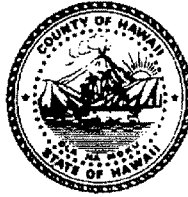


Harry Kim
Mayor



Edwin S. Taira
Housing Administrator

County of Hawaii
OFFICE OF HOUSING AND
COMMUNITY DEVELOPMENT

50 Waituku Drive • Hilo, Hawai'i 96720-2456
V/T/T (808) 961-8379 • FAX (808) 961-8685

January 29, 2007

The Honorable Maile S.L. Shimabukuro, Chair
The Honorable Karl Rhoads, Vice Chair
And Committee Members
Committee on Human Services and Housing

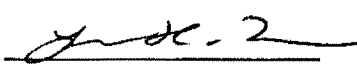
Twenty-Fifth Legislature
Regular Session of 2008

Subject: House Bill 3236
Relating to Housing
Hearing Date: January 31, 2008,
Time: 8:40 A.M.
Conference Room 329

The Office of Housing and Community Development (OHCD) opposes House Bill 3236.

Group living facilities are run by non-profit service providers who depend on the State Homeless Stipend Program for their support. Several have requested to increase the number of un-related persons allowed in a group home setting, since they stated they have enough capacity to accommodate up to 8 un-related people. By forcing them to hold public meetings to grant their request, we jeopardize losing their programs and services as well as the much needed benefits received by their clients and the community at large.

Title II of the Americans with Disabilities Act (ADA) imposes an affirmative duty on local governments to make reasonable accommodation (by modification or exception) in land use regulations and practices when such accommodation may be necessary to afford disabled persons an equal opportunity to housing. Furthermore, Title II, Part A of the Americans with Disabilities Act specifically prohibits state and local governments, their departments, agencies and any subdivision from excluding qualified individuals with disabilities from any services, programs or activities offered. Therefore, House Bill 3236 may violate Title II of the Americans with Disability Act. Thank you for the opportunity to provide testimony.


Edwin S. Taira
Housing Administrator

0081tasr



EQUAL HOUSING OPPORTUNITY
"AN EQUAL OPPORTUNITY EMPLOYER"

February 1, 2008



Aina Haina Library
5246 Kalaniana'ole Highway
Honolulu, HI 96821

Wayson Chow
President

Dave Dunbar
Vice-President

Art Mori
Treasurer

Jeanne Ohta
Membership Secretary

Directors At Large:
Lenore Johnson
Gregg Kashiwa
Chien-Wen Tseng

Bertha Leong
Past President

Via Fax (808) 586-6189

Representative Maile S. L. Shimabukuro, Chair
Representative Karl Rhoads, Vice-Chair
House Committee on Human Services & Housing
State Capitol, Room 406
415 So. Beretania St.
Honolulu, Hawaii 96813

Representative Josh Green, M.D. Chair
Representative John Mizuno, Vice-Chair
House Committee on Health
State Capitol Room 327
415 So. Beretania St.
Honolulu, Hawaii 96813

Dear Representatives Shimabukuro, Green, Rhoads and Mizuno:

Re **Support for HB 3236** Re County Zoning for Group
Living Facilities under H.R.S Sec. 46-4 and H.R.S. Sec.
321-15-6:
Hearing: Tuesday, February 5, 2008: 8:30 a.m.

I am writing in support of **HB 3236**, on behalf of the **Aina Haina Community Association**, a community organization consisting of over 1600 family households located in East Honolulu.

First of all, the Aina Haina Community Association supports the statewide policy of decentralizing Adult Residential Care Homes (ARCH, Type 1) in residential communities, limited to five unrelated residents, owned and operated by an on-site resident-owner.

Secondly, The Aina Haina Community Association supports these statutory revisions to H.R.S. 46-4, requiring a mandatory prior notice and a mandatory public hearing before approval of a ARCH Type II, Adult Residential Care Home for the following reasons:

- a. ARCH Type II Care homes are fully staffed, seven days a week, 24 hours a day businesses (with absentee investor-business owners) which have far greater adverse impact upon the surrounding neighbors, than ARCH I, with a maximum five patient homes.
- b. When problems arise, adversely affected neighbors can easily approach an ARCH I home owner who lives next door, and quickly and informally resolve complaints, with a resident-owner, who desires to be a good neighbor.

Representatives Shimabukuro, Green, Rhoads & Mizuno
HB 3236
Page 2

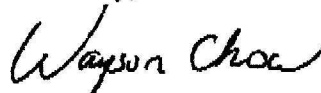
c. The neighbors of 5304 Limu Place, a pending ARCH Type II home in lower Aina Haina have repeatedly complained to the absentee owners, the City Department of Planning and Permitting, the State Department of Health, their City Council representative, and to their elected State House and Senate Representatives concerning the deplorable conduct of the absentee owners of 5304 Limu Place.

Thirdly, the Aina Haina Community Association strongly supports the March 1, 2007 Kuli'ou'ou--Kalani Iki Neighborhood Board No. 2 unanimous Resolution urging the City Department of Planning and Permitting to investigate and carefully consider whether the 5304 Limu Place Care Home applicant jeopardizes the health and safety of the surrounding ARCH II neighbors, via increased commercial traffic generated by deliveries of food, medical supplies, Handi-Vans, Emergency response vehicles and patient family visits, to a small dead end street. See **Exhibit "1"**

Lastly, HB 3236 codifies the rights of ARCH Type II neighbors, requiring prior written notice, and a mandatory public hearing to air their health and safety concerns, as an essential step in the State Department of Health's ARCH II application evaluation process. Similarly, **the April 10, 2007 Honolulu City Council Resolution 07-116** urged the City Department of Planning and Permitting to fully review all applications for new adult residential care homes in residential areas. See **Exhibit "2"**. Unfortunately, existing State zoning and ARCH laws and City Land Use & Zoning Ordinances permit absentee non-resident owners of eight patient, fully staffed ARCH II care homes to apply for, and obtain a State Department of Health ARCH II license and a City Building Department Building Commercial Conversion Permit, without formally notifying any neighbors. See **Exhibit "3"** March 9, 2007 Email from City Department of Planning and Permitting Deputy Director Elizabeth Chinn to Susan Killeen stating "**There are no public hearing and/or notification requirements to operate an ARCH within a single-family dwelling in which the occupancy arrangement meets the LUO definition of a 'family.'**"

In summary, the **Aina Haina Community Association** strongly urges your prompt approval of **HB 3236 (Re County Zoning)**. If additional information is needed, please contact me by phone 599-8844 or by email waysonc@aol.com, at any time.

