

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Health

HB0065, Special Treatment Facilities; Public Approval

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Acting Director of Health**

February 11, 2011

1 **Department's Position:** The department STRONGLY OPPOSES this bill.

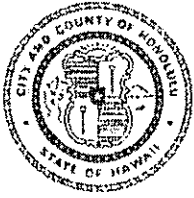
2 **Fiscal Implications:** The department defers on the fiscal implications until the Executive Budget has
3 been finalized. Notwithstanding that the applicant must reimburse the state for the cost of providing
4 public notice, the total amount of work associated with this process could easily require a full-time
5 person and, ultimately, distract the state from being able to accomplish other more critically important
6 licensing duties.

7 **Purpose and Justification:** Special treatment facilities (STF) play an integral part in the recovery
8 efforts of persons with substance abuse or mental health problems. While public input is always
9 valuable, state policy should never allow for the public to have such a strong voice in opposition that a
10 license must be denied when opposition is based solely on a facility's geographic location or when a
11 reason isn't required at all or when opposition is not based on a concern over the facility's standard of
12 care. The state must be allowed to approve or deny a license application on the merits of the facility's
13 treatment program and their standard of care while also considering other non-clinical concerns.

14 Meanwhile, STFs must receive a certificate of need (CON) from the State Health Planning and
15 Development Agency (SHPDA) before they can apply for a state license. SHPDA rules require public

1 notice of the CON application and allows for public comment. So, public notice and input are already
2 available. As a result, this bill is unnecessary.

3 Thank you for the opportunity to testify on this bill.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

ANN H. KOBAYASHI
COUNCILMEMBER, DISTRICT 5
CHAIR, COMMITTEE ON PLANNING
TELEPHONE: (808) 768-5005
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EMAIL: akobayashi@honolulu.gov

February 10, 2011

The Honorable Ryan I. Yamane
Chairman
House Committee on Health
415 South Beretania Street, Room 419
Honolulu, Hawaii 96813

SUBJECT: House Bill 65 – Relating Special Treatment Facilities

Dear Chair Yamane and Committee members,

I am respectfully writing in support of House Bill 65, which requires public approval from residents within a 1-mile radius for the licensing of a new special treatment facility, or for renewal of such a license. Although nonprofit, special treatment facilities provide valuable contributions to the quality of life in Oahu's communities, these types of businesses do not belong in residential neighborhoods.

For several years, neighbors of these facilities have experienced many problems including but not limited to, high volume of transient traffic and parking on neighborhood streets, inappropriate behavior from tenants of the facilities, and the unwillingness of facility managers to impose stricter rules of conduct.

House Bill 65 will grant residents proper notification by mail of any licensing plans, as well as provide them the opportunity to sufficiently voice their concerns and protest against undesired facilities from being established in their neighborhoods.

Therefore, I support House Bill 65 and respectfully request passage as it impacts the wellbeing and quality of residential neighborhoods.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann", is written over a horizontal line.

Ann H. Kobayashi
Councilmember, District V

91-1841 Fort Weaver Road
Ewa Beach, Hawaii 96706
Phone 808.681.3500
Fax 808.681.5280
Email cfs@cfs-hawaii.org
www.childandfamilyservice.org



Child & Family
SERVICE

Private, nonprofit since 1899

Testimony on HB 65, Relating to Special Treatment Facilities

Chair: Rep. Ryan I. Yamane

Vice Chair: Rep. Dee Morikawa

Friday, February 11, 2011

Conference Room 329

**Testimony submitted by: Howard S. Garval, President & CEO
Child & Family Service**

Good morning Chair Yamane, Vice Chair Morikawa and Committee members. I am Howard Garval, President & CEO of Child & Family Service, Hawaii's oldest and largest nonprofit organization with services on every island and touching the lives of 40,000 Hawaii residents from keiki to kupuna each year. I am testifying against HB 65.

Child & Family Service has been operating group homes (Special Treatment Facilities) for adolescents in our community for many years. These programs are funded by the State of Hawaii and are a necessary part of the continuum of care that the State provides to at-risk youth.

While CFS appreciates the intent of the Bill, we cannot support it for several reasons:

- 1. We believe that the neighboring communities of Special Treatment Facilities are given ample opportunity to express concerns when these facilities are in the process of opening. It is our understanding that Special Treatment Facilities have to go through two separate approval processes prior to opening. The first is a Certificate of Need (at the State level) and the second is a Conditional Use Permit (at the County level). Both of these processes include notification of neighbors, public hearings, and provider response to concerns. Therefore we believe that adding in additional public hearings is redundant, unnecessary, and cost inhibiting.**

BOARD OF DIRECTORS

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JoAnn Freed

Early Childhood Consultant

ACCREDITATION

Council on Accreditation

AFFILIATIONS

Alliance for Children
and Families

Hawaii Island

United Way

Maui United Way

Kauai United Way



Aloha United Way

Our Mission: Strengthening Families and Fostering the Healthy Development of Children

2. For Special Treatment Facilities that are already in existence, we believe that a more constructive and collaborative approach to neighborhood concerns should be offered. CFS has had experience with neighbor frustrations on more than one occasion. We have worked closely with the neighborhood boards, the neighborhood associations and the appropriate State Representatives; all with the goal of joining with the neighbors to find a solution that is agreeable and workable for all. Recently, we hosted a neighborhood open house at one of our group homes because we heard from our State Representative that our neighbors were voicing concerns. The solution of hosting an open house and allowing for open dialogue and community understanding was constructive rather than adversarial. The concerns have diminished and the community is even more supportive than before. We recommend that this type of open dialogue be required, not a public hearing.
3. There needs to be a balance between the needs of the community and the need for Special Treatment Facilities, such as our adolescent group homes. We need options that are non-institutionalized care for troubled adolescents, and these youth deserve a community environment that supports them towards positive change. By working closely with our communities, we have created a safe place for these youth to live, grow and thrive. We believe that forcing public hearings every 2 years could yield a more negative response towards these youth, and cause more harm than good.
4. If this Bill passes, CFS would have 4 community based group homes that would have to hold a public hearing every 2 years upon licensing renewal. The process described in the Bill is expected to take at least 4.5 months. As a result, CFS would be working on "public hearing" issues/requirements every 1.5 years for at least 4.5 months. This seems like a lot of time dedicated to something that could be handled through less adversarial ways. The costs incurred in this process alone will be difficult for CFS to absorb in program budgets that are already difficult to maintain due to the high costs incurred to run the programs.

Please consider the many Special Treatment Facilities that are currently operational throughout our State and the unnecessary burden that this will

create, should this Bill pass. A majority of these programs have been operational for many years without community concerns. I strongly encourage you to consider other options for a more collaborative approach in working through community concerns for Specialized Treatment Facilities.

Mahalo for this opportunity to provide testimony.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 702 Honolulu, Hawaii 96813

Phone: (808) 531-2198 Fax: (808) 534-1199

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Alan Shinn, President

Judith F. Clark, Executive Director

Adolescent Services Program, Kaiser
Permanente Medical Care System

Aloha House

American Civil Liberties Union of Hawaii

Assistive Technology Resource Ctrs. of HI

Bay Clinic, Inc.

Big Brothers Big Sisters of Honolulu

Big Island Substance Abuse Council

Blueprint for Change

Bobby Benson Center

Catholic Charities Hawaii

Central Oahu Youth Services Assn.

Child and Family Service

Coalition for a Drug Free Hawaii

College Connections

Community Assistance Center

Domestic Violence Action Center

EPIC, Inc.

Family Support Services of West Hawaii

Friends of the Missing Child Center of HI

Hale Kipa, Inc.

Hale 'Opio:Kauai, Inc.

