



**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**

**S.B. 2587, Group Homes**

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

**February 19, 2014**

1 **Department's Comments:** The Department of Health (DOH) supports passage of this measure with  
2 recommended amendments, provided that its passage does not replace or adversely impact priorities  
3 indicated in our 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, is appropriated 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, amend the county zoning statute to better align functions of State and county  
10 jurisdictions and comply with federal law, and exclude clean and sober homes from the residential  
11 landlord-tenant code.

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 The Departments of Health and Commerce and Consumer Affairs have conferred and are in  
21 agreement that interests of both the landlord and tenant are better served without the proposed exclusion  
22 of clean and sober homes from provisions in Chapter 521, Hawaii Revised Statutes, relating to the  
23 residential landlord-tenant code. Deleting the proposed exclusion would involve the following changes:

24

	<u>Page</u>	<u>Line(s)</u>	
1			
2	3	5	add “and” after the semicolon
3	3	7	replace the semicolon with a period and delete “and”
4	3	8-9	delete all text
5	6	8	replace semicolon after “rules” with a period and delete remaining text
6	6	9-10	delete all text
7	18	12	thru page 21, line 13 – delete all (Part IV) text

8 We respectfully recommend that this measure be approved with recommended amendments.

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

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NEIL ABERCROMBIE  
GOVERNOR

SHAN S. TSUTSUI  
LT. GOVERNOR

STATE OF HAWAII  
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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
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KEALI'I S. LOPEZ  
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

PRESENTATION OF THE  
OFFICE OF CONSUMER PROTECTION  
TO THE COMMITTEE ON WAYS AND MEANS  
THE TWENTY-SEVENTH  
REGULAR SESSION OF 2014

FEBRUARY 19, 2014  
9:15 AM

WRITTEN COMMENTS OF SUPPORT, WITH AMENDMENTS, OF S. B. 2587,  
RELATING TO GROUP HOMES.

TO THE HONORABLE DAVID Y. IGE, CHAIR,  
AND TO THE HONORABLE MICHELLE N. KIDANI, 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 offer comments supporting S.B. 2587, Relating to Group Homes, with amendments. My name is Bruce B. Kim and I am the Executive Director of OCP.

OCP offers comments regarding Part IV of S.B. 2587. This part states that the purpose of the section is to exempt group homes from the Hawaii Residential Landlord-Tenant Code ("Code"), Chapter 521, Hawaii Revised Statutes.

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.

OCP submits that the following issues should be considered before a complete exemption is created:

- 1) Landlord to supply and maintain fit premises. HRS § 521-42.
- 2) Return of tenant's security deposit. HRS § 521-44(c).
- 3) Return of tenant's pro rata share of unearned rent. HRS § 521-66.
- 4) Disposition of a tenant's abandoned possessions. HRS § 521-56.

There are many other protections afforded tenants under the Code.

OCP has worked with the Department of Health regarding concerns over exempting group homes from the Code. With the concurrence of the Department of Health, the House Group Homes measure, H.B. 2224, was amended to delete references to an exemption from Code, as reflected in the House Draft 2. Attached is a copy of H.B. 2224, H.D. 2 and the committee report. The attached committee report notes that this change was adopted because the "[Code] provides important protections for landlords and tenants that should apply to clean and sober homes."

Testimony on S. B. 2587, S.D. 1  
February 19, 2014  
Page 3

Similarly, OCP urges this Committee to favorably consider the language of H.B. 2224, S.D.2. We believe that the House Draft 2 retains all of the positive improvements to the clean and sober program and OCP supports those important initiatives.

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

Honolulu, Hawaii  
February 14, 2014

RE: H.B. No. 2224  
H.D. 2

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2224, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GROUP HOMES,"

begs leave to report as follows:

The purpose of this measure is to help residents and prospective residents of clean and sober group homes to access a stable, alcohol- and drug-free, home-like living environment in residences that are in compliance with federal, state, and county requirements and minimum quality standards by:

- (1) Establishing a registry for clean and sober homes within the Department of Health;
- (2) Amending the statute on county zoning to better align the functions of state and county jurisdictions to comply with federal law; and
- (3) Excluding clean and sober homes from the Residential Landlord-Tenant Code.

