

JAN 21 2010

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# A BILL FOR AN ACT

RELATING TO COUNTY ZONING FOR GROUP LIVING FACILITIES.

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

1           SECTION 1. The legislature finds that counties are not  
2 allowed under existing law to prohibit state-licensed group  
3 living facilities if these facilities otherwise meet all  
4 applicable county requirements, including building code  
5 provisions.

6           The legislature further finds that some group living  
7 facilities situated close together have placed unreasonable  
8 hardship on residents of neighborhoods, including traffic safety  
9 and congestion, disrupting of commercial deliveries, and  
10 elevated noise levels.

11           The purpose of this Act is to clarify county zoning  
12 requirements concerning group living facilities.

13           SECTION 2. Section 46-4, Hawaii Revised Statutes, is  
14 amended by amending subsection (d) to read as follows:

15           "(d) Neither this section nor any other law, county  
16 ordinance, or rule shall prohibit group living in facilities  
17 with eight or fewer residents and that are licensed by the State



1 as provided for under section 321-15.6, or in an intermediate  
 2 care facility/mental retardation-community for persons,  
 3 including mentally ill, elder, disabled, developmentally  
 4 disabled, or totally disabled persons, who are not related to  
 5 the home operator or facility staff; provided that those group  
 6 living facilities meet all applicable county requirements not  
 7 inconsistent with the intent of this subsection and including  
 8 building height, setback, maximum lot coverage, parking, [and]  
 9 floor area requirements[-], traffic safety and congestion, noise  
 10 levels, and commercial deliveries."

11 SECTION 3. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.  
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INTRODUCED BY:

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**Report Title:**

Counties; Zoning; Group Living Homes

**Description:**

Requires counties to consider in zoning for group living facilities impacts of traffic safety and congestion, elevated noise levels, and disruption of commercial deliveries upon the residents in the surrounding area.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

