

SCR 102



HAWAII SUBSTANCE ABUSE COALITION

SCR102 REQUESTING ATTORNEY GENERAL TO CONVINCE TASK FORCE FOR COUNTIES TO ADOPT RULES FOR CLEAN AND SOBER HOUSING.

- SENATE COMMITTEE ON JUDICIARY AND LABOR
 - Senator Clayton Hee, Chair
 - Senator Maile Shimabukuro, Vice Chair
- April 11, 2012, 10:30 a.m.
- Conference Room 016

HAWAII SUBSTANCE ABUSE COALITION (HSAC) Supports SCR102:

Aloha Senator Hee, Chair; Senator Shimabukuroi, Vice Chair; and Distinguished Committee Members. My name is Alan Johnson, Chair of the Hawaii Substance Abuse Coalition, a hui of about 20 treatment and prevention agencies across the state.

SUMMARY

Since the vast majority of clean and sober homes are independent owners who have a landlord-tenant relationship and no state funding, the appropriate regulating body would be the county.

The primary issues is that some of the owners/lessors violate their county land use permits by overcrowding, which results in noise and parking complaints from neighbors. Despite house rules, the tenants generally govern themselves such that the housing is considered independent living – that is; there is no program that could involve state oversight. Since alcoholism and past illicit drug use are considered disabilities, they are subject to protection laws under the Federal Fair Housing, the Rehabilitation Act and the Americans with Disabilities Act. A task force would consider how to ensure compliance to regulations without using restrictions that are discriminatory.

Community Problems

The problem to the community is that because clean and sober houses are generally independent living and operated by a democratic process by the residents, some homes are not always well regulated with respect to traffic, parking and noise. It's a problem to accredited healthcare providers too because they are required to obtain a license to operate "managed" therapeutic living homes but neighborhoods are reluctant to approve them given their negative experience with unpopular clean and sober houses. Compounding the issue is that independent living for those with disabilities are protected by Federal law. Many communities throughout the nation have been frustrated with lack of accountability and have enacted regulations only to see them struck down in court.

In 2002, for example, Florida passed an ordinance that enacted regulations on sober houses prompting the ACLU to sue for discrimination, which resulted in payments for more than \$600,000 to sober-house operators.¹

While clean and sober houses have been around in Hawaii for several decades, there is a surge of many new rentals because 1) treatment agencies are encouraging self-help/ supportive living; 2) there are a growing number – in the thousands - of recovering individuals now reentering communities each year; and 3) landlords are assured of long term tenancy and profitability.

Recent surveys from several states indicate that the clear majority of people are in favor of clean and sober houses. Further, the well-run clean and sober housing organizations, such as Oxford House, are considered good neighbors after they are established for at least a year.² As more and more recovering individuals seek independent living in a supportive environment as a means to transition to drug-free living, we can expect many more sober living housing in the very near future.

While many sober houses are well-run, the poorly-run have a greater impact to the community, often resulting in NIMBY (Not In My Back Yard) issues to problem-free clean and sober housing.

Conclusion:

A clean and sober house that is self-run, self-supported, disciplined practice of rules and regulations helps to bring hope to those in recovery who have suffered from addiction. Well run self-help housing is a positive contribution to community. Poorly-run self-help housing creates negative community relations. It's important to enact regulations that would not be challenged and possibly lost in court. We recommend a task force, which could evaluate the problem from a community, legal, healthcare and disability perspective.

We appreciate the opportunity to testify and are available for testimony.

References:

1) Matt Snyders, Sobriety Check: Neighbors turn to St. Paul City Council to provide more oversight on sober homes, Minneapolis News, October 08, 2007

2) Journal of Prevention & Intervention in the Community (The Hayworth Press), This Is My Neighborhood: Comparing United States and Australian Oxford House Neighborhoods Vol. 31, No. 1/2, 2006, pp 41-49