

Honolulu, Hawaii

FEB 18 2022

RE: S.B. No. 2137
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Government Operations and Health, to which was referred S.B. No. 2137 entitled:

"A BILL FOR AN ACT RELATING TO TRANSITIONAL HOUSING,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a public information meeting requirement to receive a county permit to operate a halfway house, clean and sober home, or drug rehabilitation home;
- (2) Establish a public information meeting requirement for clean and sober home registry applications; and
- (3) Prohibit clean and sober homes that are located within one-half mile of an existing public or private elementary or secondary school from inclusion on the Department of Health's registry of clean and sober homes.

Your Committees received testimony in support of this measure from one individual. Your Committees received testimony in opposition to this measure from the Hawai'i Health & Harm Reduction Center; American Civil Liberties Union of Hawaii; Oxford House Inc.; Hawaii Substance Abuse Coalition; Coalition for a Drug-Free Hawaii; Habilitat, Inc.; The Institute for Human Services, Inc.;



and eight individuals. Your Committees received comments on this measure from the Department of the Attorney General and Department of Health. Your Committees note the testimony of the Department of the Attorney General that the measure would violate federal anti-discrimination laws.

Your Committees find, however, that there have been complaints by community members with respect to the lack of oversight of operations of clean and sober homes. These complaints concern the lack of transparency regarding the locations of clean and sober homes, especially those in proximity to schools, and the lack of clear procedures for community members to address concerns or complaints regarding these homes.

Accordingly, your Committees find that this measure has the potential to address legitimate community concerns while balancing the needs and rights of persons residing in clean and sober homes. Your Committees have therefore amended this measure by:

- (1) Deleting the language that would have amended section 46-4, Hawaii Revised Statutes, to impose public information meeting requirements prior to a county issuing a permit for the operation of a halfway house, clean and sober home, or drug rehabilitation home;
- (2) Amending section 321-193.7(j), Hawaii Revised Statutes, to require the Department of Health and county agencies, to work together to address complaints and educate the public on clean and sober homes;
- (3) Deleting language that would have prohibited a clean and sober home to operate within one-half mile of an elementary or secondary school; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

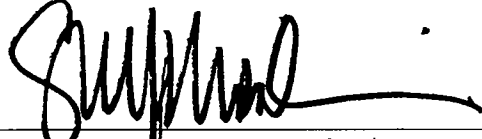
As affirmed by the records of votes of the members of your Committees on Government Operations and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2137, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2137, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Government
Operations and Health,



JARRETT KEOHOKALOLE, Chair

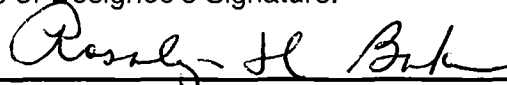


SHARON MORIWAKI, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

**Record of Votes
Committee on Health
HTH**

Bill / Resolution No.:* SB2137	Committee Referral: GVO/HTH, JDC	Date: 02-15-2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SAN BUENAVENTURA, Joy A.				✓
FEVELLA, Kurt		✓		
TOTAL	3	1	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

***Only one measure per Record of Votes**