



OFFICE OF THE MAYOR  
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR

**Mayor's Emergency Rule #5 (AMENDMENT #4 April 14, 2020)**

BACKGROUND: This rule supplement includes:

- 1) Allowing Some Residential Homeowner Construction Projects;
- 2) Allowing Landscaping Maintenance; and
- 3) Allowing Licensed Realtors to Close Out Properties in Escrow.

The following are amendments or additions to the following rules and they shall read as follows (additions underlined and **bolded**; deletions [bracketed] and ~~stricken~~ :

II. "LOCAL" RULES WITH RESPECT TO THIRD SUPPLEMENTARY PROCLAMATION PART I.A:

Governor's Rule PART A	Local Rule
<p>10. Critical trades. Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, essential activities, and essential businesses and operations;</p>	<p><b><u>10(A). BUILDING AND CONSTRUCTION</u></b></p> <p><b><u>(1) Construction Generally.</u></b> Vertical construction, including renovation &amp; remodeling activities, is not <b><u>generally</u></b> considered essential.</p> <p><b><u>(2) General Operating Provisions for Essential Construction. Any essential construction must:</u></b></p> <p><b><u>(a) require individuals to social distance and maintain a distance of six (6) feet or more between other individuals at all times except when closer distance is required for safety;</u></b></p> <p><b><u>(b) wear a covering over their noses and mouths;</u></b></p>

**(c) not share tools;**

**(d) no traveling in vehicles together;**

**(e) establish or identify a handwashing station;  
and**

**(f) limit trips to hardware stores.**

**3. Health, Safety and Government Construction.**

Maintenance and repairs [essential] **necessary** to maintain health and safety only, and construction related to the response and recovery effort as directed by a governmental agency **are considered essential.**

**4. Homeowner Construction Projects. A**

**Residential Homeowner who has an open building permit for a primary residence on their Residential property with the Department of Public Works may solely and personally work on that respective residential construction project as essential work. The Residential Homeowner may include two (2) additional individuals. The homeowner (not an agent) must be on site at all times.**

**5. March Flood Construction.** Those homeowners **and businesses** impacted by the flooding event on March 28, 2020 are allowed to repair their homes to make them safely habitable. ~~[provided any contractor or construction activity must engage in~~

~~social distancing, limit field workers on site, and refrain from sharing tools with each other.]~~

**6. Utility and Refuse Workers.** Utility and refuse workers are critical trade employees if actively engaging in work for that business.

**10(B). Landscaping.**

~~[Landscaping is not an essential service unless it is required for vector or fire control, or to mitigate a liability for personal injury (i.e. coconuts being trimmed from a coconut tree).]~~

**(1) General Operating Provisions for Landscaping Maintenance. All essential landscaping must:**

- (a) require employees to social distance and maintain a distance of six (6) feet or more between other individuals at all times except when closer distance is required for safety;**
- (b) wear a covering over their noses and mouths;**
- (c) not share tools or equipment;**
- (d) no traveling in vehicles together;**
- (e) establish or identify a wash station; and**
- (f) limit trips to supply stores.**

	<p><b><u>(2) Essential Landscaping Maintenance.</u></b> <b><u>Landscaping maintenance is considered essential provided no more than one (1) landscaper is permitted to service a parcel smaller than five (5) acres. Further, no more than three (3) landscapers are permitted to service a parcel larger than five (5) acres. Parcels greater than ten (10) acres may utilize five (5) landscapers. For parcels over 10 acres, in which five (5) landscapers are present a portable toilet must be provided on the parcel, separate from facilities on the parcel.</u></b></p>
<p>19. Professional services. Professional services, such as legal services, accounting services, insurance services, real estate services (including appraisal and title services);</p>	<p><b><u>19(A). Professional Services Generally.</u></b> Only as essential to maintain essential businesses or operations. Tax services are not essential given the federal and state extensions for filing.</p> <p><b><u>19(B). Real Estate Services.</u></b> Real estate activities are <b><u>allowed only for the purposes of rental property management, or closing out and fulfilling obligations relating to pending real estate transactions currently in escrow.</u></b></p> <p><b><u>(1) General conduct for all real estate activities:</u></b></p> <p><b><u>(a) no in-person meetings except when to view a property or sign necessary documents;</u></b></p>

**(b) real estate professionals, contractors, or clients must travel in separate vehicles;**

**(c) no open houses or real estate caravans;**

**(d) viewings, inspections, appraisals, and related activities must be by appointment only, limited to one (1) agent and one (1) individual on site at any time;**

**(f) for contracted activities, no more than two (2) individuals on site at any time;**

**(g) require all persons to social distance and maintain a distance of six (6) feet or more between other individuals at all times except when closer distance is required for safety;**

**(h) all persons must wear a covering over their noses and mouths;**

**(i) no sharing tools;**

**(j) establish or identify a wash station; and**

**(k) limit trips to supply stores.**

**(2). Rental Property Management. Rental property management is considered essential.**

**(3) Closing Out Escrow. Activities required to satisfy, and comply with current/pending contract**

contingencies, such as facilitating or inspecting the property in question including but not limited to inventory, termite checks, appraisals, surveys, removal of items, cleaning, signing, walk through, and key transfer are considered essential.

This rule supplement shall have the force and effect of law. Violation of this rule is a misdemeanor, subject to penalty per HRS §127A-29.

**Penalty per HRS §127A-29:**

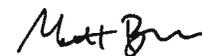
Any person violating any rule of the governor or mayor prescribed and promulgated pursuant to this chapter and having the force and effect of law, shall, if it shall be so stated in the rule, be guilty of a misdemeanor. Upon conviction, the person shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

**Term:** Effective April 15, 2020, through May 3, 2020, subject to modification. Executed on this 14<sup>th</sup> day of April 2020.



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County of Kaua'i

APPROVED FOR FORM & LEGALITY:



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