

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on HB2750  
RELATING TO CLEAN AND SOBER HOMES**

REPRESENTATIVE BELATTI, CHAIR  
HOUSE COMMITTEE ON HEALTH & HOMELESSNESS

January 31, 2024, 10:15 AM Room Number: 329

1 **Fiscal Implications:** Undetermined

2 **Department Position:** The Department provides the following comments on this measure.

3 **Department Testimony:** The Alcohol and Drug Abuse Division (ADAD) provides the  
4 following testimony on behalf of the Department.

5 The bill amends §321-193.7 Hawaii Revised Statutes (HRS) by converting the voluntary clean  
6 and sober home registry to a mandatory registry, requires equitable distribution of clean and  
7 sober homes in a county over 500,000 population, requires written approval from the  
8 appropriate county planning and or permitting department that the applicant complies with all  
9 county land use and zoning ordinances before the Department issues a certificate of registration,  
10 and requires a public information meeting before a neighborhood board.

11 Hawaii continues to have limited resources for those in recovery to have a stable and safe  
12 environment in which to reside. The Department's [voluntary clean and sober home registry](#)  
13 currently has sixty-eight (68) clean and sober homes statewide, with over 500 bed spaces in  
14 dwelling units that provide a stable independent environment and living conditions free of  
15 alcohol and drugs to support and sustain the recovery process. Because clean and sober homes  
16 are a critical strategy to assist a client's recovery, the Department is working to expand the  
17 number of homes and thus improve the state's recovery capacity. According to the National

1 Survey on Drug Use and Health, over 76,000 Hawaii adults statewide need but are not receiving  
2 treatment for substance use disorders. The transition from active addiction into lasting recovery  
3 is often difficult and emotionally trying for many with a substance-use disorder. And the  
4 potential for relapse further suggests the critical role clean and sober homes play in supporting  
5 the recovery process. The ADAD has one position to implement the registry, review  
6 applications, conduct site visits, provide technical assistance to applicants, and interact with  
7 home operators and the public.

8 Clean and sober homes provide a supportive and structure environment for individuals  
9 recovering from substance use or addiction. An unintended consequence of mandatory  
10 registration is that it may dissuade current and future clean and sober homes to stay open or open  
11 because of the additional burden to comply. Thus reducing the number of clean and sober homes  
12 available statewide.

13 The Department defers to the Department of the Attorney General on the measure's consistency  
14 with the Americans with Disability Act (ADA) and the Fair Housing Act (FHA). Both the ADA  
15 and the FHA include people recovering from alcoholism and drug addiction as having a handicap  
16 or disability. We are concerned that this measure appears to single out clean and sober homes  
17 with regulations that do not affect other types of homes in the community, like the mandatory  
18 registry requirement in page 1, and the "equitable distribution" requirement in pages 1 and 3.

19 The Department supports the intent of the need for homes to get written approval from the  
20 appropriate county planning or permitting department. We defer to the City & County of  
21 Honolulu on the implementation of the public informational meeting requirement in page 2.

22 **Offered Amendments:** None.

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



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2024**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2750, RELATING TO CLEAN AND SOBER HOMES.

**BEFORE THE:**

HOUSE COMMITTEE ON HEALTH AND HOMELESSNESS

**DATE:** Wednesday, January 31, 2024      **TIME:** 10:15 a.m.

**LOCATION:** State Capitol, Room 329 and Videoconference

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Michelle E. Nakata, Deputy Attorney General

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Chair Belatti and Members of the Committee:

The Department of the Attorney General has legal concerns regarding this bill and provides the following comments.

The purposes of this bill are to: (1) require mandatory registration for all clean and sober homes; (2) require the Department of Health to ensure there is equitable distribution of clean and sober homes throughout a county; (3) require an applicant to obtain written approval from the appropriate county showing compliance with all land use and zoning ordinances and rules; and (4) prohibit the Department of Health from issuing a certificate of registration unless, in certain counties, a public informational meeting is first held before a neighborhood board in the affected community and if there are more than a certain number of registered clean and sober homes within a certain mile radius in the affected community.

A clean and sober home is a small group living home for persons recovering from alcohol and substance abuse. This population is protected from discrimination in housing by the federal Fair Housing Amendments Act of 1988 (FHAA), codified in 42 U.S.C. sections 3601 to 3631. Generally, the FHAA prohibits discrimination against persons with any "handicap." The term "handicap" is defined very broadly to mean with respect to a person -- "(1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment . . . ." 42 U.S.C. § 3602(h).

Courts have held that the FHAA's definition of persons with a "handicap" include those recovering from alcohol and substance abuse. For instance, in Step by Step v. City of Ogdensburg, 176 F. Supp. 3d 112, 125 (E.D. Mich. 2016), the United States District Court for the Eastern District of Michigan determined that the FHAA's definition of "handicapped" includes persons with a mental illness or personality disorder, such as recovering alcoholics and drug addicts. In Oxford House, Inc. v. City of Baton Rouge, 932 F. Supp. 2d 683, 689 (M.D. La. 2013), the United States District Court for the Middle District of Louisiana concluded that "there is no per se rule that categorizes recovering alcoholics and drug addicts as disabled or handicapped, and a case-by-case evaluation is necessary." The Court found that residents of an Oxford House for recovering alcoholics and drug addicts were disabled and/or handicapped for the purposes of the FHAA and the Americans with Disabilities Act, and their testimony established that they had a disability that limited major life activities. Id. The FHAA's purposes include ending segregation of the housing available to persons with disabilities and giving persons with disabilities the right to choose where they wish to live.

This bill would amend section 321-193.7, Hawaii Revised Statutes (HRS), by requiring that all clean and sober homes register on the clean and sober home registry and adding a public informational meeting requirement before approval of a clean and sober home registry application and issuance of a certificate of registration. See page 1, lines 3-11, page 2, lines 14-19, and page 3, lines 1-3. In addition, this bill would require a public informational meeting for any clean and sober home located in a county with a population of more than 500,000 and if there are more than an unspecified number of registered clean and sober home within the "geographic spacing requirement" in the affected community. See page 2, lines 14-19, and page 3, lines 1-3.