Hawaii Behavioral Health

Hawaii Student Television

Healthy Mothers Healthy Babies Coalition

Hina Mauka Teen Care

Hui Malama Learning Center

Kahi Mohala Behavioral Health

Kama'aina Kids, Inc.

KEY (Kualoa-Heeia Ecumenical Youth)
Project

Kids Behavioral Health

Kids Hurt Too

Kokua Kalihi Valley

Kula No Na Poe Hawaii

Lanai Community Health Center

Life Foundation

Marimed Foundation

The Maui Farm, Inc.

Maui Youth and Family Services

Palama Settlement

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

Planned Parenthood of Hawaii

Queen Liliuokalani Children's Center
Kona Unit

REAL

Salvation Army Family Intervention Svcs.

Salvation Army Family Treatment Svcs.

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

The Children's Alliance of Hawaii

Waikiki Health Center

Women Helping Women

YouthVision

YWCA of Kauai

February 9, 2011

To: Representative Ryan Yamane, Chair
And members of the Committee on Health

TESTIMONY OPPOSING HB 65 RELATING TO SPECIAL TREATMENT FACILITIES

Hawaii Youth Services Network, a statewide coalition of more than 50 youth-serving organizations, opposes SB 65 Relating to Special Treatment Facilities.

Children and youth are an important part of our ohana. Communities benefit when young people have the resources they need to learn the skills and behaviors to become contributing members of society.

For most young people, their parents and other family members can fulfill that need. When families are unable to provide good parenting to their children due to their own substance abuse, mental health, or other issues, others must step in to provide the services that the families cannot. For some young people, this involves placement in a group home or other residential program.

These residential treatment programs must already meet stringent requirements. They must meet health and safety standards for the facility, have trained and qualified staff that undergo criminal background and child abuse registry checks, maintain an adequate staff to client ratio, and deal with zoning requirements. There are already multiple opportunities for public input at various stages in the process and these programs receive regular monitoring and inspection by state licensing personnel.

In any community, there are people who object to their neighbors' practices. Requiring every single resident within a one-mile radius to specifically approve a residential program is unrealistic.

Furthermore, the practice may violate the federal Fair Housing Act by requiring organizations serving persons with disabilities (e.g., mental illness) to obtain approvals not required for similar groups of unrelated persons

HYSN page 2

without disabilities. While some individuals object to having residential health and social service programs in their communities, persons with physical or mental disabilities should not be subjected to special requirements for their living arrangements based upon neighbors' fears.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark
Executive Director



HAWAII DISABILITY RIGHTS CENTER

900 Fort Street Mall, Suite 1040, Honolulu, Hawaii 96813

Phone/TTY: (808) 949-2922 Toll Free: 1-800-882-1057 Fax: (808) 949-2928

E-mail: info@hawaiidisabilityrights.org Website: www.hawaiidisabilityrights.org

THE HOUSE OF REPRESENTATIVES THE TWENTY-SIXTH LEGISLATURE REGULAR SESSION OF 2011

Committee on Health Testimony in Opposition to H.B. 65 Relating to Special Treatment Facilities

**February 11, 2011, 9:00 A.M.
Conference Room 329**

Chair Yamane and Members of the Committee:

I am Louis Erteschik, Staff Attorney at the Hawaii Disability Rights Center, and am testifying in strong opposition to this bill.

The purpose of this bill is to require notice to neighbors prior to licensing a Special Treatment Facility and to give neighbors within a certain distance the power to "veto" licensing of it. Special Treatment Facilities covered by the bill would include residential care homes for people with disabilities or mental illness.

This is an ill-conceived proposal that would discriminate against people with disabilities in violation of State law and the Federal Fair Housing Act. As such, the proposal should be rejected.

We understand that communities may have legitimate issues with regard to the location and operation of particular facilities. However, the approach taken in this bill is discriminatory and illegal.

Thank you for the opportunity to testify in opposition to this measure.

morikawa2 - Grant

From: Val Yoshikane [vyoshi76@hotmail.com]
Sent: Tuesday, February 08, 2011 10:11 PM
To: HLTtestimony
Subject: I support HB65

Committee: **HLT**
Room: **329**
2/11/2011 9:00:00 AM
Hearing Date:

I FULLY SUPPORT **HB 65–RELATING TO SPECIAL TREATMENT FACILITIES**

HB 65 "Requires public approval from residents within a 1-mile radius for the licensing of a new special treatment facility, or for renewal of such a license. This bill amends Chapter 321, Part I, Hawaii Revised Statutes by adding 4 new sections."

Measure Title: RELATING TO SPECIAL TREATMENT FACILITIES.

Report Title: Special Treatment Facility; Public Approval

Description: Requires public approval from residents within a 1-mile radius for the

licensing of a new special treatment facility, or for renewal of such a license.

Companion:

Package: None

Current Referral: HLT, FIN

Introducer(s): CHOY

I support HB 65 because I am the neighbors of the Manoa Hale Kipa (Youth Residential Shelter Facility).

Over 20 years ago my neighbor's home was purchased by Hale Kipa. There was a tiny ad buried in the public notice section of the paper, that a neighbor happened to notice 2 days before the hearing (a miniscule notice of a public hearing in the newspaper – that no one is able to find or reads on a regular basis) which basically blind sided us all as there was no time to get the neighbors together and find out what Hale Kipa was about. We had no idea what to expect. Needless to say, our neighborhood and community was ultimately disrupted, changing the dynamics of a once peaceful and safe neighborhood to one with a multitude of constant problems with no resolution or recourse once the facility moved in. It was a rotating door of different residents, different employees, but the same problems over and over again. The undertrained staff (high school diploma and Hale Kipa trained) were not capable of handling youth with psychological issues.

These BUSINESSES should NOT be operating in a RESIDENTIAL AREA and the neighbors and the community and neighborhood should be given adequate and sufficient notice and the opportunity to voice their concerns and protest and openly investigate the facility for compliance to the applicable State and City rules, regulations and laws and abide by all licensing processes.

An abbreviated list of problems with Residential Treatment Facilities are listed below. A complete list can be supplied upon request. This list has been compiled from several years of vigilant record keeping and documentation by the neighbors of the Manoa Hale Kipa Facility. This list also is supported by photographs and video of the inappropriate and unacceptable behaviors described below:

1) High volume of transient traffic of employees, residents and visitors coming and going at all hours of the day and night (horns, car alarms, doors slamming, car radios blasting, etc.). This transient traffic makes it very difficult for the Neighborhood Watch to discern between residents, visitors and criminals, making identification and reporting of possible crimes (breaking and entering, burglary, theft, trespass) difficult.

2) Police, Paramedics, Fire Department, and State vehicles frequent the facility in an attempt to stop inappropriate behavior (e.g., arguments, yelling, screaming, swearing, bang/slam/break objects), threatening, and illegal behaviors (e.g., physical violence towards other facility residents and employees, minors smoking cigarettes, etc.), treat medical issues (e.g., injuries from altercations, need for psychiatric medications, etc.)

3) Residents with behavioral and mental health issues leave the facility unattended, as these residential facilities are NOT lock-down facilities, and wander our neighborhood & trespass on our property, hide in our garages, climb on our roofs, inflict property damage, threaten suicide, and exhibit aggressive verbal and physical behavior.

Again, I fully support bill HB 65 and respectfully request this bill to be passed into law.

Val Yoshikane

PETITION

WE FULLY SUPPORT HB 65-RELATING TO SPECIAL TREATMENT FACILITIES

"Requires public approval from residents within a 1-mile radius for the licensing of a new special treatment facility, or for renewal of such a license. This bill amends Chapter 321, Part I, Hawaii Revised Statutes by adding 4 new sections."

