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## HOUSE CONCURRENT RESOLUTION

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REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY OF ADULT  
RESIDENTIAL CARE HOMES.

1 WHEREAS, an adult residential care home is defined under  
2 section 321-15.1, Hawaii Revised Statutes, as any facility that  
3 provides twenty-four hour living accommodations for a fee to  
4 adults unrelated to the family, who require at least minimal  
5 assistance with the activities of daily living, personal care  
6 services, protection, and health care services, but who do not  
7 need the professional health services provided in an  
8 intermediate, skilled nursing, or acute care facility; and  
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10 WHEREAS, in recent years, there has been a proliferation of  
11 the establishment of adult residential care homes on Oahu; and  
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13 WHEREAS, many of the adult residential care homes are  
14 located in residential neighborhoods characterized by single  
15 family residences, and in commercial or mixed use areas; and  
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17 WHEREAS, concentrations of the adult residential care homes  
18 in these areas have attendant traffic, parking, delivery, noise,  
19 trash collection, and emergency services response challenges;  
20 and  
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22 WHEREAS, the Department of Health is authorized to license  
23 the establishment and operation of adult residential care homes;  
24 and  
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26 WHEREAS, the Department of Health's authority is apparently  
27 superior to that of the City and County of Honolulu's Department  
28 of Planning and Permitting to regulate these facilities,  
29 including the regulation of the locations of the facilities,  
30 their distance from each other, and whether they are compatible  
31 with the land use; and  
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1 WHEREAS, there is apparently no regulation to provide an  
2 opportunity for public notice, review, or comment, especially by  
3 adjoining property owners, regarding pending applications to  
4 establish, modify, or expand adult residential care homes; and  
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6 WHEREAS, while the City and County of Honolulu has revised  
7 each of the development plans and sustainable community plans  
8 for Oahu in recent years, the Department of Health has not  
9 conducted a similar review or revision of its rules regarding  
10 adult residential care homes; and  
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12 WHEREAS, the Department of Health should conduct a study of  
13 residential care home facilities; now, therefore,  
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15 BE IT RESOLVED by the House of Representatives of the  
16 Twenty-fourth Legislature of the State of Hawaii, Regular  
17 Session of 2007, the Senate concurring, that the Department of  
18 Health is requested to conduct a study of residential care home  
19 facilities; and  
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21 BE IT FURTHER RESOLVED that in completing the study, the  
22 Department of Health is requested to:  
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- 24 (1) Examine and determine the adequacy of the statutes,  
25 administrative rules, and inspection and enforcement  
26 processes, related to the establishment, modification,  
27 and expansion of adult residential care facilities;  
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- 29 (2) Determine whether adequate opportunity exists for  
30 public notice and participation in the inspection and  
31 enforcement processes related to the establishment,  
32 modification, and expansion of adult residential care  
33 facilities; and  
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- 35 (3) Consult with the Attorney General and the Director of  
36 the Honolulu Department of Planning and Permitting;  
37 and  
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39 BE IT FURTHER RESOLVED that the Department of Health is  
40 requested to submit a report to the Legislature no later than  
41 twenty days prior to the convening of the 2008 Regular Session;  
42 and  
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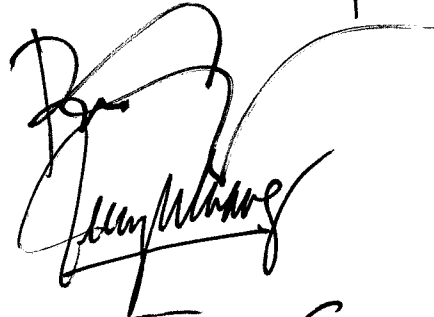


1 BE IT FURTHER RESOLVED that certified copies of this  
2 Concurrent Resolution be transmitted to the Director of Health,  
3 the Attorney General, and the Director of the Honolulu  
4 Department of Planning and Permitting.  
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6  
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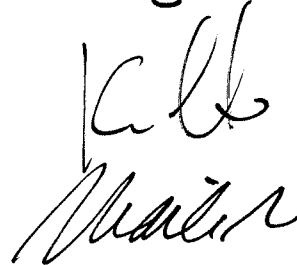
OFFERED BY: Kirk Caldwell

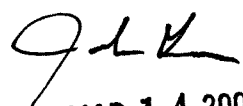


Calvin H. Day









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