



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

H.C.R. NO. 111, REQUESTING THE ATTORNEY GENERAL TO ESTABLISH A TASK FORCE TO STUDY THE FEASIBILITY OF THE COUNTIES ADOPTING RULES THAT REGULATE CLEAN AND SOBER HOUSING AND COMPLY WITH FEDERAL AND STATE LAWS.

BEFORE THE:

HOUSE COMMITTEES ON HUMAN SERVICES AND ON HEALTH

DATE: Thursday, March 22, 2012 **TIME:** 10:30 a.m.
LOCATION: State Capitol, Room 329
TESTIFIER(S): David M. Louie, Attorney General, or
Andrea J. Armitage, Deputy Attorney General

Chairs Mizuno and Yamane and Members of the Committees:

The Attorney General provides the following comments.

This concurrent resolution requests the Attorney General to establish a task force, chaired by the Attorney General or the Attorney General's designee, which would study the feasibility of the counties' adopting rules that regulate clean and sober housing and comply with federal and state laws.

The resolution uses the term "clean and sober housing," and it is unclear whether it is only referring to "clean and sober homes" as defined in section 46-4(f), Hawaii Revised Statutes, or whether it is meant as a generic term to encompass "clean and sober homes" as well as "halfway houses," which are also defined in section 46-4(f). They are defined differently and as follows:

"Clean and sober home" means a house that is operated pursuant to a program designed to provide a stable environment of clean and sober living conditions to sustain recovery and that is shared by unrelated adult persons who:

- (1) Are recovering from substance abuse;
- (2) Share household expenses; and
- (3) Do not require twenty-four-hour supervision, rehabilitation, or therapeutic services or care in the home or on the premises;

"Halfway house" means a group living facility for people who:

- (1) Have been released or are under supervised release from a correctional facility;
- (2) Have been released from a mental health treatment facility; or

(3) Are receiving substance abuse or sex offender treatment; and are housed to participate in programs that help them readjust to living in the community.

It would be helpful to clarify the scope of the task force to include both types of housing if that is the Legislature's intent.

The list of participants in the task force should be modified for it to be most effective. Since the purpose of the task force is to determine the feasibility of the counties' adopting rules to regulate clean and sober housing, it appears that it would be imperative to have representatives of all four counties present, not just the City and County of Honolulu. We recommend that a representative of the Hawaii Paroling Authority of the Department of Public Safety, be included in the list of participants because that department is responsible for the referrals for the majority of residents of clean and sober housing.

It is not clear as written whether the "[t]wo representatives from the Oahu neighborhood boards" means two people to represent all of the Oahu neighborhood boards, or two representatives from each Oahu neighborhood board. We believe this should be clarified.

Finally, one member of the task force is described as a "manager of a well-operated clean and sober home." However, because this is a subjective criterion, we recommend that the resolution state who is to determine who this member would be and by what standards this determination is to be made.