If the mandatory registration and public informational meeting requirements of this bill are applied to all family homes, the bill would not violate the FHAA. However, as defined in this bill on page 1, lines 7-11, "clean and sober homes shall be listed on the registry" and page 2, lines 14-19, "public informational meeting" requirements do not apply to all family homes; rather, they would apply only to clean and sober homes under

section 321-193.7, HRS. If the State were to enact such requirements, a court may find that such requirements violate the FHAA, and the State could be exposed to monetary liability.

The public informational meeting required on page 2, lines 14-9, of this bill in the affected community before approval of the application and certificate of registration may also discriminate against clean and sober homes for persons with disabilities. In an analogous case, Potomac Group Home Corp. v. Montgomery Cty., 823 F. Supp. 1285, 1299 (D. Md. 1993), the United States District Court for the District of Maryland concluded that open meetings for a public program review board, as held in connection with the application of a group home for disabled elderly, have a discriminatory effect in violation of the FHAA.

Under the FHAA, discrimination includes "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(f). A court could find that an administrative rule to add a geographic spacing requirement of an unspecified distance between a clean and sober home on the registry and in an affected community violates the FHAA.

Thank you for the opportunity to provide comments.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
**DEPARTMENT OF CORRECTIONS  
AND REHABILITATION**  
*Ka 'Oihana Ho'omalu Kalaima  
a Ho'oponopono Ola*  
1177 Alakea Street  
Honolulu, Hawai'i 96813

**TOMMY JOHNSON**  
DIRECTOR

**Melanie Martin**  
Deputy Director  
Administration

**Vacant**  
Deputy Director  
Correctional Institutions

**Sanna Muñoz**  
Deputy Director  
Rehabilitation Services  
and  
Programs

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 2750  
RELATING TO CLEAN AND SOBER HOMES

by  
Tommy Johnson, Director  
Department of Corrections and Rehabilitation

House Committee on Health & Homelessness  
Representative Della Au Belatti, Chair  
Representative Jenna Takenouchi, Vice Chair

Wednesday, January 31, 2024; 10:15 a.m.  
State Capitol, Conference Room 329 & via Videoconference

Chair Belatti, Vice Chair Takenouchi, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) offers comments on House Bill (HB) 2750, which proposes to require the Department of Health (DOH) to ensure there is equitable distribution of clean and sober homes throughout a county. HB 2750 also proposes to prohibit the DOH from issuing a certificate of registration unless, in certain counties, there are more than a certain number of registered clean and sober homes within a certain mile radius in the affected community.

This bill ensures that clean and sober housing is not clustered in any one neighborhood that would subject released inmates and parolees to hardship in their efforts to reconnect and reconcile with their families. By requiring an equitable distribution of clean and sober housing throughout a county, the justice-involved population can reside in a drug-free surrounding and develop a strong support system within a community they are familiar with, thereby decreasing the anxiety that often leads to the road to recidivism.

Thank you for the opportunity to provide testimony in support of HB 2750.



## **HB2750 Discrimination in Housing against Disabled People in Recovery**

COMMITTEE ON HEALTH & HOMELESSNESS

Rep. Della Au Belatti, Chair

Rep. Jenna Takenouchi, Vice Chair

Wednesday, Jan 31, 2024: 10:15 : Room 329 Videoconference

### **Hawaii Substance Abuse Coalition **Opposes** HB2750:**

*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 and recovery-oriented services.*

### **We want to inform you about HB2750 that has discriminatory language.**

HB2750 violates discrimination laws such that after 10 years after changes in law, Hawaii will be the first state to re-enact a discrimination law that violates the Americans with Disability Act (ADA) and Fair Housing Act and that is in defiance to U.S. Supreme Court rulings.

### **In 2014 Hawaii 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 in recovery as well as clean and sober housing.**
- 2. Both the Fair Housing Act and the ADA include people recovering from alcoholism and drug addiction within the definition of handicap (disability).**
- 3. 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.**

**State laws were changed** following recommendations by a 2 year a multi-department task force<sup>i</sup> that met to determine the appropriate legislation for clean and sober housing that complies with the complex federal and state laws pertaining to disability housing for people in recovery.

These complex Fair Housing Act and ADA laws protect individuals with disabilities such as recovering alcoholics as well as recovering drug addicts who are currently drug free

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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)

and also people who are involved in continuing professional rehabilitation and mentoring programs.

- The laws for recovering people are the same as if a person had any other disabilities such as an individual with a physical or mental impairment that substantially limits one or more major life activities.
- Keep in mind that most clean and sober homes as well as half-way houses are independently operated.

**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 some states have proposed regulations to legislate monitoring of clean and sober homes, only to see them struck down in Federal court.

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

**Summary:**

**HB2750 is in violation of ADA and Fair Housing Act laws. Federal courts strictly enforce rights for people in recovery. National coalitions have formed in recent years to aid clean and sober housing as well as halfway houses to help them protect their rights. Independent operators have been successful in other states to win settlements from states for any loss of business due to state laws that are in violations of Federal laws.**

**While we have empathy for communities who are frustrated for any poor performance issues in the community, they must pursue legal avenues to engage law enforcement same as they would for any other home with disabilities.**

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



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<sup>i</sup> **The Task Force, led by members from both the Senate and House, had widespread representation and was most active with large attendance for the entire two years 2012-2013: Please see below.**

<b>Legislators</b>	<b>State Agencies</b>	<b>Community</b>
Sen. Espero, Sen. Tokuda	Deputy Attorney General	Hawaii Substance Abuse Coalition
Rep. Carroll, Rep. Jordan	Department of Health	Clean and Sober Houses
Senate and House. leadership offices.	County Planning and Zoning Supervisors from every County	Halfway House agency
	Public Safety and Parole	Homeless agencies
	Adult Client Services	Various Community

Jeff Nash  
EXECUTIVE DIRECTOR



Vincent C. Marino  
FOUNDER

Monday, January 29, 2024

Hawaii State House of Representatives  
State of Hawaii  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Subject: Concerns Regarding H.B. 2750 - Mandatory Registration for Clean and Sober Homes

Dear Members of the Hawaii State House of Representatives,

I hope this letter finds you well as you navigate the responsibilities of the Thirty-Second Legislature. I am writing to express our deep concerns regarding House Bill 2750, which proposes mandatory registration for all clean and sober homes in the state. We adamantly oppose HB2750.

