

---

---

# SENATE RESOLUTION

REQUESTING THE WILLIAM S. RICHARDSON SCHOOL OF LAW TO FACILITATE  
A DISCUSSION TO ADDRESS THE IMPACT OF TYPE II ADULT  
RESIDENTIAL CARE HOME FACILITIES ON RESIDENTIAL  
NEIGHBORHOODS.

1           WHEREAS, the Legislature finds that adult residential care  
2 home facilities provide a valuable and much needed service to  
3 Hawaii's elderly and disabled populations; and  
4

5           WHEREAS, in certain neighborhoods, the strong demand for  
6 these facilities has resulted in their being located 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  
10

11           WHEREAS, the impact on these neighborhoods appears to  
12 differ between Type I facilities, operated by single proprietors  
13 who live in the care home, and Type II facilities, commercial  
14 enterprises operating multiple residences with rotating care  
15 providers; and  
16

17           WHEREAS, the Department of Health is the agency responsible  
18 for overseeing the licensing of these adult residential care  
19 home facilities, which oversight is limited to determining  
20 whether the health, welfare, and safety of residents are  
21 provided for; and  
22

23           WHEREAS, each of the four counties issues building permits  
24 as a ministerial function based solely on whether or not a  
25 proposed adult residential care home facility complies with the  
26 applicable county building code; and  
27

28           WHEREAS, there is currently no informational notice or  
29 hearing for those living in these areas to be informed that an  
30 adult residential care home facility is proposed for their  
31 neighborhood, nor is there any process for public comment or  
32 exchange of information between residents of the community in  
33 which the home is located and the care home provider; and  
34



1 WHEREAS, the federal Fair Housing Act, Americans with  
2 Disabilities Act, and Religious Land Use and Institutionalized  
3 Persons Act have an impact, to varying degrees, on local zoning  
4 and land use laws relating to these kinds of group care home  
5 facilities; and  
6

7 WHEREAS, the objective of these federal laws is to  
8 integrate persons with disabilities into the community, and  
9 there is some latitude in considering neighborhood impacts, as  
10 long as any restriction is applied equally to similar groups of  
11 unrelated persons without disabilities; now, therefore,  
12

13 BE IT RESOLVED by the Senate of the Twenty-fourth  
14 Legislature of the State of Hawaii, Regular Session of 2008,  
15 that the William S. Richardson School of Law is requested to  
16 facilitate a discussion among Type II adult residential care  
17 home facility providers, advocates, stakeholders, community  
18 residents, and the public, to provide an opportunity for public  
19 comment and discussion concerning the impact that Type II adult  
20 residential care home facilities have on the neighborhoods in  
21 which they are located; and  
22

23 BE IT FURTHER RESOLVED that the William S. Richardson  
24 School of Law is requested to submit a report of its findings  
25 and recommendations to the Legislature no later than twenty days  
26 prior to the convening of the 2009 legislative session, relating  
27 to the impact that Type II adult residential care home  
28 facilities have on their respective communities, addressing such  
29 issues as traffic, noise, and other concerns, and any potential  
30 mitigation measures; and  
31

32 BE IT FURTHER RESOLVED that the report is also requested to  
33 include any proposed legislation concerning the creation of  
34 appropriate venues for public comment on proposed residential  
35 care facilities or on-going discussion or comment concerning  
36 facilities in operation; and  
37

38 BE IT FURTHER RESOLVED that certified copies of this  
39 Resolution be transmitted to the Dean of the William S.  
40 Richardson School of Law, President of the University of Hawaii,  
41 Chairperson of the University Of Hawaii Board Of Regents, and  
42 the Director of Health.