Sincerely,



Wayson Chow, President
Aina Haina Community Association



KULI'OU'OU/KALANI IKI NEIGHBORHOOD BOARD NO. 2

NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 400 - HONOLULU, HAWAII,
96813 PHONE (808) 527-5749 • FAX (808) 527-5760 • INTERNET <http://www.honolulu.gov>

March 9, 2007

Via e-mail and Inter-office mail

Director Henry Eng, FAICP
Department of Planning and Permitting
650 S. King Street, 7th Floor
Honolulu, HI 96813

Dear Director Eng:

Subject: Opposition to 5304 Limu Place Adult Care Home

At the March 1, 2007 meeting of the Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2, a presentation was made by concerned residents that an eight-bed Adult Residential Care Home (ARCH Type II) is under construction at 5304 Limu Place in Aina Haina. A power point presentation showed the inadequate parking available and the physical limitations (narrow and short dead-end street) of Limu Place and how the safety of the residents living near the proposed facility would be impacted by this proposed Adult Care Home.

After a lengthy discussion by residents and Neighborhood Board members, the following resolution was passed by the Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2:

Resolution Regarding 5304 Limu Place

Whereas, due to the serious physical limitations of Limu Place, a small dead-end street in Aina Haina, and residents' concerns about increased traffic, lack of adequate parking and safety issues,

BE IT RESOLVED that the Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2 is opposed to an eight-bed Adult Residential Care Home (ARCH Type II) at 5304 Limu Place.

BE IT FURTHER RESOLVED that the Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2 shall send a letter to Mr. Henry Eng, FAICP, Director, Department of Planning and Permitting informing him of this resolution.

We urgently request that you investigate the possibility of not allowing this development to continue as it jeopardizes the safety of the nine homes on the dead-end street. Due to its limited street parking spaces and the already heavy usage from its current residents, there simply is not enough street parking to accommodate

Exhibit "1"

Letter to Mr. Henry Eng
March 9, 2006
Page 2

an Arch Type II home. Insufficient parking spaces will result in illegal parking, road congestion and an unsafe street for the children and residents of Limu Place. Traffic generated by deliveries of food and supplies, Handi-Vans, Emergency Response vehicles, employee, and family visitations to this Care Home site will only add to the extreme congestion and resulting danger to the residences of Limu Place.

We understand that the Department of Planning & Permitting must follow the establish City Ordinances when decisions are made to permit ARCH Type II Adult residential Care Home facilities. We do, however, believe that the safety considerations can be reason enough for preventing such a facility on a narrow and short dead-end street where parking is already limited.

We thank you for your cooperation in looking into this matter.

Very truly yours,

Robert T. Chuck, P.E.
Chair
Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2

Cc: Mayor's representative Gordon Bruce
Councilmember Charles Djou
Senator Sam Slom
Representative Lyla Berg
Shirley Souza, State Department of Health
Bertha Leong, President, Aina Haina Community Association



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 07-116

RESOLUTION

URGING THE DEPARTMENT OF PLANNING AND PERMITTING TO FULLY REVIEW ALL APPLICATIONS FOR NEW ADULT RESIDENTIAL CARE HOMES IN RESIDENTIAL AREAS, AND TO THE EXTENT APPLICABLE AND AUTHORIZED BY STATE AND CITY LAW, TO CONSIDER TRAFFIC, SAFETY AND PUBLIC NOTIFICATION ISSUES PRIOR TO DECISION-MAKING.

WHEREAS, adult residential care homes ("ARCHs") are licensed by the State of Hawaii under Section 321-15.6, Hawaii Revised Statutes ("HRS"); and

WHEREAS, counties are precluded from prohibiting ARCHs that meet all county requirements such as building heights, setback, maximum lot coverage, parking, and floor area requirements under Section 5604(d), HRS, and

WHEREAS, an ARCH that is licensed by the State of Hawaii housing up to eight persons is considered a "family" as defined in Chapter 21, Article 10, Revised Ordinances of Honolulu; and

WHEREAS, this definition results in the classification of an ARCH in a residentially-zoned area as a single family dwelling, and thus, subjects ARCHs only to those permits applicable to single family units; and

WHEREAS, only those ARCHs that fall outside of the definition of "family" would be subject to additional types of permits and permit requirements, if applicable, including public hearing, traffic and safety provisions or conditions; and

WHEREAS, ARCHs can be located in the midst of other homes in residential areas, but often generate greater traffic and noise, increased parking usage, and receive more frequent supply deliveries when compared with traditional single family residences; and

WHEREAS, the proliferation of ARCHs in certain residential areas and their proximity with nearby neighbors can result in conflicts, friction, and tension between the needs of ARCHs and the resultant impacts upon the lives of those living near these ARCHs; and

WHEREAS, one way to address this situation is to ensure that all applicable applications by ARCHs are reviewed fully prior to making a decision on the application; now, therefore,

OCS/032907/03:43/HM

1

EXHIBIT "2"



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 07-116

RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that the department of planning and permitting is urged to fully review all applications for new adult residential care homes in residential areas and to the extent applicable and authorized by state and city law, to consider traffic, safety and public notification issues prior to decision-making; and

BE IT FURTHER RESOLVED that the department of planning and permitting conduct appropriate site inspections to ensure compliance with all permit requirements; and

BE IT FINALLY RESOLVED that a copy of this Resolution be transmitted to the director of planning and permitting, the managing director, and the mayor.