While we understand the importance of ensuring the well-being and equitable distribution of such homes, I would like to draw your attention to potential violations of the Americans with Disabilities Act (ADA) and Fair Housing regulations that may arise from the mandatory registration requirement. It is essential to consider the rights of individuals with disabilities, as well as those protected under Fair Housing laws, when crafting legislation. Similar laws have been successfully challenged around the country and some have ended in hefty financial judgments for discrimination.

Mandatory registration for clean and sober homes, without the option for voluntary registration, infringes upon the rights of individuals with disabilities. According to the ADA and Fair Housing laws, such registration requirements would be considered discriminatory. I urge you to consider allowing clean and sober homes to voluntarily register or make registration a requirement only if explicitly stated in a contractual agreement for those receiving state funds.

Additionally, the provision requiring the Department of Health to ensure equitable distribution throughout a county may inadvertently lead to discriminatory practices. Government management of protected classes of people, including those in clean and sober homes, should be approached with utmost caution. Analogies to racial, religious, gender, or disability-based discrimination underscore the importance of avoiding such pitfalls.

The requirement for applicants to obtain written approval from the county based on compliance with land use and zoning ordinances is also a matter of concern. Individuals in non-protected classes renting houses do not face a similar requirement. This provision appears to single out clean and sober homes, potentially stigmatizing residents and contributing to discriminatory practices.

Furthermore, the proposal for public informational meetings and limitations on the number of registered clean and sober homes within certain mile radii in affected communities raises serious concerns about discrimination. Such measures may place undue burdens on providers and residents alike, without clear justification.

I would like to bring to your attention the collaborative efforts of the two-year task force, led by the Department of Health, supported by HSAC, and involving representatives from all counties, Probation/Parole, Senate, House, and providers. This task force worked diligently to develop legislation, resulting in Act 193. Act 193 was crafted with the intention of managing clean and sober homes effectively without running afoul of discrimination rules, and I believe it remains a sound framework for consideration.

In conclusion, I respectfully request that you thoroughly review and reconsider the provisions of H.B. 2750 to ensure that they align with the principles of non-discrimination and fair treatment. I appreciate your dedication to serving the people of Hawaii and trust that you will take these concerns into account as you deliberate on this important matter.

Thank you for your time and attention to this critical issue.

Sincerely,

Jeffrey V. Nash  
Executive Director

**HB-2750**

Submitted on: 1/29/2024 7:05:01 PM

Testimony for HLT on 1/31/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Louis Erteschik	Hawaii Disability Rights Center	Oppose	Remotely Via Zoom

Comments:

We have great concerns about this bill, and believe it likely violates various federal laws that are designed to protect individuals with disabilities. We will attempt to elaborate more at the Hearing and would also suggest that the Committee consult with the Department of the Attorney General. In the meantime, we would point out that the ADA as well as the Fair Housing Act are implicated by this bill. We have specific concerns about a few provisions. First is the requirement for an Informational Briefing at the Neighborhood Board. While that may seem somewhat innocuous, in truth no other home that is otherwise similarly situated would be required to do that. So, to impose that additional requirement upon a Clean and Sober Home is discriminating against people with disabilities. Additionally, the requirement that only a certain amount of homes can be located within a given radius is similarly discriminatory in that the same requirement is not imposed on other homes.

If there are problems with Clean and Sober Homes that led to the sponsorship of this measure then we would submit that those problems should be discussed and addressed. But a blanket provision of this nature is not likely to survive a legal challenge.



**To: Committee on Health and Homelessness**

**Hearing Date/Time: Wednesday, January 31, 2024 10:15 AM**

**Re: Testimony in Opposition to HB 2750**

**From: Heather Lusk, Hawaii Health and Harm Reduction Center**

Dear Chair Belatti, Vice Chair Takenouchi and members of the committee:

The Hawaii Health & Harm Reduction Center (HHHC) **opposes HB 2750** which would put undue burden on recovery homes (often called clean and sober homes) that are essential to helping our community recover from substance use disorder. The DOH Alcohol and Drug Abuse Division already has a “Clean and Sober Home Registry” which encourages operators to meet requirements in order to participate and meets the intent of this measure to provide some oversight. HB 2750 as written would violate the ADA and Fair Housing rules and would provide even more barriers to housing. Currently, people leaving residential SUD treatment, correctional facilities and other systems struggle to find appropriate housing and this measure will contribute to homelessness.

HHHC’s mission is to *reduce harm, promote health, create wellness and fight stigma in Hawaii and the Pacific*. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBTQ and the Native Hawaiian communities. We are proud to be a primary site for treatment of opioid use disorder and are very concerned this measure will make it harder for our community to manage the already challenging path to recovery and we encourage you to defer this measure.

Thank you for the opportunity to testify.

Heather Lusk, Executive Director, Hawaii Health and Harm Reduction Center

**HB-2750**

Submitted on: 1/29/2024 3:07:06 PM

Testimony for HLT on 1/31/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
David Fukuzawa	Individual	Support	Written Testimony Only

Comments:

Dear Honorable Legislative Representative,

I am writing in support of bill HB2750. I think registering all clean and sober homes will cause them to have set minimum requirements and be more safe for the occupants as well as the landlord of the property. As well as make it safer for the communities where these homes exist.

Sincerely,

David Fukuzawa

**HB-2750**

Submitted on: 1/29/2024 10:03:36 PM

Testimony for HLT on 1/31/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
TERI SAVAIINAEA	Individual	Support	Written Testimony Only

Comments:

I support HB2750.

Thank you,

Teri Savaiinaea

**HB-2750**

Submitted on: 1/30/2024 12:16:02 AM

Testimony for HLT on 1/31/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
austin salcedo	Individual	Support	In Person

**Comments:**

**Support with Amendments**

Beside “Clean & Sober Homes”, additional language to be incorporated due to “equal involvement” of State Operations, also Known As: Transitional Group Housing & Shelter’s, Drug Rehab Facilities & Shelter’s, Halfway Group Housing, Houseless Shelter’s etc.