The Department of Commerce and Consumer Affairs, Department of Health, Department of Public Safety, and Hawaii Substance Abuse Coalition provided testimony in support of this measure.



Your Committee has amended this measure by:

- (1) Deleting the provisions excluding clean and sober homes from the Residential Landlord-Tenant Code; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee notes that the Residential Landlord-Tenant Code provides important protections for landlords and tenants that should apply to clean and sober homes.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2224, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 2224, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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ANGUS L.K. MCKELVEY, Chair







1 these homes, neighboring residents have expressed concerns over  
2 the legality of the operation of clean and sober homes in their  
3 immediate vicinity and the poor conduct and lack of neighborly  
4 behavior of some residents of the clean and sober homes. While  
5 the State's only halfway house is monitored by the agencies that  
6 contract for its services, the level of oversight for clean and  
7 sober homes varies, depending on the referral source.

8 Currently, various types of group homes are defined in  
9 section 46-4(f), Hawaii Revised Statutes, relating to county  
10 zoning. Section 46-4(f), Hawaii Revised Statutes, defines terms  
11 that are either no longer needed or are defined elsewhere in the  
12 Hawaii Revised Statutes. In addition, inconsistent with the  
13 federal Fair Housing Amendments Act, section 46-4(e), Hawaii  
14 Revised Statutes, requires that a public informational meeting  
15 be held before a halfway house, a clean and sober home, or a  
16 drug rehabilitation home is located in a community.

17 As recommended by the clean and sober homes and halfway  
18 houses task force, this Act will balance the needs of those  
19 requiring the support of the group homes and the concerns of  
20 community members.

21 The purpose of this Act is to help residents and  
22 prospective residents of clean and sober group homes to access a



1 stable, alcohol- and drug-free, home-like living environment in  
2 residences that are in compliance with federal, state, and  
3 county requirements as well as minimum quality standards. This  
4 Act:

- 5 (1) Establishes a registry for clean and sober homes  
6 within the department of health; and
- 7 (2) Amends the county zoning statute to better align  
8 functions of state and county jurisdictions to comply  
9 with federal law.

10 PART II

11 SECTION 2. The legislature finds that the primary goals of  
12 rehabilitation and recovery are to restore social, family,  
13 lifestyle, vocational, and economic supports by stabilizing an  
14 individual's physical and psychological functioning. Alcohol-  
15 and drug-free environments that are safe, sanitary, and secure  
16 promote recovery and assist individuals in becoming self-  
17 supporting. The legislature further finds that these  
18 environments support those in recovery from substance abuse to  
19 live in the community at-large.

20 The clean and sober homes and halfway houses task force  
21 recognized that there is a need to improve the operation of  
22 group homes if they are to achieve their intended purposes.



1 While some homes are well-run, others are overcrowded and not  
2 well-managed. To increase the number of homes that maintain  
3 appropriate living conditions, a voluntary registry that sets  
4 minimum standards, but also gives special advantages to homes on  
5 the registry, such as technical support and preferred referral  
6 status, will be established. The voluntary registry will  
7 include specific requirements that homes on the registry will  
8 have to meet and will also provide a framework to monitor the  
9 homes. A key function of the voluntary registry is to enable  
10 agencies referring clients to monitor residences that provide  
11 the necessary support for recovery efforts.

12 The purpose of this part is to establish a registry of  
13 clean and sober homes.

14 SECTION 3. Section 321-191, Hawaii Revised Statutes, is  
15 amended by adding a new definition to be appropriately inserted  
16 and to read as follows:

17 "Clean and sober home" means a dwelling unit that is  
18 intended to provide a stable, independent environment of  
19 alcohol- and drug-free living conditions to sustain recovery and  
20 that is shared by unrelated adult persons who are attempting to  
21 maintain a life of sobriety."



