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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. Some group living facilities situated close  
6 together have placed unreasonable hardship on the residents of  
7 those neighborhoods, including traffic safety and congestion,  
8 the disruption of commercial deliveries, and elevated noise  
9 levels.

10           The legislature further finds that the Fair Housing Act  
11 prohibits making zoning or land use decisions or implementing  
12 land use policies that exclude or otherwise discriminate against  
13 protected persons, including individuals with disabilities who  
14 may choose to live in a group living facility.

15           The purpose of this Act is to clarify county zoning  
16 requirements concerning group living facilities and establish a  
17 task force to review local, state, and federal policies  
18 regarding zoning for group living facilities.



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

3 "(d) Neither this section nor any other law, county  
4 ordinance, or rule shall prohibit group living in facilities  
5 with eight or fewer residents and that are licensed by the State  
6 as provided for under section 321-15.6, or in an intermediate  
7 care facility/mental retardation-community for persons,  
8 including mentally ill, elder, disabled, developmentally  
9 disabled, or totally disabled persons, who are not related to  
10 the home operator or facility staff; provided that those group  
11 living facilities meet all applicable county requirements not  
12 inconsistent with the intent of this subsection and including  
13 building height, setback, maximum lot coverage, parking, [~~and~~  
14 floor area requirements[-], traffic safety and congestion, noise  
15 levels, and commercial deliveries."

16 SECTION 3. (a) There is established a temporary task  
17 force, placed within the executive office on aging for  
18 administrative purposes, to review local, state, and federal  
19 policies regarding zoning for group living facilities.

20 (b) The task force shall be composed of the following  
21 members:



- 1           (1) The director of public safety or the director's  
2            designee;
- 3           (2) A representative from an adult residential care home  
4            association;
- 5           (3) A representative from a community care foster home  
6            association;
- 7           (4) A representative from AARP;
- 8           (5) The director of the executive office on aging or the  
9            director's designee; and
- 10          (6) The county executive of the elderly affairs division  
11            of the department of community services of the city  
12            and county of Honolulu or the county executive's  
13            designee.
- 14          (c) The members of the task force shall serve without  
15          compensation and shall not be reimbursed for expenses.
- 16          (d) The task force shall submit a report of its findings  
17          and any recommended legislation to the legislature no later than  
18          twenty days prior to the convening of the regular session of  
19          2011.
- 20          (e) The task force shall cease to exist on June 30, 2011.



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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



**Report Title:**

Counties; Zoning; Group Living Homes; Task Force

**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. Establishes a task force to review local, state, and federal policies regarding zoning for group living facilities. (SB2287 HD1)

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