Language to be incorporated due to “equal involvement” by: Hawai‘i State Department of Health & Mental Health Hospital, Hawai‘i State Departments of Circuit Court (Probation/Paroling Authority), Hawai‘i State Public Safety Prison’s (Probation/Paroling Authority), Hawai‘i State Institute Of Human Service’s (IHS) Shelter’s, Hawai‘i State Department of Commerce and Consumer Affairs (LLC Certifications). Financially supported by Federal Housing Urban Development Funding.

Language to be incorporated State Policy Mandate for “equal involvement” by the Hawai‘i State and City County. To adopt Hawai‘i State “Adult Residential Care Home (ARCH)” Permit protocol, and City County “Conditional Use Permit (CUP)” protocol with City County Community Neighborhood Board full approvals by means of “Community Impact Study”.

Language to be incorporated for Operations by 1 ½ Miles Distance proximity away from Children Schools (all age’s), Recreational Public Parks, and Elderly Rehab/Hospice Facilities.

Language to be incorporated, “Prohibited Oahu District’s” for any operations from Makaha through Makua Districts. Facts is the Manning shortfall of First Responder’s Law Enforcement (HPD, DLNR, Sheriffs Dept, EMS)

1. all the State Operations with All related common factors is None City DPP “Conditional Use Permits” obtained, and not presented before the Waianae Neighborhood Board for adjudicated approval by means of “Community Impact Study”.
2. Department Of Health & Adult Mental Health Department (AMHD), Alcohol & Drug Abuse Division (ADAD), State Mental Health Hospital is a broken system. None City DPP Conditional Use Permits (CUP), and not presented as “Community Impact Study” before the Waianae Neighborhood Board for adjudicated approval.

Whereas, the #2023 data analysis by Honolulu Police Department of 80% Increase Homicides in the Waianae District, with more recent deaths occurred.

Whereas, per Island News recent data analysis to State Legislation by Partner's In Care. 630 Point In Count on Homelessness on the Oahu Westside, and 27% unsheltered.

Relevant and Valid question, is "Federal Bureau of Prisons". Under federal ruling "is it prohibited for felon's released on probation/paroling be in Group Living Environment Program together"? Conflicting as to Why is the State Public Safety Dept (Director Tommy Johnson) prison policy is allowing, awarding contracts for Non-Profit Organization Programs for "Transitional Group Living Housing".

1. to state the State operations and partnership is "misuse of the Governor Josh Green Emergency Proclamation", and negatively impacting the manning shortfall of the Honolulu Police Department Law Enforcements.

Permission for personal submission at committee hearing, copies of:

- State legislative SR30, given full Senate Authority too "Partners In Care Organization". For accurate State legislative/City "point in count". Unable to fully consider all State Operations and Subcontracting. I consider this as "Aiding & Abiding" and compromising the Safety/Health Welfare of the entire 96792.
- Measurement inquiries made September 28, 2022 by State Rep Bob McDermott. Senator Maile Shimabukuro & Rep Cedric Gates of 96792 was made awareness.
- ACT 255, SB 1378 "relating to unlicensed care homes". No other follow' up, implementation, and execution within the Oahu Westside 96792. Further language made within Hawai'i ACT 255, SB 1378 (July 7, 2023) "Relating to unlicensed care homes" (attached), page(1) para(14): "The legislature further finds that at least twenty-one unlicensed homes have used the **landlord exclusion** to avoid the department of health's regulatory oversight, further placing 17 patients at risk. **By repealing the landlord exclusion**, the department of health will have the ability to conduct an investigation to determine if unlicensed activity is occurring."
- ACT 155, SB2137 "relating to transitional housing". State Department Of Health & Adult Mental Health Department (AMHD) is a broken system. Unknown measurement of business operations, which compromise's the Safety/Health Children Schools/Recreational Area's of the near proximities of these State operations.
- ACT 26 session Laws 2020, State DOH, broken system and judicial system revolving door.





**HOUSE OF REPRESENTATIVES**

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

Wednesday, September 28, 2022

The Honorable David Y. Ige  
Governor of the State of Hawaii  
State Capitol, Executive Chamber  
Honolulu, Hawaii 96813

**RE: CONSTITUENT CONCERNS**

Aloha Governor Ige:

I hope all is well.

Please have your team provide the following data for constituent knowledge:

1. How many "Clean and Sober Homes" do we have on the West side of O'ahu in Wai'anae, Nānākuli, Mā'ili, Mākaha, etc...?
2. Same goes for "Youth Foster Homes"
3. Same goes for "General Care Homes" for the elderly.

Residents have expressed concern that the numbers of these facilities are disproportionately impacting the West side. Based on objective numbers, is this perception correct? If not, can you please provide data disabusing me of this notion?

I look forward to hear from you soon.

With much aloha,

A handwritten signature in black ink that reads "Bob McDermott".



**Bob McDermott**  
State House Representative, District 40  
*Ewa Beach, Ewa by Gentry, Iroquois Point*  
State Capitol, Room 427, Honolulu, HI 96813  
(office): (808) 586-9730 (cell): (808) 371-4605  
(email): repmcdermott@capitol.hawaii.gov

Copy via Electronic Mail:  
Austin Salcedo  
Sen. Shimabukuro  
Rep. Gates

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## SENATE RESOLUTION

URGING THE STATE AND CITY AND COUNTY OF HONOLULU TO RECOGNIZE  
AND ADDRESS THE INEQUITABLE LOCATION OF MENTAL HEALTH  
FACILITIES, CLEAN AND SOBER HOMES, HOMELESS SHELTERS, AND  
OTHER SUPPORTIVE LIVING HOMES ACROSS THE ISLAND OF OAHU.