1 SECTION 4. Chapter 321, Hawaii Revised Statutes, is  
2 amended by adding a new section to part XVI to be appropriately  
3 designated and to read as follows:

4 "§321- Clean and sober homes registry. (a) The  
5 department shall establish a voluntary clean and sober homes  
6 registry to assist persons recovering from substance abuse to  
7 have a safe, clean, and sober environment that supports their  
8 recovery. The department shall establish procedures and  
9 standards by which homes will be allowed to be listed on the  
10 registry, including but not limited to:

- 11 (1) Organizational and administrative standards;
- 12 (2) Fiscal management standards;
- 13 (3) Operation standards;
- 14 (4) Recovery support standards;
- 15 (5) Property standards; and
- 16 (6) Good neighbor standards.

17 (b) Upon review and approval of a home operator's  
18 application, the department shall issue a certificate of  
19 registration that shall specify:

- 20 (1) The name of the holder of the registration;
- 21 (2) The address to which the registration applies;



1       (3) The maximum number of persons to reside in the home;  
2           and

3       (4) The period for which the registration shall be valid.

4       An owner, operator, or landlord may not hold the property out to  
5       be or advertise to be a "registered clean and sober home" unless  
6       the home is registered with the clean and sober homes registry  
7       and remains in good standing.

8       (c) The certificate of registration shall be publicly  
9       displayed at the home.

10       (d) The certificate of registration may not be transferred  
11       to a new owner or operator, or to an address other than as  
12       specified on the certificate of registration.

13       (e) Nothing in this section shall relieve a certificate  
14       holder from compliance with other pertinent statutory  
15       provisions, nor shall a certificate holder be relieved from  
16       compliance with other applicable provisions of federal, state,  
17       or county laws, ordinances, or rules.

18       (f) The department may revoke the certificate of  
19       registration if a home ceases to meet established standards or  
20       the provisions of any other applicable federal, state, or county  
21       law, ordinance, or rule.



1        (g) The department may immediately revoke a certificate of  
2 registration if there are reasonable grounds to believe that the  
3 continued operation of the home presents an immediate danger to  
4 residents of the home or the general public. The revocation  
5 shall be made in writing to the certificate holder.

6        (h) The department shall maintain a listing of all  
7 registered clean and sober homes on its website.

8        (i) The department shall establish a toll-free telephone  
9 line to receive and respond to complaints regarding clean and  
10 sober homes.

11       (j) This section shall not be construed to abrogate an  
12 individual's right to privacy. Unless otherwise provided by  
13 law, the department shall implement sufficient protections to  
14 ensure that the identity of a clean and sober home resident  
15 remains strictly confidential and that information collected  
16 pursuant to this section is used solely for the purposes of this  
17 section.

18       (k) The department shall adopt rules under chapter 91 as  
19 necessary to carry out the purposes of this section."

20       SECTION 5. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$                    or so much  
22 thereof as may be necessary for fiscal year 2014-2015 for



1 staffing and operating costs to plan, establish, and operate the  
2 registry of clean and sober homes.

3 The sum appropriated shall be expended by the department of  
4 health for the purposes of this part.

5 PART III

6 SECTION 6. The legislature finds that amendments to  
7 section 46-4, Hawaii Revised Statutes, relating to county  
8 zoning, that were agreed upon by the clean and sober homes and  
9 halfway houses task force in December 2012, are necessary to  
10 better align the functions of state and county jurisdictions.

11 The purpose of this part is to amend section 46-4, Hawaii  
12 Revised Statutes, to:

- 13 (1) Clarify the conditions under which the counties shall  
14 not prohibit group homes that have up to eight  
15 unrelated persons in a dwelling unit;
- 16 (2) Eliminate any conflict with the federal Fair Housing  
17 Amendments Act by deleting the requirement for a  
18 public informational meeting; and
- 19 (3) Eliminate definitions for terms that are defined  
20 elsewhere in the Hawaii Revised Statutes or are no  
21 longer needed.



1 SECTION 7. Section 46-4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§46-4 County zoning. (a) This section and any  
4 ordinance, rule, or regulation adopted in accordance with this  
5 section shall apply to lands not contained within the forest  
6 reserve boundaries as established on January 31, 1957, or as  
7 subsequently amended.