INTRODUCED BY:

[Handwritten signatures of council members]

DATE OF INTRODUCTION:

'APR 10 2007

Honolulu, Hawaii

Councilmembers

FW: Proposed ARCH at 5304 Limu Place

Page 1 of 2

Aloha Wayson and Bob,
I am forwarding my response to Elizabeth Chinn at DPP just to keep you apprised.
Thanks,
Susan

----- Forwarded Message
From: Susan Killeen <killeens@hawaii.rr.com>
Date: Sun, 11 Mar 2007 23:40:56 -1000
To: "Chinn, Elizabeth C." <echinn@honolulu.gov>
Conversation: Proposed ARCH at 5304 Limu Place
Subject: Re: Proposed ARCH at 5304 Limu Place

Dear Ms. Chinn,
Thank you for responding to my emails and letters to Director Eng. We are aware of the Statutes and LUO provisions stated below. We understand that this particular ARCH facility permit is currently being processed, and that 'by law' an ARCH Type II is allowable in a residential area. We feel, however, that the process involved in allowing an ARCH facility to develop in a community is deeply flawed in that a permit to build is granted before zoning clearance and the ARCH license from the state. In addition, serious consideration should be given, by the DPP, as to where an ARCH is allowed, and whether the size of the ARCH (Type I or II) is appropriate to a given location.

Out of 399 current ARCHs in operation on Oahu, only 16 are Type II facilities. Given that weighted statistic, it would seem that no one at DPP ever considered the appropriateness of placing an ARCH II on a small dead end street before issuing the building permit. Further, we would suggest that anything over 5 patients in a residential neighborhood should warrant further review by DPP, and require community input and a public hearing.

Thank you for your time.
Sincerely,
Susan Killeen

on 3/9/07 4:37 PM, Chinn, Elizabeth C. at echinn@honolulu.gov wrote:

Dear Ms. Killeens,

Henry Eng, DPP Director, has asked me to respond to various e-mail correspondence you have sent him regarding an adult residential care home (ARCH) at 5304 Limu Place (tax map key 3-6-5:59).

- The above-referenced site is in the R-10 Residential District and has a lot area of 10,364 square feet. The City's zoning code, the Land Use Ordinance (LUO), allows a single family dwelling on the site.

Our records indicate that a building permit application (No. A2007-02-0052) is currently being processed to renovate/convert an existing one (1)-story single-family dwelling to accommodate an ARCH for a maximum of eight (8) residents/care recipients. The use of a single-family dwelling as a care home is permitted under the Land Use Ordinance (LUO) definition of a "family." That is, *"eight or fewer persons who reside in an adult residential care home, a special treatment facility or other similar facility monitored and/or licensed by the State of Hawaii is considered a family. Resident managers or supervisors shall not be included in this resident count."*

The LUO provisions which permit operation of an ARCH for up to eight (8) residents within a single-family dwelling comply with the state mandate imposed by Hawaii Revised Statutes (HRS) Section 46-4 (d), which requires that:

Neither this section nor any other law, county ordinance, or rule shall prohibit group living in facilities with eight or fewer residents and that are licensed by the State as provided for under section 321-15.6, or in an intermediate care facility/mental retardation-community for persons, including mentally ill, elder, disabled, developmentally disabled, or totally disabled persons, who are not related to the home operator or facility staff; provided that those group living facilities meet all applicable county requirements not inconsistent with the intent of this subsection and including building height, setback, maximum lot coverage, parking, and floor area requirements.

There are no public hearing and/or notification requirements to operate an ARCH within a single-family

EXHIBIT "3"

Monday, March 12, 2007 11:04 AM

WAYSON CHOW

8083771104

00:54

02/01/2008

FW: Proposed ARCH at 5304 Limu Place

Page 2 of 2

- dwelling in which the occupancy arrangement meets the LUO definition of a "family."
- If the use were to involve more than eight (8) residents, then it would be treated as a "group living facility" for LUO purposes. A conditional use major permit is required to operate a group living facility in a residential district, which does have a public hearing and notification requirements. However, our records indicate that the planned ARCH is for a maximum of only eight (8) residents, so the use is considered a single-family dwelling for purposes of zoning.

Compliance with the off-street parking requirements for the planned ARCH on the subject lot will be checked as part of the building permit review process. The project cannot be stopped for parking-related issues, nor can additional off-street parking requirements be imposed provided the proposal complies with the minimum standards for a single family dwelling use.

The adequacy of the infrastructure within the neighborhood will be examined as part of the building permit review process, pursuant to applicable requirements.

Please note that the distinction between an ARCH Type I and ARCH Type II is the number of people that are being cared for in the facility. A Type I would be licensed for 5 or fewer care recipients; a Type II would be licensed for six (6) or more care recipients. There are different building/occupancy code requirements for a Type II.

To date, our department has not received a zoning clearance request for this site, which is a prerequisite to applying for a license from the State. And, it is our understanding that the State of Hawaii Office of Health Care Assurance oversees the adequacy of each ARCH site for compliance with quality of care requirements.

- We appreciate your concerns about the existing and planned ARCH sites in your neighborhood.
- Unfortunately, as long as these are operated in compliance with applicable laws, we cannot impose limitations on an ARCH that is licensed by the State and allowed under the LUO as explained above.

Elizabeth Chinn
 Department of Planning & Permitting
 Land Use Permits Division
 Zoning Regulations & Permits Branch

----- End of Forwarded Message

Exhibit "3"

From: Eduardo Hernandez [mailto:mreduardo@hawaii.rr.com]

Sent: Monday, February 04, 2008 12:02 PM

To: HSHtestimony

Subject: Testimony in support of HB 3236

Date: 2/4/08

To: Chair Shimbukuro, Vice Chair Karl Rhoads
Members of the Human Services & Housing Committee

From: Eduardo Hernandez, Chair Kaimuki Neighborhood Board

Re: Support with Amendments HB 3236

As the official spokesperson of the Kaimuki Neighborhood Board, I am here to testify that proposed legislation requiring notice of application for an adult residential care home (ARCH) is a pressing issue for the residents of Kaimuki. While our board has not taken an official position on this legislation, I can report that we have been petitioned to address the issues of appropriate land use in residential districts.