1           WHEREAS, mental health facilities, clean and sober homes,  
2 homeless shelters, and other supportive living homes are  
3 inequitably located across the island of Oahu, with a large  
4 number of facilities and homes along the Waianae coast; and  
5

6           WHEREAS, the large number of mental health facilities,  
7 clean and sober homes, homeless shelters, and other supportive  
8 living homes along Oahu's Waianae coast has caused individuals  
9 struggling with mental health issues and substance use problems  
10 to be referred to services along the Waianae coast from other  
11 areas of Oahu; and  
12

13           WHEREAS, due to these factors, residents living along the  
14 Waianae coast have urged the government to increase access to  
15 mental health facilities, clean and sober homes, homeless  
16 shelters, and other supportive living homes more evenly across  
17 the State; now, therefore,  
18

19           BE IT RESOLVED by the Senate of the Thirty-second  
20 Legislature of the State of Hawaii, Regular Session of 2023,  
21 that the State and City and County of Honolulu are urged to  
22 recognize and address the inequitable locating of mental health  
23 facilities, clean and sober homes, homeless shelters, and other  
24 supportive living homes across the island of Oahu, particularly  
25 the prevalence of these facilities and homes along the Waianae  
26 coast; and  
27

28           BE IT FURTHER RESOLVED that Partners in Care Oahu is  
29 requested to consult with stakeholders on issues such as:  
30

31           (1) The proximity of supportive living homes to children,  
32 elderly, and recreational areas;



- 1
- 2 (2) Transparency;
- 3
- 4 (3) Liability insurance;
- 5
- 6 (4) Lack of Honolulu Police Department and Department of
- 7 Planning and Permitting of the City and County of
- 8 Honolulu resources;
- 9
- 10 (5) Oversight; and
- 11
- 12 (6) Community engagement; and
- 13
- 14 BE IT FURTHER RESOLVED that certified copies of this
- 15 Resolution be transmitted to the Director of Health, Director of
- 16 Human Services, Director of Public Safety, Chief Justice of the
- 17 Hawaii Supreme Court, Mayor of the City and County of Honolulu,
- 18 Chairperson of the Honolulu City Council, Chief of the Honolulu
- 19 Police Department, Director of the City and County of Honolulu
- 20 Department of Planning and Permitting, Prosecuting Attorney of
- 21 the City and County of Honolulu, Executive Secretary of the
- 22 Neighborhood Commission Office of the City and County of
- 23 Honolulu, Chairperson of the Waianae Coast Neighborhood Board,
- 24 Chairperson of the Nanakuli-Mailii Neighborhood Board, and
- 25 Executive Director of Partners in Care Oahu.

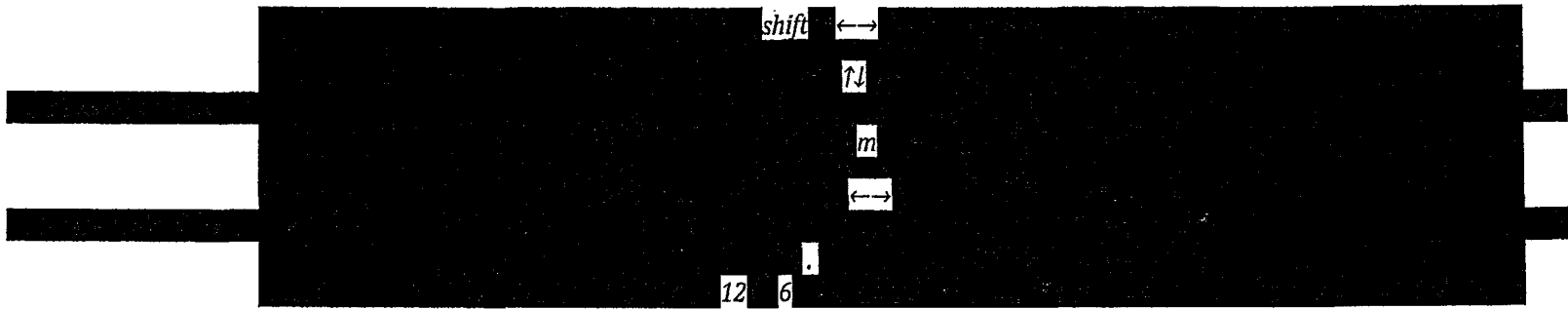


# Funding denied to program that helps with transition Hawaii inmates back into community

- By Arielle Argel

KITV-4 NEWS

- Oct 30, 2023 Updated 3 hrs ago



The Restorative Circle program was created to help incarcerated people transition back into their communities. But the Department of Public Safety denied them funding.

HONOLULU (Island News) – For many people, there is a moment that changes them for the rest of their lives. For Curtis Crabbe and his family, it was attending a program called Restorative Circle.

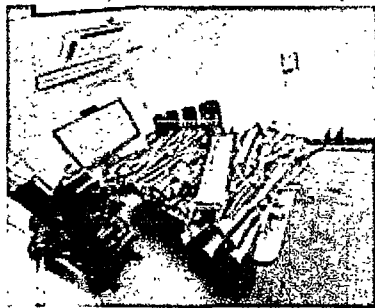
In the 1990s, Crabbe's brother had been incarcerated for a drug addiction and was getting ready to go back into the community.

“Basically, it was to get the people in the person's immediate family or support group into a circle, a literal circle,” said Crabbe.

To prevent his brother from going back to prison, Crabbe attended the restorative circles to help with his brother's transition back into the community.

“Each of us went around the circle and forgave him. And if there were some concerns, we'd address it. But at that point in time, we all understood that perhaps the methodology was to forgive and to really forget and not to look back,” said Crabbe.

Crabbe said without the program, his brother wouldn't be as successful as he is today and his family dynamic would be very different.



LOCAL

**Nearly 500 guns recovered during Oahu gun buyback event**

- By Kathryn Doorey

The program was created to help incarcerated people transition back in their communities by providing support and guidance for when they get out. Worknet Inc., and the Hawaii Friends of Restorative Justice are working together to continue the program.

However, the Department of Public Safety (DPS) denied funding to the program. Chas Williams, Worknet's Executive Director, wrote a letter asking why.

“There were four items stated in the rejection letter, but all four of the items of the same thing. There are statements and restatements of that particular cause,” said Williams.

Williams said they were rejected due to subcontracting the Hawaii Friends of Restorative justice, however, he says that was not stated as a restriction before.

“It would come upon Mr. Williams to make sure that his bid met the scope of the request for proposal (RFP). It did not. And since it specifically barred subcontracting, he aired in saying that he was going to subcontract, when it specifically barred that in the RFP. So he gave us no choice but to reject his bid because it did not meet the RFP,” said Tommy Johnson, Director of the DPS.

