. A family that is issued a voucher is responsible finding a suitable housing unit of their choice where an owner agrees to participate under the program. As of September 14<sup>th</sup>, there are 1,383 families participating in our program and there are 197 who have been issued vouchers and are now searching. The maximum number of families that we are able to accommodate is 1,464. In July, we opened up our waitlist and received 1,144 applicants, and we are currently processing 50 for eligibility as not everyone who applies necessarily qualifies. In addition, we have 30 families on average that leave the program each month for various reasons such as they no longer need the program because their income levels have elevated or they move off island. Historically, Maui families with vouchers have had difficulties in finding units. This is basically due to the shortage of rentals in Maui that negatively affects the ability of Section 8 participants to find homes, as they must compete with families who can afford to pay more. So we are very hopeful that this new increases in payment standards will help more families find units. This concludes our opening remarks. Linda Munsell, our Assistant Housing Administrator who oversees our Section 8 program, and I are here to answer any questions. Thank you.

CHAIR CRIVELLO: Thank you. As...so, Members, I will open the floor for these questions from Committee Members or any further discussion.

VICE-CHAIR BAISA: Chair?

CHAIR CRIVELLO: Ms. Baisa?

VICE-CHAIR BAISA: Thank you very much, Chair. Ms. Reimann, do you have your remarks in writing?

MS. REIMANN: Yes, I do.

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VICE-CHAIR BAISA: If you could share them with us, I'd really appreciate that.

MS. REIMANN: Absolutely. Thank you.

VICE-CHAIR BAISA: Thank you very much. I mean we got a lot of statistics --

MS. REIMANN: Right.

VICE-CHAIR BAISA: --that I'd really need --

CHAIR CRIVELLO: Right.

VICE-CHAIR BAISA: --to take a look at.

MS. REIMANN: Okay.

VICE-CHAIR BAISA: Thank you very much.

MS. REIMANN: Thank you.

CHAIR CRIVELLO: Members? Mr. Hokama?

COUNCILMEMBER HOKAMA: I was wondering if you're aware of specific requirements or directives that compete with this program, and I'm talking more about the Micronesian component, the Bikini Islanders component. What is the Federal government doing to assist us to take care of those Pacific Islanders that we nuked the hell out of their home and now they're in Hawaii and this County has to put up resources to assist those islanders? What is the Federal government doing to assist us? And is this program one of their assistance?

MS. MUNSELL: My name is Linda Munsell. I'm the Assistant Housing Administrator for the County. They are eligible under this program for assistance so they would be eligible for a voucher as well as anyone else who has a...

COUNCILMEMBER HOKAMA: Other than that, the Federal or State government that accepted all of these islanders, paying anything else to our County to assist us with taking care of their needs?

MS. MUNSELL: Not that I'm aware of, not in the housing area that I know of. Obviously, they're also eligible for other programs, but as far as...

COUNCILMEMBER HOKAMA: So on the priority list, where do they line up against our resident? They're higher than our resident need and priority? They're equal --

MS. MUNSELL: They're...

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COUNCILMEMBER HOKAMA: --to our resident listing or they're below the resident as far as who gets access to a voucher and a potential dwelling unit?

MS. MUNSELL: They're equal. They're considered equally, any...as any other person who would apply to our program and who is found eligible.

COUNCILMEMBER HOKAMA: So out of all your applicants, what percent or number is our own people?

MS. MUNSELL: I don't have those numbers in front of us but certainly we can give you information on that. I think that we do have statistics on where the applicants are from. So if you're interested in the makeup of our, for instance, our waitlist, we can do that.

COUNCILMEMBER HOKAMA: I think it would be good for us to understand the makeup of the total group, but what...and what are the driving factors. I mean if most of them coming out of the County, must be a reason they coming to this County. So we wanna know why especially if they're gonna compete against the resident needs because my job is to take care of the residents first.

MS. MUNSELL: Yeah.

COUNCILMEMBER HOKAMA: Thank you, Chair.

CHAIR CRIVELLO: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. You mentioned a waitlist. So what is the actual inventory that's available right now? It sounds like there isn't anything --

MS. MUNSELL: As far as --

COUNCILMEMBER GUZMAN: --available.

MS. MUNSELL: --housing?

COUNCILMEMBER GUZMAN: Right. For the rentals.

MS. MUNSELL: Yeah. Housing...the housing market is really...is exceptionally tight. The voucher program is so that a person could actually choose the place that they live. It's not like we have an inventory of units that we maintain for the Section 8 program, although we are working with Hale Mahaolu to provide a project-based voucher, so that would help relieve some of the pressure. But, you know, they have to compete with anyone else on the private market. So people without vouchers, they're competing in the same market with them.

COUNCILMEMBER GUZMAN: Do you have any statistics on how many units are available for Section 8?

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MS. MUNSELL: Specifically for Section 8, no. I mean they would be the same folks. I mean SMS has just completed the housing survey for us. I think we've just received a draft copy of that. And one of the things that they provide is statistics on available housing, and I don't have those numbers in front of me. But, you know, obviously our landlords on the Section 8 program...when you agree to be on the Section 8 program, there are program requirements that you have to agree to abide by that if you rent to a regular person that you don't have to do. You know, we do annual inspections and we do rent evaluations and things like that. So, you know, even though I would say from the SMS survey that the available housing is X percent, those that are willing to rent to Section 8 folks would be a much lesser percent than that.

COUNCILMEMBER GUZMAN: Yeah, that's the number that I'm looking at.

MS. MUNSELL: Yeah, and...

COUNCILMEMBER GUZMAN: I'm sure you're...you have that kind of...you don't have a...you don't have a list of landlords that are willing to...

MS. MUNSELL: Certainly, we have landlords that we work with regularly, and we're working hard to try and increase that.

COUNCILMEMBER GUZMAN: Well, how many of those are those?

MR. UEOKA: If I may, Chair?

CHAIR CRIVELLO: Yes.

MR. UEOKA: It's just the Housing Division gives the Section 8 voucher to a qualified Section 8 applicant. The applicant then goes out and looks on the open market for anyone that would be willing to rent to them. And so, we can't really give you a number of eligible units because a unit might come on the market tomorrow and they might say, yea or nay to Section 8. So we can't really count that unit.

COUNCILMEMBER GUZMAN: But you just...she just mentioned that there are certain requirements that a landlord must meet --

MR. UEOKA: Correct.

COUNCILMEMBER GUZMAN: --and those requirements I'm assuming they've gotta have a check or checks and balances or some type of application. You don't have a listing of all those who've applied to be a landlord for the Section --

CHAIR CRIVELLO: Mr. --

COUNCILMEMBER GUZMAN: --8 --

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CHAIR CRIVELLO: --Ueoka?

COUNCILMEMBER GUZMAN: --housing?

MR. UEOKA: The...I guess it's not really an...it's more like the building has to be up to Code, like all the...like there has to be like a building inspection done where you have to go in and check and make sure all the fixtures work, the light switches work. That's the type of requirements that you have to meet as a Section 8 landlord. So, we typically don't have people coming to us and applying and saying, hey, I have 50 units, I wanna be a Section 8 landlord. It's more, the tenants will come into the Housing Division and say, I found Mr. X who's willing to rent me his home and then they have to send out an inspector to Mr. X's rental unit to make sure it meets the qualifications. So it's...I understand what you mean and if there was an abundance of willing landlords, we probably would work something like that. But right now, we're actually the opposite where it's kind of a shortage of, I guess, available units for Section 8.

COUNCILMEMBER GUZMAN: Yeah. I just wanted to get down to what we're working with like if there's only ten units out there then maybe we need to start looking at different incentives to open up the market for --

CHAIR CRIVELLO: I understand --

COUNCILMEMBER GUZMAN: --these Section 8...yeah.

