



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

In reply, please refer to:  
File:

## House Committee on Health

### H.B. 2224, Group Homes

#### Testimony of Gary L. Gill Acting Director of Health

January 31, 2014

1 **Department's Position:** The Department of Health (DOH) supports passage of this measure, which  
2 will afford a balance between concerns of community members and the concerns of those requiring the  
3 support of alcohol- and drug-free group homes, provided that its passage does not replace or adversely  
4 impact priorities indicated in our Executive Supplemental Budget Request. We defer to the Department  
5 of Commerce and Consumer Affairs on the proposed amendment of Section 521-7, Hawaii Revised  
6 Statutes, relating to exclusions from residential landlord-tenant code provisions.

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

11 **Purpose and Justification:** This measure will establish a registry for clean and sober homes within the  
12 Department of Health, amend the county zoning statute to better align functions of State and county  
13 jurisdictions and comply with federal law, and exclude clean and sober homes from the residential  
14 landlord-tenant code.

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

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

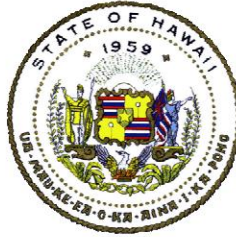
12 While individuals in recovery benefit from these homes, neighboring residents have also  
13 expressed concerns over the location and operation of such homes in their neighborhoods. In response  
14 to these concerns, the Clean and Sober Homes and Halfway Houses Task Force was convened by the  
15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

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

24 We respectfully recommend that this measure be approved as introduced.

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

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Blvd. 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813

TED SAKAI  
DIRECTOR

**Martha Torney**  
Deputy Director of  
Administration

**Max Otani**  
Deputy Director  
Corrections

**Shawn Tsuha**  
Deputy Director  
Law Enforcement

**LATE**

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL (HB) 2224  
A BILL FOR AN ACT RELATING TO  
GROUP HOMES  
by  
Ted Sakai, Director  
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Della Au Belatti, Chair  
Senator Dee Morikawa, Vice Chair

Friday, January 31, 2014, 8:30 a.m.  
State Capitol, Conference Room 329

Chair Belatti, Vice Chair Morikawa, and Members of the Committee:

The Department of Public Safety (PSD) **supports** HB 2224. 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 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 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.

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honolulu.dpp.org](http://www.honolulu.dpp.org) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

KIRK CALDWELL  
MAYOR



GEORGE I. ATTA, FAICP  
DIRECTOR

ARTHUR D. CHALLACOMBE  
DEPUTY DIRECTOR

January 31, 2014

The Honorable Della Au Belatti, Chair  
and Members of the Committee on Health  
State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Belatti and Committee Members:

**Subject: House Bill No. 2224  
Relating to Group Homes**

The Department of Planning and Permitting (DPP) **supports** House Bill No. 2224, which establishes a formal registry for clean and sober homes that will be administered by the State of Hawaii Department of Health. Through the administration of this registry, procedures and standards will be established regarding the organization and operation of registered clean and sober homes, their fiscal management and recovery support standards, property standards, and good neighbor policies.

Once registered, clean and sober homes with no more than eight residents, in addition to a resident manager, can then be treated as a "family" for purposes of the various county zoning codes, and the use considered a permitted "dwelling unit" in areas zoned for residential uses. This is the same opportunity already mandated by Chapter 46-4(d), HRS, and enjoyed by group homes involving adult residential care, skilled nursing, special treatment, and similar facilities that are licensed and/or monitored by the State and involve up to eight care residents. Group homes involving more than eight care residents are, and will continue to be, treated as group living facilities, which require an approved conditional use permit by the county planning departments. By providing this same opportunity for clean and sober homes, we will be ensuring equal treatment under the law, as required by the federal Fair Housing Act.

The community also will benefit from the establishment of this registry, the administration of which will provide ongoing assurances as to the quality of the operation of registered clean and sober homes, as well as a direct resource for related complaints.

The Bill also removes from Section 46-4, HRS, numerous references and definitions for terms that are defined in other relevant statutes, and have no direct bearing on county zoning. Retaining these various definitions in Section 46-4, HRS, only contributes to confusion concerning the appropriate regulatory jurisdiction.