Johnson said the department is still reviewing the appeal Williams sent back in early August. He said it typically takes the department 60 to 90 days to respond back to the appeal.

Approved by the Governor

on JUL 7 2023

ACT 255

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

S.B. NO. 1378  
S.D. 1  
H.D. 1  
C.D. 1

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## A BILL FOR AN ACT

RELATING TO UNLICENSED CARE HOMES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the department of  
2 health has conducted investigations on two hundred twenty-one  
3 alleged unlicensed care homes over the past forty-eight months  
4 and has closed eleven homes and assessed \$2,489,800 in  
5 administrative penalties. Investigations on eighty-nine  
6 unlicensed homes are underway or pending. Meanwhile, unlicensed  
7 care homes continue to operate and pose a danger to the public  
8 and to frail, elderly, and vulnerable populations. Licensed  
9 care operators and other persons continue to refer or transfer  
10 patients to care homes that, unbeknownst to patients, are  
11 unlicensed. This practice places patients at risk and better  
12 enforcement on the sources of these referrals must be put in  
13 place.

14           The legislature further finds that at least twenty-one  
15 unlicensed care homes have used the landlord exclusion to avoid  
16 the department of health's regulatory oversight, further placing  
17 patients at risk. By repealing the landlord exclusion, the





1 department of health will have the ability to conduct an  
2 investigation to determine if unlicensed activity is occurring.

3 Accordingly, the purpose of this Act is to expand  
4 protections for vulnerable senior citizens, the public at large,  
5 and residents of care homes by ensuring compliance with  
6 licensure requirements by:

7 (1) Clarifying that any person, corporation, or entity is  
8 prohibited from knowingly referring or transferring  
9 patients to an uncertified or unlicensed care  
10 facility; and

11 (2) Repealing the landlord exclusion.

12 SECTION 2. Section 321-487, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) It shall be unlawful for [~~a certified or licensed~~  
15 ~~healthcare provider or certified or licensed care facility]~~ any  
16 person, corporation, or entity to knowingly refer or transfer  
17 patients to an uncertified or unlicensed care facility. The  
18 department may impose a fine on any [~~certified or licensed~~  
19 ~~healthcare provider or certified or licensed care facility]~~  
20 person, corporation, or entity that knowingly refers or  
21 transfers patients to a care home, agency, or facility operating



1 without a certificate or license as required by law; provided.  
2 that "knowingly" includes but is not limited to failing to  
3 determine whether the care home, agency, or facility has the  
4 required certificate or license; provided further that the fine  
5 shall be [no] not more than:

- 6 (1) \$500 for the first violation;
- 7 (2) \$1,000 for the second violation; and
- 8 (3) \$2,000 for the third and each succeeding violation."

9 SECTION 3. Section 321-488, Hawaii Revised Statutes, is  
10 repealed.

11 [~~§§321-488~~] ~~Exclusion. For purposes of this chapter, a~~  
12 ~~landlord, as defined in section 521-8, shall not be deemed to be~~  
13 ~~providing home care services or to be operating a care facility~~  
14 ~~requiring a license under this chapter solely due to a landlord~~  
15 ~~permitting a tenant to receive care services from persons~~  
16 ~~licensed to provide care services, if licensing is otherwise~~  
17 ~~required by law, and the landlord does not require a tenant to~~  
18 ~~use or pay for care services as a condition of the rental~~  
19 ~~agreement. For the purposes of this section, an operator means~~  
20 ~~an individual or entity that operates or manages a healthcare~~

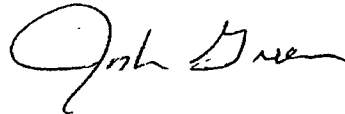


1 ~~facility or similar facility that provides care services in that~~  
2 ~~facility." ]~~

3 SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2023.

APPROVED this 7th day of July, 2023



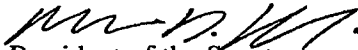
GOVERNOR OF THE STATE OF HAWAII




**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 2, 2023  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.

  
President of the Senate

  
Clerk of the Senate

SB No. 1378, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives



GOV. MSG. NO. 1358

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 7, 2023

The Honorable Ronald D. Kouchi  
*President of the Senate,*  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
*Speaker, and Members of the*  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 7, 2023, the following bill was signed into law:

SB1378 SD1 HD1 CD1

RELATING TO UNLICENSED CARE HOMES.  
**ACT 255**

Sincerely,

A handwritten signature in cursive script that reads "Josh Green M.D.".

Josh Green, M.D.  
Governor, State of Hawai'i

From: "Laura Thielen" <laurat@partnersincareoahu.org>

To: "salcedoa001@hawaii.rr.com" <salcedoa001@hawaii.rr.com>, "james.koshiba@hawaii.gov" <james.koshiba@hawaii.gov>, "laura.thielen@honolulu.gov" <laura.thielen@honolulu.gov>, "antonkrucky@honolulu.gov" <antonkrucky@honolulu.gov>, "namuro@honolulu.gov" <namuro@honolulu.gov>, "Justin.limasa@honolulu.gov" <Justin.limasa@honolulu.gov>, "senshimabukuro@capitol.hawaii.gov" <senshimabukuro@capitol.hawaii.gov>, "repgates@capitol.hawaii.gov" <repgates@capitol.hawaii.gov>, "atupola@honolulu.gov" <atupola@honolulu.gov>

Cc: "lindsay.p.pacheco@hawaii.gov" <lindsay.p.pacheco@hawaii.gov>, "jun.d.yang@hawaii.gov" <jun.d.yang@hawaii.gov>, "kehaulani.puu@honolulu.gov" <kehaulani.puu@honolulu.gov>, "dmiyagi@honolulu.gov" <dmiyagi@honolulu.gov>, "miku.sewell@honolulu.gov" <miku.sewell@honolulu.gov>, "k.renaud@capitol.hawaii.gov" <k.renaud@capitol.hawaii.gov>, "p.tanna@capitol.hawaii.gov" <p.tanna@capitol.hawaii.gov>, "C.Crabbe@capitol.hawaii.gov" <C.Crabbe@capitol.hawaii.gov>, "M.sarabanogarcia@honolulu.gov" <M.sarabanogarcia@honolulu.gov>, "tifanie.tapeni@honolulu.gov" <tifanie.tapeni@honolulu.gov>, "Kathryn.Olomua@honolulu.gov" <Kathryn.Olomua@honolulu.gov>, "Kenneth.Fink@DOH.Hawaii.gov" <Kenneth.Fink@DOH.Hawaii.gov>, "joy.takayama@doh.hawaii.gov" <joy.takayama@doh.hawaii.gov>, "hoomanawanui007@hotmail.com" <hoomanawanui007@hotmail.com>, "tianawilbur2022@gmail.com" <tianawilbur2022@gmail.com>