My constituents understand the growing need for a spectrum of elder care opportunities. However, this awareness is also balanced by concern for the health and safety of care home residents, as well as the need to maintain the character of our residential neighborhoods.

In Kaimuki, our board has formally addressed the ARCH issue on two separate occasions in the past year. In the first instance, the operator of the an ARCH on 18th Avenue, made a presentation to the community about his existing facility and potential expansion plans. There was an informative Q&A component whereby board members, neighbors and other residents were able to identify potential problems and solutions. The operator publicly pledged to be a good neighbor and residents were apprised of existing statutes and procedures for following up with any future problems. All in all it was a healthy exchange of information for all participants and the neighborhood in general.

In the second instance, the board had heard about a potential ARCH planned for Maunalani Circle. The owner of that property did not attend the meeting, wherein the Board was to review the land use at this address and consider adopting a formal position as to their development plan, pursuant with our statutory advisory role. This owner/potential operator was not required by law to attend our meeting. Nevertheless, approximately 75 residents turned out to oppose this potential planned development. The Board ultimately chose not to adopt a formal position, since the owners were not present to discuss their potential or existing plans. This situation was frustrating, and disenfranchising for many residents, who felt they could not effectively be a part of discussions involving zoning and land use in their district.

I, as a private citizen, support this legislation based on my experience as the Chair of Kaimuki Neighborhood Board, and further encourage you to amend this bill to also include ARCH I facilities.

**Eduardo Hernandez
4646 Sierra Drive
Honolulu, HI 96816**

Testimony- Flynn

Members of the Hawaii State House of Representatives, Committee on Human Services and Housing.

Thank you for the opportunity to testify in support of HB 3236, Relating to County Zoning.

My quiet Kaimuki neighborhood on Maunalani Circle is the latest residential (R-10 zoned) community to be targeted as the site of one or more Adult Residential Care Homes (ARCH). I am opposed to the approval of any business in a residential community without the opportunity for citizen input. The proposed statutory material will provide for public hearings before permits are granted for care home businesses with more than 5 unrelated persons.

The proposed commercial Alzheimer's care facilities are businesses and should not be allowed in residential neighborhoods at all. They benefit a few and cause irreparable harm to neighbors. These care homes are tremendously lucrative to the operators. If 8 clients are served at \$7000 to \$8000 per client, the business owners could gross from half to three quarters of a million dollars per year from clients. In addition, there are tax breaks and other funding that may push their profits even higher.

The houses in our neighborhood are single-family homes. Converting them to accommodate disabled unrelated clients will necessitate construction inside and out which will change the character of the house and yard from a family home to an institution. In addition to visitors, these business facilities will require hired attendants, service providers, supply trucks, ambulances, all of which will bring more traffic, parking problems, noise and unrelated people to our quiet neighborhood. Property values are potentially depressed; anyone selling a home must disclose the presence of such a business operating in the neighborhood.

Lest you think this is a "Not In My Backyard" NIMBY response, please note that we already have Maunalani Nursing and Rehabilitation Center on one end of the circle. We all try to be good neighbors, but enough is enough without private homes also being converted to similar businesses. My neighbors and I feel very frustrated that these ARCH facilities can presently be approved without any need for compliance with county zoning laws or public hearing. The only approval presently needed is from the Department of Health that addresses just the health and safety of patients, not neighborhoods.

As a physician and senior citizen I am also all too aware of the dearth of long-term care facilities in Hawaii. However, allowing disruptive businesses to be opened all over the islands in private neighborhoods is a passive, not an active, planned solution to this shortage.

Sincerely,
Mary M. Flynn, MD

-----Original Message-----

From: Jeri Broadfoot [mailto:jbfoot@lava.net]
Sent: Wednesday, January 30, 2008 7:06 PM
To: HSHtestimony
Subject: Measure HB3236

Testifier: Rick A. Broadfoot
Homeowner at
4909 Maunalani Circle
Honolulu, HI 96816

Committee: Committee On Human Services & Housing

Date/Time of Hearing: January 31, 2008, 8:40AM

Measure#: HB3236

Number of copies
committee requesting: 3

I write to support HB3236. When dramatic changes to the character of a neighborhood are proposed, the impacted community should be heard. Those proposing to change residential homes to adult care homes have significant financial rewards for the changes which do not take into consideration the surrounding neighborhood concerns and impact.

For example: As a long time resident (19 years) of Maunalani Circle, I oppose the proposed changes to the Mosher properties on Maunalani Circle. Our neighborhood is a quiet residential area. You see residents of all ages taking daily walks with their babies in strollers and dogs on leashes throughout the quiet streets. Our streets meander with curves of all kinds and do not have sidewalks. People walk as early as 5AM, all throughout the day, till darkness. The changes to an adult residential care home will dramatically change this. Increased traffic from care givers, family members, supply trucks, ambulances and fire trucks will jeopardize pedestrians on the narrow turns where sidewalks do not exist. There is limited on street parking and off street parking, not designed for commercial use.

The Mosher properties are located on a bluff which will endanger the proposed senior care residents, who have tendencies to wander. There are cliffs in most of the back yards of other homes surrounding the Mosher properties as well. There is also a the Mau'umae Ridge Trail with 24 hour open access to the public which consists of deadly drop offs and going so far into the mountain terrain that you can gain access to a point where the Windward side of the island is visible. This trail is located merely 3 houses away from the Mosher properties.

This is one example of the potential impact on a neighborhood. I am

sure there are more, some of which may have already been affected. I feel there fear and unease and what such changes may bring. Especially if there concerns cannot be heard in the permit process.