CHAIR CRIVELLO: --your question, Mr. Guzman, and --

COUNCILMEMBER GUZMAN: Yeah.

CHAIR CRIVELLO: --Department, if we could kinda expand on that a little further. You do have a list of qualified rental units though. Because say if applicant one goes to a certain landlord, you folks would have to approve that particular dwelling, and you don't keep that in a database --

MS. MUNSELL: No.

CHAIR CRIVELLO: --or something? No, you don't?

MS. MUNSELL: No. I mean we've got 1,390 some odd...or 1,383 families who are on the program now who are actively in a unit. And those units are obviously qualified to be on our program. The trick is, you know, the next person who comes in, you know, obviously they're not gonna live in these same units. They're gonna bring a different unit to us and we're gonna do an inspection for that. But, you know, any landlord out there could be a qualified...have a qualified unit for us. We simply have to go out and look at them to verify that they are eligible to be on the program. We have landlords who are very wonderful to work with and who are...like to work with us as well. And so, you know, obviously if someone comes in, we will give those landlords' names and phone numbers to the tenants and say, these people have worked with us in the past,

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if they have a unit, they're likely to work with you as well. But, you know, again there's no guarantee of that. And we're not limited to just those landlords.

COUNCILMEMBER GUZMAN: Just one more question, Chair --

CHAIR CRIVELLO: Yes, Mr. Guzman.

COUNCILMEMBER GUZMAN: --before I yield. What is the outstanding vouchers that haven't been utilized? What is the...how many of them are we --

MS. MUNSELL: So currently --

COUNCILMEMBER GUZMAN: --talking about?

MS. MUNSELL: --we've got a 197 people who are searching for units. We've got a maximum of 1,464 vouchers that we could issue.

COUNCILMEMBER GUZMAN: Thank you, Chair.

CHAIR CRIVELLO: Thank you. Members, any further questions for the Department or comments? Mr. Hokama?

COUNCILMEMBER HOKAMA: One thing that...hearing Mr. Guzman's question that I wasn't clear on, is there a clock on the recipient of the voucher to secure a acceptable unit? I wasn't clear on that. And if there is, can you tell us what is that so-called clock, please?

MS. REIMANN: Yes, it's...they have 60 days. Once they received a voucher, they have 60 days to find a unit. If they're unable to, they can request a 30-day extension, which we typically extend.

COUNCILMEMBER HOKAMA: Okay.

MS. REIMANN: And after that, if they can't, they can submit further requests based on their extenuating circumstances.

COUNCILMEMBER HOKAMA: So they would go at the bottom of the list or just stay where they are on the list, I mean...after that 90 days?

MS. REIMANN: They would be either dropped or if they have extenuating circumstances then they can --

COUNCILMEMBER HOKAMA: Okay.

MS. REIMANN: --request another extension.

COUNCILMEMBER HOKAMA: Right. Well, if not, you go to the rest of the --

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MS. REIMANN: We...

COUNCILMEMBER HOKAMA: --other names on --

MS. REIMANN: Correct.

COUNCILMEMBER HOKAMA: --the list --

MS. REIMANN: We move down.

COUNCILMEMBER HOKAMA: --of qualified applicants. Okay. Okay. And that has to be within...it's just within the County of Maui, the unit, as you understand it? Is there some other restrictions besides being in the County of Maui?

MS. MUNSELL: The...it depends on where you lived when you applied to the waitlist. So if you're a resident of Maui County, and you applied to our waitlist, then you could actually utilize that voucher anywhere in the United States.

COUNCILMEMBER HOKAMA: In the United States?

MS. MUNSELL: In the United States who has a program like ours. If you apply to our waitlist and you don't happen to live here when you do apply, you must actually move here and live here for at least a year, unless again, there's extenuating circumstances.

COUNCILMEMBER HOKAMA: And that one year --

MS. MUNSELL: There are some exceptions.

COUNCILMEMBER HOKAMA: --requirement of resident, that is set by the Federal government?

MS. MUNSELL: That's in our PHA guidelines.

COUNCILMEMBER HOKAMA: What...explain to...

MS. MUNSELL: I'm sorry --

CHAIR CRIVELLO: Please clarify PHA.

MS. MUNSELL: --our administrative plan. We have some flexibility. They set out general parameters for us in the program, and then we define how we want that to be utilized. I mean the idea is not to have someone in California apply to our waitlist --

COUNCILMEMBER HOKAMA: Yeah, understood.

MS. MUNSELL: --receive a voucher and then live in California.

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COUNCILMEMBER HOKAMA: Understood.

UNIDENTIFIED SPEAKER: . . .*(inaudible)* . . .

MS. MUNSELL: Oh, yeah. It's the same thing. I mean a person who lives in California and wants to move to Maui, they can transport their voucher here. They can utilize their voucher here as well. So it works both ways. You know, so they could...

MR. UEOKA: . . .*(inaudible)* . . .

MS. MUNSELL: Yeah, in order to apply for the County of Maui voucher, you have to live by... either you have to live here for a year or if you lived here when you applied, you could live elsewhere. Sorry.

COUNCILMEMBER HOKAMA: I don't have a problem with that part. What I am interested in, to consider applying on other program areas is that one-year requirement, you better be in this County.

MS. MUNSELL: Right.

COUNCILMEMBER HOKAMA: Okay. That's what I'm interested in. Because if that is a standard test, I wanna know how to duplicate it, because I don't have problem asking that to be on County funds. If you're not here for one year, you cannot get the benefit of the County taxpayer. So, Mr. Ueoka, is this something we're gonna have standing? 'Cause I like this idea.

CHAIR CRIVELLO: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. We'll look into this a little further. I'm fairly certain this probably has some sort of...there's probably some sort of case law on it that the right to travel was not impeded because you could transport the existing Section 8 voucher from another jurisdiction to Maui and vice versa. So the one-year residency requirement wouldn't be impeding someone's right to travel. But I'm sure there's...this a Federal rule.

MS. MUNSELL: It's a Federal.

MR. UEOKA: It's...our administrative plan is based off of the Federal guidelines from the Department of Housing and Urban Development so we'll look into that further. Thank you.

COUNCILMEMBER HOKAMA: Okay. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Members, any further questions or comments for the Department or in reference to this particular agenda item? Department...

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COUNCILMEMBER HOKAMA: One last question please.

CHAIR CRIVELLO: Oh yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: In the past, we've taken the HUD number and adjusted it to fit the Maui County resident profile. So it was an adjusted update of the HUD number as if it's our County. Is this being adjusted to our Maui County adjusted number or we're just using straight HUD numbers?

MS. MUNSELL: Oh, you're talking about the fair-market rates that we're...rents that we're talking about? Actually, these are specifically Maui County numbers. One of the things that the Council was very kind enough to do for us last fall was...or to pay for the study that SMS did. As part of that was the fair-market rent study, and we needed that very desperately and it was very, very useful to us. Usually fair-market rents are based off of like the ten-year census, and then they do updates on various other things, and then use the consumer price index to adjust those rents. Unfortunately, that data lags by 18 months to 3 years depending on, you know, the situation. And in a market like ours where the rents are rising so quickly, that is a very serious detriment to the folks on our program. So these fair-market rents that you're looking at now are based on Maui County numbers --

COUNCILMEMBER HOKAMA: Okay.

MS. MUNSELL: --and, you know --

COUNCILMEMBER HOKAMA: Within --

MS. MUNSELL: --again, as a result of your --

COUNCILMEMBER HOKAMA: --the last 12 --

MS. MUNSELL: --generosity.

