

JAN 23 2009

A BILL FOR AN ACT

RELATING TO ADULT RESIDENTIAL CARE HOMES.

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

1 SECTION 1. 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[-]; provided further that no permit
15 shall be issued by a county agency for a Type I residential care
16 home with up to five residents within one thousand feet of
17 another Type I or Type II adult residential care home, and if a



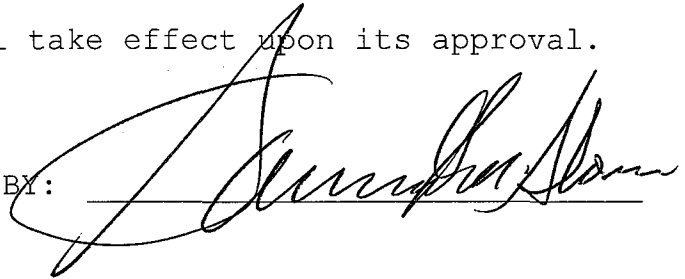
1 permit is determined by the county to have been deceptively
2 obtained, the county shall prescribe procedures for immediate
3 revocation of the permit; and provided further that for each
4 Type II adult residential care home with six or more residents,
5 a permit shall not be issued by a county agency unless a public
6 informational meeting is first held in the affected community in
7 accordance with procedures to be prescribed by the county."

8 SECTION 2. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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

11

INTRODUCED BY: _____



Report Title:

Adult Residential Care Homes; Permits; Public Informational Meetings

Description:

Prohibits issuance of a permit for a Type I residential care home with up to five residents within one thousand feet of another Type I or Type II adult residential care home, and allows for immediate revocation of a permit deceptively obtained. Requires that no Type II adult residential care home with six or more residents may be issued a permit by a county agency unless a public informational meeting is first held in the affected community.

