



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FOURTH LEGISLATURE, 2008**

ON THE FOLLOWING MEASURE:

S.B. No. 2793, RELATING TO ADULT RESIDENTIAL CARE HOMES.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES AND PUBLIC HOUSING

DATE: Thursday, February 7, 2008 **TIME:** 1:15 PM

LOCATION: State Capitol, Room 016
Deliver to: Committee Clerk, Room 226, 1 copy

TESTIFIER(S): Mark J. Bennett, Attorney General
or Andrea J. Armitage, Deputy Attorney General

Chair Chun Oakland and Members of the Committee:

The Attorney General opposes this bill because it violates federal law.

The bill amends section 321-15.6, Hawaii Revised Statutes (HRS), to require the Department of Health (DOH) to adopt rules to prohibit the licensing of both type I and type II adult residential care homes (ARCHs) that are within 1,000 feet of another ARCH or group living facility. Up to six residents are allowed in a type I ARCH and up to eight residents are allowed in a type II ARCH. ARCH residents are typically persons with mental illnesses, elders, and persons with disabilities. The homes are usually single family residences in residential neighborhoods.

This bill would violate the federal Fair Housing Amendments Act of 1988 (FHAA), codified in 42 U.S.C. sections 3601 to 3631. The FHAA prohibits discrimination against persons with any "handicap" (now referred to as a "disability"). This is defined very broadly to mean any person who has "(1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment" 42 U.S.C. §3602(h). The FHAA's purposes include ending segregation of the housing available

to people with disabilities and giving people with disabilities the right to choose where they wish to live.

Both the United States Department of Justice (DOJ) and the United States Department of Housing and Urban Development (HUD) have determined that the FHAA applies to state and local zoning and licensing laws, and both departments take an active role in enforcing the FHAA. Because of the great amount of litigation in this area over the years and across the country, the federal government issued a "Joint Statement of the Department of Justice and the Department of Housing and Urban Development: Group Homes, Local Land Use, and the Fair Housing Act." It is very informative and can be found in its entirety at:

http://www.usdoj.gov/crt/housing/final8_1.htm

It directly addresses the issue of state and local governments enacting laws requiring a minimum distance between group homes. It states:

Q. When, if ever, can a local government limit the number of group homes that can locate in a certain area?

A concern expressed by some local government officials and neighborhood residents is that certain jurisdictions, governments, or particular neighborhoods within a jurisdiction, may come to have more than their "fair share" of group homes. There are legal ways to address this concern. The Fair Housing Act does not prohibit most governmental programs designed to encourage people of a particular race to move to neighborhoods occupied predominantly by people of another race. A local government that believes a particular area within its boundaries has its "fair share" of group homes, could offer incentives to providers to locate future homes in other neighborhoods.

However, some state and local governments have tried to address this concern by enacting laws requiring that group homes be at a certain minimum distance from one another. The Department of Justice and HUD take the position, and most courts that have addressed the issue agree, that density restrictions are generally inconsistent with the Fair Housing Act. We also believe, however, that if a neighborhood came to be composed largely of group homes, that could adversely affect individuals with disabilities

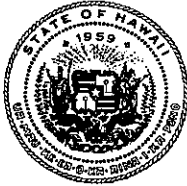
and would be inconsistent with the objective of integrating persons with disabilities into the community. Especially in the licensing and regulatory process, it is appropriate to be concerned about the setting for a group home. A consideration of over-concentration could be considered in this context. This objective does not, however, justify requiring separations which have the effect of foreclosing group homes from locating in entire neighborhoods.