COUNCILMEMBER HOKAMA: --months?

MS. MUNSELL: Yeah. No, this was just done last winter, February, March, April. So these are...they're very current numbers.

COUNCILMEMBER HOKAMA: Okay. No, I thank you for sharing that with us. And in the future I would ask you to consider using another entity because I wanna see if the results change 'cause I've had enough SMS reports. I'm looking for another third party point of view. So I would ask you to consider that. Thank you, Chair. I appreciate it.

CHAIR CRIVELLO: Thank you, Mr. Hokama. Members, any further questions or comments for the Department? Ms. Munsell, can you explain when you mentioned Hale Mahaolu

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and project-based, is that some defining method for their clients to qualify for the vouchers?

MS. MUNSELL: So under a normal Section 8 program, the voucher can be used anywhere. In a market that's as tight as this, it's very difficult for our voucher holders to find units. Under our project-based voucher program, the voucher is actually tied to a specific unit. So that unit can only be rented to a Section 8 tenant, a Section 8 client. So it's a...for us, a very significant advantage. When the project is finally complete we'll have another I believe it's 50 or 39 units that will be available specifically for Section 8 folks. And it can only be used in that project.

CHAIR CRIVELLO: So, would that include also the island of Molokai and Lanai?

MS. MUNSELL: If another landlord such as, they applied to us and they wanted to do a project-based voucher, we would actually consider that. It's an application process that has to go through and a approval process with HUD. But, you know, definitely if we had another provider, absolutely, we would consider that.

CHAIR CRIVELLO: So clarification, if I am a tenant at a Hale Mahaolu project or what have you, and it's not assigned as in the project-based category, and I do qualify as an applicant, may I use my voucher for the Hale Mahaolu rental?

MS. MUNSELL: If it's a project-based voucher, it's tied to a very specific project. In this case, the RFP was awarded to Hale Mahaolu Ewalu project up in Pukalani. So you would only...these project-based vouchers would be tied directly to that specific project. However, if you were a regular individual with a regular voucher, certainly you could use that voucher at any landlord including Hale Mahaolu on Molokai if they wanted to accept that.

CHAIR CRIVELLO: Okay. That's what I was looking for --

MS. MUNSELL: Right.

CHAIR CRIVELLO: --if that was something that would be assigned. Mrs. Baisa?

VICE-CHAIR BAISA: Thank you very much, Chair. And thank you very much for all the information. I kinda hesitate to bring it up but I think it's important to know about it. How does this...and can it be used for the...we kept talking and hearing about for the long time, longest time, the rent-to-own situation.

MS. MUNSELL: There is a program. It's a mortgage assistance program that you can qualify for through the Section 8 program. And it's a very similar to a rental assistance. But instead, you've actually purchased a home and we're subsidizing your mortgage payments instead. And the idea is that at the end of a certain period of time and I believe it's 15 years, you would graduate off of the Section 8 program and you would be making your mortgage payments on your own. But it's very similar to the rental assistance program.

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VICE-CHAIR BAISA: So if a person had a voucher and they bought a home, they could use the Section 8 voucher to pay their mortgage?

MS. MUNSELL: They could. Obviously, it's a little more complicated than just deciding to buy a home. There actually is a qualification process that they go through and some classes that they need to attend. But once that's occurred and they found a place that they wanna buy, and qualified for the mortgage, yes indeed it's very similar.

VICE-CHAIR BAISA: You know, looking at these payment standards that we have now, they could possibly pay a mortgage with this --

MS. MUNSELL: Yeah.

VICE-CHAIR BAISA: --with the low-interest rates and, you know, all the opportunities that are available now for mortgages. So this is an ideal situation right now --

CHAIR CRIVELLO: Yes.

VICE-CHAIR BAISA: --if you can find that unit --

MS. MUNSELL: Yeah, and...

VICE-CHAIR BAISA: --or that home. Thank you so much. And, you know, I wanna tell you guys how much I appreciate this. You know, it is so important, you...I know that you're like me, you probably know a lot of people who use these Section 8 vouchers. And it's kinda pathetic, some of them just cannot find a place and they have nowhere to go and they're so frantic because they have the voucher and they know that it's gonna expire. And so we get asked a lot about...I have a rental unit, and of course, everybody asks me a lot but I have great tenants so we're not putting it up. But a lot of people ask because, you know, they're desperately looking for places to live. So again, thank you very much, and thank you, Chair, for having this discussion today. I think it will really help. You know, if our landlords realized how much Section 8 people could qualify for, I think that might make a difference too. Thank you.

CHAIR CRIVELLO: Mr. Guzman?

COUNCILMEMBER GUZMAN: Yeah, thank you. I think Ms. Baisa has a really good point. Going further with what she's saying is that is it possible when we're talking about the project-based vouchers, those are for specific buildings or units, right? And does the...does HUD, is it applicable to rural areas such as Molokai wherein USDA funds and grants could help fund the building or the development of such a project, and through the USDA also apply, what's that, H-U-D, yeah HUD, HUD vouchers to it and somehow it's kind of a type project, has you...has it ever been done? 'Cause I know there's a lot of USDA --

MS. MUNSELL: Yeah.

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COUNCILMEMBER GUZMAN: --money out there.

MS. MUNSELL: You know what, I'm not...I don't know specifically about this...what the mix of funding is for Hale Mahaolu, Upcountry, where this project-based vouchers will be put into place. I do know that they have applied for a mix of funding, partly affordable housing funding. I know that they've...low-income housing tax credit funding. And I know that in other projects, I believe in other projects, they have used USDA funding also. What their mix is up there right now, I don't know. Certainly I can look at their application and that would give me a good idea if you really are interested. But usually, when we see these affordable projects, they do have to utilize a whole range of different funding sources, you know, some County, some Federal. You know some of our HOME funding often is found in those projects as well, but I don't know specifically about the USDA on this particular project.

COUNCILMEMBER GUZMAN: Okay. Thank you, Chair.

CHAIR CRIVELLO: I have couple questions if...and you may not be able to answer this, but if I own dwellings that can be rented out and my daughter qualifies for vouchers, can she rent those units from me using the vouchers?

MS. MUNSELL: The program is pretty clear about who you cannot rent to and that would preclude your daughter from renting from you unless there is a reasonable accommodation requirement. For instance, if she were disabled and needed assistance that you could provide because of the location of the unit or if there's something very special about her needs that would say that she needed to have that unit. Generally not, but there are some exceptions mostly for disability.

CHAIR CRIVELLO: Okay. So, in line of that question too, at, you know, you hear all sort of possibilities. We have multigenerational so if they're renting a room from say my residence, maybe if I qualify, does it qualify for just a room or a little studio in, within my residence, is that allowable?

MS. MUNSELL: One of the things that we did with our new administrative plan was put in a shared-housing option. I believe that went into effect in March of this year, again trying to address the tight rental market. And so yeah, it's possible to rent just a single room in a home. And it could be one Section 8 person in your home or you could have multiple Section 8 people in your home or the whole, you know, if you're...yeah. So it could be all kinds of things like that.

CHAIR CRIVELLO: So, Department of Hawaiian Home Lands have families that I don't know what their administrative rules are, but does the voucher program if...have any kind of stipulations you can or cannot pay, use vouchers for your Department of Hawaiian Home Lands' dwellings?

MS. MUNSELL: As far as the Federal program is concerned, we're happy to use Hawaiian Home Lands' units as well as non-Hawaiian Home Lands' units. In my experience, the

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issue has been whether the individual qualifies to live in that unit under the Hawaiian Home Lands' rules and regulations. It would not be something that would keep us from allowing them to rent that unit.