I thank the committee for their time and attention to this critical bill. I again strongly speak for HB3236.

Rick Broadfoot MD

To: Committee on Human Services and Housing

Date: 2/5/08

Time: 8:30 AM

Measure: HB3236

Dear Representatives Shimabukuro and Rhoads,

I urge you to support HB3236. It is certainly important that we find ways to accommodate our aging population, and I support the idea of care facilities in residential neighborhoods, however I don't believe that the ARCH II facilities (6 or more residents) are appropriate in most residential areas. This can create issues with parking, traffic and safety.

In addition, ARCH II facilities do not require the home-owners to live on the property, and as such, I don't think a commercial enterprise (an ARCH II) should be permitted in a residential neighborhood.

A public hearing with community input should certainly be required before issuing any permits in preparation for an ARCH II license. Residents must be allowed to discuss the issues that will affect their communities.

We have had many challenges with a homeowner of the ARCH II currently being built at 5304 Limu Place in terms of property neglect, and neighbors have called the Department of Health with concerns about rats and a polluted swimming pool. The subsequent report states that mosquito larvae were present and a health hazard.

I hope that the city and state will create proper oversight so that communities will not be negatively affected in the future, as this will be a growing problem. Let's care for our elderly and be mindful of home owners' rights.

I respectfully ask that you support HB3236. Thank you for this opportunity.

Sincerely,

Garrett K. Miyake
5325 Limu Place
808-216-6041

From: ART COSTAS [mailto:artcostas@hawaii.rr.com]
Sent: Tuesday, January 29, 2008 7:31 PM
To: HSHtestimony
Subject: HB3236

To: Committee on Human Services & Housing
Date: 1/30/2008
Time: 6:00 PM
Measure: HB3236

Dear Representatives Shimabukuro and Rhoads,

As a proud 21 year resident of Maunalani Circle, I urge you to support HB3236. Adding another ARCH facility in our Neighborhood some 4 houses from the Maunalani Nursing Home is beyond reason. In this particular case, adding a "for profit" ARCH could easily turn into a clustering of nursing homes and change our small and unique neighborhood forever.

We have so much more to share but hope you can at least allow public/neighborhood discussion. The individuals in this instance are fast tracking without regard for their neighbors desire to keep the neighborhood as it should be.

I respectfully urge you to support HB3236.

Respectfully Submitted by,

Art & Berit Costas
5072 Maunalani Circle
808-734-3074

From: Janice Taketa [mailto:janicehtaketa@mac.com]
Sent: Tuesday, January 29, 2008 4:16 PM
To: HSHtestimony
Cc: Heather Bolan
Subject: Testimony for HB 3236

Transmittal Cover- Taketa
Testifier's Name : Janice Hanley Taketa, M.S. CCC-SP, Citizen

Committee: COMMITTEE ON HUMAN SERVICES& HOUSING

Date/Time of Hearing: January 31,2008,8:40

Testimony-Taketa
Members of the Hawaii State House of Representatives, Committee on Human Services
and Housing

Thanks you for the opportunity to testify in support of HB 3236, Relating to County
Zoning

My husband Kelvin and I moved into this quiet Maunalani Circle neighborhood 10 years ago believing it was a good residential neighborhood to raise our two children. This is a neighborhood for families not businesses. Presently there is a family 3 doors away from us that own 6 houses on our circle. Their intention is to convert a number of these homes into Adult Residential Care Homes. We are opposed to the approval of any business in a residential community without at least the opportunity for citizen input. When this family was approached about their intentions their reply was, " We can do anything we want. We don't need any approval or licenses." If this is true, our state is not addressing the needs of all citizens. It is only assisting those with commercial goals.

An Alzheimer Care Facility is a commercial venture. We are zoned R-10 not commercial.

To be specific about our case, our neighborhood has no sidewalks, little parking and steep cliffs. The family attempting to convert at least 2 homes has already repeatedly violated zoning laws by having as many as 8 unrelated families living in one of their houses as recently as last year. They have never taken their neighbors into consideration with any of their activities.

As a speech language pathologist I am concerned for the welfare of the potential clients in this neighborhood. If any client should wander off they would be in grave danger. There are no sidewalks , we have blind curves, and steep cliff access.

Our state is in dire need of more long-term care facilities but disrupting residential neighborhoods should not be the solution.

Sincerely,
Janice Hanley Taketa M.S.CCC-SP

From: Sandra Tom [mailto:kokua4910@yahoo.com]
Sent: Wednesday, January 30, 2008 7:10 AM
To: HSHtestimony
Cc: mreduardo@hawaii.rr.com; stys@hawaiiantel.net
Subject: HB 3236

To: Committee on Human Services and Housing
Date of Hearing: January 31, 2008

We are in favor of HB 3236 to support the requirement of public information hearings before issuing business permits for group living facilities in family neighborhoods.

We do not believe private businesses of this type and on this scale should be permitted in neighborhoods zoned for family residences so would like opportunities to voice these objections at a public hearing.

John Y. S. Tom
Sandra P. Tom

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From: Cheryl [mailto:varadyc002@hawaii.rr.com]
Sent: Wednesday, January 30, 2008 8:59 AM
To: HSHtestimony
Subject: Testimony RE: HB 3236

From: Lothar M. Varady, M.D., and Cheryl G. Varady
Date: 1/30/08 @ 8:30 AM HST
To: HSHtestimony@Capitol.hawaii.gov
Subject: Testimony for HB 3236

Testifier's Names: Lothar M. Varady, M.D. and Cheryl G. Varady, Citizens

Committee: COMMITTEE ON HUMAN SERVICES & HOUSING

date/time of hearing: January 31, 2008 at 8:40 AM

Measure: HB 3236

To: Members of the Hawaii State House of Representatives, Committee on Human Services and Housing:

Thank you for the opportunity to testify in support of HB 3236.

