
A BILL FOR AN ACT

RELATING TO SPECIAL TREATMENT FACILITIES.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding four new sections to part I to be
3 appropriately designated and to read as follows:

4 "§321-A Definitions. For the purposes of this part:

5 "At risk youth" means a person age twelve to seventeen
6 years old who meets at least one of the following criteria:

7 (1) Is emotionally distressed;

8 (2) Is homeless or at-risk of being homeless;

9 (3) Exhibits behavior that endangers the health, safety,
10 or welfare of the at-risk youth or any other person;

11 or

12 (4) Has a substance abuse problem.

13 "At risk young adult" means a person age eighteen to
14 twenty-four years old who meets at least one of the following
15 criteria:

16 (1) Is emotionally distressed;

17 (2) Is homeless or at-risk of being homeless;



1 (3) Exhibits behavior that endangers the health, safety,
2 or welfare of the at-risk young adult or any other
3 person; or

4 (4) Has a substance abuse problem.

5 The term "special treatment facility" does not include a special
6 treatment facility that is subject to chapter 334 or a facility
7 requiring a certificate of need under chapter 323D.

8 **§321-B Licenses and renewals; notice of public hearing.**

9 (a) Upon receipt of any application for a license to create,
10 develop, or operate a special treatment facility or for renewal
11 of a license to operate a special treatment facility, the
12 director of health shall fix a date for a public hearing on the
13 license or license renewal application. The applicant shall
14 publish notice of a public hearing at least once in each of two
15 consecutive weeks in a newspaper of general circulation in the
16 county where the proposed or existing special treatment facility
17 is located. The date of the hearing shall be not less than
18 thirty days after publication of the first notice. The notice
19 shall require that all protests or objections against the
20 issuance of the license or license renewal applied for be filed
21 with the director before the date of the hearing.



1 (b) Immediately upon the director's fixing a date for the
2 public hearing, the applicant shall mail a notice setting forth
3 the time and place of the hearing to each of the following:

4 (1) Not fewer than two-thirds of the owners and lessees of
5 record of real estate located within a distance of two
6 hundred yards from the proposed or existing location
7 of the special treatment facility. Notice by mail may
8 be addressed to the last known address of the person
9 concerned or to the address as shown in the current
10 real property tax record of the person or the person's
11 agent or representative;

12 (2) Each individual condominium project or cooperative
13 apartment unit located within a distance of two
14 hundred yards from the proposed or existing location
15 of the special treatment facility; provided that one
16 notice of the hearing shall be sent by mail addressed
17 "To the Residents, In Care of the Manager", followed
18 by the name and address of the condominium or
19 cooperative apartment involved; and

20 (3) Any official of any school located within a distance
21 of two hundred yards from the proposed or existing
22 location of the special treatment facility.



1 The notices required under this subsection shall be mailed at
2 least thirty days prior to the date set for the hearing. The
3 director shall make the master list, and mailing list available
4 for public review upon request. For purposes of this section,
5 "master list" means every owner and lessee or person who would
6 otherwise be required to receive notice of the public hearing
7 according to the requirement of paragraphs (1) through (3), even
8 if they were not actually included in the two-thirds requirement
9 of paragraph (1).

10 If the director finds that the requirements of this section
11 are not met as a result of the bad faith of the applicant, the
12 director may deny or revoke the license as the case may be.

13 **§321-C Protests.** (a) Protests against granting of a
14 license to create, develop, or operate a new special treatment
15 facility or renewing a license to operate a special treatment
16 facility may be filed with the director by:

17 (1) Any owner or lessee of real estate situated within a
18 distance of two hundred yards;

19 (2) Any person who resides within a distance of two
20 hundred yards; or

21 (3) Any official of any school located within a distance
22 of two hundred yards,



1 from the proposed or existing location of the special treatment
2 facility. A protest shall include written statements submitted
3 to the director prior to the hearing and written or oral
4 testimony submitted at the hearing.

5 (b) Within seven days of the receipt of the protest, the
6 director shall make available to the applicant and any protestor
7 for review before the public hearing the list of those persons
8 who filed a protest or objection to the application.

9 **§321-D Consideration of application.** Within ninety days
10 after the hearing, the director, in the director's discretion,
11 with due consideration given to any protests or concerns of the
12 affected community, in accordance with this chapter, may grant
13 or deny the license or license renewal application."

14 SECTION 2. New statutory material is underscored.

15 SECTION 3. This Act shall take effect on July 1, 2250.



Report Title:

Special Treatment Facility; Public Hearing

Description:

Requires public hearings for the licensing of a new special treatment facility, or for renewal of such a license, to include residents within a two hundred yard radius. Effective July 1, 2250. (HB65 HD1)

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