CHAIR CRIVELLO: I...okay. Thank you. Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you for allowing me to ask more questions, Chair. The one thing that, you know, and hearing the Committee bring up comments and seeing your written submittal to us, I'm trying to figure out since this plan is to go into effect December 1, 2016, and the adjustments then I'm looking at December 1<sup>st</sup>, everybody is gonna up their minimum rents because that's what now the voucher's willing to pay. So if I was renting a Section 8 house with 3 bedrooms at 1,800, I'm gonna up my rent to 2,200. And if they don't qualify, then hey, that's fine with me. But I'm not gonna take less than 2,200 now.

MS. MUNSELL: Actually this...

COUNCILMEMBER HOKAMA: So is...one is...that's what we'd wanna know is what is the impact by this new changing of voucher ceilings. Because then if I know, I'm gonna use that number to go for the non-voucher renter and say, I think you can owe me 5,000 a month 'cause HUD is gonna...will be willing to pay me X amount per month.

CHAIR CRIVELLO: Thank you.

COUNCILMEMBER HOKAMA: So are we really helping the rental situation in this County?

MS. MUNSELL: The fair-market rents, I mean really are supposed to be reflective of what the market bears right now. Whenever we get a request for tenancy from a landlord who wants to rent to a Section 8 person, our inspector goes out to take a look at that unit to verify its condition and the amenities and things like that associated with the property. Then they go back to the office and they look on, for equivalent units, you know, similar neighborhood, similar quality, number of bedrooms, the amenities that they might have, and they verify the market rents for those other units as well. And there's a process that they go through to adjust, you know. So if this house that they're looking at has a carport, the one that they're comparing it to only, you know, has an actual garage, there's an adjustment that they make. So that they try to determine what that landlord could actually get for the unit on the open market, not just to a Section 8 person. So there's always a chance that a landlord will attempt--and we see it--to increase rents because the rent is subsidized. There are some controls that are in place to help preclude that from happening. Obviously, it's not a 100 percent but I think it does a very good job. But yeah, certainly there is concern that this will have a ripple effect on the market and the attempt is made that it should not. Yeah.

COUNCILMEMBER HOKAMA: We hope for the should nots but --

MS. MUNSELL: Sure.

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COUNCILMEMBER HOKAMA: --we, very practical, realistic people, and we know normally the case is the opposite. It does impact and it's gonna go up more than anything else.

MS. MUNSELL: Sure.

COUNCILMEMBER HOKAMA: 'Cause if I was a qualified renter, and your people say, well, you know, you should be only asking for this much then I would say, not a problem, take me off your list, I will not rent to Section 8 'cause now I'm just gonna open 'cause I can get more than what I'm getting.

MS. MUNSELL: And it...

COUNCILMEMBER HOKAMA: It doesn't help our situation with the need.

MS. REIMANN: The other...

CHAIR CRIVELLO: . . .*(inaudible)*. . . Director.

MS. REIMANN: Thank you. The other thing is that the landlord signs a contract. So when their contract is up, only then is their lease negotiable. And I believe it's a year --

MS. MUNSELL: It's a year.

MS. REIMANN: --contract. So not everybody on December 1<sup>st</sup> can increase their rents or request increases. They have to wait 'til their contract is expired.

COUNCILMEMBER HOKAMA: Okay. Well, again, you know, if you folks have the ability to use criteria and data that, you know, hopefully you can capture, we'd be interested in what actually happens out there in the community.

MS. MUNSELL: Yeah. Keep in mind, we also only have 1,400 some odd vouchers. There are lots and lots of units out there. So there's lots of comparable data for us to see what's really happening in the market. The effect that the Section 8 program will have if any is small. Now there are landlords who choose specifically to rent to Section 8 people, and there's some really terrific landlords out there who work with us constantly and they decrease the rent in order to keep or to rent to certain individuals. And so, I understand your concern. But I'm also seeing the other end where, all right, I've made a sacrifice and now, all right, it's gonna get a little bit easier for us. We can continue to rent to these people and still cover the cost of our mortgage and insurance for our unit. So yeah, I appreciate...I do appreciate the concern.

COUNCILMEMBER HOKAMA: And we get it.

MS. MUNSELL: Yeah.

COUNCILMEMBER HOKAMA: You wanna keep a good tenant because --

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MS. MUNSELL: Absolutely.

COUNCILMEMBER HOKAMA: --they maintain your asset.

VICE-CHAIR BAISA: Right.

COUNCILMEMBER HOKAMA: So, we understand that.

MS. MUNSELL: Right.

COUNCILMEMBER HOKAMA: When you have a good tenant, you wanna keep 'em --

VICE-CHAIR BAISA: Yes.

COUNCILMEMBER HOKAMA: --because they treat your property like theirs, and that's a rarity. Most people trash what they don't own. So, thank you very much, Chair.

CHAIR CRIVELLO: Thank you. Mr. Victorino?

COUNCILMEMBER VICTORINO: Sorry. You mentioned just a moment ago, Ms. Reimann, that when the contract expires, then at that point you renegotiate. What is the normal length of these contracts, six months, a year? Or what is the normal length, if there is a normal length or it depends on the renter and the HUD program?

MS. MUNSELL: The...our initial lease is for a year. We --

COUNCILMEMBER VICTORINO: One year?

MS. MUNSELL: --require a one-year lease. And then of course, the landlord may choose to renew that lease for any period that they would like or they could go a month-to-month rental at that point.

COUNCILMEMBER VICTORINO: Okay.

MS. MUNSELL: But the requirement is for an initial one year.

COUNCILMEMBER VICTORINO: And there's no other...if say I was a renter, I should say a landlord and I wanted to go two years, could I opt for that? Or is one year is the maximum startup point and then go from there?

MS. MUNSELL: You know, I don't know the answer to that. Most landlords ask or wanting less, you know, fewer months than...

COUNCILMEMBER VICTORINO: Right.

MS. MUNSELL: Yeah, so --

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COUNCILMEMBER VICTORINO: Right.

MS. MUNSELL: --I don't have any experience with longer leases. I don't.

COUNCILMEMBER VICTORINO: Okay. No, I just was curious if that existed and I imagine it probably doesn't. So in most cases, minimum, just so I'm clear on this, minimum is one year starting point?

MS. MUNSELL: For our Section 8 program, yes.

COUNCILMEMBER VICTORINO: For the Section 8 and then from there it depends, month-to-month, six months. It would really depend on the landlord and the Section 8 division?

MS. MUNSELL: Correct.

COUNCILMEMBER VICTORINO: Okay. Thank you, Madam Chair.

CHAIR CRIVELLO: Thank you.

VICE-CHAIR BAISA: Chair?

CHAIR CRIVELLO: Mr. Guzman? Oh, I'm sorry. Ms. Baisa then Mr. Guzman.

VICE-CHAIR BAISA: I'll make it very quick. I'm kind of...my interest is piqued with the idea of month-to-month. I was told that that was not allowable because then it's short-term rental.

MS. MUNSELL: You know, on...now the landlord-tenant code is a different thing our program requirement is something else. But my understanding...well, again from my experience in Section 8, it's a one-year lease and then after that if they want...if they choose to go to month-to-month, that's up to them. We don't necessarily in Section 8 renew the lease. It's...it, you know, unless told otherwise, it automatically goes to a month-to-month.

VICE-CHAIR BAISA: So we are doing month-to-month rentals?

MS. MUNSELL: After the initial first year, yes.

VICE-CHAIR BAISA: As long --

MS. MUNSELL: But we're not...

VICE-CHAIR BAISA: --as they've had the initial first --

MS. MUNSELL: Okay.

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VICE-CHAIR BAISA: --year?