Representative Ryan Yamane, we respectfully request you hear this very important bill. We fully support Representative Isaac Choy's bill HB65

Name Address Phone (optional) Signature

1. TAMAE YOSHIKANE 3585 Loulu St. Tamae Yoshikane
2. Chris Kono 95-115 Lajawa Pl. Mililani, HI 96789 Chris Kono
3. Rick Yoshikane 3585 Loulu St Rick Yoshikane
4. Jamie Young 1315 Opua St. Jamie Young
5. Kristin Ichiki 94-473 Lehuakona St. Mililani, HI 96789 Kristin Ichiki
6. Michele Tom 545 Queen St, #333, Hon, HI 96813 Michele Tom
7. Sumiko Agema 3579 Loulu St. Hon, HI 96822 Sumiko Agema
8. EARL YOSHIKANE 3585 LOULU ST. HON HI 96822 Earl Yoshikane
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Name	Address	Phone (optional)	Signature
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- | | | | |
|-----|------------------|--|------------------|
| 1. | VAL YOSHIKANE | 3505 Loulu St | Val Yoshikane |
| 2. | Pam Kunamura | 3577 Pinao St. #5 | Pam Kunamura |
| 3. | Lois Asato | 3577 Pinao St #14 | Lois Asato |
| 4. | CATHY IWAH | 2091 MAUNAPU | Cathy Iwah |
| 5. | Kyle Nakamura | 3536 Manoa Rd | Kyle Nakamura |
| 6. | Conce Nakamura | 3536 Manoa Rd | Conce Nakamura |
| 7. | Chris Shirai | 3467 Oahu Ave | Chris Shirai |
| 8. | Janice Wong | 3511 Loulu St. | Janice Wong |
| 9. | Dee Matsumoto | " | Dee Matsumoto |
| 10. | Arthur T Fuku | " | Arthur T Fuku |
| 11. | Clyde Hayami | " | Clyde Hayami |
| 12. | Hazel Nemura | 3559 Loulu St. | HAZEL NEMURA |
| 13. | Julia Zeghmi | 2522 Date St. #1005 Honolulu, HI 96826 | Julia Zeghmi |
| 14. | CURTIS ZWIE | 2334 KAPALANAPA BLVD #404 Honolulu 96826 | Curtis Zwie |
| 15. | DWIGHT TAKENO | 46-332 KUMAO LOOP KANEHOE 96744 | Dwight Take-no |
| 16. | Tammy Kuniyoshi | 619 Isenberg St. #1 Honolulu, HI 96826 | Tammy Kuniyoshi |
| 17. | Marcy Reyes | 821 Olokele Ave. Hon. HI 96816 | Marcy Reyes |
| 18. | Ann Skumra | 2121A Bachelot St Hon. 96817 | Ann Skumra |
| 19. | Mavis Higa | 45-602 Kuapuni Pl. Kaneohe 96744 | Mavis Higa |
| 20. | Christie Fukumae | 60 N. Beretania St. #2106 Honolulu, HI 96817 | Christie Fukumae |

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<u>Name (print)</u>	<u>Address</u>	<u>Phone (optional)</u>	<u>Signature</u>
1. B. WAGO	3541 LOULU ST		P. Wago
2. H. WAGO	3541 LOULU ST.		H. Wago
3. P. TAMARITIA	3614 LOULU ST		[Signature]
4. Tad Fukumoto	3545 KUKUKA ST		Tad Fukumoto
5. Jeen Kanaizami	3663 KUMUKA ST		Jeen Kanaizami
6. SHERYLE HIGA	3634 KUMUONG ST		Sheryle Higa
7. Thelma Iyer	3634 KUMUONG ST		[Signature]
8. Blaine Higa	3634 KUMUONG ST		[Signature]
9. Wilma Moriyama	3530 MANOA RD		Wilma Moriyama
10. Mitsue Iwasaki	3530 MANOA RD		Mitsue Iwasaki

11

PETITION

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<u>Name (print)</u>	<u>Address</u>	<u>Phone (optional)</u>	<u>Signature</u>
1. HIROSHI MORIMOTO	3647 LOULU ST.		[Signature]
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<u>Name (Print)</u>	<u>Address</u>	<u>Phone (optional)</u>	<u>Signature</u>
1. DOROTHY MORITSUGU	3664 LOULU ST. HON. 96822		<i>Dorothy Moritsugu</i>
2. NORMAN CRUZ	3667 LOULU ST. HON 96822		<i>Norman Cruz</i>
3. Jo Ann Yanazaki	3624 Loulu St, Hon 96822		<i>Jo Ann Yanazaki</i>
4. Jodie Tom	3604 KUMU ST 96822		<i>Jodie Tom</i>
5. KATHLEEN JAWAYE	3712 KUMUKOA ST. 96822		<i>Kathleen Jawaye</i>
6. YVONNE WONG	3615 Wauloa Pl 96822	988-6615	<i>Yvonne Wong</i>
7. Jeffrey Wong	3615 Wauloa Pl 96822	988-6615	<i>Jeffrey Wong</i>
8. Patricia J Ching	3606 Wauloa Pl 96822	988-0446	<i>Patricia J Ching</i>
9. George Kawasaki	3666 Kumukoa St 96822		<i>George Kawasaki</i>
10. Eric Gilman	3661 Loulu St 96822		<i>Eric Gilman</i>
11. ALVIN WONG	3699 LOULU ST 96822		<i>Alvin Wong</i>
12. Janet Kane	3677 Loulu St 96822		<i>Janet Kane</i>
13. Wilfred L. Enos	3617 Loulu St		<i>Wilfred Enos</i>
14. June KAWASAKI	3646 Kumukoa St		<i>June Kawasaki</i>
15. DWAYNE FORER	3609 Kumukoa		<i>Dwayne Forer</i>
16. Shirley Kanemitsu	3621 Kumukoa St. 96822		<i>Shirley Kanemitsu</i>
17. Carrie Koga	3663 Kumukoa St.		<i>Carrie Koga</i>
18. Masuichi Takaha	3659 Kumu St		<i>Masuichi Takaha</i>
19. Toshiko Takaha	3659 Kumu St.		<i>Toshiko Takaha</i>
20. Richard Matsunaka	3687 Loulu		<i>Richard Matsunaka</i>

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<u>Name (print)</u>	<u>Address</u>	<u>Phone (optional)</u>	<u>Signature</u>
1. DONALD AU	3632 Loulu St. Hon. 96822	988-1515	<i>Donald Au</i>
2. Lenny Au	1433 Kewalo St #110 Hon HI 96822	2564774	<i>Lenny Au</i>
3. Linda Au	3632 Loulu St Hon 96822	988-4575	<i>Linda Au</i>
4. ANN CHENG	3644 Loulu St Hon HI 96822		<i>Ann Cheng</i>
5. KATHRYN MITSUNAGA	3695 LOULU STREET HONHI 96822		<i>Kathryn Mitsunaga</i>
6. Robert J. Kimura	3608 Soala St		<i>Robert J. Kimura</i>
7. Florence T. Kimura	3608 Loulu St		<i>Kimura</i>
8. Alva K. Yamaguchi	3547 Loulu St		<i>Yamaguchi</i>
9. KENT K. Yamaguchi	3547 Loulu St		<i>Kent K. Yamaguchi</i>
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Name (print)	Address	Phone (optional)	Signature
1. Curtis Uemura	91-1087 Kameka St.	590-5232	Curtis
2. Elaine H Chou	3604 Kuanukoa St	9886711	Elaine Chou
3. ALAN TAKARA	3656 Loulu St.		Alan Takara
4. WANDA J. CARLSON	3704 Loulu St.		Wanda Carlson
5. ANGIE H. DUNE	3693 Loulu St.		ANGIE H. DUNE
6.			

