

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

In reply, please refer to:
File:

House Committee on Finance

H.B. 2224 HD2, Group Homes

**Testimony of Lynn N. Fallin
Deputy Director, Behavioral Health Administration**

February 25, 2014

1 **Department's Position:** The Department of Health (DOH) supports passage of this measure as
2 amended, which will afford a balance between concerns of community members and the concerns of
3 those requiring the support of alcohol- and drug-free group homes, provided that its passage does not
4 replace or adversely impact priorities indicated in our Executive Supplemental Budget Request.

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

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

12 Clean and sober homes, which are located in communities throughout the state, provide housing
13 for those suffering from substance abuse, including those who may have co-occurring mental health
14 issues, as they transition from the treatment setting to life in the community. These homes provide a
15 means for persons to return to the community without the rigid structure of a therapeutic living program

1 which requires licensure. The support of a home environment fulfills a need for those who are dealing
2 with the stressors of reintegrating back into the community while maintaining sobriety.

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

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

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

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

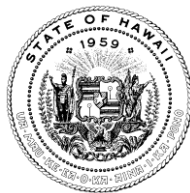
21 Thank you for the opportunity to testify on this measure.

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NEIL ABERCROMBIE
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PRESENTATION OF THE
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TO THE COMMITTEE ON FINANCE

THE TWENTY-SEVENTH
REGULAR SESSION OF 2014

FEBRUARY 25, 2014
2:00 PM

TESTIMONY IN SUPPORT, OF H. B. 2224, H. D. 2, RELATING TO GROUP HOMES.

TO THE HONORABLE SYLVIA LUKE, CHAIR,
AND TO THE HONORABLE SCOTT Y. NISHIMOTO, VICE CHAIR,
AND TO THE HONORABLE AARON LING JOHANSON, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs, Office of Consumer Protection ("OCP") appreciates the opportunity to appear today and testify in support of H.B. 2224, H.D. 2, Relating to Group Homes. My name is Bruce B. Kim and I am the Executive Director of OCP.

OCP notes that OCP and the Department of Health worked together to agree to amendments deleting the exemption for group homes under the Hawai'i Residential Landlord-Tenant Code ("Code") Chapter 521, Hawaii Revised Statutes as reflected in H.D. 2.

The Code currently defines the word “tenant” as “. . . any person who occupies a dwelling unit for dwelling purposes under a rental agreement”. HRS § 521-8.

OCP understands and believes that residents of group homes pay security deposits and monthly rent during the term of their residence at the group home just like any other residential tenant in the State of Hawai`i. These homes may include residences and apartments owned or operated by private individuals or entities. Currently the tenants of these homes enjoy the protections afforded to any tenant under the Code.

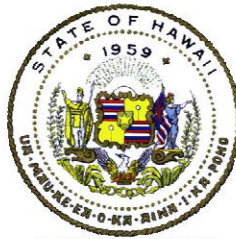
The Code provides important due process protections to tenants, including:

- 1) Return of tenant’s security deposit. HRS § 521-44(c).
- 2) Return of tenant’s pro rata share of unearned rent. HRS § 521-66.
- 3) Disposition of a tenant’s abandoned possessions. HRS § 521-56.

The Code affords many other protections to both landlords and tenants. As the committee report to H.D. 2 notes, the Code, “provides important protections for landlords and tenants that should apply to clean and sober homes.”

OCP believes that H.D. 2 as amended by the House Consumer Protection and Commerce Committee retains all of the positive improvements to the clean and sober program and OCP supports those important initiatives.

Thank you for allowing me to testify today. If any members of the committee have any questions, I would be happy to answer them.



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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Max Otani
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No. _____

TESTIMONY ON HOUSE BILL (HB) 2224 HOUSE DRAFT (HD) 2
A BILL FOR AN ACT RELATING TO
GROUP HOMES

by
Ted Sakai, Director
Department of Public Safety

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair
Representative Aaron Ling Johanson, Vice Chair

Tuesday, February 25, 2014, 2:00PM
State Capitol, Conference Room 308

Chair Luke, Vice Chairs Nishimoto and Johanson, and Members of the Committee:

The Department of Public Safety (PSD) **supports** HB 2224 HD2. Clean and sober homes are a vital resource for individuals coming out of substance abuse treatment.

There have been reports from substance abuse treatment programs which indicate that individuals do better when they go to a clean and sober home after residential substance abuse treatment, instead of going directly home or back into the community.

Many offenders utilize substance abuse treatment at some point during their time under criminal justice supervision, and benefit from using clean and sober homes as a transition into independent living. Some offenders from PSD have been released directly to clean and sober homes from incarceration. These

offenders usually participate in substance abuse treatment while incarcerated, so are similar to individuals who enter these homes from a substance abuse treatment program.

HB2224 HD2 will have several benefits to our offenders. It creates standards in an unregulated industry. These standards will increase the quality of service provided by the operators of these clean and sober homes. Standards provide guidance to the operators on what is expected of them in how they conduct business. It will also give the consumers a framework on what to expect from these services.

A registry will create a central repository of information about the clean and sober homes, which will give the Department access to more accurate and timely information about the clean and sober homes, thereby, allowing Department staff to operate more efficiently.

HB2224 HD2 will also create an avenue to file a complaint, and a mechanism to respond to the complaint. Both consumers and the community will benefit from this.

Thank you for the opportunity to testify on this bill.



HAWAII SUBSTANCE ABUSE COALITION

HB2224 HD2 Group Homes: Registry for Clean and Sober Homes

- COMMITTEE ON FINANCE: Representative Luke, Chair; Representative Nishimoto, Vice Chair; Representative Ling Johanson, Vice Chair
- Monday, Feb. 25, 2014; 2:00 p.m.
- Conference Room 308

HAWAII SUBSTANCE ABUSE COALITION Supports HB2224 HD2

Good Morning Chair Luke, Vice Chair Nishimoto, Vice Chair Ling Johanson, 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 meet to determine appropriate legislation to address effective use of the complex federal and state laws pertaining to clean and sober 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

Summary:

The task force recognizes that there are complex federal and state laws that support clean and sober housing arrangements because 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.