

# HAWAII COALITION OF CAREGIVERS

P.O. Box 2441  
Honolulu, Hawaii 96804

LATE TESTIMONY

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February 5, 2008

Testimony in **Opposition to HB3236**  
HSH – Feb. 5, 2008, 9:00 a.m., Room 329

Ladies and Gentlemen of the Hawaii State Legislature:

The Hawaii Coalition of Caregivers (HCCG) **opposes** HB3236 that would require Type II adult residential care homes (ARCHs) to additional onerous requirement of a public hearing prior to licensure.<sup>i</sup>

As you may know, caring for our ever-increasing ranks of *kupuna* must be addressed by the State given the demographic trend indicating the aging of our population, including the imminent retirement of baby boomers that will strain our elderly care delivery system. Incidents where our elders have been shipped off to the mainland because of the insufficient number of elderly care facilities in this State have been documented and publicized. With all they have contributed to our society, this indignation of our *kupuna* should not continue.

Hawaii already has the ignoble distinction as being one of the few states in America with an insufficient number of elderly care facilities, especially home and community based options that preserve the dignity of elderly people by integrating them into a home and community setting as opposed to an institution.

These increased requirements of publication and a public hearing will discourage caring citizens like HCCG's members from opening new homes. The cost of operating a home has skyrocketed while reimbursements for the 24/7 unglamorous care provided (bathing, dressing, cooking, transporting, entertaining, etc.) to residents has stagnated. Medicaid reimburses a mere \$1,200 per month for 24/7 care. In addition, caregivers must invest substantial capital in bringing their homes to applicable standards set by the State and to ensure the comfort and safety of residents. Publication and a public hearing will further add to the cost and time of opening a home. The increased risk that the State will have increasing difficulty finding space, much less desirable space, for its *kupuna* because of this bill cannot be ignored.

HB3236 would create an unworkable system where negative comments by one or a few residents in a particular community could derail a caregiver's attempt to provide services that are already difficult to obtain. The number of caregivers and total inventory of ARCH beds have been on the decline even without these additional requirements of publication and a public hearing. How many more beds will be lost if this measure passes? How many more caregivers will be discourage to open beds that could be filled by an elderly *kupuna* hoping to be integrated in the community?

Indeed, HB3236 involves a dispute between a few care homes and their neighbors. The concerns expressed by this bill are limited to particular neighborhoods in East Honolulu. The solution to this dispute between neighbors need not and should not adversely affect the entire State. Many communities have embraced care homes and the presence of *kupuna*. Even in communities where the proponents of this bill live, the opinion of neighbors is not uniformly against care homes. In fact, we would venture to submit that the proponents of this bill constitute a small minority of residents.

Disputes between neighbors will occur regardless of this bill. Problems cited by proponents like increased traffic, noise, and lack of parking cannot be attributed to care homes. These problems reflect general trends in any modern urban area. Certainly, if particular care homes are in fact bad neighbors, they should be held accountable, but the entire industry along with the *kupuna* it serves should not be dragged down. Bad neighbors are everywhere, but not all care homes are bad neighbors.

For the reasons discussed above, HCCG respectfully **opposes** HB3236.

Very truly yours,

Hawaii Coalition of Caregivers

By: \_\_\_\_\_  
Bryan P. Andaya

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<sup>i</sup> The Hawaii Coalition of Caregivers (HCCG) consists of four organizations working in collaboration towards the common mission of uniting the home and community based care giving industry to improve the quality of care provided to elderly and developmentally disabled clients in various home and community based programs, as well as to improve the state of the industry. HCCG consists of: The Alliance of Residential Care Administrators (ARCA), the Preferred Care Providers (TPCP), the United Group of Home Administrators (UGHO), and the Adult Foster Home Association of Hawaii (AFHA). Together, members of the four organizations comprise about 90% of the home and community-based care givers in the State of Hawaii, or the equivalent of 4,000 beds.

LATE TESTIMONY

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**From:** Marlene Alvey [mailto:marlenealvey@yahoo.com]

**Sent:** Tuesday, February 05, 2008 7:16 AM

**To:** Diane Dunphy; HSHtestimony

**Subject:** House Bill 3236, 2/5/08, 9:00 am, Conf. Rm 329 of State Capitol, please make 25 copies (previously transmitted to you 2/4/08) thank you

House Committee on Human Services and Housing

House Bill 3236 Relating to County Zoning

Hearing Date: Tuesday, Feb. 5, 2008, 9:00 a.m., Conf. Room 329 of the State Capitol

Dear Chairperson Maile Shimabukuro and Committee Members:

**I am testifying in favor of House Bill 3236.**

I am a keiki o ka aina ha'aeo, born and raised in Manoa. I am concerned about the well-being, safety and public health of our precious Kupuna. I embrace the concept that our Kupuna should have the option to age in place in a residential community. No one feels that they should be warehoused in institutions.