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Name	Address	Phone (optional)	Signature
1. DAVID AKIYOSHI	3681 Loulu St		David Akiyoshi
2. HAROLD Y. ISONO	3602 Loulu Honolulu HI	968222	Harold Y. Isono
3. Dawn Fuller	2674 A Kaipua Ave	96822	Dawn Fuller
4. Myrtle Motomaga	3523 Loulu St		Myrtle Motomaga
5. Gaynel Stephens	3571 Loulu St Honolulu HI	285-6772	Gaynel Stephens
6. Beatrice Kanno	3529 Loulu St. Hon	96822	Beatrice Kanno
7.			
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9.			

morikawa2 - Grant

From: Momi Sui Lan Ho Mahon [momisuilan@gmail.com]
Sent: Wednesday, February 09, 2011 10:39 AM
To: HLTtestimony
Subject: HB65

Committee on Health

Honorable representatives,

I live five houses away from a Hale Kipa house on Damon Street in Manoa. The program's effect on the neighborhood has been negative. There have been incidents with the police, criminal activity, a murder suspect housed in the facility, people chasing each other and screaming in the street, loitering and smoking in the streets in front of the house, unsavory people wandering the area, and increased traffic and parking congestion in the area. The house is a destabilizing element in our neighborhood.

The Manoa Neighborhood Association's has tried to speak on behalf of us but there is a lack of satisfactory response from the Hale Kipa organization regarding problems. They point out that their goal is worthwhile, but they are not able or willing to control their residents or their visiting friends, family or associates to maintain behavior that is up to the community standard. Hale Kipa's management has demonstrated their lack of responsiveness to neighborhood concerns with their continuing disruption of the neighborhood. At this point in time there is no reason for them to take the trouble to effect positive changes.

It is wrong to place these facilities in our neighborhood without our consent and without our having recourse should they disrupt the neighborhood. They have demonstrated a lack of control over the behavior of their residents and have failed to keep an unobtrusive presence in the area.

While I support the goal of Hale Kipa, I deplore their implementation of their program. Their program may look good on paper and in talk, but the nitty gritty of living next door to their facility is much different and much less lofty.

Please support HB65. It would be a good step toward making these facilities earn the respect of the immediate neighborhood community and clean up their act.

Sincerely,

Margaret Mahon

morikawa2 - Grant

From: Dora Chang [akekua@yahoo.com]
Sent: Wednesday, February 09, 2011 10:33 AM
To: HLTtestimony
Subject: HB65

Concerning HB65. Please understand that facilities like Hale Kipa have made neighborhoods very unpleasant and even dangerous places to live. In Manoa, where people pay around \$1million for a house this is just not fair. We expect the neighborhood to be quiet, pleasant and uneventful. There are also many older people living in the valley, who are afraid of not only the residents, but also the staff which have acted in unseemly ways for a residential neighborhood. For instance staff should not be sleeping in their cars on the street. And Manoa people should not have to listen to shouting and screaming of noxious words all night long. Certainly you would not like this sort of behavior in your neighborhood.

Dora Chang, Manoa resident

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morikawa2 - Grant

From: Susan Killeen [killeens@hawaii.rr.com]
Sent: Wednesday, February 09, 2011 10:54 AM
To: HLTtestimony
Subject: HB65 relating to Special Treatment Facilities

Subject: HB65 Relating to Special Treatment Facilities

Committee on Health

Chair: Representative Yamane

Vice Chair: Representative Morikawa

Date: 2/11/11

Location: Room 329

Dear Representatives Yamane and Morikawa,

I am in support of HB65 which allows for notification to neighbors within a one mile radius of any special treatment facility being proposed in an area.

Our community in Aina Haina (on Limu Place) was completely taken aback to find that an ARCH II (eight bed) care facility was legally being constructed/renovated on our dead end street in 2007.

Work had begun and permits granted without any input from or knowledge by this community.

During the subsequent process of construction over the next few years, we held many meetings with the owners and our neighborhood board in an attempt to address issues of concern with health and safety. The owners – two thirty-something year old businessmen – appeared to have neither any aloha for the neighbors nor experience in starting such a business venture. Trash and debris covered the yard for months, they drove recreational vehicles up and down our small street, hosted noisy parties, allowed the pool to become infested with mosquitoes and tadpoles (vector control was called about the dark black pool and a rat problem on several occasions).

We'd made an earnest attempt to work with with them through the neighborhood board, but they didn't appear to have an investment in working with the neighborhood; clearly they weren't planning on living in the home, rather this was a mere business venture. The final affront was to throw a party which they began at 8:00am with very loud music that could be heard at the opposite end of the street. They continued until late that night with people coming and going all day. One couple, living adjacent to the care home property, who bore the brunt of the noise, mosquito and rat problem, eventually burned out on this struggle and moved away from what they thought would be their home in retirement years.

We all understand the need for such facilities, but the lax oversight and current inadequate regulations must be reviewed to maintain the integrity of our communities.

I strongly and respectfully urge you to pass HB65. Thank you for your time and attention to this matter.

Sincerely,

Susan Killeen
5325 Limu Place
Honolulu, HI 96821

morikawa2 - Grant

From: Brian Dote [brian@tapiki.com]
Sent: Wednesday, February 09, 2011 10:29 AM
To: HLTtestimony
Subject: HB 65 RELATING TO SPECIAL TREATMENT FACILITIES

Written Statement of
Brian M. Dote
Founder and CEO
Tapiki, LLC.

February 11, 2011
9:00 AM
State Capitol, Conference Room 329
In Support of
HB 65 RELATING TO SPECIAL TREATMENT FACILITIES

TO: Chair Yamane, Vice Chair Morikawa, and Members of the Committee on Health
From: Brian M. Dote
Re: Testimony in Support of HB65

Thank you for the opportunity to submit testimony in support of HB65.

As a resident of Manoa we live a few homes down from the Hale Kipa house on Atherton where the suspects in the murder of the taxi driver in Waipahu were living. On a few occasions the residents of the Hale Kipa shelter would come to our home and ask to borrow a lighter or to light their cigarettes, etc. As a parent with a 2 year old toddler and a 6 year old daughter, these events are very unsettling. We moved to the Manoa area because of it's community. We love it here and we want it to remain as family friendly as possible. I realize the challenges these special treatment facilities face yet the residents of any area need a voice when licensing such operations. My family is behind this bill and ask for your consideration.

Thank you sincerely for your time,
Brian M. Dote

morikawa2 - Grant

From: Marlene Alvey [marlenealvey@yahoo.com]
Sent: Wednesday, February 09, 2011 3:32 PM
To: HLTtestimony
Subject: Support for H.B. No. 65; Hearing Date: 2/11/2011, Time: 9:00 am, Place: Conf. Room 329

HEARING DATE: Feb. 11, 2011
HEARING TIME: 9:00 a.m.
HEARING PLACE: Conf. Room 329, State Capitol, 415 South Beretania Street

PLEASE MAKE 12 COPIES

TO: Rep. Ryan I. Yamane, Chair
Rep. Dee Morikawa, Vice Chair
Rep. Della Au Belatti
Rep. Faye P. Hanohano
Rep. Jo Jordan
Rep. Chris Lee
Rep. John M. Mizumo
Rep. Jessica Wooley
Rep. Corinne W.L. Ching
Rep. Kymberly Marcos Pine

From: Marlene Kaipukailaiokamehameha Styan Alvey
2219 McKinley Street
Honolulu, Hawaii 96822
(808) 216-8381
marlenealvey@yahoo.com

DATE: Feb. 9, 2011

RE: Testimony in Support of H.B. No. 65

Dear Chair Yamane, Vice Chair Morikawa and Committee Members:

I am Marlene Styan Alvey and have lived at 2219 McKinley Street and 2105 Kamehameha Avenue for over 52 (fifty two) years. Presently, there are approximately four (4) assisted residential care homes within approximately 100 feet or less of my home and the Damon Street Hale Kipa project is also a couple of blocks from my home. Within one mile from my home, there are more special treatment facilities.