MS. MUNSELL: Jeff has got the --

VICE-CHAIR BAISA: Yeah --

MS. MUNSELL: --better --

VICE-CHAIR BAISA: --I'd like it clarified --

MS. MUNSELL: --legal words.

VICE-CHAIR BAISA: --because we were told, no less than six months or it was a short-term rental.

CHAIR CRIVELLO: Mr. Ueoka, would you like to share your knowledge?

MR. UEOKA: Yeah, I guess my...I'll share more my lack of knowledge here. But what I can --

VICE-CHAIR BAISA: I may be in the same --

MR. UEOKA: --say though --

VICE-CHAIR BAISA: --boat.

MR. UEOKA: --is that it's not the County engaging in this arrangement. All Section 8 is doing is verifying that the renter is there and giving the housing choice voucher program check. But as far as us, the County, condoning a month-to-month lease or anything like that, has...that has nothing to do with it. All I know is that when we sign the initial contract, it is for a one-year term. But Section 8 is...Housing Division is not getting into whether or not a month-to-month lease is a short-term rental for real property tax purposes at all. Thank you.

VICE-CHAIR BAISA: Thank you. But it sounds fishy to me, I'm sorry.

CHAIR CRIVELLO: Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. [sic] Chair. And yeah, Ms. Baisa, I had that same question and...at another time, and the Planning Department said no, once you do the six-month or the one-year lease, after that you can go month-to-month, and it doesn't break the ordinance. The difference is that somebody has lived there for six months, I mean six months or a year, and that's all the Code says, is you have to be there minimum six months.

VICE-CHAIR BAISA: Right.

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COUNCILMEMBER COUCH: So once you're past that minimum, you can go month-to-month. Now, if somebody else...if that person leaves and somebody else comes in then it has to go back to a minimum six months.

CHAIR CRIVELLO: But I think she clarified where --

COUNCILMEMBER COUCH: Yeah.

CHAIR CRIVELLO: --with HUD, your initial rental lease has to be a year and then they can consider month-to-month. Any further questions or...Mr. Guzman?

COUNCILMEMBER GUZMAN: Yeah. Thank you, Chair. I wanna...well, first of all let me make a comment. I think it...I'm, you know, I'm very glad to see that there was an increase in the payment standards so that, you know, HUD vouchers, I guess people who have those vouchers are at least have a competitive ability to like a vie for certain units. But on the other hand, what is, you know, just as personal information I'd like to know, what would...what's the incentive of the landlord? I mean if you're offering competitive market vouchers that a person is gonna pay \$1,323 versus a person who has a voucher, what is the incentive of the landlord to go with the person with the voucher versus someone who isn't in the Section 8's...

MS. MUNSELL: Well, there...

COUNCILMEMBER GUZMAN: Yeah, what is the incentives for --

CHAIR CRIVELLO: Go ahead, Ms. Munsell.

COUNCILMEMBER GUZMAN: --a landlord?

CHAIR CRIVELLO: Yeah.

MS. MUNSELL: There's actually a couple of incentives. You know, the economy, you know, sometimes it's good and sometimes it's bad. When you have Section 8 tenant, you know that that tenant will always be able to afford their rent because they're only paying 30 percent of their income as their portion and the rest of it is going to be subsidized through our program. So there's the first one. The second one is, we also do annual inspections, and that can be good and that can be bad. Some landlords are not excited about the fact that we're requiring them to make repairs to their units. But we also require the tenants to make repairs to the units when the tenant has caused damage. So there is some significant incentive for a tenant to not tear your place apart. I know that there are all kinds of stories about Section 8 tenants, you know, ruining a place and moving out. But if the landlord notifies us that a tenant has done that and the tenant has not made good, that tenant could lose their voucher. And that is a significant disincentive. So, you know, there's a couple of good things.

CHAIR CRIVELLO: So, you...the Department sends out the payment automatically right to the landlord? It doesn't exchange with the tenant? Is that my understanding?

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MS. MUNSELL: That's correct. The payment goes directly to the landlord.

CHAIR CRIVELLO: Yeah. Okay. Ms. Baisa?

VICE-CHAIR BAISA: I think the best thing I've heard this afternoon is the information you just gave about damage. You know, when I talk to people that have units, their biggest complaint is about damage. They'll say, you know, we...sure we get the check every month and, you know, we do all this, but then people damage the unit and leave, and then we're stuck repairing all that stuff. So really, if they were to report the damage to you while they still have the tenant in the unit, they might get some help?

MS. MUNSELL: The tenant is required to keep the unit, you know, in good repair. I mean obviously there's the normal wear and tear of things. But again, we don't want to have...it's part of their obligations, their family obligations. And when they sign an agreement with us, that's part of what they're agreeing to is that they are going to maintain the unit in an appropriate manner. And if they fail to meet those obligations, now obviously you're still the landlord, you must still do the landlord things --

VICE-CHAIR BAISA: Of course.

MS. MUNSELL: --but if we're notified, and we can show the proof, then absolutely. There are some pressure on them.

VICE-CHAIR BAISA: No, I think that's very good for people to hear this because I don't think a lot of people know that, and they just kind of assumed like they're stuck with it.

MS. MUNSELL: Now can I...just wanna...just to clarify, you know, we are applying our program rules, you know, so it's not that we are the landlord or acting for you or acting as your agent. They have agreed...they have an obligation to us to treat a unit in a certain way. And so we are simply enforcing our own rules.

CHAIR CRIVELLO: Thank you. Any further comments or questions? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. I was just waiting for all the Voting Members to have their say, but thank you, Department, for being here today. And interesting...yeah, I was listening to Mr. Hokama and Mr. Guzman in the fact that what is the incentive on the, I guess the landlord's behalf. If we're gonna increase the, you know, the affordability of the client or, you know, renter to pay, then where is it assisting the growth of...but, you know, I see the point that the landlord...it's a guaranteed income. They don't have to worry, is my tenant gonna make rent this month or not because, you know, they're signed on to this long-term lease and what have you. I'm hoping and have been told that there'll be a possibility of 1,500 rental units in West Maui. And so that would be hopefully something like this can help assist people getting into those units. But I guess at that point it would be the choice of the developer or owner to take these vouchers or not. So I guess something to discuss once that comes online via your Department and, you know, the community

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and what have you. But my question is, what...how long does it take a person, you know, to go through the whole application process and from application to, I got my voucher I'm in my home? Is there like a kinda guesstimation of sorts of how long that could take? I'm sure it depends but --

MS. MUNSELL: It does...

COUNCILMEMBER COCHRAN: --average, I guess an average if someone has all the --

MS. MUNSELL: Yeah.

COUNCILMEMBER COCHRAN: --ducks in a row and...

MS. MUNSELL: It takes...I mean it...a part of it is I mean they're sent out when they're notified that they have been pulled from the waitlist. They're sent documents that tell them, you know, you need to complete this application. You need to submit this amount of documentation, you know, income, assets, that kind of stuff. If they get that right back to us, they could be, you know, processed and found eligible or ineligible very quickly. At that point then they would need to go to a briefing and after the briefing they're issued a voucher. So it just depends on how quickly they can get the documents back to us.

COUNCILMEMBER COCHRAN: Sorry, but quickly is a week, ten days, a month, three months?

MS. MUNSELL: Well...

COUNCILMEMBER COCHRAN: So I was just...

MS. MUNSELL: Yeah.

COUNCILMEMBER COCHRAN: They have everything. They go oh okay, great, and I know my list of things I gotta give you, go home, fumble through my files. Okay, I got all my papers.

MS. MUNSELL: You know, it really depends on the individual and how quickly they respond and how thorough they are. We've had tenants or clients who are wonderful about getting their paperwork to us, and then we've had clients that are terrible.

