
SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF HEALTH TO CONVENE AN INFORMAL WORKING GROUP TO ASSESS THE REGISTRATION AND MONITORING OF ALL GROUP LIVING FACILITIES AS DESCRIBED IN SECTION 46-4(D), HAWAII REVISED STATUTES, INCLUDING CLEAN AND SOBER HOMES.

1 WHEREAS, the Legislature enacted Act 193, Session Laws of
2 Hawaii 2014 (Act 193), to develop a process for the management
3 and support for clean and sober homes, also known as sober
4 living recovery homes/residences, which are located in
5 communities throughout the State, to provide housing for
6 individuals suffering from substance use, including people who
7 may have co-occurring mental health issues, as they transition
8 from the treatment setting to life in the community; and
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10 WHEREAS, Act 193 incorporated clean and sober home
11 operating standards based on the National Alliance for Recovery
12 Residences; and
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14 WHEREAS, to increase the number of homes that maintain
15 appropriate living conditions, Act 193 established a voluntary
16 registry to set minimum operating standards and give special
17 advantages to homes on the registry, such as technical support
18 and preferred referral status as well as the ability to monitor
19 residences that provide the necessary support for recovery
20 efforts; and
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22 WHEREAS, Act 193 amended section 46-4, Hawaii Revised
23 Statutes, to clarify the conditions under which the counties
24 shall not prohibit registered clean and sober homes that have up
25 to eight unrelated persons in a dwelling unit, as well as
26 eliminate any conflict with the federal Fair Housing Amendments
27 Act by deleting the requirement for a public informational
28 meeting; and
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1 WHEREAS, the public may report concerns regarding clean and
2 sober homes to the Alcohol and Drug Abuse Division of the
3 Department of Health by email or make a toll-free call to 1-877-
4 877-1716; and

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6 WHEREAS, the primary goals of rehabilitation and recovery
7 are to restore social, family, lifestyle, vocational, and
8 economic support by stabilizing an individual's physical and
9 psychological functioning; and

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11 WHEREAS, alcohol- and drug-free environments that are safe,
12 sanitary, and secure promote recovery and assist individuals in
13 becoming self-supporting; and

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15 WHEREAS, recovery residences support recovery of
16 individuals with substance use disorders and help prevent
17 relapse, criminal justice system involvement, and overdose; and

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19 WHEREAS, recovery residences are designed to address the
20 needs of individuals in recovery from substance use disorders
21 through the provision of a safe and healthy living environment
22 and a community of supportive recovering peers to which the
23 residents are accountable, without the ridged and more expensive
24 structure of a licensed therapeutic living program; and

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26 WHEREAS, the support of a home environment fulfills a need
27 for those who are reintegrating into the community while
28 maintaining sobriety; and

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30 WHEREAS, the State's recovery homes are monitored by
31 agencies that contract for its services, but the level of
32 oversight for clean and sober homes varies, depending on the
33 referral source as well as independent operation; and

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35 WHEREAS, the vast majority of clean and sober homes are
36 independently owned and have a landlord-tenant relationship with
37 house rules where the tenants generally govern themselves such
38 that the housing is considered independent living; and

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40 WHEREAS, alcoholism and past illicit drug use are
41 considered disabilities, and those with such disabilities are



1 protected under the federal Fair Housing Act (FHA) and the
2 Americans with Disabilities Act (ADA); and

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4 WHEREAS, Act 193 developed procedures intended to ensure
5 that clean and sober homes owners and operators who volunteer to
6 apply to be on the current registry are properly monitored and
7 accountable to meet occupancy, zoning, and permitting
8 requirements, as well as quality standards while not violating
9 protection laws such as the FHA and ADA; and

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11 WHEREAS, most clean and sober homes on the voluntary
12 registry are well-run; however, there are concerns that other
13 homes not on the registry are overcrowded and not well-managed,
14 and some owners/lessors violate their county land use permits by
15 overcrowding, which results in noise and parking complaints from
16 neighbors; and

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18 WHEREAS, notwithstanding the needs of those who benefit
19 from these homes, neighboring residents have expressed concerns
20 over the legality of the operation of clean and sober homes in
21 their immediate vicinity and the poor conduct and lack of
22 neighborly behavior of some residents; and

