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# A BILL FOR AN ACT

RELATING TO COUNTY ZONING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 46-4, Hawaii Revised Statutes, is  
2 amended by amending subsection (d) to read as follows:  
3           "(d) Neither this section nor any other law, county  
4 ordinance, or rule shall prohibit group living in facilities  
5 with eight or fewer residents and that are licensed by the State  
6 as provided for under section 321-15.6, or in an intermediate  
7 care facility/mental retardation-community for persons,  
8 including mentally ill, elder, disabled, developmentally  
9 disabled, or totally disabled persons, who are not related to  
10 the home operator or facility staff; provided that those group  
11 living facilities meet all applicable county requirements not  
12 inconsistent with the intent of this subsection and including  
13 building height, setback, maximum lot coverage, parking, and  
14 floor area requirements. No permit shall be issued by a county  
15 agency for group living in facilities with more than five  
16 unrelated residents under this subsection unless a public  
17 hearing is first held in the affected community."

18           SECTION 2. New statutory material is underscored.



1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Guthrie Yriebe*  
*L. A.*

JAN 23 2008



**Report Title:**

County Zoning; Group Living; Required Public Hearing

**Description:**

Requires a prior public informational hearing be held in the affected community before a county agency may issue any permit for group living in facilities with five or more unrelated persons.

