

MAR 12 2008

SENATE RESOLUTION

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, this proliferation of the establishment of adult
14 residential care homes may have unintended consequences,
15 particularly with regard to land use and zoning; and
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17 WHEREAS, many of the adult residential care homes are
18 located in residential neighborhoods characterized by single
19 family residences, and in commercial or mixed use areas; and
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21 WHEREAS, concentrations of the adult residential care homes
22 in these areas have attendant traffic, parking, delivery, noise,
23 trash collection, and emergency services response challenges;
24 and
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26 WHEREAS, a neighborhood composed largely of adult
27 residential care homes could adversely affect individuals with
28 disabilities and would be inconsistent with integrating persons
29 with disabilities into the community; and
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31 WHEREAS, the Department of Health is authorized to license
32 the establishment and operation of adult residential care homes;
33 and
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35 WHEREAS, the Department of Health's authority is apparently
36 superior to that of the City and County of Honolulu's Department



1 of Planning and Permitting to regulate these facilities,
2 including the regulation of the locations of the facilities,
3 their distance from each other, and whether they are compatible
4 with the land use; and
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6 WHEREAS, there is apparently no regulation to provide an
7 opportunity for public notice, review, or comment, especially by
8 adjoining property owners, regarding pending applications to
9 establish, modify, or expand adult residential care homes; and
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11 WHEREAS, while the City and County of Honolulu has revised
12 each of the development plans and sustainable community plans
13 for Oahu in recent years, the Department of Health has not
14 conducted a similar review or revision of its rules regarding
15 adult residential care homes; and
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17 WHEREAS, the Department of Health should conduct a study of
18 residential care home facilities; now, therefore,
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20 BE IT RESOLVED by the Senate of the Twenty-fourth
21 Legislature of the State of Hawaii, Regular Session of 2008,
22 that the Department of Health is requested to conduct a study of
23 residential care home facilities; and
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25 BE IT FURTHER RESOLVED that in completing the study, the
26 Department of Health is requested to:
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- 28 (1) Examine and determine the adequacy of the statutes,
29 administrative rules, and inspection and enforcement
30 processes, related to the establishment, modification,
31 and expansion of adult residential care facilities;
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- 33 (2) Determine whether adequate opportunity exists for
34 public notice and participation in the inspection and
35 enforcement processes related to the establishment,
36 modification, and expansion of adult residential care
37 facilities;
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- 39 (3) Determine whether the licensing and regulation of
40 adult residential care facilities has adversely
41 affected persons with disabilities and been
42 inconsistent with the objective of integrating persons
43 with disabilities into the community; and
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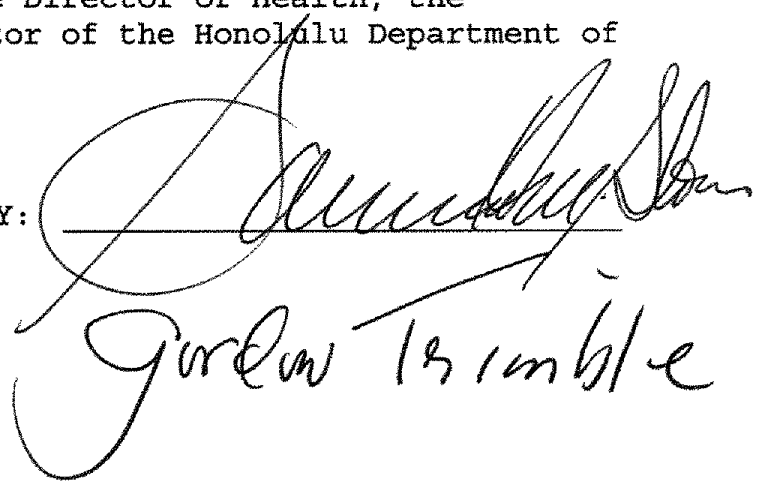


1 (4) Consult with the Attorney General and the Director of
2 the Honolulu Department of Planning and Permitting;
3 and
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5 BE IT FURTHER RESOLVED that the Department of Health is
6 requested to submit a report to the Legislature no later than
7 twenty days prior to the convening of the 2009 Regular Session;
8 and
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10 BE IT FURTHER RESOLVED that certified copies of this
11 Resolution be transmitted to the Director of Health, the
12 Attorney General, and the Director of the Honolulu Department of
13 Planning and Permitting.
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OFFERED BY:


Gordon Trimble