The federal government, and the federal and state courts have nearly unanimously found that distance requirements between housing for persons with disabilities, persons suffering from mental illness, and elderly persons violate the FHAA. Some of these cases are:

1. Larkin v. State of Michigan Department of Social Services, 80 F.3d 285 (6th Cir. 1996), wherein the U.S. Circuit Court of Appeals for the Sixth Circuit held that the FHAA preempts spacing and notice requirements and struck down a statute that prohibited an adult foster care home with four handicapped adults from locating within 1,500 feet of another group living facility.
2. Oconomowoc Residential Programs v. City of Milwaukee, 300 F.3d 775 (7th Cir. 2002), wherein the U.S. Circuit Court of Appeals for the Seventh Circuit held that denying a zoning variance to operate a community living facility for brain injured and developmentally disabled persons that was within 2,500 feet of another community living facility violated the FHAA. It cited Larkin above.
3. U.S. v. Village of Marshall, Wisconsin, 787 F. Supp. 872 (W.D. Wis. 1991), wherein the U.S. District Court held that prohibiting a group residential facility for up to six persons suffering from mental illness from locating within 1,619 feet of an existing group facility as being in violation of a statute that required 2,500 feet between group living facilities, violated the FHAA.

4. Horizon House Developmental Services v. Township of Upper Southampton, 804 F. Supp. 683 (E.D. Pa. 1992), wherein the U.S. District Court held an ordinance to be invalid as violating the Equal Protection Clause of the U.S. Constitution and the FHAA. The facts in this case involved the request for two group homes of three mentally retarded residents each to be located 800 feet apart, in violation of a law that required 1,000 feet between group living facilities. The Court in this case cited a number of Attorney General Opinions across the country in support of its decision. Those opinions were from Maryland, Delaware, Kansas, and North Carolina. Id. at page 694, fn. 4.
5. U.S. v. City of Chicago Heights, 161 F. Supp. 2d 819 (N.D. Ill. 2001), wherein the U.S. District Court held that denying a request for a special use permit for a group home for persons with mental illness due to a zoning law requiring 1000 feet between "community family residences," violated the FHAA. This case is very thorough in its analysis. The court stated: "This court agrees that community opposition is not relevant to the issue of reasonable accommodation, and therefore, cannot and will not consider that evidence in ruling on the Government's motion for summary judgment." Id. at 831.
6. Tellurian U.C.A.N., Inc. v. Village of Marshall, Wisconsin, 178 Wis.2d 205, 504 N.W.2d 342 (1993), wherein the Wisconsin Court of Appeals held that the FHAA required that the government make an exception to the law prohibiting community living arrangements from locating within 2,500 feet of another community living arrangement, and allow a home for ten elderly people to locate within that distance of another facility. To not give the exception would be to fail to make a reasonable accommodation for persons with disabilities in violation of the FHAA.

Given the opinion of the DOJ and HUD, and the plethora of cases filed against states or local governments by the federal government that find similar distance requirements as proposed in S.B. No. 2793 as violative of the FHAA, we respectfully oppose this bill. We request that this bill be held.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Senate Committee on Human Services and Public Housing

**SB 2930, RELATING TO ADULT RESIDENTIAL CARE HOMES
SB 2793, RELATING TO ADULT RESIDENTIAL CARE HOMES**

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

**February 7, 2008
1:15 p.m.**

1 **Department's Position:** The Department of Health would like to share some comments and concerns
2 with the proposed legislation.

3 **Fiscal Implications:** Current licensing process expenditures would remain unchanged.

4 **Purpose and Justification:** The Department of Health continues to hear concerns from a number of
5 communities regarding the location of group living facilities, including Adult Residential Care Homes
6 (ARCHs), within their neighborhoods. We appreciate the intelligent and honest discussion on these
7 issues that are so difficult to adjudicate. We have not found absolute answers to many of the
8 community concerns, but we must make certain the State does not run afoul of the Federal Fair Housing
9 Act, which is part of Title VIII of the Civil Rights Act of 1968. The fears and concerns of communities
10 often stem from lack of information and/or misinformation. Many group living facility
11 owners/operators do speak with members of the community and do want to be good neighbors. Others,
12 unfortunately, feel they have no obligation to do so.

13 Many look to the Department of Health to oversee the entire process of group living facility
14 placement because we license and/or certify health care settings. However, we have no jurisdiction over
15 zoning, land use ordinances, or general placement of any of these settings. Our licensure and oversight

1 is provided for in Hawaii Administrative Rules Title 11 Chapter 100.1 which addresses the health,
2 welfare and safety of the clients or patients in these settings.

