



## DISABILITY AND COMMUNICATION ACCESS BOARD

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March 11, 2010

### TESTIMONY TO THE JOINT HOUSE COMMITTEES ON HUMAN SERVICES AND HEALTH

#### Senate Bill 2287 - Relating to County Zoning for Group Living Facilities

The Disability and Communication Access Board (DCAB) opposes Senate Bill 2287 that requires the 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. As currently written, this bill expresses a "not in my backyard" sentiment about group living facilities for individuals who are elderly or have disabilities. When individuals reside in group living facilities, regardless of age or disability status, they do so because they cannot function or live independently and need more assistance than their families or support systems can provide. People who are elderly and disabled have the right to live in a variety of communities, and are fortunate to have facilities established in a variety of neighborhoods such as Manoa, Hawaii Kai, Kaimuki, as well as other locations on Oahu and statewide.

DCAB agrees with the suggestion proposed by the Hawaii Disability Rights Center with the approach adopted in Senate Bill 2805, SD1, and we propose a similar one be taken here. Establishing a task force, similar to that proposed in Senate Bill 2805, SD1 takes a more proactive avenue to examine issues of all parties involved. The task force could be established with the counties taking the lead rather than the Department of Health to examine issues related to group living facilities and communities, and recommend how the homes will be regulated through administrative rules rather than by amending the Hawaii Revised Statutes.

The proposed HD1 was reviewed and DCAB finds it to be consistent with the Federal Fair Housing Act and current court decisions. We have no objections to it, however we would prefer introduction of an House Concurrent Resolution to establish a task force as suggested above.

Thank you for the opportunity to testify.

Respectfully submitted,

CHARLES W. FLEMING  
Chairperson  
Legislative Committee

FRANCINE WAI  
Executive Director

**From:** Medy Delara [mailto:medy\_arch@yahoo.com]  
**Sent:** Thursday, March 11, 2010 7:35 AM  
**To:** HUS testimony  
**Subject:** ZONING ON GROUP LIVING TESTIMONY

TO: COMMITTEE ON HUMAN SERVICES  
REP. JOHN MIZUNO, CHAIR  
REP. TOM BROWER, VICE CHAIR

TO: COMMITTEE ON HEALTH  
REP. RYAN YAMANE, CHAIR  
REP. TOM BROWER, VICE CHAIR

RE: SB 2287 HDI - RELATING TO COUNTY ZONING FOR GROUP LIVING  
FACILITIES.

DATE: MARCH 11, 2010

TIME: 9:30 AM

PLACE: CONFERENCE ROOM 329

TESTIMONY - STRONGLY SUPPORT

REASON: PROHIBITING GROUP FACILITIES FOR THE ELDERLY AND PERSONS WITH DISABILITIES FROM BEING LOCATED WITHIN ANY SPECIFIED DISTANCE IS NOT ONLY ILLEGAL BUT DISCRIMINATORY AGAINST THE ELDERLY AND DISABLED. IN 20 YEARS I'LL BE IN THE SAME PREDICAMENT, I STILL WANT TO EXERCISE MY "FREEDOM OF CHOICE". I WOULD LIKE TO BE ALLOWED TO LIVE SAFELY WHEREVER I WANT.

FROM: MEDY DE LARA, RN  
ARCA

**LATE**  
**Testimony**