COUNCILMEMBER COCHRAN: Okay. And does this just include rent? No...does it include utilities or any other type of living expenses?

MS. MUNSELL: So the calculation is that we...they pay 30 percent of their income for rent and utilities. So we do take utilities into consideration, not things like cable and satellite TV and that kind of stuff. But, you know, the rent, electric, gas, trash, that kind of thing.

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COUNCILMEMBER COCHRAN: Oh, okay.

MS. MUNSELL: Yeah.

COUNCILMEMBER COCHRAN: That's helpful. And yeah...but I think...I was just asking, I have rentals, and I asked my husband what do we charge and they're below...it's below these HUD vouchers. So it's like, hey, you could raise them because you can get HUD vouchers and make more money. But I...we wouldn't do that just to the fact that we have long-term good tenants and we really hate to lose them. But I just see the point that Mr. Hokama brought up that now, whoa, I can bump it up by a few hundred bucks here to earn more money in my pocket as a landlord. But, anyways, we'll see how this works out, hopefully for the best. Thank you.

CHAIR CRIVELLO: Thank you. Members? Department, any further comments?

COUNCILMEMBER VICTORINO: Chair?

CHAIR CRIVELLO: Mr. Victorino?

COUNCILMEMBER VICTORINO: Real quick question, you mentioned a moment ago for utilities, you take out cable, Direct TV and all that. But in today's age, there is no other way of getting any kind of communication into your home unless you pay for either Internet, cable, Direct TV. I mean you can't put up the antenna anymore and get any...there's no analogue anyhow.

MS. MUNSELL: Right.

COUNCILMEMBER VICTORINO: I just thought that was curious because that is the real world we live in. It has become a necessity, not an option. When the days of analogue, you could do that. But, anyhow, I just thought that was curious and I won't go into it, Madam Chair, and --

CHAIR CRIVELLO: Right, I think that's a Federal call --

COUNCILMEMBER VICTORINO: Yeah.

CHAIR CRIVELLO: --with the HUD --

COUNCILMEMBER VICTORINO: Yeah.

CHAIR CRIVELLO: --people.

COUNCILMEMBER VICTORINO: Thank you.

CHAIR CRIVELLO: Yeah. Thank you. Members, Department, any further comments?

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MS. REIMANN: No, just wanted to thank you all for your wonderful questions and insightful comments, appreciate it.

CHAIR CRIVELLO: Thank you. If we have no further questions or comments or clarification, Members, without objections, I will defer this matter.

COUNCILMEMBERS: No objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER pending further discussion.**

CHAIR CRIVELLO: I think we can move on to...do you need a break, Members?

VICE-CHAIR BAISA: No.

**ITEM HHT-40: ANIMAL REGULATIONS** (CC 16-185, CC 16-186)

CHAIR CRIVELLO: Okay. The second item on today's agenda is HHT-40, Animal Regulations. The Committee is in receipt of the following: 1. County Communication 16-185, from Councilmember Don Couch, transmitting a proposed bill entitled A Bill for an Ordinance Amending Section 6.04.040, Maui County Code, Relating to Animal Regulations for Dog Restraints, and Section 6.04.090, Maui County Code, Relating to Animal Control Officers. The purposes of the proposed bill are to amend the Code by: 1) adding an exception to the requirement that an owner of a dog keep the dog under restraint, when a dog is a service dog or is used for farming, agriculture, guarding, or herding, and is within fenced property of a specified minimum height; and 2) authorizing animal control officers to enforce Subsection 13.04A.070(D) of the Code, relating to animal restriction at County parks and recreational facilities. Two, we are in receipt of County Communication 16-186, from Council Vice-Chair Don S. Guzman, transmitting a proposed bill entitled A Bill for an Ordinance Amending Section 6.04.040, Maui County Code, Relating to Animal Regulations. The purpose of the proposed bill is to amend the Code by adding an exception to the requirement that an owner of a dog keep the dog under restraint when a dog is actively working on authorized farm or ranch property. The Committee may consider whether to recommend passage of the proposed bills on first reading, with or without revisions. The Committee may also consider the filing of County Communications 16-185 and 16-186 and other related action. At this time, Members, the Chair has reviewed both proposed bills from Member Couch and Member Guzman. I have provided you with a revised proposed bill incorporating the changes and adding a definition for service dog. I will ask Corporation Counsel, Mr. Jeff Ueoka, to review and go over the proposed bill for us. Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Yeah, under the Chair's guidance, Members, we worked on the bill a bit. The first thing we did was in the current Code, there's a definition of

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guide dog, service dog and signal dog. We removed the service dog from that section and added in its own definition saying, service dog shall have the same meaning as defined in the Americans with Disabilities Act. The next portion, we took the language that Mr. Guzman and Mr. Couch provided. And we took out the four-foot fence section as we felt it was a little difficult as if the dog was within a four-foot-fenced area, it would be under restraint by definition in a sense 'cause it'd be in a fenced-in area. But we just left it at, dogs utilized for farming, agricultural purposes, and herding, need not be under restraint. The thinking behind this was if someone wants to get, I guess, for lack of a better word, cute with what farming, agricultural purposes, and herding means, animal control could cite the individual and they could put their arguments in with a judge in the Circuit or in the District Court under the judiciary. It would be their call at that point. The next section was service dogs where being under restraint interferes with the service dog's work or the individual's disability prevents them from placing the service dog under restraint. This language is from the ADA. I believe the Humane Society assisted us in providing us some language on that, and that's essentially the ADA language that they too, want the animal tethered. I'd also like to point out that for...generally speaking, under restraint is for all dogs and if one of these dogs were to misbehave and do something that would get them deemed the dangerous dogs, then there's a whole new set of controls that they would need to comply with. But these are just for general dogs who, you know, haven't done anything wrong yet but they are I guess, working in that sense either for ag purposes or for service dog purposes. And we didn't make any changes to the animal control, which is simply just citing the Parks Code section in Title 13, relating to animals and saying that the animal control officers are also authorized to issue citations for the park sections. I believe that summarizes it. Thank you, Chair.

CHAIR CRIVELLO: I'll be calling on Mr. Couch and Mr. Guzman. Mr. Hokama, did you...you had your hands up before Mr. Ueoka could finish.

COUNCILMEMBER HOKAMA: I thank him for the proposal. It brings me...more concern for me. I don't have a problem with reasonable restraints so whether that be a barrier or something. And I can hear...I understand some of the argument regarding herding requirements on that property owner's land. I'm concerned about that dog on other people's property, okay. So what is the County's exposure because we're saying that that dog doesn't need to be leashed for various reasons but now it's on somebody else's property causing an issue?

CHAIR CRIVELLO: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. I believe the County's exposure would be minimal in a sense that we are not the property owner --

COUNCILMEMBER HOKAMA: But --

MR. UEOKA: --and...

COUNCILMEMBER HOKAMA: --we're allowing it.

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MR. UEOKA: We're not allowing the dog to trespass. We're just saying that when you're working your animal, it doesn't have to be on a leash. If you as the animal owner--or I shouldn't even say animal--as the dog owner, decides to let your animal go on to other people's private property and trespass, as you yourself would also probably be on someone else's property technically trespassing, that's that individual's concern. We're just saying that if you're engaging in animal control, or I'm sorry not animal control, farming, agricultural purposes and herding activities, you're...you need not have your dog under restraint. It's the same as if...even if the dog was on a leash and you decide to walk onto your neighbor's property, you're still not supposed to be there technically, so --

COUNCILMEMBER HOKAMA: Understood.

MR. UEOKA: --the County's exposure I believe would be limited.