3 Location and proximity issues are dictated by the Hawaii Revised Statutes section 46-4 and the
4 Federal Fair Housing Act. The main concern expressed by some government officials and
5 neighborhood residents that this measure attempts to address is that certain jurisdictions or particular
6 neighborhoods within a jurisdiction may come to have more than their “fair share” of group homes.
7 Some state and local governments have tried to address this concern by enacting laws requiring that
8 group homes be at a certain minimum distance from one another. The Department of Justice and the
9 Department of Housing and Urban Development take the position, and most courts that have addressed
10 the issue agree, that density restrictions are generally inconsistent with the Fair Housing Act.

11 Thank you for the opportunity to testify.

To : The Senate

LATE

February 7, 2008

I am strongly against SB No. 2793.

My Name is Sandra Shim, I am a Type II Care Home Operator in Manoa. If the bill is passed it will definitely impact Hawaii's ability to take care of the Elderly.

Right now in Manoa we have 7 existing Care Homes. 5 Care Homes representing 37 beds in lower Manoa are within 1000 feet of each other, 2 Care Homes representing 16 beds in upper Manoa are within 1000 feet from each other and also from a Group Living Facility Ronald McDonald house. There are also 3 Homes representing 21 beds in the area waiting to be licensed by the Department of Health.

Such legislation could conceivably eliminate 74 Care Home beds in the valley. That would be every single Care Home in Manoa. Manoa is a very old neighborhood with a lot of old people who prefer to remain in the area because they have lived in the area for 50-90 years.

Areas such as Waipahu with 136 Care Homes, Salt Lake with 31 Care Homes and West Oahu with 369 Care Homes would be greatly affected by such legislation.

Presently there seems to be a lot of discussion about Type II Care Homes in residential areas. In East Oahu where the property values are much higher, it cost more to develop a Care Home, I find it more practical to develop Type II Care Homes. The structures are usually an upgrade for the neighborhood, if anything at all it will raise property values. Parking will not be an issue, on site parking is usually 5-6 parking stalls. Surrounding neighbors with older homes usually have only 2 parking stalls. Type II's are required to have Fire Alarm and Sprinkler systems. Staff is dressed and awake 24 hours. There is a Registered Nurse on staff to ensure the health and safety of the residents. Our residents do not drive. There are no large delivery trucks, they do not deliver in residential area.

Another advantage of 8 residents is that there is the ability to have more activities and socialization. The environment is more lively, more staff, more visiting. The monthly cost of a bed in a 5 or 8 bed Care Home is often the same cost. For families that live in town or work in town find that a Manoa or Kaimuki Care Home is preferred to commuting to visit a parent in Waipahu or Salt Lake.

Neighbors often take care of their elderly parents, they often leave them at home unattended. The incident in Kapahulu where 2 elderly ladies burned to death could have been avoided if they had a sprinkler system and were supervised.

I have 15 people on my waiting list, they prefer to wait at home, at the Rehabilitation Center or at Hale Nani for a Care Home in town.. The families like what they see in a Type II Care Home and are willing to wait.

It is my mission to try to encourage more young people to go into the Elderly Care Business, it's good for their hearts to help people, you could raise a family and live in the Care Home. Hawaii needs to encourage this and not make it more difficult. It would be wonderful to take care of all the Kupuna in need.

Thank you,



Sandra Shim

Owner

Manoa Cottage Type II ARCH

(808) 943 8767

LATE

PETITION OPPOSING SB 2930 AND SB 2793 IMPOSING MORATORIUM ON ADULT RESIDENTIAL CARE HOMES LOCATED WITHIN A 1000 FEET FROM EACH OTHER (Page 1 - February 3, 2008)

We, the undersigned caregivers of ARCA, oppose SB 2930 and SB 2793 proposing to prohibit the licensure of all types of care homes within 1000 feet of another care home. These bills threaten to stymie the number of available beds to elderly patients in need care in a home and community based setting. Placement of these recipients in home and community based settings as opposed to acute-care hospitals and nursing facilities results in the following benefits: (1) allows elderly and disabled to be integrated into the mainstream community instead of being institutionalized; (2) alleviates the shortage of bed spaces needed for more acute care patients; (3) saves government millions of dollars by allowing relatively low reimbursement rates (starting at \$1,200 per patient per month) as compared to reimbursement rates for hospitals and institutions (starting at \$7,000 per patient per month).