Also, important, is our dedication to protecting our aina, our residential neighborhoods - malama pono o ka aina. If we are not proactive in taking care, finding balance, there will be abuse and more misuse, which our finite resources **cannot sustain**.

I support this Bill because it seems only fair and balanced that a public hearing be held before an ARCH is built in a residential neighborhood. Public hearings, unlike informational meetings, would keep input from all neighbors on record for posterity. If some unique concerns arise, the Department of Health would have ample time to review the application.

My home of 46 years is situated between three clustered ARCHs with a pending fourth ARCH facility, all within 300 feet or so of each other. ARCHs are a lucrative business. Their owners, some unscrupulous, can afford to buy multiple parcels of adjoining land. The adverse effects on the neighborhood are gargantuan and residents have little or no say about their licensure nor planning and permitting. On narrow Linohau Way, near congested McKinley Street and Kamehameha Avenue, there are 3 ARCHs right next door to each other. These streets were designed as alleyways, not major thoroughfares where two cars cannot pass each other in opposite directions. I am sure you are aware of some of the adverse effects that impact on all neighborhoods - i.e., traffic,

congestion, parking, noise, 24 hours per day/7 days a week lighting, unsorted medical waste, burden on infrastructure, staff shift changes, handivan dropoffs and pick ups, deliveries, employee outdoor smoking and parking.

I hope you will see fit to pass this measure, HB 3236. Mahalo a nui loa for the opportunity to give some input into this important bill.

Sincerely,  
Marlene Kaipukailaiokamehameha Styan Alvey

**PATRICIA MOSHER, RN**  
**5045 Maunalani Circle**  
**Honolulu, Hawaii 96816**

February 1, 2008

HOUSE COMMITTEE ON HUMAN SERVICES & HOUSING  
Rep. Maile S.L. Shimabukuro, Chair  
Rep. Karl Rhoads, Vice Chair

Conference Room 329  
Tuesday, February 5, 2008 at 8:30 a.m.

**Testimony against HB 3236 Relating to County Zoning**

Honorable Chairmen Shimabukuro and Committee Members,

My name is Pat Mosher. I am a Registered Nurse and I am planning to open a 5-bed, Type I Care Home on Maunalani Circle. I am here to testify against HB 3236 and clarify the misinformation that is being used to drum up support for this bill.

My family and I have lived on Maunalani Circle for 40 years. My husband and I raised our 6 children there and we enjoy and appreciate the quiet residential nature of the neighborhood. Over the years, my family has purchased 5 other houses in the neighborhood. They are currently being used for rentals.

Late last year, I decided to convert one of the rental houses into an Adult Residential Care Home or ARCH. The intent always was, and still is, to open a 5-bed ARCH. I have not yet filed an application with the Department of Health, but plan to do so shortly.

Some time in January, a neighbor named Jim Cone came to my house and said that he wanted me to come to the Kaimuki Neighborhood Board Meeting to "defend" my Care Home. Mr. Cone said that there was "no way" he was going to let us open the Care Home, and he threatened to stop our project. I do not know what Mr. Cone knew about my plans, or how he found out about them. I also do not know what right he had to command my presence at a neighborhood meeting, particularly since he is currently selling his house on Maunalani Circle.

I later found out that Mr. Cone is a member of that Neighborhood Board. I do not feel that it was appropriate or proper for an elected official like Mr. Cone to have threatened me on behalf of the Neighborhood Board.

Now I see that there are fliers being circulated about the "Mosher family on Maunalani Circle", broadcasting the value of our homes, and announcing that we are threatening the "residential character of Maunalani Circle". I think this is a hysterical, over-reaction based on ignorance of the facts.

Some people are claiming that we are trying to establish a 27-bed long term care facility. This is not true. I am only trying to open a 5-bed, Type I ARCH.

Some also claim that we are opening an "Alzheimer's Care Home". I do not know where this came from. I will be taking up to 5 elderly adults who fall within the level of care allowed for an ARCH. It may be that some of those elderly adults will be in the early stages of Alzheimer's, but I will not be restricting the home to only Alzheimer's residents. Unlike my critics, I do not intend to discriminate against those with Alzheimers' Disease or dementia.

Some neighbors object to the increased traffic that the ARCH might bring to the neighborhood. I do not understand this argument because the previous tenants had a total of 8 cars. No one in the neighborhood has ever complained about the traffic, parking or noise generated by those tenants and their frequent visitors.

