
A BILL FOR AN ACT

RELATING TO COUNTIES.

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

1 SECTION 1. The legislature finds that Hawaii's population
2 has been aging rapidly and the number of elderly and disabled
3 persons has increased dramatically.

4 In *Nevada Fair Housing Center, Inc. v. Clark County,*
5 *Nevada*, 2007 WL 610640 (D. Nev.), 34 NDLR P.99, the Nevada Fair
6 Housing Center, Inc. challenged a Clark County ordinance that
7 required a minimum distance between residential group homes for
8 the elderly and persons with disabilities. The United States
9 District Court in Nevada struck down the minimum distance
10 ordinance to eliminate illegal housing discrimination against
11 society's most vulnerable citizens. At the same time, Hawaii's
12 elderly and persons with disabilities are finding it
13 increasingly difficult to find appropriate affordable housing.
14 The elderly and persons with disabilities should not be
15 discriminated against with regard to housing options.

16 The purpose of this Act is to prohibit discriminatory
17 treatment of the elderly and persons with disabilities in
18 housing.



1 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

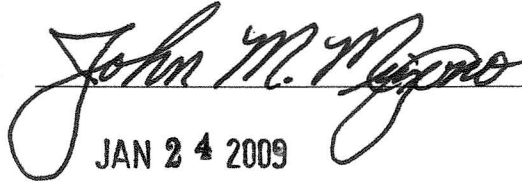
4 "§46- Minimum distance between facilities; ordinances
5 invalid. Any county ordinance that prohibits a group living
6 facility for the elderly and persons with disabilities from
7 being located within any specified distance from another group
8 living facility shall be void as against public policy."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11

INTRODUCED BY:


JAN 24 2009



Report Title:

County Ordinances Invalid; Minimum Separation of Facilities

Description:

Renders void as against public policy any county ordinance that prohibits a group living facility for the elderly and persons with disabilities from being located within any specified distance from another group living facility.

