

JAN 19 2012

A BILL FOR AN ACT

RELATING TO THE REGULATION OF CLEAN AND SOBER HOMES AND HALFWAY HOUSES.

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

1 SECTION 1. Chapter 346, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§346- Clean and sober homes and halfway houses. (a)
5 Beginning July 1, 2013, each clean and sober home and halfway
6 house shall be licensed to ensure the health, safety, and
7 welfare of the individuals therein and of the neighbors in close
8 proximity to these dwellings; and to support a smooth transition
9 of the individuals therein into the communities in which these
10 dwellings are located.

11 (b) Any operator of a clean and sober home or halfway
12 house shall obtain a general excise tax license under section
13 237-9 prior to commencing operations of a clean and sober home
14 or halfway house. The excise license shall not be a substitute
15 for any county regulation or permit or for the notice
16 requirement of section 46-4(e).



1 (c) The director of human services shall adopt rules in
2 accordance with chapter 91 to regulate clean and sober homes and
3 halfway houses. The rules shall:

4 (1) Establish standard operating procedures;

5 (2) Provide a review process to monitor compliance in
6 meeting the standard operating procedures;

7 (3) Provide a residential program for care and
8 rehabilitation for persons who require structured
9 living and who are suffering or recovering from
10 substance abuse; are undergoing sex offender
11 treatment; have been released or are under supervised
12 release from a correctional facility; or have been
13 released from a mental health treatment facility;

14 (4) Set occupancy standards for clean and sober homes and
15 halfway houses based on room size and not based on the
16 cost of the rental housing;

17 (5) Identify best practices for communicating with the
18 surrounding community; and

19 (6) Ensure the safety and welfare of the residents, staff,
20 and volunteers of clean and sober homes and halfway
21 houses, and their neighbors.



1 (d) Prior to being issued a license to commence operation
2 of a clean and sober home or halfway house, the operator of the
3 home or house shall conduct at least one public informational
4 meeting at a neighborhood board meeting in the area in which the
5 home or house will be located. If the home or house will be
6 located in an area that does not have a neighborhood board, the
7 public informational meeting shall be held at the county
8 council. Notarized affidavits confirming that adjoining and
9 surrounding property owners were sent written notification of
10 any such informational meeting in a timely manner shall be
11 required. The department of human services shall consider the
12 testimony received at the informational meeting in determining
13 whether to grant a license for the operation of a clean and
14 sober home or halfway house.

15 (e) An annual licensing fee for all clean and sober homes
16 and halfway houses shall be established by the department of
17 human services. All proceeds from the licensing fee shall be
18 applied to the administrative costs of the licensing program.

19 (f) The department of human services shall institute a
20 schedule of penalties and fees for the violation of any rule or
21 regulation applying to clean and sober homes and halfway houses.



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1 (g) The department of human services shall maintain a
2 listing of all licensed clean and sober homes and halfway houses
3 in the State that shall be deemed a public record.

4 (h) After June 30, 2013, state agencies, including but not
5 limited to the Hawaii paroling authority, shall only refer
6 clients to licensed clean and sober homes and halfway houses.

7 (i) All existing clean and sober homes and halfway houses
8 will have one year from the effective date of this Act to comply
9 with this section and any rules or regulations adopted by the
10 department of human services applicable to clean and sober homes
11 and halfway houses.

12 (j) The department of human services shall adopt, modify,
13 and repeal rules of general application as may be necessary to
14 effectuate this section.

15 (k) The terms "clean and sober home" and "halfway house"
16 shall have the meanings ascribed to them under section 46-4(f)."

17 SECTION 2. New statutory material is underscored.

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

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BIR



S.B. NO. 2147

Report Title:

Clean and Sober Homes; Halfway Houses; Licensing

Description:

Requires the licensing of all clean and sober homes and halfway houses. Requires the Department of Human Services to adopt rules that regulate these dwellings.

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