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24 WHEREAS, the Alcohol and Drug Abuse Division has not
25 received any complaints of so-called "harm reduction" homes
26 where occupants continue to use alcohol and drugs while seeking
27 recovery; and

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29 WHEREAS, before the enactment of Act 193, various types of
30 group homes were defined in section 46-4, Hawaii Revised
31 Statutes, relating to county zoning, that is now consistent with
32 the federal FHA; and

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34 WHEREAS, section 46-4(d), Hawaii Revised Statutes, now
35 clarifies that counties shall not "prohibit group living in
36 facilities with eight or fewer residents for purposes or
37 functions that are licensed, certified, registered, or monitored
38 by the State"; and

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40 WHEREAS, Act 193 repealed language in section 46-4, Hawaii
41 Revised Statutes, that required a public informational meeting
42 to be held in the affected community before a halfway house,



1 clean and sober home, or drug rehabilitation home is located in
2 that community; and

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4 WHEREAS, Act 193 intended to balance the needs of those
5 requiring the support of group homes and the concerns of the
6 community members, by helping prospective residents of clean and
7 sober homes to access a stable, alcohol- and drug-free,
8 home-like living environment in residences that comply with
9 federal, state, and county requirements and minimum quality
10 standards; and

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12 WHEREAS, it is recognized that there is a need to improve
13 the operation of clean and sober homes if these homes are to
14 achieve their intended purposes, including that they are well-
15 run; and

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17 WHEREAS, the counties are the proper agency to issue
18 permits according to zoning ordinances, encourage the orderly
19 development of land resources within their jurisdictions, and
20 enforce compliance by appropriate fines and penalties; and

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22 WHEREAS, a collaborative effort among the Department of
23 Health to register and monitor, the counties to enforce
24 permitting and zoning ordinances, and the State and providers to
25 give preference to compliant clean and sober homes would ensure
26 an accountability process by which the homes would be monitored
27 in such a way to address the concerns of those requiring the
28 support of the homes, without using direct government oversight
29 that is inconsistent with the protection laws; now, therefore,

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31 BE IT RESOLVED by the Senate of the Thirty-second
32 Legislature of the State of Hawaii, Regular Session of 2024, the
33 House of Representatives concurring, that the Department of
34 Health is urged to convene and lead an informal working group to
35 discuss:

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37 (1) The management of all group living facilities as
38 described in section 46-4(d), Hawaii Revised Statutes,
39 including clean and sober homes; and

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41 (2) Possible collaboration with the counties and other
42 affected regulators to ensure that all group living



1 facilities as described in section 46-4(d), Hawaii
2 Revised Statutes, including clean and sober homes,
3 comply with county regulations, and encourage
4 registration without using restrictions that are
5 discriminatory; and
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7 BE IT FURTHER RESOLVED that the informal working group is
8 requested to include input from the Hawaii Paroling Authority;
9 the Judiciary's Adult Client Services Branch; Department of the
10 Attorney General; and any others, as appropriate, as determined
11 by the Director of Health or the Director's designee; and
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13 BE IT FURTHER RESOLVED that the working group is requested
14 to discuss legal issues pertaining to protective FHA and ADA
15 laws, how the Department of Health and pertinent county agencies
16 can work more closely together to resolve problems and
17 complaints received by either the State or counties regarding
18 clean and sober homes; the Department's efforts to educate the
19 public, expand the current registry membership, and expand
20 complaint response; how the Department keeps an inventory of
21 homes throughout the State including those not on the registry;
22 and establish processes to ensure that functions are aligned
23 between the State and county for accountability, community
24 education, and advocacy; and
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26 BE IT FURTHER RESOLVED that certified copies of this
27 Concurrent Resolution be transmitted to the Director of Health,
28 Director of Public Safety, Administrator of the Hawaii Paroling
29 Authority, Chief Justice of the Hawaii Supreme Court, Attorney
30 General, and Mayors of the City and County of Honolulu, County
31 of Maui, County of Kauai, and County of Hawaii.

