



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
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**Testimony in SUPPORT of SB2137 HD1  
RELATING TO TRANSITIONAL HOUSING**

REPRESENTATIVE MARK M. NAKASHIMA, CHAIR  
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Hearing Date: 3/30/2022

Room Number: Via Videoconference

1 **Fiscal Implications:** Undetermined

2 **Department Testimony:** The Department supports this measure. Clean and sober homes should  
3 comply with all county, state, and federal nondiscriminatory laws and offers the following  
4 comments on this measure.

5 Hawaii continues to have limited resources for those in recovery to have a stable and safe  
6 environment in which to reside. The Department's clean and sober homes registry currently has  
7 59 clean and sober homes statewide, with up to 534 bed spaces in dwelling units that provide a  
8 stable independent environment and living conditions free of alcohol and drugs to support and  
9 sustain the recovery process. Because clean and sober homes are a critical strategy to assist a  
10 client's recovery, the Department is working to expand the number of homes and thus improve  
11 the state's recovery capacity. According to the National Survey on Drug Use and Health, over  
12 76,000 Hawaii adults statewide need but are not receiving treatment for substance use disorders.  
13 The transition from active addiction into lasting recovery is often difficult and emotionally trying  
14 for many with a substance-use disorder. According to an August 2018 report by the National  
15 Institute on Drug Abuse (NIDA), relapse rates for substance-use disorders are approximately 40-  
16 60 percent. Drug relapses could signify the need to reexamine a client's course of treatment, as  
17 relapses can be very dangerous and in many instances deadly. Relapse rates suggest the critical  
18 role clean and sober homes play in supporting the recovery process.

19 The Department defers to the Department of the Attorney General on the measure's consistency  
20 with the Americans with Disability Act (ADA) and the Fair Housing Act (FHA). Both the ADA

- 1 and the FHA include people recovering from alcoholism and drug addiction as having a handicap
- 2 or disability.
- 3 **Offered Amendments:** None
- 4 Thank you for the opportunity to testify on this measure.



## **SB2137 SD2 HD1 Relating to Recovery Homes Requiring Information Meetings and Restricting Locations**

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Wednesday, Mar 30 2022: 2:00: Videoconference

### **Hawaii Substance Abuse Coalition supports SB2137 SD2 HD1**

*ALOHA CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies.*

### **HSAC supports this bill that was amended.**

**The Department of Health: ADAD and County can work together to resolve community complaints now that there is a registry process for Clean and Sober homes, which defines proper management procedures.**

### **History**

In 2014, State laws were changed under Act 193<sup>1</sup> to comply with:

1. The Americans with Disability Act (ADA) and Fair Housing Act as well as the U.S. Supreme Court rulings that protect people recovering from alcoholism and drug addiction because they fall within the definition of handicap (disability).
2. Group homes or sober houses for people in recovery from drug or alcohol addiction are protected from discrimination by the state and federal fair housing laws same as any other disability.

Federal precedence has created increasingly protective measures to safeguard equal access to housing for people with disabilities.

**We understand that some communities have been frustrated** with lack of accountability and so Hawaii Department of Health:

- Recognizing that clean and sober housing arrangements have protective civil rights and

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<sup>1</sup> (HB2224) [https://www.capitol.hawaii.gov/session2014/bills/HB2224\\_CD1\\_.pdf](https://www.capitol.hawaii.gov/session2014/bills/HB2224_CD1_.pdf)

- Recognizing that recovery homes are a cost effective and valuable means to transition recovering individuals back into their chosen communities, and
- Recognizing that quality and compliance would improve if government could establish and monitor performance criteria,

Therefore,

**Act 193 also passed a voluntary registration** process to accomplish this objective. The Department of Health established a registry to:

- 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.
- e. Resolve disputes and complaints working with the County.**

**Summary:**

**Recognizing that clean and sober homes are protected, we have empathy for communities who are frustrated for any poor performance issues and look forward to the Department of Health and the County working together to resolve conflicts.**

**As treatment providers, we stand ready to help as well.**

We appreciate the opportunity to provide testimony and are available for questions.

March 28, 2022

Committee on Government Operations  
Senator Sharon Y. Moriwaki, Chair  
Senator Donovan M. Dela Cruz, Vice Chair

Committee on Health  
Senator Jarrett Keohokalole, Chair  
Senator Rosalyn H. Baker, Vice Chair

My name is Runa Yonamine. I am a social work student from the University of Hawaii at Manoa and I strongly oppose SB2137.

SB2137 requires clean and sober homes to hold public informational meetings prior to being able to obtain a county permit and does not allow a clean and sober house to be within one-half mile of an existing public or private elementary or secondary school. This will make it very difficult to provide a safe and affordable place for a group of people who struggle with substance abuse and houselessness. **The bill stands against the Fair Housing Act of 1968 and the Americans with Disabilities Act of 1990.** Drug and alcohol addictions, or substance use disorders are considered disabilities under Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and Section 1557 of the Affordable Care Act. The SB2137 bill discriminates against those populations by limiting the housing situations to certain populations because of their conditions or disabilities.

SB2137 will directly stand against many recovery programs and transitional housing, which provides structure, accountability, and a safe environment to ensure a better chance for people in recovery to remain sober. Those facilities such as Habilitat, **ensure a stable, alcohol and drug-free living environment essential for recovery, over 50 years of serving the community.** Furthermore, on the island of Oahu, public or private elementary or secondary schools exist densely next to each other, which leaves **no identifiable spaces that are beyond the half-mile radius.** Such measures only further isolate and escalate the problem of substance abuse by making access to recovery programs and transitional housing difficult with limited transportation in rural areas. In the long term, this policy will further escalate the problem of substance abuse and houselessness by not ensuring access to those facilities which offer support, and only increase the stigma against the population in public.

Thank you for your time and consideration  
Mahalo,

Runa Yonamine