PRINT NAME	SIGNATURE	PHONE	ADDRESS
1. Feliza Lucina	Feliza Lucina	91-1141	Kauniki St Ewa Beach HI 96706
2. Tessie Felipe	Tessie Felipe	91-480	Pohakupuna Rd. Ewa Beach HI 96706
3. Evelyn Valdez	Evelyn Valdez	91-1129	Kiwi St. Ewa Beach HI 96706
4. Soledad Pasquel	Soledad Pasquel	91-7117	W. Waiwai Rd. Ewa Beach, HI 96706
5. PATRICIA U. NUNEZ	Patricia U. Nunez	91-1029	HANAKAKI ST. EWA BEACH, HI 96706
6. LETICIA CURBILAI	Leticia Curbilai	91-1066	Honohia Lt. Ewa Beach, HI 96706
7. NINEA FABIANI	Ninea Fabiani	94-301	Hi Sima Way, Waipahu HI 96797 671-6581
8. CONSOLACION MADAMBA	Consolacion Madamba	94-1333	Waipahu St. Waipahu, HI 96797
9. Lolita Carrino	Lolita Carrino	94-1118	Hobson Pl. Waipahu 967-1011
10. MARIA BETTY RODRIGUEZ	Maria Betty Rodriguez	98-1282	Hokuala Pl. Pearl City HI 967
11. LILIA FAJARDINA	Lilia Fajardina	94-438	Hoaeae St. Waipahu, HI
12. Tessie Fernando	Tessie Fernando	1375	Ala Hoku Pl. Ha. HI 96749
13. Trina Pascual	Trina Pascual	1521	Ala Iolani Pl. Ha. HI 96729
14. Esther Duran	Esther Duran	99-1079	Halawa Hts. Rd. 488-337
15. MARIA MANUEL	Maria Manuel	94-1035	Luanihale St.
16. Maria Norma Jacinto	Maria Norma Jacinto	94-332	Kipou Pl. Waipahu HI 96797

PETITION OPPOSING SB 2930 AND SB 2793 IMPOSING MORATORIUM ON ADULT RESIDENTIAL CARE HOMES LOCATED WITHIN A 1000 FEET FROM EACH OTHER
 (Page 2 - February 3, 2008)

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|-----|--------------------|--------------------|--|
| 17. | BLANDINA RETUATA | Blarina A. Retuata | 94-1116 Kahuailani St. Waipahu HI 96797 |
| 18. | Glenda Leano | Glenda M. Leano | 94-945 Kahuailani St. Waip. HI 96797 |
| 19. | Consuelo A. Regius | Consuelo Regius | 94-739 Kahuailani St. Waipahu HI 96797 |
| 20. | LYDIA DAGUZMAN | Lydia Daguzman | 94-293 Kahuailani St. Waip. HI 96797 |
| 21. | NORMA BERNARDI | [Signature] | 94-1230 Hinana St. Waipahu 96797 |
| | RANFICACION AGUIAR | Ranficion Aguiar | 91-2174 B. Fierstman Rd. Pearl and Hermes HI 96706 |
| 23. | Aurora Alejandro | Aurora Alejandro | 94-1112 Kahuailani St. Kula Beach HI 96706 |
| 24. | Dante Calder | Dante Calder | 94-1031 Kahuailani St. Waipahu HI 96797 |
| 25. | JONALYN PASCUA | Jonalyn Pascua | 94-1145 Kahuailani St. Waipahu HI 96797 |
| 26. | Arturo Pascua | Arturo Pascua | 94-1145 Kahuailani St. Waipahu HI 96797 |
| 27. | Jennilind Aggasid | Jennilind Aggasid | 1439 Lehua St. Hm. HI 96818 |
| 28. | Catalina Gallegos | Catalina Gallegos | 1550 Epukane St. Hm. HI 96818 |
| 29. | Sandra Shin | Sandra Shin | 2035 Kamehameha Ave HI 96822 |
| 30. | Lynn Oshiro | Lynn Oshiro | 2105 Gentry Ln. Hm. HI 96829 |
| 31. | PATRICK KOHI | [Signature] | 2115A Gentry Ln. Hm. HI 96829 |
| 32. | maria fari | [Signature] | 45-506 Kahuailani St. Kaneohe HI 96744 |
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Filipino American Citizens League