We believe neighborhoods should be consulted regarding major changes to property use that will affect traffic, delivery trucks, parking, etal. in their community, and one of these changes in use is the installation of ARCH homes, particularly ARCH II homes, that are great moneymakers for those who run them but create a commercial atmosphere in the residential neighborhoods in which they are placed, and negatively impact quiet enjoyment of the residents and property values when it comes time to sell.

Thus, we urge you to support HB 3236.

Mahalo
Lothar M Varady, M..D. and Cheryl Varady

To: Committee on Human Services and Housing
Date: 2/5/08
Time: 8:30 AM
Measure: HB3236

Dear Representatives Shimabukuro and Rhoads,

I urge you to support HB3236. While I respect the need to find alternative ways to care for our elders and the general concept of ARCH care facilities in our communities as a solution to this issue, we must be sure we have a long-term vision in mind as we license these homes.

I feel that it is inappropriate to allow an ARCH II facility (6 or more patients) to be built in most residential neighborhoods. This can create issues with parking, traffic and safety, in addition to changing the character of the community. ARCH II facilities do not require the home-owners to live on the premises and so their investment in the neighborhood will necessarily be different than that of someone who resides there (as in the ARCH I).

We have had many issues to date with a homeowner of a proposed ARCH II on Limu Place and the neglect of the property and disregard for neighbors. (Vector Control has been called in twice on a rat problem and gross pool neglect to the degree that mosquito larvae were thriving.)

A public hearing and community discussion should be required before even considering a permit to build or renovate in preparation for an ARCH II license from the State. In this way, neighbors are able to have input in the process.

I respectfully urge you to support HB3236. Thank you for this opportunity to testify.

Sincerely,

Susan Killeen
Friends of Limu Place
808-373-2288

From: DRJLAM@aol.com [mailto:DRJLAM@aol.com]
Sent: Sunday, February 03, 2008 9:42 AM
To: HSHtestimony
Subject: Testimony on HB 3236 on 2/5/08 Please make 25 copies.

House Committee on Human Services and Housing
House Bill 3236 Relating to County Zoning
Tuesday, February 5, 2008 at 9 a.m., in Conference Room 329 of the State Capitol.

Dear Chairperson Maile Shimabukuro and Committee Members,

I am testifying in favor of HB 3236. I have been a past member of the Manoa Neighborhood Board for 10 years and I have observed the proliferation of adult residential care homes in our valley. I have watched the tensions between developers and residents escalating in our neighborhood. It is such a lucrative business here that owners of these ARCHs can afford to buy multiple parcels of adjoining land. The adverse effects on the neighborhood are gargantuan and residents here have little say about their licensure nor planning and permitting. Near McKinley St. and Kamehameha Avenue, there are 4 ARCHs within 1000 feet of one another. The streets here are substandard. I am sure you are aware of some of the adverse effects that impact on all the neighbors--- i.e. traffic, parking, noise, 24-hour-a-day lighting, unsorted medical waste, burden on infrastructure, staff shift changes, handivan dropoffs and pick ups, visitations by family and friends, deliveries, employee outdoor smoking and parking, and much more. It seems only fair and balanced that a public hearing be held before an adult residential care home is built in a residential neighborhood. I like the language of this bill because a public hearing, unlike an informational meeting, would keep input from the neighbors on record for posterity. If some unique issue arises, the Department of Health would have ample time to deny the licensure. The Department of Health would need added staff to preside over these hearings.

The language in your bill "No permit shall be issued by a county agency for group living in facilities with more than five unrelated residents under this subsection unless a public hearing is first held in the affected community.", is very clear.

Thank you for the opportunity to give some input into this important bill. I hope you will see fit to pass this measure, HB 3236!!!
Sincerely,

Jeremy Lam, M.D.
Helen Lam
Joshua Lam
Erica Lam
Misha Lam
Jesse Lam
Sarah Nicholson
2230 Kamehameha Avenue
Honolulu, HI 96822

From: Linda LeGrande [mailto:mohalaway@hawaii.rr.com]
Sent: Wednesday, January 30, 2008 8:31 AM
To: HSHtestimony
Subject: HB3236

TO: - Committee on Human Services and Housing
Date/Time
of Hearing: - January 31, 2008, 8:40 am
Measure: - HB3236

Dear Representatives,

I urge you to support HB3236. As our population ages, we must plan housing for our seniors and moving them into our neighborhoods, and housing them in adult residential care facilities (ARCHs) presents new challenges. Good planning now will prevent problems in the future with regard to traffic, parking, infrastructure, cultural differences and community relationships.

It is a good practice to allow the neighbors and residents to feel that they have a say in their communities. In all of our 'Plans' at both the City and State levels, we emphasize the importance of involving the 'community'.

Please support HB3236 and let's begin the process of intelligent and careful planning for these needed facilities.

I respectfully urge you to support HB3236. Thank you.

Sincerely,

Linda LeGrande
2243 Mohala Way, Honolulu
808) 947-7400

From: O Yee [mailto:yeew010@hawaii.rr.com]
Sent: Wednesday, January 30, 2008 2:30 PM
To: HSHtestimony
Cc: mreduardo@hawaii.rr.com; jim@matrixmedia.net; dsmith@hawaiicondolaw.com;
stys@hawaiiantel.net
Subject: Testimony-Measure#HB3236

Testifier: Raymond Yee
Committee: Committee on Human Services and Housing
Date/Time of Hearing: 31 January 2008, 8:40 a.m.
Measure #: HB3236

To Whom it May Concern:

As residents of Maunalani Circle for more than 50 years, my family and I strongly oppose the adult residential care home facilities proposed by the Mosher family. Further commercialization of the area will forever change the status and peacefulness of the neighborhood bringing to it unwanted visitors, traffic, and the risk of more crime. The area already has the Maunalani Nursing facility in its vicinity and really does not need another one. Let's keep Maunalani Circle the special place that it is.