A key factor in my decision to open the Care Home was the fact that there are very few ARCHs located in East Oahu. One of my neighbors told me that she supports my doing so because she had an extremely difficult time finding a residential care facility for her father in East Oahu. My goal is to offer the highest quality of elderly care in my ARCH. I think this is needed in East Oahu and deserved by our elderly and their families.

Everyone says we need more long term care beds. I believe, however, that public hearing requirements in bills like HB 3236 only make it more difficult to open new ARCHs that are needed for elderly care.

For these reasons, I am opposed to HB 3236.

# URGENT!

## Proposed Commercial Alzheimer's Care facilities threaten residential character of Maunalani Circle

The Mosher family on Maunalani Circle has decided to convert one or two of their 6 homes on the Circle to Alzheimer care homes. We are zoned R10-residential only. Many neighbors have objected to this activity on our quiet circle on the basis of the increased traffic, parking, attendant services, visitors, noise, etc. Similar proposals have been made in other Honolulu residential neighborhoods and some permits were granted over objections of their neighbors. For further information, e-mail Jim Cone at: [jim@matrixmedia.net](mailto:jim@matrixmedia.net)

**If you feel that this business interest would irreparably damage the character of our neighborhood, this is how you can help.**

1.

Come to the meeting of the  
**Kaimuki Neighborhood Board**  
Wednesday, January 16, 7:00 to 9:00 p.m.  
Lili'uokalani Elementary School Cafeteria  
3633 Waialae Avenue

Support this resolution on the agenda:

"Permitted uses at 5071 Maunalani Circle - Resolution for Kaimuki Neighborhood owners to seek board approval prior to starting a business located in residential districts."

2.

**Write letters to Mayor Hannemann, to Councilman Djou, to the Department of Planning and Permitting, to the media, etc.**

Even a note as simple as "I am opposed to this project: it will ruin our neighborhood."

Mufi Hannemann, Mayor  
530 S. King Street  
Honolulu, HI 96813  
(808) 523-4141 Fax (808) 527-5552  
[mayor@honolulu.gov](mailto:mayor@honolulu.gov)

PLANNING AND PERMITTING DEPARTMENT  
Henry Eng, Director David K. Tanoue, Deputy  
650 S. King Street

Honolulu, HI 96813  
(808) 768-8000 Fax (808) 527-5041  
E-mail: [info@honoluluodpp.org](mailto:info@honoluluodpp.org)

COUNCILMEMBER CHARLES K. DJOU  
530 S. KING ST. #202  
HONOLULU, HI 96813  
(808) 547-7004  
[cdjou@honolulu.gov](mailto:cdjou@honolulu.gov)

# URGENT!

## **Testify in support of HB 3236.**

**Go one more step to help save our neighborhood from the  
Adult Residential Care Homes  
proposed by the Moshers**

**For your information, the Moshers own 6 homes on Maunalani Circle assessed at almost \$9.5 million on about 3.75 acres and with 31 bedrooms and 21 bathrooms. Their proposed very lucrative (\$7000-\$8000/client/month) long-term care home businesses could adversely affect our quiet neighborhood forever.**

**What:** HB 3236 Relating to County Zoning -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.

**Where:** State Capital,  
House Human Services & Housing Committee  
Conference room 329

**When:** Thursday, January 31, 2008 at 8:40am

**How:** Link to the hearing notice. Instructions on how to testify appear at the end of the hearing notice.  
[http://www.capitol.hawaii.gov/session2008/hearingnotices/HSN\\_01-31-08\\_2\\_.htm](http://www.capitol.hawaii.gov/session2008/hearingnotices/HSN_01-31-08_2_.htm)

You can submit testimony by e-mail at [HSNtestimony@Capitol.hawaii.gov](mailto:HSNtestimony@Capitol.hawaii.gov)

Use this format for the Transmittal Cover, followed by your testimony.

Testifier's Name/Organization

Committee: **COMMITTEE ON HUMAN SERVICES & HOUSING**

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

Measure #: HB 3236

Number of copies committee requesting: 3

For further information, contact your Kaimuki Neighborhood Board chair Eduardo Hernandez at [mreduardo@hawaii.rr.com](mailto:mreduardo@hawaii.rr.com) or board members Jim Cone at [jim@matrixmedia.net](mailto:jim@matrixmedia.net), or Dorie Smith at [dsmith@hawaiicondolaw.com](mailto:dsmith@hawaiicondolaw.com)

If you e-mail Board co-chair Sharon Schneider at [stys@hawaiiantel.net](mailto:stys@hawaiiantel.net) she will put you on the mailing list.