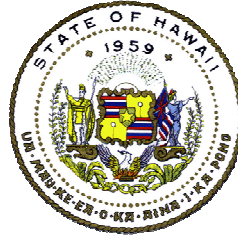


NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

TED SAKAI
DIRECTOR

Martha Torney
Deputy Director of
Administration

Max Otani
Deputy Director
Corrections

Shawn Tsuha
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL (SB) 2587
A BILL FOR AN ACT RELATING TO
GROUP HOMES

by

Ted Sakai, Director
Department of Public Safety

Senate Committee On Health
Senator Josh Green, Chair
Senator Rosalyn H. Baker, Vice Chair

Senate Committee on Public Safety, Intergovernmental and Military Affairs
Senator Will Espero, Chair
Senator Rosalyn H. Baker, Vice Chair

Wednesday, February 5, 2014, 1:15 PM
State Capitol, Conference Room 229

Chairs Green and Espero, Vice Chair Baker, and Members of the Committee:

The Department of Public Safety (PSD) **supports** SB 2587. 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.

SB 2587 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.

SB 2587 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.

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

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

February 4, 2014

The Honorable Senator Josh Green, Chair; Senator, Rosalyn H. Baker, Vice-Chair;
and Members of the Senate Committee on Health
The Honorable Senator Will Espero, Chair; Senator Rosalyn H. Baker, Vice-Chair;
and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chairs Green and Espero, Vice-Chair Baker and Senators:

**SUBJECT: SB 2587, 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 Senate Bill 2587, item 1.

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 2587.

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 SB 2587.

Sincerely,

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

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR



GEORGE I. ATTA, FAICP
DIRECTOR

ARTHUR D. CHALLACOMBE
DEPUTY DIRECTOR

February 5, 2014

The Honorable Josh Green, Chair
and Members of the Committee on Health
The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Intergovernmental and Military Affairs
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Green, Espero, and Members:

**Subject: Senate Bill 2587
Relating to Group Homes**

The Department of Planning and Permitting (DPP) **supports** Senate Bill No. 2587, 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 Honorable Josh Green, Chair
and Members of the Committee on Health
The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Intergovernmental and Military Affairs
Hawaii State Senate
Hawaii State Capitol
Re: Senate Bill No. 2587
February 5, 2014
Page 2

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 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 Senate Bill No. 2587.

Very truly yours,



George I. Atta, FAICP
Director

GIA:cl

SB2587-jp



HAWAII SUBSTANCE ABUSE COALITION

SB2587 Group Homes: Registry for Clean and Sober Homes

- COMMITTEE ON HEALTH: Senator Green M.D., Chair; Senator Baker, Vice Chair
- COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS: Senator Espero, Chair; Senator Baker, Vice Chair
- Wednesday, Feb. 5, 2014; 1:15 p.m.
- Conference Room 229

HAWAII SUBSTANCE ABUSE COALITION Supports SB2587

Good Morning Chair Green, Chair Espero, Vice Chair Baker, 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 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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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.

TESTIMONY IN SUPPORT OF SB 2587: RELATING TO GROUP HOMES

TO: Senator Josh Green, Chair; Senator Will Espero, Chair; and Members, Committee on Health and Committee on Public Safety, Intergovernmental and Military Affairs

FROM: Connie Mitchell, Executive Director
IHS, The Institute for Human Services, Inc.

Hearing: Wednesday, February 5, 2014; Room 229; 1:15 p.m.

Chair Green, Chair Espero, and Members, Committee on Health and Committee on Public Safety, Intergovernmental and Military Affairs:

Thank you for the opportunity to testify in support of SB 2587 which promotes access for individuals to an alcohol- and drug-free home environment in residences that are in compliance with county, state and federal requirements and quality standards. This measure proposes to establish a registry with the Department of Health for clean and sober homes, appropriating funds for the establishment and operation of the registry; ensure county, state and federal compliance; and exclude clean and sober homes from the residential landlord tenant code. It also cleans up language that is basically violates fair housing rules.

IHS, The Institute for Human Services, Inc. (IHS) is in support of this bill to promote more housing options by developing a registry and ensuring compliance for a segment of persons with substance abuse problems transitioning out of homelessness that will support their recovery. IHS is in support of increasing clean and sober housing because inventory will be essential for meeting the needs of those being released from incarceration on conditions because of prior drug use. Currently 80% of those admitted into jail have histories of substance abuse. IHS supports this measure to create standards that will promote standardized expectations across the community, mitigating some of the barriers that prevent these clean and sober homes from being integrated throughout the community.



LIFE OF THE LAND

P.O. Box 37158, Honolulu, Hawai`i 96837-0158
Phone: 927-0709; E: henry.lifeoftheland@gmail.com

COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Chair Angus L.K. McKelvey
Vice Chair Derek S.K. Kawakami

DATE: Wednesday, February 05, 2014
TIME: 2:10 PM
PLACE: Conference Room 325

HB 2587 PUBLIC UTILITIES COMMISSION STRONG SUPPORT

Aloha Chair McKelvey, Vice Chair Kawakami and Members of the Committee

Life of the Land is Hawai`i's own energy, environmental and community action group advocating for the people and `aina for four decades. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

HB 2587 strengthens the ability of the PUC to manage its budget and personnel. We strongly support the bill.

The job of being a Legislator, a Judge or a PUC Commissioner is tough. It can't be done without staff. Each legislator, Judge and the Chair of the PUC are allowed to hire staff to help them. These staff members are separate from Committee and Commission Staff which work for the whole.

*** The two junior PUC Commissions do not have their own staff. SB 3087 authorizes commissioners other than the chairperson to hire 2 staff members each. Life of the Land believes that this idea should be incorporated into SB 2948.

Mahalo

Henry Curtis
Executive Director

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB2587 on Feb 5, 2014 13:15PM*
Date: Tuesday, February 04, 2014 9:52:06 AM

SB2587

Submitted on: 2/4/2014

Testimony for HTH/PSM on Feb 5, 2014 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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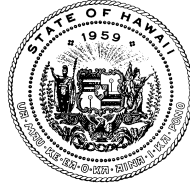
From: [Espiritu, Lilia P.](#)
To: [HTHTestimony](#)
Subject: SB2587_HTH_02-05-14_HTH-PSM
Date: Monday, February 03, 2014 8:24:33 AM
Attachments: [SB2587_HTH_02-05-14_HTH-PSM.pdf](#)

Date: 2/5/2014 (Wednesday)

Time: 1:15 p.m.

Place: Conference Room 229

Testifier: Lynn Fallin, Deputy Director for Behavioral Health Administration or Nancy Haag, Chief, Alcohol and Drug Abuse Division



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

In reply, please refer to:
File:

**Senate Committees on Health and Public Safety, Intergovernmental and Military
Affairs**

S.B. 2587, Group Homes

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

February 5, 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 amendments to Section 518-3, Hawaii Revised
6 Statutes (HRS), relating to the invalidity of certain restrictive covenants, and Section 521-7, HRS,
7 relating to exclusions from residential landlord-tenant code provisions.

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

12 **Purpose and Justification:** This measure will establish a registry for clean and sober homes within the
13 Department of Health, amend the county zoning statute to better align functions of State and county
14 jurisdictions and comply with federal law, and exclude clean and sober homes from the residential
15 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.