

JAN 21 2011

S.B. NO. 812

A BILL FOR AN ACT

RELATING TO CLEAN AND SOBER HOMES AND HALFWAY HOUSES.

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

1 SECTION 1. The legislature finds that clean and sober
2 homes and halfway houses provide a means for persons to return
3 to the community through support in a home-like environment
4 without the rigid structure of a therapeutic care facility or
5 therapeutic living program. The legislature also finds that
6 many persons being released from incarceration need the support
7 of a home environment while trying to deal with the stressors of
8 reintegrating back into society while maintaining sobriety.
9 Often, community residents have expressed concerns over the
10 legal operation of such homes in their immediate vicinity and
11 the compliance of such homes with all state and county laws.
12 The legislature acknowledges that the needs and concerns of the
13 community must be tempered with the needs of the individuals
14 requiring support.

15 The purpose of this Act is to establish a clean and sober
16 home and halfway house task force.

17 SECTION 2. There is established a temporary clean and
18 sober home and halfway house task force, exempt from section



1 26-34, Hawaii Revised Statutes, charged with the following
2 responsibilities:

3 (1) Establishing a clear, legal definition of a "clean and
4 sober home";

5 (2) Establishing clear occupancy requirements for clean
6 and sober homes and halfway houses;

7 (3) Developing a plan of accountability for clean and
8 sober homes and halfway houses to ensure compliance
9 with occupancy and other requirements. In developing
10 the plan, the task force shall review the need for or
11 appropriateness of regulation of these facilities, as
12 well as the most appropriate practices regarding
13 regulation;

14 (4) Promoting community and advocate education; and

15 (5) Balancing community concerns with the needs of
16 individuals requiring clean and sober homes and
17 halfway houses.

18 SECTION 3. The department of health shall chair and
19 convene the clean and sober home and halfway house task force,
20 which shall include:

21 (1) The directors of each of the county planning
22 departments or the directors' designees;



- 1 (2) The director of health or the director's designee;
- 2 (3) The chair of the Hawaii paroling authority or the
- 3 chair's designee;
- 4 (4) Homeless advocates, as determined by the department of
- 5 human services;
- 6 (5) Representation from clean and sober homes and halfway
- 7 houses, as determined by the department of health;
- 8 (6) Legislative representatives in equal number from the
- 9 senate and house of representatives, as determined by
- 10 the president of the senate and the speaker of the
- 11 house of representatives;
- 12 (7) Legal representatives, as determined by the department
- 13 of health, to address issues such as discrimination,
- 14 including the attorney general or the attorney
- 15 general's designee; and
- 16 (8) Others, as appropriate, as determined by the
- 17 department of health.

18 SECTION 4. The task force shall consult with the

19 appropriate county agencies to ensure that clients are only

20 referred to clean and sober homes and halfway houses that meet

21 the zoning requirements and definitions under section 46-4,

22 Hawaii Revised Statutes, the Federal Fair Housing Act, Section



1 504 of the Rehabilitation Act, Titles II and III of the
2 Americans with Disabilities Act, and other laws providing
3 housing opportunities and protections for people with
4 disabilities.

5 SECTION 5. The task force shall report to the legislature
6 on the scope and nature of the accountability plan for clean and
7 sober homes and halfway houses, the process by which the houses
8 will be monitored, the way in which concerns of the community
9 members are balanced with the concerns of those requiring the
10 support of the homes, and how the homes will be regulated short
11 of direct governmental oversight. The report shall be submitted
12 to the legislature no later than twenty days prior to the
13 convening of the regular session of 2012 and shall also include
14 findings and recommendations of the task force and any proposed
15 legislation that may be necessary to effectuate those
16 recommendations.

17 SECTION 6. The task force shall cease to exist on June 30,
18 2012.

19



S.B. NO. 812

1 SECTION 7. This Act shall take effect upon its approval.

2

INTRODUCED BY:

JM

J.L.H.

Clarence S. Fisher

[Signature]

Ronald J. Bell

Therese Chun Oakland



Report Title:

Clean and Sober Home and Halfway House Task Force; Report

Description:

Establishes a temporary clean and sober home and halfway house task force. Requires the task force to submit a report to the legislature containing findings and recommendations and any proposed legislation that may be necessary to effectuate those recommendations.

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