COUNCILMEMBER HOKAMA: Okay.

MR. UEOKA: Thank you, Mr. Hokama.

COUNCILMEMBER HOKAMA: Good.

MR. UEOKA: Thank you, Chair.

CHAIR CRIVELLO: Thank you.

COUNCILMEMBER HOKAMA: For me, Chair, I can be supportive of this. But for me what I would say is, the dog needs to be registered, and it doesn't...I don't care who. It can be with Finance 'cause going need one dog tag, right?

MR. UEOKA: Yeah, yes.

COUNCILMEMBER HOKAMA: But the dog needs to be registered with proof that the dog has been certified as appropriately trained for the job it is intended to perform 'cause I don't need to get into a pissing match with lawyers later on about what is one certified dog or a trained dog, okay. So they gotta register and it has to show proof that this dog is what they say it is, a trained registered working dog.

CHAIR CRIVELLO: So, Mr. Ueoka, is that something we would add further with this or do you have clarification for Mr. Hokama's concern?

MR. UEOKA: Thank you, Chair. I think I understand the idea behind that...

COUNCILMEMBER HOKAMA: And it's even for our own Police Department, okay. If we get dogs and I want those dogs registered and certified that they were properly trained, too.

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MR. UEOKA: I'm...

COUNCILMEMBER HOKAMA: It's not just for ranch that's why. This is for anybody that wants a dog not on a leash, show us the documentation.

MR. UEOKA: I'm not aware if there's any actual certifying body for...

COUNCILMEMBER HOKAMA: So how do we know this dog is...can do what they say it can? I don't need one dog-biting incident for...to show me that the dog wasn't well trained.

MR. UEOKA: Yeah, current...

CHAIR CRIVELLO: Mr. Ueoka?

MR. UEOKA: Thank you --

CHAIR CRIVELLO: Yeah.

MR. UEOKA: --Chair. Currently, the language is just as long as the...in...the owner of the dog is just saying they're using it for farming, agricultural purposes and herding. It doesn't have to be under restraint. It's still...if your dog goes off, you're still subject to the penalties of, you know, under 6.04 as is. And it's the same that even the guy who doesn't keep their dog on leash anywhere else is subject to that exact same penalty. It's just...it doesn't say that if your dog is off leash and something goes wrong, your dog is not subject to the dangerous dog laws. You're still subject to it regardless of whether or not your dog is allowed to be under restraint or not. I guess that's...I don't know if there's a certifying body so that may be a difficult system to implement for the individuals trying to register --

COUNCILMEMBER HOKAMA: You're telling me --

MR. UEOKA: --the dogs.

COUNCILMEMBER HOKAMA: --to trust them like I trust them with taxes, you gotta be kidding me. Okay. That I won't agree with. Thank you, Chair.

CHAIR CRIVELLO: Thank you, Mr. Hokama. So, Mr. Couch, and then, Mr. Guzman.

COUNCILMEMBER COUCH: Thank you, Madam Chair. And yeah, I'd...I had not known that Mr. Guzman was doing the same thing. It's one of the nuances of the Sunshine Law--I tried to say another word but I didn't wanna--so I'm fine with the language here. The reason we had the...well, I was working with the...some of the ranchers. The reason we brought this up is because apparently, some of them were getting tagged for having dogs not on a leash in their...doing their jobs. So we wanted to make that exception. The reason we did the fence was, somebody said that they wanna be able to have their dog in their yard and be able to run around without having to be on a lease...leash. And my thought was, well, that's okay if there's a

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fence, if there's not a fence then I believe that's probably not a good thing to allow because there's no restraint. Now, as Mr. Ueoka says, the fence is the restraint and that's why it would be good to allow the dog to run around free without restraint. And then I think several of this I had heard that some of this came up with and it may have been a prior to Mr. Wilson being here, that people were getting tagged for having a dog in their yard inside a fence but not on a leash. So that's why I added that section there.

CHAIR CRIVELLO: Thank you.

COUNCILMEMBER COUCH: But that may not be the case anymore.

CHAIR CRIVELLO: We're gonna hear from the Department but...Mr. Ueoka?

MR. UEOKA: Actually, thank you, Chair. Mr. Couch brought up a very good point. We may wanna change the word. Instead of utilize to actively engaged in farming just so once you take the dog home, it would have to be under restraint, which just by definition means kept on real property with the express consent of the property owner in a manner which prevents the dog from exiting the property of its own volition. So a...I guess a fence that could stop a dog would be practical. Thank you, Chair.

CHAIR CRIVELLO: What section or what item number?

MR. UEOKA: Number five, Chair.

CHAIR CRIVELLO: Okay. Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. That's exactly where I was going. On the...to utilize, the wording utilize could basically be saying, my dog that's sitting there in the back of my truck is being utilized for agriculture, so it's kinda like...you're just identifying a dog. So in order to narrow the scope, you need that, that dog needs to be actively engaged in the process, and that's why I put actively working. So if the dog is actively working a farm or a property then...for the purposes of farming or agriculture, you should also add the word here, ranching purposes and guarding because we've received testimony via the e-mail that shows pictures of dogs that actually sleep with the herd and they're guarding. So, it can be if those...if that language could also be included, I think it will take care of it.

CHAIR CRIVELLO: I'd like to call a short recess at this time at the request of our Corporation Counsel. . . .(gavel) . . .

**RECESS: 2:56 p.m.**

**RECONVENE: 3:01 p.m.**

CHAIR CRIVELLO: . . .(gavel) . . . Members, the Committee on the Housing and Human Services and Transportation Committee will now reconvene. Mr. Ueoka?

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MR. UEOKA: Thank you, Chair. After speaking with Mr. Guzman, it'd probably be better if we change the herding to ranching also in 6.04.040 A5. So it'd say dogs actively engaged in farming or for farming, agricultural purposes and ranching.

VICE-CHAIR BAISA: Repeat.

CHAIR CRIVELLO: Would you mind repeating that again?

MR. UEOKA: Dogs actively engaged for farming, agricultural purposes and ranching. I believe most livestock would fall under ranching or farming or agricultural purposes so...and most of the activities. So I believe it should be well covered and the actively engaged portion would mean, once the dog's pau with work, it has to be...comply with under restraint laws for the County. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Before we go any further with more comments, I would like to hear from the Department. With us today, besides the Director of Department of Housing and Human Concerns, we have the Director of Humane Enforcement of the Maui Humane Society, Mr. Mark Wilson. Ms. Reimann?

MS. REIMANN: Thank you, Chair, Members of the Council. So, thank you so much for bringing up this important topic that's obviously very important and relevant to our ranchers and farmers, and the Department supports Council Chair's recommendations with amendments. And as Chair mentioned, we have Mark Wilson here, the Animal Enforcement Director of the Humane Society, to provide further comment. Thank you.

CHAIR CRIVELLO: Thank you. Mr. Wilson?

MR. WILSON: Thank you, Chair and Councilmembers. My name is Mark Wilson. I am the Director of Humane Enforcement for Maui Humane Society. When I originally got the bill, I had lots of concerns but I think that you guys have worked out most of my concerns. Coming from another area where we did have ranch dogs that were exempt from leash law, we had problems of not having definitions of where and when they could be in place. My...so far I think the only thing...concern I have, as long as we have a definition of actively working, farm and agricultural guarding and herding, there shouldn't be an issue. As far as I know, I don't recall citing anybody for actively herding their dogs on their own property. We do...we have cited people for having their dogs off their property and creating other issues, but they weren't actively herding. So reading over the new recommendations and amendments, I'm not seeing anything other than...that I can object to right now. Yeah, the dog is actively engaging, as long as we have some sort of definition and way of actually verifying that this is going on then I don't see a problem. And of course, obviously, being on their own property and not herding over somebody else's property, is also another law that comes into effect anyway.