Jake Manegdeg, President
P. O. Box 270126 * Honolulu, Hawai'i 96827

February 7, 2008

Feb. 7, 2008, 1:15 p.m., Room 016
Committee on Human Services and Public Housing
Testimony in **Opposition to SB 2930 and SB 2793**

LATE

Ladies and Gentlemen of the Hawaii State Legislature:

On behalf of the Filipino American Citizens League, I urge you not to pass SB 2930 and SB 2793. With 90% of the adult residential care homes being operated by those of Filipino ancestry, we request that this industry not be stymied by this proposed legislation so that those in the industry can maintain their livelihood and allow them the opportunity to own and operate their own business.

The Filipino Community proudly embraces this industry as its own and emphatically supports ARCHs and their mission to serve those unable to care for themselves. This industry is perhaps the only industry in which Filipinos excel not only as employees but as entrepreneurs.

Without ARCHs or with a severe limitation on the number of ARCHs, seniors will not have access to vital services they need. This state already has a shortage of care home space, as we saw about a month ago when some of our elderly were forced to relocate to the mainland because of the lack of options in Hawaii. This situation will grow worse with the general aging of our population. Besides forced relocation, seniors would need to turn to institutional nursing homes or even acute-care facilities when they are no longer able to care for themselves. Institutional nursing homes cost much more than ARCHs and do not provide residents with the sense of being part of a home or community.

ARCHs are not the only culprits in increased traffic congestion and lack of parking. Problems cited by the proponents of these bills are part of any modern urban city.

We should support the noble services ARCHs provide and allow them to operate in their respective neighborhoods to give true meaning to our commitment to allow the elderly to stay in their respective communities.

Respectfully submitted,

Jake Manegdeg
President

LATE

HAWAII COALITION OF CAREGIVERS

P.O. Box 2441
Honolulu, Hawaii 96804

February 7, 2008

Testimony in **Opposition to SB 2930 and SB 2793**
HSP – Feb. 7, 2008, 1:15 p.m., Room 016

Chair Oakland, Vice Chair Ihara, and Members of the Committee:

The Hawaii Coalition of Caregivers¹ (HCCG) **opposes** SB 2930 and SB 2793 that would require a 1000-foot-radius between home and community-based care homes. Under these bills, a care home cannot be located within 1000 feet of another care home. This law would effectively limit the number of care homes that can exist, curtailing the options for elderly and disabled individuals who wish to be integrated into the community.

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. Care homes and other home and community based programs need your support.

Attacking home and community based options for the elderly and disabled forces them to be institutionalized even where institutionalization is not appropriate and far more costly. While Medicaid reimbursement rates for care home range from \$1,200 to \$2,500, Medicaid reimbursement rates in nursing homes average \$7,000 per month

SB 2930 and SB 2793 disparately and disproportionately affect the elderly and disabled. We submit that these bills would run afoul of the Federal Fair Housing Act, which prohibits housing discrimination based on a protected class like age and disability.

SB 2930 and SB 2793 would create an unworkable system. The services provided by caregivers 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 home and community options will be lost if this measure passes? How many more of our elderly must we send out-of-state because of inadequate living options?

Indeed, SB 2930 and SB 2793 involve isolated disputes between 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*. Many care homes are already located less than 1000 feet from each other.

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.

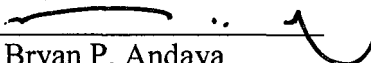
The legislature is not the appropriate forum in which disputes between neighbors should be addressed. Changes to our statutes affect the entire state, not only the neighborhoods in which the proponents live. Indeed, Kalihi, Waipahu, Ewa Beach, and Wahiawa where the vast majority of care homes are located prove that care homes can be integrated into the general residential neighborhood and that care homes can be and are good neighbors.

Disputes between neighbors will occur regardless of this bill. Problems cited by proponents like increased traffic, noise, and lack of parking cannot be attributed solely 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** SB2930 and SB2793.