I am in strong support of H.B. No. 65, "Relating To Special Treatment Facilities," which amends Part I of Chapter 321 of H.R.S., by adding four new sections.

The first section provides for public hearings on special treatment facilities' licenses and ensures that effective public notice of such hearings is received by community members. The second section provides for a procedure for community members to make written and verbal input / concerns /protests and for license applicants to fully and properly address these concerns. The third section

provides that if the majority of the community within one (1) mile of the facility opposes the license application, the application will be denied. The 4th section provides that if a license applicant fails to adhere to the applicant's plan to address the community's concerns / protests, a properly noticed public hearing must be conducted to determine whether to suspend or revoke the applicant's license.

Special treatment facilities, such as drug and alcohol treatment facilities, facilities for challenged youth/juveniles and adult residential care homes can cause substantial and serious problems in our neighborhoods. The problems include a very high volume of transient traffic of facility employees, residents, visitors and various officials coming and going at all hours of the day and night (24/7) (wherein the surrounding residences can't identify who is who) -- which causes noise, congestion and security problems. In my neighborhood, we are experiencing a big increase in crime (i.e. burglaries, thefts, home invasions, vehicle thefts, unauthorized vehicle break-ins, etc.). This increased high traffic creates congestion and noise. There's a tremendous increase in ambulances, fire department vehicles, police and other government vehicles. At times it can be quite unsettling hearing the sounds of fire trucks and ambulances at various hours of the day. Our neighborhood used to be quiet and peaceful. Some of the facilities have loud door alarm signals that constantly go off, 24/7 - starting early in the morning and non-stop into the night. These alarm signals can be heard over 70 feet from the facility. Our neighborhood has also been experiencing health hazards created by medical waste improperly disposed of in our public streets. H.B. No. 65 provides a fair and reasonable mechanism to help our communities effectively address these matters.

Mahalo a nui loa for the opportunity to submit my strong support of this bill.

Marlene Kaipukailaiokamehameha Styan Alvey

**Gerald Kato
Sandra Oshiro
2389 Beckwith Street
Honolulu, HI 96822**

House Committee on Health
Hearing: Friday, February 11, 2011
9:00 a.m., Conference Room 329

TESTIMONY IN SUPPORT OF HB 65 RELATING TO SPECIAL TREATMENT FACILITIES

Chair Yamane and Members of the Committee:

We live next door to Living Manoa, a nursing home at 2383 and 2385 Beckwith Street. We strongly support passage of public approval from residents within a one-mile radius for the licensing of a new special treatment facility, or for renewal of such a license.

It is difficult obtaining much, if any information, about this or other facilities scattered about Manoa and other communities. The house next door started off as a large, single-family home. We were never informed when a care home was first established next door to us nor were we informed about its intent to expand the facility to include even more residents and staff. We see workmen coming in and out, see people shuffling in and out, and hear things through the grapevine, but we have been ignored. This notwithstanding the fact that the facility is a major and, by all accounts profitable, commercial operation literally a stone's throw away from us, charging upwards of \$8,000-a-month per client. This facility could under present requirements house 32 clients on a single-family lot. They are able to do this by using the pretext that each part of their home is operated by a separate adult care home operator. (See attached letter from the City and County Department of Planning and Permitting.)

State and local government seem unable or unwilling to act on behalf of the neighbors or the surrounding community despite the clear impact Living Manoa and other special treatment facilities have on residential communities such as Manoa. There is increased traffic, trucks that block our driveway, and noise from staff and workers coming in and out of the facility at all hours of the day and night. There's second-hand smoke wafting in the air and drifting into our property as workers take their break. Our complaint about this smoke, heightened by the fact that there has been cancer in our family, has been ignored. Neighbors report finding medical waste strewn near their homes. We often have to put up with loud voices, a P.A. system that blares out instructions to staffers and an increase in traffic from staffers or their pickup rides. The owners of this operation do not even live on the property; according to neighbors, the Pangs reside in an apartment on Punahou Street.

We think it is a matter of fundamental fairness and decency that those who want to establish such facilities seek approval from their neighbors. It comes down to a policy of being a "good neighbor," something the Legislature should promote in all communities, especially in these situations where the entire character of the neighborhood is threatened and residents' property values plummet as a result of being in close proximity to these commercial enterprises.

As it is, state and local governments seem to take a virtual hands-off policy or engage in finger-pointing at other agencies, allowing such facilities to disregard or circumvent zoning and building codes regarding the number of residents allowed in what is a single-family home. Within a one-mile radius of Living Manoa there are at least two other major facilities—facilities about which input from neighbors were ignored.

Manoa is indeed a pleasant place to live. As a result there is a growing threat of more facilities being built in close proximity to each other. We've lived here for more than 25 years. This was once a quiet residential neighborhood until this conversion of the Pangs' single-family home into a care home. It should not, through stealth and circumvention of laws and ordinances, be turned into a commercial district. The possibility that it is fast becoming one should be of as much concern to all of you, our elected representatives, as it is to us.

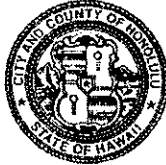
We have been told that the care home lobby is so powerful and its campaign donations so copious that we shouldn't even bother to fight this threat to our home. This view, if valid, would truly be a tragedy for our neighborhood and others being taken over by these stealth commercial operations, not to mention a sad and dangerous commentary on our democracy.

HB 65 is a reasonable means of dealing with a growing problem. We strongly urge the committee to pass HB 65.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-8041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
DIRECTOR
ROBERT M. SUMITOMO
DEPUTY DIRECTOR

December 23, 2010

Mr. and Mrs. Gerry Kato
2389 Beckwith Street
Honolulu, Hawaii 96822

Dear Mr. and Mrs. Kato:

Subject: Residential Care Home in Manoa
2385 Beckwith Street
Tax Map Key 2-9-6: 27

We apologize for the delay in replying to your e-mail of September 13, 2010, regarding letters that you have sent to State and City agencies about the expansion of a residential care home at 2385 Beckwith Street. More specifically, you voice concern about possible adverse effects from the expansion of the care home from 5 residents to 13 residents.

The 21,600-square-foot site, zoned R-7.5 Residential District, contains a two-story, two-family detached dwelling; one dwelling unit on each floor of the structure. Provided each dwelling unit is operated as a separate adult residential care home (ARCH) monitored and/or licensed by the State for no more than eight residents, the occupants of each dwelling may be considered a separate "family" as defined by the Land Use Ordinance (LUO) and the living arrangement would be permitted. However, if the two dwelling units function essentially as components of a coordinated ARCH program on the lot, the use would be considered a "group living facility", which would require a Conditional Use Permit, Major (CUP-M). An applicant is required to present the project to the neighborhood board and notify adjoining neighbors of the presentation before submitting a CUP-M application.

At the time of your e-mail, the Department of Planning and Permitting (DPP) had not received an application for a CUP-M on the site. In October 2010 the DPP staff contacted the State Department of Health (DOH) Office of Health Care Assurance, which verified that only one license for an ARCH, Type I had been issued for the site. It had not licensed any dwelling on the site as an ARCH, Type II. Before July 2007, a Type I facility was limited to a maximum of five residents. Effective July 1, 2007, at the discretion of the DOH, up to six residents may be allowed in a Type I facility if the primary caregiver is a certified nurse aide who has completed a State-approved training program and other training as required by the DOH. Prior to processing an application for a new ARCH and/or license, or to change an ARCH from a Type I to a Type II facility, the DOH requires an applicant to obtain a zoning clearance from the DPP. Until November 15, 2010, the DPP had not received or processed a zoning clearance to increase the number of care recipients in the existing ARCH or to establish a second ARCH on the site.