The Honorable Della Au Belatti, Chair  
and Members of the Committee on Health  
State House of Representatives  
Hawaii State Capitol  
Re: House Bill No. 2224  
January 31, 2014  
Page 2

The DPP actively participated over the past two years as a member of the Clean and Sober Homes and Halfway Houses Task Force, which adopted findings and recommendations that are now contained in the Bill. We would like to extend our compliments to the State Department of Health for its leadership of this Task Force, as well as to all of the various agencies and individual members for developing these reasonable, practicable, and worthy proposals.

Thank you for this opportunity to communicate our strong support of House Bill No. 2224.

Very truly yours,

A handwritten signature in blue ink that reads "George I. Atta". The signature is written in a cursive style with a large initial "G".

George I. Atta, FAICP  
Director

GIA:cl  
HB2224-jp

William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
PLANNING DEPARTMENT

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

**LATE**

January 30, 2014

The Honorable Representative Au Belatti, Chair, Representative Morikawa, Vice-Chair  
and Members of the House of Representatives Committee on Health  
Hawai'i State Capitol  
415 South Beretenia Street  
Honolulu, Hawai'i 96813

Dear Chair Au Belatti, Vice-Chair Morikawa and Representatives:

**Re: HB 2224, Relating to Group Homes  
Testimony in Support  
Duane Kanuha, Director of the Hawai'i County Planning Department**

Thank you for this opportunity to provide written testimony in support of House Bill 2224.

Over the last two years, the Hawai'i County Planning Department has participated in task force meetings involving other counties and agencies, that were chaired by the State Department of Health discussing the subject of Clean and Sober Homes and revisions as proposed in Bill 2224.

Among other amendments, this Bill proposes revisions to Hawai'i Revised Statute (HRS), Section 46-4 County zoning. These revisions provide further clarification and guidance for the counties on the definition of Group Living facilities. It also removes terms and definitions which are no longer needed or more appropriately defined in other sections of the HRS.

I respectfully support passage of HB 2224.

Sincerely,

DUANE KANUHA  
Planning Director, County of Hawai'i Planning Department

SG:rl



HAWAII SUBSTANCE ABUSE COALITION

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

- COMMITTEE ON HEALTH: Representative Dell Au Belatti, Chair; Representative Dee Morikawa, Vice Chair
- Friday, Jan.31, 2014; 8:30 a.m.
- Conference Room 329

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

*Good Morning Chair Belatti, Chair Morikawa, and Distinguished Committee Members. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide hui 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. Federal precedence has created increasingly protective measures to safeguard equal access to housing for people with disabilities, including changes in rules, and policies or procedures to access housing or housing-related services.

### **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 included:

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

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.

January 29, 2014

Committee Health  
House of Representatives  
Regular Session of 2014

Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair

Committee Representatives: Carroll, Creagan, Hashem, Jordan,  
Kobayashi, Oshiro, Woodson, Matsumoto

**Relating to Group Homes HB 224**

Aloha Chair Belatti, Vice Chair Morikawa and Committee Members on Health:

My letter is in support to House Bill 224 – Regarding to Group Homes establishes a registry for clean and sober homes within the department of health; appropriates funds; amends the county zoning statute to better align functions of state and county jurisdictions to comply with federal law; and excludes clean and sober homes from the residential landlord-tenant code.

As the Planning and Zoning Chair for the Nanakuli-Mailii Neighborhood Board No. 36, my name is Patty Kahanamoku Teruya, we had discuss several concerns of clean and sober homes in our community. As mentioned concerns are that many clean and sober homes is established in our area without proper notification and some homes are out of controlled. The State and City must establish a registry and to also keep them accountable whenever grants and appropriate funds are distributed to their programs. Accountability is very important when receiving funds, grants and also the amount of clients within the home structure. As it was mentioned that parking has seemed to be a big problem in a residential area whenever a clean and sober home is established. Notification to the adjacent Neighborhood Boards should also be granted in this bill of proper notification to the community.

I would like to thank our Representative Jo Jordan for the continue updates provided to our neighborhood board meetings regarding this HB 224 and the Clean and Sober Task Committee meetings.

I urge the Committee for your support and thank you very much for keeping our communities in a safer zone.

Mahalo nui loa for your kako'o.

*Patty K. Teruya*

Patty Kahanamoku Teruya  
Nanakuli-Mailii Neighborhood Board No. 36  
Planning and Zoning Committee Chair  
Board Secretary

Cc: Representative Karen Awana  
Senator Maile Shimabukuro