Priority: Normal

Date: Wednesday September 27 2023 3:11:53PM

## RE: Kea'au Resident Concerns with Makaha Bridge Project Closure

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Aloha Austin. As I've said before, our agency has no authority regarding the placement or facilitation of any care homes anywhere on Oahu. We never have and never will. I believe that Care Homes are under the Dept of Health. We also have no say in any placement of services or shelters on Oahu. If the agency has HUD funding, we are obligated to review their programs and ensure they are in compliance with Federal guidelines through HUD. This does not extend to their placement in the community. Programs such as Weed and Seed and Safe and Sound are actively banning folks who have trespassing and other crimes on their records from certain areas which may place a burden in other regions. These are City and State programs that we have no control over. I suggest a call to Prosecutor Alm on these issues. Our purpose is to support providers and those they serve as best as possible and get them into permanent and supportive housing. It is already a challenge doing this since no one wants folks with lived experience in their backyards. We are working with a shortage of resources, yet we are tasked with solving a problem that is huge – poverty. I give you my word that we are working as fast as we can with huge barriers in our way. I hope not to be in this job in 10 years, but I've been saying that for more than 30 years. We will continue to work with communities across Oahu to improve the lives of all of our neighbors on the streets so that they can be recognized as what they are – community members. With Aloha, Laura

Laura E. Thielen | She/Her

Executive Director

Partners In Care

200 N. Vineyard Boulevard Ste. A-210

Honolulu, HI 96817

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[laurat@partnersincareoahu.org](mailto:laurat@partnersincareoahu.org)

C. (808) 380-9444

[www.partnersincareoahu.org](http://www.partnersincareoahu.org)

[Partners in Care Facebook](#)

INBOX1275632955ca912aba0f03916cf19c9f2eb

## 25 Years of Bringing People Together to address homelessness!

**From:** salcedoa001@hawaii.rr.com <salcedoa001@hawaii.rr.com>

**Sent:** Wednesday, September 27, 2023 2:09 PM

**To:** 'james.koshiba@hawaii.gov' <james.koshiba@hawaii.gov>; 'laura.thielen@honolulu.gov' <laura.thielen@honolulu.gov>; 'antonkrucky@honolulu.gov' <antonkrucky@honolulu.gov>; 'namuro@honolulu.gov' <namuro@honolulu.gov>; 'Justin.limasa@honolulu.gov' <Justin.limasa@honolulu.gov>; Laura Thielen <laurat@partnersincareoahu.org>; 'senshimabukuro@capitol.hawaii.gov' <senshimabukuro@capitol.hawaii.gov>; 'repgates@capitol.hawaii.gov' <repgates@capitol.hawaii.gov>; 'atupola@honolulu.gov' <atupola@honolulu.gov>  
**Cc:** 'lindsay.p.pacheco@hawaii.gov' <lindsay.p.pacheco@hawaii.gov>; 'jun.d.yang@hawaii.gov' <jun.d.yang@hawaii.gov>; 'kehaulani.puu@honolulu.gov' <kehaulani.puu@honolulu.gov>; 'dmiyagi@honolulu.gov' <dmiyagi@honolulu.gov>; 'miku.sewell@honolulu.gov' <miku.sewell@honolulu.gov>; 'k.renaud@capitol.hawaii.gov' <k.renaud@capitol.hawaii.gov>; 'p.tanna@capitol.hawaii.gov' <p.tanna@capitol.hawaii.gov>; 'C.Crabbe@capitol.hawaii.gov' <C.Crabbe@capitol.hawaii.gov>; 'M.sarabanogarcia@honolulu.gov' <M.sarabanogarcia@honolulu.gov>; 'tifanie.tapeni@honolulu.gov' <tifanie.tapeni@honolulu.gov>; 'Kathryn.Olomua@honolulu.gov' <Kathryn.Olomua@honolulu.gov>; 'Kenneth.Fink@DOH.Hawaii.gov' <Kenneth.Fink@DOH.Hawaii.gov>; 'joy.takayama@doh.hawaii.gov' <joy.takayama@doh.hawaii.gov>; 'hoomanawanui007@hotmail.com' <hoomanawanui007@hotmail.com>; 'tianawilbur2022@gmail.com' <tianawilbur2022@gmail.com>

**Subject:** Kea'au Resident Concerns with Makaha Bridge Project Closure

**Aloha Governor Homeless Director James Koshiba and Team,**

**Aloha Honolulu City Parks & Recreation Director Laura Thielen,**

**Aloha City Department of Community Services Director Anton Krucky and Team,**

**Honolulu Emergency Services Department (CORE) Naomi Amuro, for Director Jim Ireland,**

I'm a Ag Landowner in Kea'au District. Whereas, the upcoming Makaha Bridge Project Closure scheduled date is Sept. 29<sup>th</sup>, thru Oct 1<sup>st</sup>, this is dated timeline bench mark not to be overlook. This is significantly concerning



to 210 residential homes will be isolated. The State DOT, Federal, City Officials is taking proactive approach in minimizing any sort of Unsafe negative impact and potential Wildfire's upon the Dry Vegetated District.

Making Awareness of observe today's status. The Houseless Population within the area remains in proximity along Farrington Hwy (State jurisdiction). and upon the Kea'au Undeveloped City Beach Park (City Parks jurisdiction)(No trespassing signage posted). Living conditions is Unhabitable/Unhealthy Conditions. No available Sanitation, Animal Fecal matter on beach grounds.