8 Zoning in all counties shall be accomplished within the  
9 framework of a long-range, comprehensive general plan prepared  
10 or being prepared to guide the overall future development of the  
11 county. Zoning shall be one of the tools available to the  
12 county to put the general plan into effect in an orderly manner.  
13 Zoning in the counties of Hawaii, Maui, and Kauai means the  
14 establishment of districts of such number, shape, and area, and  
15 the adoption of regulations for each district to carry out the  
16 purposes of this section. In establishing or regulating the  
17 districts, full consideration shall be given to all available  
18 data as to soil classification and physical use capabilities of  
19 the land to allow and encourage the most beneficial use of the  
20 land consonant with good zoning practices. The zoning power  
21 granted herein shall be exercised by ordinance which may relate  
22 to:



- 1           (1) The areas within which agriculture, forestry,  
2                    industry, trade, and business may be conducted;
- 3           (2) The areas in which residential uses may be regulated  
4                    or prohibited;
- 5           (3) The areas bordering natural watercourses, channels,  
6                    and streams, in which trades or industries, filling or  
7                    dumping, erection of structures, and the location of  
8                    buildings may be prohibited or restricted;
- 9           (4) The areas in which particular uses may be subjected to  
10                   special restrictions;
- 11          (5) The location of buildings and structures designed for  
12                   specific uses and designation of uses for which  
13                   buildings and structures may not be used or altered;
- 14          (6) The location, height, bulk, number of stories, and  
15                   size of buildings and other structures;
- 16          (7) The location of roads, schools, and recreation areas;
- 17          (8) Building setback lines and future street lines;
- 18          (9) The density and distribution of population;
- 19          (10) The percentage of a lot that may be occupied, size of  
20                   yards, courts, and other open spaces;
- 21          (11) Minimum and maximum lot sizes; and



1           (12) Other regulations the boards or city council find  
2           necessary and proper to permit and encourage the  
3           orderly development of land resources within their  
4           jurisdictions.

5           The council of any county shall prescribe rules,  
6 regulations, and administrative procedures and provide personnel  
7 it finds necessary to enforce this section and any ordinance  
8 enacted in accordance with this section. The ordinances may be  
9 enforced by appropriate fines and penalties, civil or criminal,  
10 or by court order at the suit of the county or the owner or  
11 owners of real estate directly affected by the ordinances.

12           Any civil fine or penalty provided by ordinance under this  
13 section may be imposed by the district court, or by the zoning  
14 agency after an opportunity for a hearing pursuant to chapter  
15 91. The proceeding shall not be a prerequisite for any  
16 injunctive relief ordered by the circuit court.

17           Nothing in this section shall invalidate any zoning  
18 ordinance or regulation adopted by any county or other agency of  
19 government pursuant to the statutes in effect prior to July 1,  
20 1957.

21           The powers granted herein shall be liberally construed in  
22 favor of the county exercising them, and in such a manner as to





1 promote the orderly development of each county or city and  
2 county in accordance with a long-range, comprehensive general  
3 plan to ensure the greatest benefit for the State as a whole.  
4 This section shall not be construed to limit or repeal any  
5 powers of any county to achieve these ends through zoning and  
6 building regulations, except insofar as forest and water reserve  
7 zones are concerned and as provided in subsections (c) and (d).

8       Neither this section nor any ordinance enacted pursuant to  
9 this section shall prohibit the continued lawful use of any  
10 building or premises for any trade, industrial, residential,  
11 agricultural, or other purpose for which the building or  
12 premises is used at the time this section or the ordinance takes  
13 effect; provided that a zoning ordinance may provide for  
14 elimination of nonconforming uses as the uses are discontinued,  
15 or for the amortization or phasing out of nonconforming uses or  
16 signs over a reasonable period of time in commercial,  
17 industrial, resort, and apartment zoned areas only. In no event  
18 shall such amortization or phasing out of nonconforming uses  
19 apply to any existing building or premises used for residential  
20 (single-family or duplex) or agricultural uses. Nothing in this  
21 section shall affect or impair the powers and duties of the  
22 director of transportation as set forth in chapter 262.



1 (b) Any final order of a zoning agency established under  
2 this section may be appealed to the circuit court of the circuit  
3 in which the land in question is found. The appeal shall be in  
4 accordance with the Hawaii rules of civil procedure.