CHAIR CRIVELLO: Mr. Ueoka?

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MR. UEOKA: Thank you, Chair. I think as this body probably knows even better than me, coming up with any type of definition when it comes to one farming, ranching, agriculture really means is difficult. What I'd like to hope is that the animal control officers would use their best judgment in issuing citations. And while it may be an inconvenience or a difficulty for the farmers, and again I'm hoping that the best judgment is used, that it will be up to a judge to make the determination as to whether or not the individual was actively engaged in farming, agricultural purposes and ranching. And I know that's a difficult thing for this body to trust with but it's very hard to come up with a definition that would satisfy the needs of everyone. And so I hope that's satisfactory. Thank you, Chair.

CHAIR CRIVELLO: Members...Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. And I tend to agree with Mr. Ueoka on this one. For the most part, it's one of those I guess--and I'm gonna use a...what I understand to be a lawyer term even though I'm not a lawyer--a reasonable...the reasonable man, reasonable person standard where somebody would say, yeah, if you look at the picture that we were given here, yeah, I mean that's obvious that they're doing it. The whole idea is to give Mr. Wilson and his group the opportunity to say to somebody who's obviously not doing any of that but letting their dog run around say, no, sorry, that doesn't work. And then like you said, if they challenge it, then let the judge...I don't think any of these guys here first of all, would get cited 'cause if I see a herd of goats like that and a couple dogs around there, I think any reasonable person would say, yeah, they're herding the goats. So I'm fine with that, Madam Chair, with the way he said it. I don't know what the other Members think about that. My question is the whole service dog thing. I know the ADA has a definition of service dogs but as you probably are aware, somebody can go online and get a vest for a dog and it can be a service dog, and we had this discussion in one of our other committees I'm pretty sure, but you can't ask them to show papers because it's a HIPAA violation. That's what the...

CHAIR CRIVELLO: Maybe Mr. Ueoka can...but if Federal definition preempts us to begin with --

COUNCILMEMBER COUCH: Sure.

CHAIR CRIVELLO: --I mean, and are you saying we're the enforcers?

COUNCILMEMBER COUCH: No, I'm --

CHAIR CRIVELLO: Well --

COUNCILMEMBER COUCH: --just saying it's --

CHAIR CRIVELLO: --okay.

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COUNCILMEMBER COUCH: --you know, because we defined it in here, we're gonna be...we could be in trouble. But I'm just saying that I think this...the language the way it is, is gonna work well. I just have a little concern on the...what will happen with the whole service dog thing, but that's probably not within this Committee's jurisdiction. Thank you.

CHAIR CRIVELLO: Yeah. Mr. Ueoka, would you like to comment on Mr. Couch's concerns or unnecessary concerns, yeah?

MR. UEOKA: Thank you, Chair. I feel comfortable defining it the same as the Americans with Disabilities Act. And again, this is simply a leash law, you know, under restraint, gotta, you know, be controlled. And again it would be the same thing if the individual and the animal control officer are in disagreement as to whether the animal is a service dog as defined under the ADA. And if it's again some sort of regulation for the animal control officer to request proof, he can issue the citation and it will be up to a judge to make that determination as to whether that dog meets the requirements of the ADA as a service dog. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Any further comments, Members, Department? Mr. Wilson?

MR. WILSON: Under the service dogs, my officers follow the handout as provided by the Hawaii Disability Rights Center that kinda mirrors the ADA, which explains service animals or training, what you can and can't ask and under control. So they...that's the one they utilize in the field.

CHAIR CRIVELLO: Thank you. Members, any other comments or question? Department? Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Again, just to reiterate that this is only for under restraint. The dogs are still subject to all the other laws regarding dogs, they...it's only if they don't have to be under restraint. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Mr. Guzman, any further comments?

COUNCILMEMBER GUZMAN: No, Chair. I like the language, the actively engaged. I think it's very simple. The dog is let's say take a scenario where the herd or the certain livestock get loose, and they're on a private property, not necessarily the owner's property and the dog is herding or following, and let's say they take several days and the dog stays with the herd and spends the night there with the herd, and I guess enforcement comes by and the dog is with the herd, I don't...that's actively engaged. I mean the other scenario is the dog gets loose by himself or herself, is roaming around and if that dog is found without a leash or without any other supervision, or without any herd nearby, so that's not actively engaged. So I can see the definitions there that are very plain and apparent, you know. So, thank you, Chair.

CHAIR CRIVELLO: Thank you. Mr. Carroll, any comments?

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COUNCILMEMBER CARROLL: No.

CHAIR CRIVELLO: Mrs. Baisa?

VICE-CHAIR BAISA: No, ready to vote.

CHAIR CRIVELLO: Mr. Couch? Mr. Hokama, any further comments?

COUNCILMEMBER HOKAMA: No. I shared my comments. Thank you, Chair.

CHAIR CRIVELLO: Thank you. So, Members, at this time no further discussion and before the question before you, I will entertain a motion to recommend passage on first reading of a revised proposed bill as amended entitled, A Bill for an Ordinance Amending Section 6.04.040, Maui County Code, Relating to Animal Regulations for Dog Restraints, and Section 6.04.090, Maui County Code, Relating to Animal Control Officers; and filing of County Communication 16-185 and 16-186.

VICE-CHAIR BAISA: Miss...Madam Chair, I see Corp. Counsel might need a minute here.

CHAIR CRIVELLO: I...do I need a recess? Are you good, Mr. Ueoka? Okay.

VICE-CHAIR BAISA: If not, so moved, Chair.

CHAIR CRIVELLO: Thank you. Do I hear a --

COUNCILMEMBER COUCH: Second.

CHAIR CRIVELLO: --second? Thank you. Members, there is a motion in place and a second in regards to recommending passage on first reading of a revised proposed bill as amended entitled A Bill for an Ordinance Amending Section 6.04.040, Maui County Code, Relating to Animal Regulations for Dog Restraints, and Section 6.04.090, Maui County Code, Relating to Animal Control Officers; and filing of County Communications. Any further discussion, Members? Mrs. Baisa?

VICE-CHAIR BAISA: Thank you very much, Chair. I'd like to speak in support of the motion and I'd like to thank Don Couch as well as the Members, for considering this today. I know that our farmers are very concerned about, you know, this kind of thing. It makes life hard for them. And so, if we can make it better, that's good.

CHAIR CRIVELLO: Thank you. Mr. Couch?

COUNCILMEMBER COUCH: I do have a question of the Staff, so if you can...

CHAIR CRIVELLO: We can go further?

COUNCILMEMBER COUCH: Yeah.



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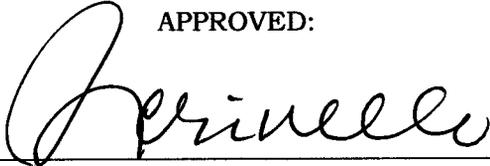
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meeting of September 20, 2016 of the Housing, Human Services and Transportation Committee. Meeting adjourned. . . .(gavel). . .

**ADJOURN:** 3:15 p.m.

APPROVED:



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STACY CRIVELLO, Chair  
Housing, Human Services, and  
Transportation Committee

hht:min:160920:acqp

Transcribed by: Ann Carmel Q. Pugh

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CERTIFICATE

I, Ann Carmel Q. Pugh, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 11<sup>th</sup> day of October, 2016, in Kula, Hawaii

A handwritten signature in cursive script, appearing to read "A.C. Pugh", is written over a horizontal line.

Ann Carmel Q. Pugh