Mr. and Mrs. Gerry Kato
December 23, 2010
Page 2

On November 15, Mr. Wendell Pang submitted a zoning clearance form to the DPP for a new ARCH, Type II, for eight residents in the ground-floor dwelling unit. The zoning clearance form is a prerequisite for application for a State DOH license for an ARCH. Essentially, the DPP must confirm that the use is permitted on the site and/or zoning lot. Earlier, the DPP had processed building permit applications (Nos. 659177 and 647885) for plumbing work and renovations to the ground-floor dwelling unit. Each unit in the two-family detached structure is treated as a dwelling unit for LUO purposes, since only one dwelling has been licensed as an ARCH Type I.

The maximum number of care recipients allowed in an ARCH Type II facility would depend on the license the facility operator obtains from the DOH, based on compliance with its criteria. Again, if the number of residents in a single facility separately licensed by the DOH exceeds eight or if the two dwellings function as a single care facility, a CUP-M would be required. The DPP is required to conduct a public hearing as part of the CUP-M application process. However, by letter dated December 7, 2010, Mr. Pang indicated that the two ARCH facilities (existing and proposed) would be operated under a separate State license by a different company and operator. The DPP has informed Mr. Pang that the two facilities must be operated wholly independently of each other to meet the LUO definition of a family. Otherwise, a CUP-M would be required for the combined operation, i.e., a group living facility.

You comment that care homes in residential districts should, at a minimum, be spread out to prevent the conversion of communities to hospital zones. Proposed bills to establish a minimum separation distance were introduced in the State Legislature two to three years ago, but none have been passed. Current law specifically precludes the City and County from imposing a CUP and/or distance requirement that would essentially prohibit the use of a dwelling as an ARCH for eight or fewer residents.

I hope this information is useful. If you have any questions, please contact Elizabeth Chinn of our staff at 768-8021.

Very truly yours,



David K. Tanoue, Director
Department of Planning and Permitting

DKT:cs(384971)

cc: ssoshiro@yahoo.com

morikawa2 - Grant

From: DRJLAM@aol.com
Sent: Thursday, February 10, 2011 6:32 AM
To: HLTtestimony
Cc: iwc@hawaii.rr.com; Sen. Brian Taniguchi; akobayashi@honolulu.gov; Sen. Les Ihara, Jr.
Subject: Testimony in support of HB 65

HEARING DATE: Feb. 11, 2011

HEARING TIME: 9:00 a.m.

HEARING PLACE: Conf. Room 329, State Capitol, 415 South Beretania Street

PLEASE MAKE 12 COPIES

TO: Rep. Ryan I. Yamane, Chair
Rep. Dee Morikawa, Vice Chair
Rep. Della Au Belatti
Rep. Faye P. Hanohano
Rep. Jo Jordan
Rep. Chris Lee
Rep. John M. Mizumo
Rep. Jessica Wooley
Rep. Corinne W.L. Ching
Rep. Kymberly Marcos Pine

DATE: Feb. 9, 2011

RE: Testimony in Support of H.B. No. 65

Dear Chair Yamane, Vice Chair Morikawa and Committee Members:

I am writing testimony in support of HB65: Relating to Special Treatment Facilities.

I am a resident of Manoa Valley for the past 30 years. For ten years, we have been meeting to discuss the invasion of our residential neighborhoods with various facilities which include adult residential care homes, halfway houses, rehabilitation centers, expansion of churches, and establishment of new churches. We have personally met with our representative, senator, councilperson and the Director of Health.

The disruption of the character of our neighborhood has been altered greatly by 2 or 3 of these facilities adjacent to each other. Each facility brings its own unique problems which may include delinquency, noise, cigarette smoke, round the clock lighting, handivans, ambulances, changing of shifts, medical waste, traffic and parking problems, constant visitors, supply trucks, to name a few.

Specific examples of these intrusions include 1) the Church in Honolulu's plans to build a church and parking on 15,000 square feet of land near the Honolulu Christian Church, 2) the expansion of the Honolulu Christian Church to establish a large parking

lot on a residential lot at 2234 University Avenue on 11,000 square feet of land (the former residence of Barack Obama) , 3) the establishment of 3 adult residential care homes (housing 8 residents each) adjacent to one another at 2035 Kamehameha Avenue, 2039 Kamehameha Avenue and 2220 Mckinley Street run by the same owner, 4) the quiet expansion of an 8 bed adult residential care home on 2383 Beckwith Street into 13 beds, 5) the current construction of two 8 bed student dormitories (and parking) at 2289 Kamehameha Avenue on 15,000 square feet of land. Inmost cases, we have had no warning.

At present, we, single family home residents, feel the existing State laws 1) do not give the counties any power to regulate these facilities, 2) never alert the community to new developments arising at their back door, 3) have no provisions for input and public hearings about these new facilities, and 4) have no due process or input into the revoking of licenses of these facilities if they are not abiding by the letter of the law.

An example was the Hale Kipa youth facility on 3593 Loulu Street. For over 10 years, the teenagers terrorized residents and damaged their homes. Their was little the police could do. The homeowners there felt insecure and unsafe. There was little the residents could do. Countless meetings were held and Hale Kipa refused to participate. Finally, last year, at a standing room only meeting at Manoa Elementary School was the issue resolved. The facility was voluntarily closed by Hale Kipa.

Laws should be fair and written so that the people living in a quiet residential neighborhood have some input and ability to affect the licensure of these facilities. HB 65 is a start. It would not incur much cost as the new facility will be responsible for the education of the community. A public hearing would give the residents and the developer an opportunity to make a careful presentation of the positive and negative aspects of the new facility. The neighbors will not feel a new facility will secretly appear as soon as the Dept. of Planning and Permitting give their approvals.

Many of us will be happy to sit down with your Committee at your convenience to discuss any aspects of the legislation about which you may have concerns (e.g. the definition of a special treatment facility). Thanks you for giving me the opportunity to weigh in on this important issue which concerns all of our neighborhoods throughout the island.

Sincerely,

Jeremy Lam, M.D.
2230 Kamehameha Avenue
Honolulu, HI 96822
drjlam@aol.com
808-944-1400

morikawa2 - Grant

From: Nazo Shamal [nzshamal8@gmail.com]
Sent: Thursday, February 10, 2011 8:21 AM
To: HLTtestimony
Subject: HB65

Good Morning,

As a concerned community member I am AGAINST Isaac Choy's HB65. Not only do community members need to be safe so do individuals that need social services and special treatment facilities. We are all one people and need to be treated the same. The bill clearly creates a discriminatory atmosphere between those who require special services and those who do not.

Imagine getting older and developing Alzheimers and requiring a special treatment facility...and because of Isaac Choy's Bill which passed and then eventually became a law is now preventing you from getting appropriate care. Imagine developing Dementia...all of these mental health disorders require special treatment facilities and if we make it more difficult for these facilities to provide care, we ourselves lose out.

Please STOP HB65!!!