Raymond Yee and Family
Wally Yee and Family
4955 Maunalani Circle
Honolulu, HI 96816
Phone: 732-5462/542-1071
732-5131

Dear House of Human Services and Housing Committee,

My name is Christopher Huang, MD and I live at 4935 Mana Place, just off Maunalani Circle and am submitting testimony in support of HB3236. We are very concerned about the effect of allowing multiple Adult Residential Care Homes in a concentrated area. I am a physician, a care provider for my 82 yo mother and understand the importance of having adult residential care homes, but their proliferation must be allowed in a thoughtful and respectful way. Too many Adult Residential Care Homes in one area will ruin our neighborhood. Our neighborhood is special because of the feeling of community. It is not a business neighborhood. There are those on Maunalani Circle that want to take their financial mistakes out on our community, by converting their multiple properties into businesses because the realty climate is not beneficial for them to sell.

Our neighborhood does not have the infrastructure to support businesses. There are no sidewalks, our streets are narrow, with many curves and there is not much room for parking. This is a community of dog walkers and neighborhood activities. We currently have a large adult care, 99-bed facility in our neighborhood. This was licensed in 1967 without forethought about the impact upon the community. There is already too much traffic up and down our hill, which is not designed to handle this much activity. Delivery trucks, employee parking, ambulances and the weekend traffic of visitors crowd our streets. This would be less impacted on our community if it was designed for this type of activity, but it was not. There is a park near by which is accessible to children only by walking into the street along the route already traveled by supporting trucks and traffic for the current large care home in our neighborhood. Please do not let this type of situation, the over burdening of a community with business activity, ruin our neighborhood. This is an inappropriate area due to the lack of infrastructure. I have great concern about my 82-year-old mother who walks along these streets to reach the bus stop as well as for my pregnant wife and future children who will pass on these streets. The streets are narrow and the traffic is already too great. Just because you can does not mean that you should.

Due to the fact that these people who want to open this residential care home already owns 6 homes on Maunalani Circle, we respectfully request that a public information hearing should be held before a county agency may issue any permit for group living facilities with 5 or more unrelated persons and that you strongly support the proposal that Adult Residential Care Homes be spread out at least 1000 feet from another care home.

Sincerely,

Christopher Huang, MD

-----Original Message-----

From: TPORKIE@cs.com [mailto:TPORKIE@cs.com]

Sent: Thursday, January 31, 2008 5:00 PM

To: HSHtestimony

Subject: Measure: HB 3236

Dr. Lawrence K. W. Tseu

Committee: COMMITTEE ON HUMAN SERVICES &HOUSING

Date/Time of Hearing: January 31, 2008, 8:40AM

Measure#: HB 3236

Number of copies committee requesting: 3

Dear Sir:

I am strongly opposed to the Moshers trying to start a business at the expense of a nice and quiet neighborhood at Maunalani Circle. Emergence Medical Service vehicle sirens that goes on at all times of the day and night at the Maunalani Nursing Home is already bad enough. We do not need more of those kinds of noises nor more traffic in a residential area.

Sincerely,

Lawrence K. W. Tseu, DDS, FAGD

5017 Maunalani Circle

Honolulu, Hawaii 96816

</HTML>

-----Original Message-----

From: Jane Freeman Moulin [mailto:moulin@hawaii.edu]
Sent: Sunday, February 03, 2008 3:32 PM
To: HSHtestimony
Subject: Testimony on HB 3236 on 2/5/08 Please make 25 copies.

House Committee on Human Services and Housing
Tuesday, February 5, 2008 at 9 a.m., in Conference Room 329 of the State
Capitol.

Dear Chairperson Maile Shimabukuro and Committee Members,

I am testifying in favor of HB 3236.

Senate Committee on Human Services and Public Housing
Senate Bill 2930 Relating to Adult Residential Care Homes.
Thursday, February 7, 2008 at 1:15 p.m., in Conference Room 016 of the State
Capitol.

Dear Chairperson Suzanne Chun Oakland, Vice Chairperson Les Ihara, and
Committee Members,

I am testifying in favor of SB 2930.

I first moved to Manoa in 1966. I was drawn to the lush green and calm of
the valley, the residential nature of the neighborhood, and its sense of
community. I was also drawn to the outstanding architecture of the College
Hills area and the rich sense of history embedded in and conveyed through
the homes of this unique district of Honolulu.

I still live in College Hills, but as I look out my window today I see a
much different sight than I did as recently as two years ago. An ARCH
opened at 2035 Kamehameha several years ago, but was relatively discreet.
Although the owner built up the rear of the lot into an un-attractive two-
story structure, the front was not imposing. I was glad that our kupuna
could find a safe and secure environment in a neighborhood where I was sure
they would enjoy the green and calm as much I as did. Unfortunately, the
family whose house was adjacent to this care home was not quite as happy.
The nightly moans of ailing patients in pain and the late hour television
habits of wakeful elders disturbed the family's sleep, the screams of an
elderly women who refused to be diapered pierced the calm evening, the long
outdoors chats of ARCH workers when they changed shifts in the wee hours
together with the wafting smoke of employee cigarette breaks left the
neighbors feeling considerably
less charitable about the business that had set up operation a mere ten feet
from their bedroom windows. Yes, ARCHs are allowed by law, but they are far
from being the same as having a family next door.

More recently, an immense concrete structure has replaced the simple house
on the neighboring lot at 2039 Kamehameha. No longer a normal family home,
this is an imposing two-story building that stretches to the very limits of
the allowed footprint and one that does not talk to its older neighbors in
terms of either architecture or landscaping. Instead of the lush green of
the valley's beautiful Kamehameha Avenue, an immense concrete edifice with

five feet of land around it is echoed by a concrete driveway that leaves little room for anything green. The same owner had opened a second ARCH. Not only is it visually overwhelming for the small CPR lot, it is now physically connected to the earlier, neighboring ARCH.

