



**OFFICE OF THE MAYOR
THE COUNTY OF KAUAI**

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

SEVENTH SUPPLEMENTARY EMERGENCY PROCLAMATION

By the authority vested in me as Mayor by the Constitution and laws of the State of Hawai'i and Charter and laws of the County of Kaua'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, **DEREK S.K. KAWAKAMI**, Mayor of the County of Kaua'i, hereby determine, designate, and proclaim as follows:

WHEREAS, pursuant to section 127A-14, Hawai'i Revised Statutes, Mayor Bernard P. Carvalho Jr., determined by Emergency Proclamation on April 14, 2018, that an emergency or disaster had occurred, or there was an imminent danger or threat of an emergency or disaster;

WHEREAS, pursuant to section 127A-14, Hawai'i Revised Statutes, it was determined by Supplementary Emergency Proclamations on April 22, 2018, May 23, 2018, July 11, 2018, September 7, 2018, November 5, 2018, and January 19, 2019, that it was necessary to supplement the Emergency Proclamation of April 14, 2018, relating to heavy rains and flooding in the County of Kaua'i;

WHEREAS, the Mayor is authorized to exercise all enumerated powers set forth in 127A, Hawai'i Revised Statutes, pertaining to emergency management;

WHEREAS, Chapter 127A, Hawai'i Revised Statutes shall be liberally construed to effectuate its purposes including but not limited to address emergencies, provide for emergency management, and to perform emergency management functions;

WHEREAS, it has become necessary to supplement the previous Emergency Proclamations of April 14, 2018, April 22, 2018, May 23, 2018, July 11, 2018, September 7, 2018, November 5, 2018, and January 3, 2019, relating to heavy rains and flooding in the County of Kaua'i, to provide for the restoration, renovation, replacement, or reconstruction of county facilities and county property damaged or lost as result of the disaster event;

WHEREAS, pursuant to section 127A-13(b)(1), Hawai'i Revised Statutes, in the event of a local state of emergency, the Mayor may relieve hardships and inequities found to exist in the laws of the County by suspending such laws, in whole or in part, or by alleviating the provisions of such laws on such terms and conditions as the Mayor may impose;

WHEREAS, the "Mayor's Emergency Rule #1" ("Rule #1"), promulgated by Mayor Bernard P. Carvalho Jr., under Chapter 127A, Hawai'i Revised Statutes, suspends and prohibits the operation of Transient Vacation Rentals in the Lumaha'i-Wainiha-Hā'ena Area;



WHEREAS, under Kaua'i County Code Section 8-13.2(b), owners or lessees of nonconforming Transient Vacation Rentals must operate their units at least one day a year to qualify for a renewal of their nonconforming use certificate;

WHEREAS, under Kaua'i County Code Section 8-17.10(h), the owner or lessee who has obtained a nonconforming use certificate under Section 8-17 shall apply to renew the nonconforming use certificate annually on the date of issuance of their nonconforming use certificate;

WHEREAS, enforcing Kaua'i County Code Section 8-13.2(b) and Rule #1 simultaneously would cause hardship and inequity for such owners or lessees of nonconforming Transient Vacation Rentals by requiring them to suspend operations despite being required to operate at least once per year under Kaua'i County Code Section 8-13.2(b).

NOW, THEREFORE, I, DEREK S.K. KAWAKAMI, Mayor of the County of Kaua'i, hereby determine that an emergency or disaster contemplated by section 127A-14, Hawai'i Revised Statutes, continues to threaten the County of Kaua'i and do hereby proclaim the County of Kaua'i to be a disaster area for the purpose of implementing emergency management functions as allowed by law and continue and extend the Emergency Proclamations of April 14, 2018, April 22, 2018, May 23, 2018, July 11, 2018, September 7, 2018, November 5, 2018, and January 3, 2019, relating to heavy rains and flooding in order to provide for further emergency management and emergency management functions;

I FURTHER DECLARE in the Lumaha'i-Wainiha-Hā'ena Area, that Kaua'i County Code Section 8-13.2(b) shall be alleviated for owners or lessees of nonconforming Transient Vacation Rentals who had valid nonconforming use certificates at the time Rule #1 was implemented by giving them a period of twelve calendar months, or for one season if the use be seasonal, from and including the date Rule #1 expires or is cancelled to comply with the requirement of Kaua'i County Code Section 8-13.2(b);

I FURTHER DECLARE in the Lumaha'i-Wainiha-Hā'ena Area that Kaua'i County Code Section 8-17.10(h) shall be alleviated for owners or lessees who had valid nonconforming use certificates at the time Rule #1 was implemented by adjusting subsequent annual renewal dates after this Seventh Supplementary Emergency Proclamation is issued to be on the yearly anniversary of the date Rule #1 expires or is cancelled;

I FURTHER DECLARE that all the provisions of the Emergency Proclamation of April 14, 2018, and the Supplemental Emergency Proclamations of April 22, 2018, May 23, 2018, July 11, 2018, September 7, 2018, November 5, 2018, and January 3, 2019, as well as all emergency rules promulgated pursuant thereto, including the provisions and applicability of section 127A-30, Hawai'i Revised Statutes, shall remain in full force and effect and are hereby included in the provisions of this Seventh Supplementary Emergency Proclamation and the disaster relief or emergency period shall now continue

until terminated sixty days after this day or by a separate proclamation, whichever occurs first. Notwithstanding the termination of a disaster relief or emergency period, any contracts, agreements, procurements, programs, or employment of personnel entered into, started, amended, or continued by reason of the provisions of these proclamations shall continue.

Done at the County of Kaua'i
This 4th day of March, 2019



Derek S.K. Kawakami
Mayor, County of Kaua'i

APPROVED:



Matthew M. Bracken
County Attorney