5 (c) Each county may adopt reasonable standards to allow  
6 the construction of two single-family dwelling units on any lot  
7 where a residential dwelling unit is permitted.

8 (d) Neither this section nor any other law, county  
9 ordinance, or rule shall prohibit group living in facilities  
10 with eight or fewer residents ~~[and] for purposes or functions~~  
11 ~~that are licensed, certified, registered, or monitored by the~~  
12 ~~State [as provided for under section 321-15.6, or in an~~  
13 ~~intermediate care facility for individuals with intellectual~~  
14 ~~disabilities in the community for persons, including mentally~~  
15 ~~ill, elder, disabled, developmentally disabled, or totally~~  
16 ~~disabled persons, who are not related to the home operator or~~  
17 ~~facility staff; provided that those]. A resident manager or a  
18 resident supervisor and his or her family shall not be included  
19 in this resident count. These group living facilities shall  
20 meet all applicable county requirements not inconsistent with  
21 the intent of this subsection and including but not limited to~~



1 building height, setback, maximum lot coverage, parking, and  
2 floor area requirements.

3 ~~[(c) No permit shall be issued by a county agency for the~~  
4 ~~operation of a halfway house, a clean and sober home, or a drug~~  
5 ~~rehabilitation home unless a public informational meeting is~~  
6 ~~first held in the affected community. The State shall provide~~  
7 ~~notification and access to relevant information, as required,~~  
8 ~~under chapter 846E.~~

9 ~~A clean and sober home shall be considered a residential~~  
10 ~~use of property and shall be a permitted or conditional use in~~  
11 ~~residentially designated zones, including but not limited to~~  
12 ~~zones for single-family dwellings.~~

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 ~~"Halfway house" means a group living facility for people~~  
2 ~~who:~~  
3 ~~(1) Have been released or are under supervised release~~  
4 ~~from a correctional facility;~~  
5 ~~(2) Have been released from a mental health treatment~~  
6 ~~facility; or~~  
7 ~~(3) Are receiving substance abuse or sex offender~~  
8 ~~treatment; and~~  
9 ~~are housed to participate in programs that help them readjust to~~  
10 ~~living in the community.~~

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

20 ~~"Mental health treatment facility" means a psychiatric~~  
21 ~~facility or special treatment facility as defined under section~~  
22 ~~334-1.~~



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

3 ~~"Totally disabled person" means a "person totally disabled"~~  
4 ~~as defined under section 235-1.~~

5 ~~"Treatment program" means a "substance abuse program" or~~  
6 ~~"treatment program", as those terms are defined under section~~  
7 ~~353G-2.~~

8 ~~(g)]~~ (e) Neither this section nor any other law, county  
9 ordinance, or rule shall prohibit the use of land for employee  
10 housing and community buildings in plantation community  
11 subdivisions as defined in section 205-4.5(a)(12); in addition,  
12 no zoning ordinance shall provide for elimination, amortization,  
13 or phasing out of plantation community subdivisions as a  
14 nonconforming use."

15 PART IV

16 SECTION 8. The department of health shall submit a  
17 progress report to the legislature concerning the status of the  
18 plan for establishing and operating the registry of clean and  
19 sober homes, no later than twenty days prior to the convening of  
20 the regular session of 2015.



1 SECTION 9. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 10. If any provision of this Act, or the  
5 application thereof to any person or circumstance, is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of the Act that can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable.

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

12 SECTION 12. This Act shall take effect on July 1, 2050.



**Report Title:**

Registry of Clean and Sober Homes; Appropriation; County Zoning

**Description:**

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. Effective July 1, 2050. (HB2224 HD2)

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







HAWAII SUBSTANCE ABUSE COALITION

## **SB2587 Group Homes: Registry for Clean and Sober Homes**

- COMMITTEE ON WAYS AND MEANS: Senator Ige, Chair; Senator Kidani, Vice Chair
- Wednesday, Feb. 19, 2014; 9:15 a.m.
- Conference Room 211

## **HAWAII SUBSTANCE ABUSE COALITION Supports SB2587**

*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 organization 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 in courts 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.**

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 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 included:

Sen. Espero, Sen. Tokuda, Rep. Carroll, Rep. Jordan Several 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 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.