In recent months and just one lot away on McKinley Street, another yard has been completely up-rooted for a parking lot for multiple cars and another two-story structure, also owned by the same person. The rear of this structure is once again an imposing, concrete, institutional-looking monster so that the owner can once again maximize the number of patients in her care home. Workers reported putting in 10 bedrooms and 10 baths—certainly far beyond the normal size and function of this historic area and a far cry from any other house in the vicinity! Existing legislation has, thus, allowed for this increased density and the replacement of what was a simple unassuming one-story home for a family—not multiple patients. And this new building is now connected by a deck to the two previous ARCHs. How can our residential neighborhood be commercialized in this way with no public hearing or community input at all? This is not a family simply opening its doors to help the elderl

y in our state and to allow them a chance to age in a residential environment. This is a full-on expanding business that is knowingly and purposely using loopholes in the law for personal gain and with little regard for the existing neighborhood, its unique history, or its current residents. At what point do three connecting ARCHs defeat the notion of "residential" and become an institution? Also, the corner lot is now surrounded by large ARCHs, which should prompt some reflection for all of us about the very real potential impact of this uncontrolled situation..

A fourth ARCH is now opening across the street from the most recent structure. And one block to the other side of my house is yet another ARCH on Mohala Way that is having a similar negative impact on the surrounding residents. Mohala Way is not a typical city street; it is a small lane, even by Manoa standards. Several years ago Fire Department personnel stood across from my house on the intersection of Mohala Way bemoaning the fact that their fire trucks could not access the homes on this narrow street; they subsequently banned parking on it because of its atypical width. Yet this lane is now the access route for delivery trucks, Handi-Vans, ARCH worker drop-offs, and all kinds of traffic for which it was never intended. A five-patient facility opened in what was originally the garage of the home as the owner assuring her anxious neighbors that deliveries would be via Beckwith Street. This simply has not been the case. Trucks that stop in the middle of Mohala Way t

o unload ARCH deliveries or pick up wheel-chair patients block traffic completely and keep neighbors from being able to get out of their garages while they wait for deliveries to be made. This is not a big deal for the occasional residential delivery of a purchase or package. However when this is a multiple, daily occurrence or when Handi-Vans take considerable time to fetch and load passengers everyday, it becomes a quality of life issue. Now she intends to put an additional nine patients in her home—but the neighborhood is still struggling to deal with the impact of the five she has already installed!

The real shame here is that all of this is happening with no public input whatsoever. Our neighborhood is already changing radically; any family can potentially find itself completely surrounded by ARCHs, and unconcerned profiteers can continue to gobble up one property after another to construct abnormally large buildings in residential areas that were never intended to

become mini-hospital zones or sprawling elderly care districts. I beg you to consider measures that would preserve the neighborhoods we treasure, that would allow our homes to be welcome environments for families, and that would allow us to care for the elderly while not creating complexes of care facilities next to each other. A 1000-foot limit presently exists for extended care facilities. I urge you to consider laws that would apply reasonable limits to ARCHs as well. I also urge you to create protocols that would allow for neighbors to be informed of impending changes that affect residential life and would require public hearings whenever atypical usage is being proposed for a property. We shouldn't be hearing about this through the grapevine.

Sincerely,

Jane Moulin
Jacques Moulin
Jean-Philippe Moulin
Marie-Chantal Moulin
2318 Beckwith St, Honolulu 96822

FEB.4,2008

COMMITTEE ON HUMAN SERVICES AND HOUSING
FAX 586-6189
DATE: 2/5/08
TIME: 8:30 AM

RE: HB3236

MY WIFE AND I ARE IN COMPLETE SUPPORT OF THIS MEASURE.

WE URGE YOU TO GIVE THIS MEASURE YOUR DEEPEST CONSIDERATION
AND ALSO SUPPORT HB3236.

MAHALO

JOE AND SHARI ANTHONY
227 E. HIND DR.
HONOLULU, HI. 96821
(808) 373-9167

Joe & Shari Anthony

House Committee on Human Services and Public Housing
House Bill 3236 Relating to Adult Residential Care Homes.
Tuesday, February 5, 2008 at 9 a.m., in Room 329 of the State Capitol.

Dear Chairperson Maile Shimabokuru and, Vice Chairperson Karl Rhoads, and
Committee Members,

My name is Sharon Schneider and I am testifying in favor of HB 3236.

I am one of the concerned citizens on Maunalani Circle where a proposed ARCH facility threatens to change the character of our neighborhood. A neighbor who owns five houses on contiguous lots will be applying for a license to run an ARCH facility in one or more of their houses. There is much consternation of the impact of a possible mega-ARCH in our residential neighborhood (with the resultant medical waste, handivans, pickups, dropoffs, staff traffic, overflow parking, family, visitors, and general strain on the infrastructure). We already support and are impacted by the Maunalani Rehabilitation Hospital on our street which has approximately 100 beds.

As one who was born and raised here, I fully appreciate the strong cultural and family ties of Hawaii's people. It was devastating to me when my mother had to move to a home while I was living on the mainland. My father could no longer care for her and could not afford the support for her to live at home. I am very sympathetic to the need for small scale facilities within a community.

Under current law there is nothing to prevent a potential ARCH owner from buying several adjoining parcels for use as such facilities – resulting in a de facto hospital. Any one or any commercial entity from out of state or a foreign country could start an ARCH facility in any residential neighborhood with no commitment to the community. We believe that through neighborly input and cooperation we can retain the character of our neighborhoods and still accommodate the needs and ensure the safety of our families, both the younger and the elder.

It is time for the state to re-evaluate the laws governing these facilities and give weight to the input of the neighborhoods and consideration of the topography of the proposed location of an ARCH. The density of these facilities within a community should also be a factor in licensure. As an ARCH owner testified last week, ARCHes should serve the immediate community. Residential care homes should be one part of a comprehensive plan, not the only option for the elderly. Institutions need not be unpleasant. Together we can insure that our elders are safe and our communities are pleasant places to live.

Please pass HB 3236 as a first step to help our neighborhoods retain their residential character and ensure the safety of our elders.