Very truly yours,

Hawaii Coalition of Caregivers

By: 
Bryan P. Andaya

ⁱ 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

To Whom It May Concern:

We the caregivers of the Big Island Chapter, Adult Foster Home care services strongly oppose this bill being introduced as we believe it does not measure into the application of the “real world”.

Nowadays, with the ever increasing cost of housing and infrastructures, it is almost impossible for everyone to abide by this law. If you look at the present housing that is currently licensed to operate in this industry, these houses do not qualify into these new proposal (1000 ft. clearance with the neighbors).

In addition, many of these caregivers has their own family and thus surpasses the amount of residents that lives in this single home as stated in this new proposal (having 5 as the maximum residents in the home.) Does this pertains to all that lives in the household including family members? What if you have 3 children and a husband and wife? They decided to have a foster home or a care home, can they qualify? They have met the maximum numbers of residents in a home? In this case, this proposal is not making sense. What about the new law that just recently been passed that a care home now able to accept the 6th client? Does this still exist? Isn't this new proposal contradictory to this new law? Again, like we said that does not make sense.

If this new proposal passes, what happens to these licensed homes? And most importantly, where would these frail elderly individuals/clients that are now residing in these homes go? Do we take them away from these homes that they've already been accustomed to? Do we force them to start looking for somewhere that fit this code and has to readjust again in this new “model home?”

Where is our hearts? Our elderly don't need this nonsense. What they need during their last days on earth is our love, care and support. That's what these caregivers are trained and very much willing to do. We, the caregivers would like to extend our loving care, our helping hands, and warmth the hearts of our residents. So, please we ask you to abolish and not to consider this bill, let's just STOP from here and leave it where it's at. Instead, let us work together to make things better, and not to destroy it in a glance.

Sincerely,

Adult Foster Home Services
Big Island Chapter
Danny Marcos, President

LATE

To: Members of the Senate
February 7, 2008
RE: SB 2793

I am STRONGLY against SB 2793.

My name is Jennifer Shim and I am STRONGLY against SB 2793. I live comfortably and at ease knowing that in my regulated neighborhood we are protected from overcrowding by residential safe-houses/Group Living Facilities. ARCH homes are not "Group Living Facilities". They are homes dedicated to housing the frail and elderly.

Yes, it is true that ARCH homes provide a much needed service to the elderly and get paid for their services. To clean, feed and house them is often a thankless job. Only those with the heart for helping and the drive to care should consider the occupation.

The physical plant of a Care Home is different from a single-family home. Type II homes are built to stricter commercial codes. They have fire resistant walls and windows, sprinkler systems inside and outside to prevent fire from spreading to their neighbors. These upgrades are costly and upgrade the value of the property, which upgrades the value of the surrounding homes. Overall they look, feel and act like a home.

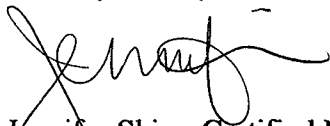
Our typical neighbors have 2 parking stalls often used for storage. Generally they park on the street or on the grass in the City Setback. Care Homes generally have at least 4-6 parking stalls on the premises. A family of 4 generally has 4 cars for both working adults and their driving teenage children. Elderly do not own cars nor do they even remember how to drive!

Creating a buffer zone 1000 linear feet between facilities is no solution to the growing elderly care situation. We live on an island where land is scarce and expensive. Hawaii has the lowest percentage of care beds and facilities in the nation. It is absolutely unspeakable to not provide an environment for the elderly to grow older in with dignity. In all studies conducted, it has become apparent that to live in a family setting in a home is the best possible situation for all.

I am in the generation of 30-40 year olds. I find the field of elderly care most interesting and fulfilling. I encourage my friends who are interested in the field to give it a try. My fellow Care Home Operators in Aina Haina, Maunalani etc. find their neighborhood environment very disappointing. Without the support of Legislators and Government recognizing the dire need for help with the elderly in all geographic areas, it is very discouraging.

When existing caregivers retire, who will take up the challenge. Please do not discourage the expansion of elderly care.

Thank you for your consideration in this matter.



Jennifer Shim, Certified Nurse Aid
Cell: 429-4480