

Honolulu, Hawaii

March 19, 2010

RE: S.B. No. 2287
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committees on Human Services and Health, to which was referred S.B. No. 2287 entitled:

"A BILL FOR AN ACT RELATING TO COUNTY ZONING FOR GROUP LIVING FACILITIES,"

beg leave to report as follows:

The purpose of this bill, as received by your Committees, is to require counties to consider when zoning for group living facilities the potential impact of traffic safety and congestion, elevated noise levels, and disruption of commercial deliveries upon the residents in the surrounding areas.

For the purposes of the public hearing, your Committees circulated a proposed H.D. 1 version that deletes the provisions of the bill and inserts new language invalidating any county ordinance that requires a minimum distance between group living facilities for the elderly and persons with disabilities.

The State Council on Developmental Disabilities, Disability and Communication Access Board, Alliance of Residential Care Administrators, Adult Foster Homecare Association, Hawaii Disability Rights Center, and several concerned individuals testified in support of the proposed draft. The Department of Planning and Permitting of the City and County of Honolulu and the Hawaii Substance Abuse Coalition opposed the proposed draft. The Community Alliance on Prisons provided comments.



Your Committees note that the Fair Housing Act prohibits making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities. Your Committees are also aware, however, of neighborhood concerns that not all group living homes are well-managed, which may lead to parking, traffic, and noise issues.

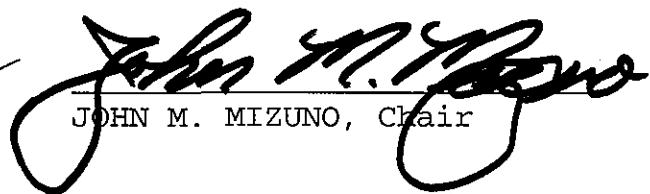
Upon careful consideration, your Committees have chosen not to adopt the proposed draft and, instead have amended the bill as received by your Committees by:

- (1) Adding provisions that establish a task force, administratively attached to the Executive Office on Aging, to review local, state, and federal policies regarding zoning for group living facilities; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2287, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2287, H.D. 1, and be referred to the Committee on Water, Land, & Ocean Resources.

Respectfully submitted on
behalf of the members of the
Committees on Human Services
and Health,


RYAN I. YAMANE, Chair


JOHN M. MIZUNO, Chair



