

JAN 23 2014

A BILL FOR AN ACT

RELATING TO COUNTY ZONING FOR GROUP LIVING FACILITIES.

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

1 SECTION 1. The legislature finds that counties are not
2 allowed under existing law to prohibit state-licensed group
3 living facilities if these facilities otherwise meet all
4 applicable county requirements, including building code
5 provisions.

6 The legislature further finds that some group living
7 facilities situated close together have placed unreasonable
8 hardship on residents of neighborhoods, including traffic safety
9 and congestion, disruption of commercial deliveries, and
10 elevated noise levels.

11 The purpose of this Act is to clarify county zoning
12 authority concerning group living facilities.

13 SECTION 2. Section 46-4, Hawaii Revised Statutes, is
14 amended by amending subsection (d) to read as follows:

15 "(d) Neither this section nor any other law, county
16 ordinance, or rule shall prohibit group living in facilities
17 with eight or fewer residents and that are licensed by the State
18 as provided for under section 321-15.6, or in an intermediate



1 care facility for individuals with intellectual disabilities in
2 the community for persons, including mentally ill, elder,
3 disabled, developmentally disabled, or totally disabled persons,
4 who are not related to the home operator or facility staff;
5 provided that those group living facilities meet all applicable
6 county requirements not inconsistent with the intent of this
7 subsection and including building height, setback, maximum lot
8 coverage, parking, [~~and~~] floor area requirements[-], traffic
9 safety and congestion, geographic separation, noise levels, and
10 commercial deliveries."

11 SECTION 3. Section 46-4, Hawaii Revised Statutes, is
12 amended by amending subsection (f) to read as follows:

13 "(f) For purposes of this section:

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

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



1 provided that the home shall meet all applicable laws, codes,
2 and rules of the counties and State.

3 "Developmentally disabled person" means a person suffering
4 from developmental disabilities as defined under section 333F-1.

5 "Disabled person" means a person with a disability as
6 defined under section 515-2.

7 "Drug rehabilitation home" means:

- 8 (1) A residential treatment facility that provides a
9 therapeutic residential program for care, diagnosis,
10 treatment, or rehabilitation for socially or
11 emotionally distressed persons, mentally ill persons,
12 persons suffering from substance abuse, and
13 developmentally disabled persons; or
- 14 (2) A supervised living arrangement that provides mental
15 health services, substance abuse services, or
16 supportive services for individuals or families who do
17 not need the structure of a special treatment facility
18 and are transitioning to independent living;

19 provided that drug rehabilitation homes shall not include
20 halfway houses or clean and sober homes.

21 "Elder" means an elder as defined under section 356D-1.



1 "Geographic separation" means a distance of at least two
2 thousand feet.

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

5 (1) Have been released or are under supervised release
6 from a correctional facility;

7 (2) Have been released from a mental health treatment
8 facility; or

9 (3) Are receiving substance abuse or sex offender
10 treatment; and

11 are housed to participate in programs that help them readjust to
12 living in the community.

13 "Intermediate care facility for individuals with
14 intellectual disabilities in the community" means an
15 identifiable unit providing residence and care for eight or
16 fewer individuals with intellectual disabilities. Its primary
17 purpose is the provision of health, social, and rehabilitation
18 services to the individuals with intellectual disabilities
19 through an individually designed active treatment program for
20 each resident. No person who is predominantly confined to bed
21 shall be admitted as a resident of such a facility.



S.B. NO. 2921

1 "Mental health treatment facility" means a psychiatric
2 facility or special treatment facility as defined under section
3 334-1.

4 "Mentally ill person" has the same meaning as defined under
5 section 334-1.

6 "Totally disabled person" means a "person totally disabled"
7 as defined under section 235-1.

8 "Treatment program" means a "substance abuse program" or
9 "treatment program", as those terms are defined under section
10 353G-2."

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

14

INTRODUCED BY: *Frizanne Chun Auckland*



S.B. NO. 2921

Report Title:

Counties; Zoning; Group Living Homes

Description:

Authorizes counties to require group living facilities to meet zoning requirements regarding traffic safety and congestion, elevated noise levels, and commercial deliveries. Defines geographic separation as at least 2,000 feet.

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

