

S.B. NO. 936

JAN 26 2009

A BILL FOR AN ACT

RELATING TO DEPARTMENT OF HEALTH CERTIFICATES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 445-94, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§445-94 Certificates.** [~~(a) No person shall operate a~~
4 ~~lodging or tenement house, group home, group residence, group~~
5 ~~living arrangement, hotel, or boardinghouse, until the person~~
6 ~~secures from the department of health a certificate setting~~
7 ~~forth that an agent of the department has examined the building~~
8 ~~or buildings, with a description sufficient to identify and~~
9 ~~locate the same, and that the same are in good sanitary~~
10 ~~condition.~~

11 ~~(b)]~~ No person shall operate a lodging or tenement house,
12 group home, group residence, group living arrangement, hotel, or
13 boardinghouse, until the person secures a clearance from the
14 appropriate county agency responsible for ensuring compliance
15 with county building and zoning codes setting forth that an
16 agent of the agency has examined the building or buildings,
17 proposed to be used for such purposes, with a description

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1 sufficient to identify and locate the same; and that the same
2 are in compliance with the building and zoning codes."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken.

5 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

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8

BY REQUEST

Report Title:

County Licenses; Department of Health Certificates

Description:

Repeals the requirement for a sanitation certificate to be issued for county business licenses for the operation of a lodging or tenement house, group home, group residence, group living arrangement, hotel, or boarding house. The City and County of Honolulu no longer requires business licenses for these facilities because of Act 35, Session Laws of Hawaii 2001, so the sanitation certificate is unnecessary for Oahu. The counties of Kauai, Maui, and Hawaii never required a sanitation certificate for these types of businesses.

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO DEPARTMENT OF HEALTH CERTIFICATES.

PURPOSE: To repeal the requirement for a sanitation certificate from the Department of Health to be issued for the operation of a lodging or tenement house, group home, group residence, group living arrangement, hotel, or boardinghouse.

MEANS: Amend section 445-94, Hawaii Revised Statutes.

JUSTIFICATION: In the past, the certificate was required to obtain a business license for these facilities from the City and County of Honolulu. The certificate was not required for other counties. This requirement for a business license was repealed by the legislature by Act 35, Session Laws of Hawaii 2001. There is no longer a need for a sanitation certificate to be issued.

Impact on the public: No impact to the public is anticipated. The department will continue inspections for licensed care homes and other domiciliary facilities it regulates under different laws.

Impact on the department and other agencies: No impact on other agencies is anticipated.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH-610.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.