

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

In reply, please refer to:  
File:

**Senate Committee on Ways and Means**

**H.B. 2224 SD1, Group Homes**

**Comments of Linda Rosen, M.D., M.P.H.**  
**Director of Health**

**March 28, 2014**

1 **Department's Position:** The Department of Health (DOH) supports passage of this measure as  
2 amended, provided that its passage does not replace or adversely impact priorities indicated in our  
3 Executive Supplemental Budget Request.

4 **Fiscal Implications:** An estimated \$534,407 in general funds, to be expended by the Department of  
5 Health in Fiscal Year 2014-2015, will be required for staffing and operating costs to plan, establish and  
6 operate the registry of clean and sober homes. (The cost of space rental is not included in the budget  
7 estimate.)

8 **Purpose and Justification:** This measure will establish a registry for clean and sober homes within the  
9 Department of Health, appropriate funds to staff and operate the registry, and amend the county zoning  
10 statute to better align functions of State and county jurisdictions and comply with federal law.

11 Clean and sober homes, which are located in communities throughout the state, provide housing  
12 for those suffering from substance abuse, including those who may have co-occurring mental health  
13 issues, as they transition from the treatment setting to life in the community. These homes provide a  
14 means for persons to return to the community without the rigid structure of a therapeutic living program  
15 which requires licensure. The support of a home environment fulfills a need for those who are dealing  
16 with the stressors of reintegrating back into the community while maintaining sobriety.

1 Stable housing is a critical component in the continuum of substance abuse treatment and  
2 recovery. Data for Fiscal Year 2012-13 show that approximately 17.0 percent of clients served by the  
3 Alcohol and Drug Abuse Division contracted providers did not have stable housing at admission. At  
4 discharge and follow-up, unstable housing status was reduced to 14.3 percent and 6.6 percent,  
5 respectively.

6 While individuals in recovery benefit from these homes, neighboring residents have also  
7 expressed concerns over the location and operation of such homes in their neighborhoods. In response  
8 to these concerns, the Clean and Sober Homes and Halfway Houses Task Force was convened by the  
9 Director of Health to explore ways to ensure that these homes are properly monitored and accountable  
10 for meeting occupancy, zoning and permitting requirements and quality standards.

11 This measure is a product of a two-year process during which the knowledge and expertise of  
12 public (i.e., State and County) as well as private agencies' perspectives were elicited. Enactment of this  
13 measure will help residents to access a stable, alcohol- and drug free home-like living environment in  
14 residences that are in compliance with federal, state and county requirements and minimum quality  
15 standards. The proposed registry will provide a more formalized means for agencies to refer clients to  
16 alcohol- and drug-free housing which benefits clients of DOH behavioral health programs, as well as  
17 clients enrolled in Department of Human Services programs that assist the homeless.

18 We respectfully recommend that this measure be approved as amended.

19 Thank you for the opportunity to testify on this measure.  
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HAWAII SUBSTANCE ABUSE COALITION

## **HB2224 HD2 Group Homes: Registry for Clean and Sober Homes**

- COMMITTEE ON WAYS AND MEANS: Senator Ige, Chair; Senator Kidani, Vice Chair
- Friday, March 28, 2014; 9:30 a.m.
- Conference Room 211

## **HAWAII SUBSTANCE ABUSE COALITION Supports HB2224 HD2 SD1**

*Good Morning Chair Ige, Vice Chair Kidani, and Distinguished Committee Members. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide group of more than twenty non-profit treatment and prevention agencies.*

**For the last 2 years, a multi-department task force has met to determine appropriate legislation to monitor clean and sober housing that doesn't violate the complex federal and state laws pertaining to such housing:**

There are complex Fair Housing Act and ADA laws to protect individuals with disabilities such as alcoholics as well as individuals who are currently drug free and are involved in continuing professional rehabilitation and mentoring programs. Clean and Sober homes are protected because people recovering from addiction are "disabled" and the homes are independently operated.

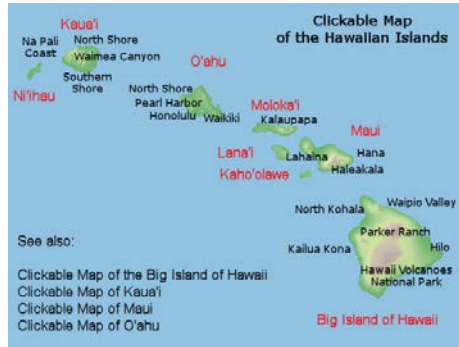
**Federal precedence has created increasingly protective measures to safeguard equal access to housing for people with disabilities.**

**Hawaii has attempted to legislate monitoring of clean and sober homes for almost a decade without success because of the complex federal regulations that prohibit many legislative actions. Many communities throughout the nation have been frustrated with lack of accountability and have enacted regulations only to see them struck down in Federal court.**

**The task force is proposing legislation for clean and sober housing this session that does not violate federal law and yet establishes criteria to monitor performance:**

1. Laws and definitions are changed to comply with federal laws thus clearly defining and ensuring federal protections are specifically applied only to housing that is subject to ADA and Federal Housing Act regulations.
2. The Department of Health will establish a registry that will:
  - a. Help clean and sober housing facilities obtain proper county permits and meet all zoning requirements.
  - b. Train registered clean and sober operators on policies and procedures for good management, including good neighbor practices.

- c. Respond and enforce compliance for registered houses.
- d. Provide a list to referring agencies that they refer to registered homes.



**The task force, led by members from both the Senate and House, had wide spread representation and was most active with large attendance for the entire two years:**

Sen. Espero, Sen. Tokuda Rep. Carroll, Rep. Jordan Other Sen. and Rep. leadership offices.	Deputy Attorney General Department of Health County Planning and Zoning from every County Public Safety and Parole Adult Client Services	Substance Abuse Treatment Clean and Sober Houses Homeless agencies Halfway House agency Community
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**Summary:**

The task force recognizes that there are complex federal and state laws that support clean and sober housing arrangements because of civil rights and that they are a cost effective and valuable means to transition recovering individuals back into their chosen communities; however, quality and compliance would improve if government could establish and monitor performance criteria. We believe that this legislation proposed this session would accomplish this objective.

**We appreciate the opportunity to provide testimony and are available for questions.**