Sincerely,

Dr. Shamal

morikawa2 - Grant

From: Carl Hefner [hvc88images@yahoo.com]
Sent: Wednesday, February 09, 2011 10:24 PM
To: HLTtestimony
Subject: Testimony Supporting HB 65

HEARING DATE: Feb. 11, 2011
HEARING TIME: 9:00 a.m.
HEARING PLACE: Conf. Room 329, State Capitol, 415 South Beretania Street

PLEASE MAKE 12 COPIES

TO: Rep. Ryan I. Yamane, Chair
Rep. Dee Morikawa, Vice Chair
Rep. Della Au Belatti
Rep. Faye P. Hanohano
Rep. Jo Jordan
Rep. Chris Lee
Rep. John M. Mizumo
Rep. Jessica Wooley
Rep. Corinne W.L. Ching
Rep. Kymberly Marcos Pine

DATE: Feb. 9, 2011

RE: Testimony in Support of H.B. No. 65

Dear Chair Yamane, Vice Chair Morikawa and Committee Members:

Please record my testimony in complete support of HB 65 Relating to Special Treatment Facilities. I have lived in Manoa for over 30 years, and have served as the Neighborhood Security Watch Coordinator for the Loulu Street NSW since 2004.

HB 65 is a very important and much needed bill that we hope will help to preserve the safety and security of our neighborhoods.

In our experience in Manoa, we feel that it is extremely important that public approval be sought from residents within a 1-mile radius for the licensing of a new special treatment facility, or for renewal of such a license. We have seen the results of improper placement, and little monitoring or follow-up as required by State of Hawaii HRS Title 11 Chapter 98....and our neighborhood, as an example, has suffered for over 16 years the traumatic consequences of faulty placement and insufficient management of such a Special Treatment Facility.

Title 11 Chapter 98 is severely lacking in containing proper and adequate provisions for proper placement of Special Treatment Facilities, licensing (with little input from reporting of "sentinel events" & observations by the public), and especially proper professional monitoring.

We feel it is quite important that the law provide for holding non-profits contracted by the State of Hawaii responsible for fulfilling their obligation to operate safely, securely and without disturbing and threatening the social fabric of a neighborhood.

Instead our experience on Loulu Street has been complete and utter disruption of any sense of normality. In the 8 years I have lived on Loulu Street, I have personally witnessed, and documented a multitude of problems that the neighbors of the Special Treatment Facility located at 3593 Loulu Street (Hale Kipa) had to endure on a 24/7 basis, which resulted in a complete rift in any sense of safety and security for this neighborhood. In all my years in Manoa, I had never experienced anything so obtrusive and utterly disturbing, even though the good neighbors on this street attempted cope on a daily basis with the frightening situation that was so ever present in our neighborhood.

Poor choice of placement and poor management of this Special Treatment Facility led to:

- 1) A high volume of transient traffic of employees, residents and visitors coming and going at all hours of the day and night, racing to work, horns honking, car alarms going off, doors slamming, car radios blasting, and employees & teens smoking on the sidewalks, etc.)
- 2) Police, Paramedics, Fire Department, and State vehicles (Social Workers & Counselors) frequenting the facility in an attempt to intercede or at least curb inappropriate behavior such as arguments with staff, yelling and hitting other teens, screaming with rage, swearing, banging/slamming and breaking of objects in the house, in the garage and on the street. We also witnessed the Honolulu Police & Paramedics taking away teens for a variety of disturbing behaviors, such as punching, stabbing, vocally threatening other teens, and then treating medical issues resulting from a variety of injuries resulting from altercations, antisocial behavior and many other behavioral issues.
- 3) We witnessed residents with behavioral and mental health issues who would often leave the facility unattended, as it is NOT a lock-down facility, and wander our neighborhood, trespassing on our property, sometimes hiding from staff in our garages, climbing on our roofs, inflicting property damage, threatening suicides, and exhibiting aggressive verbal and physical behavior.

Most of the single family home residents that I have spoken with over the years (including the over 137 residents who signed a petition in 2007 requesting a relocation of Hale Kipa) feel the existing State laws are grossly lacking and especially when you consider the inadequate monitoring, lack of any community input on successful integration and re-licensing, and the weak enforcement of infractions which should affect the renewal of licensing of these Special Treatment Facilities.

Therefore, I strongly urge you to pass HB 65 and that your committee move this bill forward.

Sincerely,

Carl Hefner, PhD.

Loulu Street Neighborhood Security Watch, Coordinator Honolulu, HI 96822

hvc88images@yahoo.com

808-988-3828

morikawa2 - Grant

From: brookhartlaw@gmail.com on behalf of Brook Hart [hartlaw@hawaii.rr.com]
Sent: Wednesday, February 09, 2011 11:24 PM
To: HLTtestimony
Subject: Written Testimony Of Brook Hart In Support Of H.B. 65

Dear Members of the Hawaii House of Representatives Committee on Health:

This e-mail transmits my written testimony in strong support of H.B. No. 65, "relating to special treatment facilities," which was introduced by Representative Isaac Choy on January 20, 2011, and referred to the Committee on Health on January 24, 2011. A hearing on H.B. No. 65 is scheduled for 9 a.m. on Friday, February 11, 2011, in conference room 329 of the State Capitol.

H.B. No. 65 amends Part I of Chapter 321 of Hawaii Revised Statutes, by adding four new sections. The first section provides for public hearings on applications for special treatment facility licenses, and ensures that effective public notice of such hearings is received by community members. The second section provides an orderly procedure for community members to make written and verbal protests, and for applicants to address such protests. The third section provides, in effect, that if the majority of the community within one mile of the facility opposes the license, the license application will be denied. The fourth section provides that if an applicant fails to adhere to the applicant's plan to address community protests, a noticed public hearing will be held to determine whether to revoke or suspend the applicant's license.

Special treatment facilities -- such as facilities for juvenile delinquents, drug and alcohol treatment facilities, and adult residential care homes -- can cause serious problems in our neighborhoods, especially historic neighborhoods such as Manoa (where I reside). Those problems can include a high volume of transient traffic of facility employees, residents and visitors coming and going at all hours of the day and night, creating congestion and noise; police, paramedics, fire department vehicles and other government vehicles frequenting the facility; loud and disturbing communications between residents and others in and around the facility; threatening, dangerous and illegal behaviors by facility residents (including those who have criminal histories and/or who are mentally ill) wandering around the neighborhood; the health hazards created by medical waste in the streets; and decreased property values of real estate located near such facilities. H.B. No. 65 provides a fair and reasonable mechanism to help our communities effectively address these matters.

Thus, I urge all of the members of the Committee on Health to join me and many other Hawaii residents in supporting passage of that urgently needed legislation.

Sincerely,

Brook Hart

Law Offices of Brook Hart
333 Queen Street, Suite 610
Honolulu, Hawaii 96813
Telephone: 808-526-0811
Facsimile: 808-531-2677
Website: <http://www.hart-law.net>
Admitted to practice in Hawaii, California and New York

morikawa2 - Grant

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 11:12 PM
To: HLTtestimony
Cc: leiahi@me.com
Subject: Testimony for HB65 on 2/11/2011 9:00:00 AM

Testimony for HLT 2/11/2011 9:00:00 AM HB65

Conference room: 329
Testifier position: oppose
Testifier will be present: No
Submitted by: Linda Wong
Organization: Individual
Address: 3071 Pualei Circle HI
Phone: (808) 923-7484
E-mail: leiahi@me.com
Submitted on: 2/9/2011

Comments:

Drug and alcohol treatment facilities are drastically needed in our community. Especially for all the inmates that have been returned to the support of their families in Hawaii in lieu of Texas. We cannot afford to jail drug and alcohol addicts. Alcoholism was deemed a disease by the AMA in 1959. We must rehabilitate these addicts somewhere and 1 mile is too big a distance for no one wants a business in a residential area, much less their 'backyard'. The problems connected with these facilities is much overblown.

morikawa2 - Grant

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 10, 2011 5:48 AM
To: HLTtestimony
Cc: Witeckj001@hawaii.rr.com
Subject: Testimony for HB65 on 2/11/2011 9:00:00 AM

Testimony for HLT 2/11/2011 9:00:00 AM HB65

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: John Witeck
Organization: Individual
Address:
Phone:
E-mail: Witeckj001@hawaii.rr.com
Submitted on: 2/10/2011

Comments:

I am hoping you will pass this bill, to give neighborhoods some say in what is located in their area and some notice in advance that programs will be located there which may impact their neighborhood. A measure like this is long overdue. Mahalo for considering it--I hope you will give it your committee's approval.

