

MAR 13 2008

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## SENATE RESOLUTION

REQUESTING THE WILLIAM S. RICHARDSON SCHOOL OF LAW TO CONDUCT A STUDY ON LEGISLATIVE SOLUTIONS TO ADDRESS THE IMPACT OF ADULT RESIDENTIAL CARE HOME FACILITIES IN RESIDENTIAL NEIGHBORHOODS.

1 WHEREAS, the Legislature finds that adult residential care  
2 facilities provide a valuable and much needed service to  
3 Hawaii's elderly and disabled populations; and  
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5 WHEREAS, in certain neighborhoods, the strong demand for  
6 these facilities have resulted in their placement in close  
7 proximity to each other, thereby generating additional traffic,  
8 noise, and other concerns that have affected the residents  
9 living in these areas; and  
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11 WHEREAS, the impact on these neighborhoods appears to  
12 differ between the homes operated by single proprietors who live  
13 in the care home and those commercial enterprises operating  
14 multiple residences with rotating care providers; and  
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16 WHEREAS, the Department of Health is the agency responsible  
17 for overseeing the licensing of these adult residential care  
18 home facilities, which is limited to determining whether the  
19 health, welfare and safety of these patients are provided for;  
20 and  
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22 WHEREAS, each of the four counties issue building permits  
23 as a ministerial function based solely on whether or not a  
24 proposed adult residential care home complies with the  
25 applicable county building code; and  
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27 WHEREAS, there is currently no informational notice or  
28 hearing for those living in these areas to be informed that a  
29 adult residential care home facility is proposed for their  
30 neighborhood, nor is there any process for public comment or  
31 exchange of information between the affected community and the  
32 adult residential care home provider; and  
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34 WHEREAS, the federal Fair Housing Act, Americans with  
35 Disabilities Act, and Religious Land Use and Institutionalized



1 Persons Act all have an impact in varying degrees on local  
2 zoning and land use laws relating to these kinds of group  
3 assisted living facilities; and  
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5 WHEREAS, the objective of these federal laws is to  
6 integrate persons with disabilities into the community, and  
7 there is some latitude in considering neighborhood impacts, as  
8 long as any restriction is applied equally to similar groups of  
9 unrelated persons without disabilities; now, therefore,  
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11 BE IT RESOLVED by the Senate of the Twenty-fourth  
12 Legislature of the State of Hawaii, Regular Session of 2008,  
13 that the William S. Richardson School of Law is requested to  
14 conduct a study of the federal, state, and county statutes and  
15 laws relating to adult residential care home facilities; and  
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17 BE IT FURTHER RESOLVED that this study consider the  
18 appropriate forum to provide residents with the opportunity to  
19 provide public comment and discussion concerning the impact that  
20 adult residential care home facilities have on their  
21 neighborhoods; and  
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23 BE IT FURTHER RESOLVED that this study include any  
24 recommendations to address issues such as traffic, noise, and  
25 other concerns relating to the impact these adult residential  
26 care facilities have on residents and the community, including  
27 any proposed legislation that would allow public comment and  
28 possible mitigation measures on those adult care facilities that  
29 are in close proximity to each other; and  
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31 BE IT FURTHER RESOLVED that the William S. Richardson  
32 School of Law is requested to submit a report with its findings  
33 and recommendations to the Legislature no later than twenty days  
34 prior to the convening of the 2009 legislative session; and  
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36 BE IT FURTHER RESOLVED that certified copies of this  
37 Resolution be transmitted to the Dean of the William S.  
38 Richardson School of Law, President of the University of



1 Hawaii, Chairperson of the University Of Hawaii Board Of  
2 Regents, and the Director of Health.

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