February 9, 2011

TO: Representative Ryan Yamane, Chair
Members of the Committee on Health

SUBMITTED BY: Dori Tyau

**TESTIMONY OPPOSING HB 65 RELATING TO SPECIAL
TREATMENT FACILITIES**

As an individual who has lived in a community where emergency shelter and residential programs have existed, and as an employee of an organization that runs those programs, I am in opposition to HB 65.

One would think that with all that is happening in the world today, the need for us to come together as a community, as a state and as a nation, is even more imperative, yet the introduction of this bill has the exact opposite effect. I am appalled at how blatant the message is to push away those who are truly in need. What happened to our spirit of ohana? Does it only apply if you are someone who is not having a difficult time in your life?

Having been born and raised in Manoa Valley, my family and I have been members of this community for 45 years. Although there have been emergency shelter homes for teenagers all through my life in the valley, growing up I had no idea that these programs existed, two of them, literally minutes from my own home. When I started working at Hale Kipa, over 20 years ago, and learned that 4 of the shelters were in Manoa I remember feeling amazed and proud that the people of this valley would embrace our youth into the community. As I worked in these programs I came to understand the value and importance of providing a safe and nurturing environment that gave youth opportunities to be responsible and accountable for their behaviors, while they began a process of healing. This included learning how to be citizens of a community and what it meant to part of a neighborhood.

I have to admit, because of my ignorance and the rumors that I had heard growing up I thought Hale Kipa was a place for "bad kids." I quickly discovered that these perceptions were inaccurate. These weren't "bad

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kids.” Most were kids who had come from unfortunate circumstances, and yes it meant that many did not know how to deal appropriately with their emotional and behavioral issues. What did that mean to me? It meant that I had come to a realization that not everyone is fortunate enough to have the family that I had growing up. In turn, it helped me understand with such clarity, why this work, including where and how we do it, is so important.

My parents have instilled in me, values of integrity, honesty, inclusiveness and helping others. That is why it is so hard for me to comprehend how this bill will do any good. The barriers that it creates for organizations that share the value of helping those in need are unreasonable. They are costly and time consuming in an environment where resources are limited to begin with. Organizations already have to go through a rigorous process on a variety of levels to open a program and at minimum, on an annual basis. It is obvious that the goal is to keep particular programs out of residential neighborhoods by making it so difficult for these organizations to apply for a license as well as have an existing license renewed. What is the alternative? Has anyone thought about where these programs are going to go? It appears very shortsighted and only seems to address the needs of one group of individuals, those who don't want these services provided, or maybe they do, but just not in their neighborhoods.

I humbly ask you, Members of the Committee on Health, to stop and take a moment to think about what this bill will really do. Is this really how we want organizations to use precious dollars, by going through such an onerous and costly process? Is this truly where we want energy spent? What if it were your child, or your relative who needed this type of program? Where would you want that program to be? I bring you back to the question I asked early on. What happened to the spirit of ohana? Instead of trying to figure out how to exclude these programs and services from communities, why not spend the energy, time and money working out ways that we as a community can support each other?

Thank you for the opportunity to provide my testimony.

February 10, 2011

The House Committee on Health
The Honorable Ryan Yamane, Chair
Public Hearing
State Capitol, Room 329

RE: House Bill No. 65 – in opposition

Chair Yamane and members of the House Committee on Health:

My name is Donald Koelper. For the record, I worked as a legislative analyst in the House of Representatives from 1997 to 2004, and I am currently a grant writer / consultant who has worked with Hale Kipa, Inc. in the past. That said, the views that are expressed by me today are wholly my own, and not necessarily those of any current or former member of the legislature, my own professional associates, or the good folks at Hale Kipa.

I'm here before you today to speak from my heart, in opposition against House Bill No. 65, Relating to Special Treatment Facilities. This is, in my humble opinion, an overly broad measure which holds great potential to undermine a good many existing health care and treatment facilities that are presently serving the public good.

As written, HB 65 would require the Department of Health, upon its receipt of an application for either a new license of a proposed facility or the license renewal of an existing facility, to conduct a public hearing, solely at the applicant's expense, regarding the prospective approval or renewal of said license, and confer veto authority over that licensure upon those persons who reside, own property or work within an immediate one mile radius of a given facility's location.

I'm fully aware that the proponents of this measure appear to have had a specific target in mind. Frankly, if our legislature wants to court a lawsuit against the State of Hawaii by being a party to this sort of punitive nonsense, that's its call. I'm sure that this measure's intended target – which has been around since 1970 – is fully capable of defending its organizational interests, as well as the inherent right of its youthful charges to not be further marginalized publicly by the expressed social prejudices of select residents in a relatively affluent community.

Regarding a working definition for "special treatment facility," well, there is none - at least, none that I could find in Chapter 321, Hawaii Revised Statutes. Nor does HB 65 seek to provide one. Therefore, I ask committee members to give serious thought to the potential collateral damage that this measure could inflict upon other facilities to which this term might be applicable.

Truth be told, most of the services provided by this measure's intended target fall under the purview of the Department of Human Services, not the Department of Health. However, we do have a significant number of adult residential care homes in neighborhoods and communities throughout these islands, along with hospices, residential treatment centers and halfway houses. Do you really want to give statutory ammunition to each and every disgruntled neighbor or

resident to challenge the very existence of such necessary facilities in their communities, regardless of reason or rationale?

From a practical standpoint, how can these facilities possibly plan for the future, knowing that their very existence as a business can be threatened each time their licensure is up for renewal, and thus potentially operating at the mercy of a militant majority which may or may not be acting upon accurate information regarding facility operations or clientele?

It's the inherent responsibility of government – not the general public – to license such facilities and ensure that they are operating in compliance with all applicable statutory regulations and administrative rules. While steps can and should be taken to ensure that public input is fully considered as part of any licensure and permitting process, I fail to see any greater public good that will be served by conferring undue authority to deny a license upon those members of the public who so happen to live and work within the immediate vicinity of a given facility.

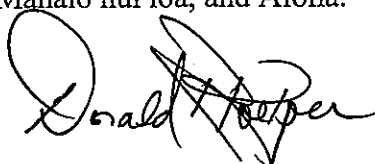
From my standpoint as a former legislative staffer, and call me idealistic and naïve if you must, I've always been at a loss to comprehend the social advantages to be gained by pandering to the least common denominator in our society – that is, our darkest fears and worst instincts – rather than appealing to our greatest common multiple, which comprises our hopes, our dreams, our understanding and empathy.

The late Hubert Humphrey, in his farewell address to his U.S. Senate colleagues in November 1977 as he fast approached the sunset of his own life, reminded us that “the true moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadows of life; the sick, the needy and the handicapped.”

Therefore, I urge not only the members of this committee, but also each of us who are here today for whatever our reason, to heed Sen. Humphrey's prescient admonition to us to both recognize and acknowledge the inherent human dignity of our society's less fortunate – our poor and indigent, our elderly, our ill and infirm, our at-risk youth, and those family members, friends and acquaintances of ours who face the sort of physical, mental and emotional challenges which would prove daunting to even the best of us.

I humbly request that the members of the House Committee on Health vote to hold House Bill No. 65 in committee.

Mahalo nui loa, and Aloha.



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