Moreso, the living condition along Farrington Hwy for these individuals is significantly Unsafe in view of the Detrimental All-Gun Violence currently in the Waianae Coast. Including, a measurable accountability of Oahu Wildfire's and casual relationship with nearby Homeless Encampments. On July 26<sup>th</sup>, there was an HPD Arrest Made of Arson Wildfire cause by Female Homeless Individual.

- (Under ACT-26) The follow-up State Judiciary discussion made to place this Female Arson into the "custody of the Director of the State Department Of Health", into some type of Unknown "Jail Diversion Program". My interpretation is this Female Arson is "off public information accountable records" due to HIIPA Laws. Off the public records radar and into Unknown DOH Programs somewhere returning into the Oahu Community. Not Safe for our Oahu Community.
- Per Public Notice made yesterday's Via Chanel-2 News coverage. Stated Convicted Makiki Rapist (John Freudenberg, sexually assaulted 15 victims) is being released (time served) by the State Prison Paroling Authority into some type of Jail Diversion Program Or Transitional Housing Program somewhere in the Oahu Community. I assume Not Release within the Makiki Community. I personally know One Victim that was sexually assaulted by John Freudenberg, and her life was completely shattered.

I ask of your department to take action and act upon Houseless Encampments in the area, for the Makaha/Kea'au resident Safety, and for any Unsafe Cause of Wildfire's probabilities. I've included an attach picture of last month August Wildfire at Ke'awa'ula State Park, and burnt approximately 20 acre's along the walking trails lower portion the Mountain. The Houseless population in the area, should be held "equally accountable" and Not exempt, nor immune from Hawaii Prohibited laws as equal Tax Payer's adhere to.

#### **Aloha Partners In Care Executive Director Laura E. Thielen,**

Appreciation for your appearance at Waianae Neighborhood meeting this past May, when I had invited you. I know this Newly Elected Neighborhood Board Chair will request for your participation into this Unsafe/Unhealthy Houseless Matters regarding above dialog. Your organization was given full authority by Hawaii Senate PSM/HHS Committee for Resolution-30 SD-1, is requested to consult with All Hawaii State/City Government Officials Stakeholders, and to collaborate with the Waianae Neighborhood Board Officials. For an accurate Point In Time Count from your outreach organization function and Partnerships.

Please consider and include reference Senate Bill 1378 (relating to unlicensed care homes), to include reference Homicide case happened at Kapolei HPD Precinct, that identified Micheal Armstrong (assailant) brutally killing Linda Johnson. Both was previously in the custody of a Foster Care Giver, and was not held accountable.

Imperative to address concerning questions by other community members, regarding the Houseless population within the area, and continue to remain Resistant and in proximity along Farrington Hwy. and upon the Kea'au Undeveloped City Beach Park.

Information of accurate Point In Time Count of these Unknown Resistant Houseless Individuals residing in these area. Questions: Is there "measured data base and/or traceability data base" for Individuals Previously from programs and Somehow Rejected by the State/City Care Giving Programs that is now Houseless Living at upon our State/City jurisdiction Coastal Beach's along Kea'au thru Ke'awa'ula districts. Directed by:

The Hawaii State Department Of Health Directors, for Jail Diversion Program, Rehab Transitional Program etc.?

State Circuit Court Judiciary Probation Head Administrator by Brook Mamizuka, for Jail Diversion Program, Transitional Housing Programs etc.?

• State Prison Paroling Authority Officer Cory Reincke, for Jail Diversion Program, Transitional Housing Programs etc.?

Mahalo, and the given authority by Senate Resolution SR-30, please advise to Waianae Community Neighborhood Board Officials of your discoveries,

Austin Salcedo

(Kea'au Ag Landowner)

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Act 26, Session Laws 2020, amended this section to: (1) in cases where the defendant is charged with a petty misdemeanor not involving violence or attempted violence, require the appointment of a court-based certified examiner, if available, to examine and provide an expedited report solely upon the issues of the defendant's capacity to understand the proceedings against the defendant and the defendant's ability to assist in the defendant's own defense and require a hearing to be held on the defendant's fitness within two days of the filing of the report; (2) in all other nonfelony cases, and where a court-based certified examiner is not available in petty misdemeanor cases not involving violence or attempted violence, specify that the qualified examiner may be either a psychiatrist or a licensed psychologist designated by the director of health from within the department of health; (3) in felony cases, repeal the requirement that the three qualified examiners appointed to examine and report on the defendant's fitness to proceed include at least one psychiatrist and one licensed psychologist, and instead allow the appointment of any combination of psychiatrists, licensed psychologists, or qualified physicians, so long as one examiner is a psychiatrist or licensed psychologist designated by the director of health from within the department of health; (4) require that examination reports, other than for defendants charged with a petty misdemeanor not involving violence or attempted violence, include a diagnosis of the defendant's physical or mental condition; and (5) repeal the requirement that copies of examination reports be delivered to the prosecuting attorney and the defendant's counsel. The legislature noted significant increases in the number of individuals with mental illness that were arrested and remained in custody while awaiting a psychiatric evaluation of competency. If determined to be legally unfit to proceed with their cases, these individuals continued to remain in custody until restoration of their legal fitness to proceed. The legislature found that the mental health core steering committee, a collaboration of the department of health and the judiciary, published a Joint Report on January 9, 2020, proposing legislation to divert nonviolent petty misdemeanants living with mental illness from the criminal justice system within days of their arrest, rather than months, to further the goal of crime prevention, ensure appropriate diversion to community treatment, and further the goal of rehabilitation, among other amendments to

## NOTICE TO REQUESTER

**TO:** Austin Salcedo  
Phone: (808) 295-5102  
Email: salcedoa001@hawaii.rr.com  
(Requester's name)

**FROM:** Spencer Jim On, Assistant Police Legal Advisor  
Honolulu Police Department  
801 South Beretania Street  
Honolulu, HI 96813  
Phone: (808) 723-3848  
(Agency, and agency contact person's name, telephone number, & email address)

**DATE THAT THE RECORD REQUEST WAS RECEIVED BY AGENCY:** September 9, 2022

**DATE OF THIS NOTICE:** September 21, 2022

**GOVERNMENT RECORDS YOU REQUESTED** (attach copy of request or provide brief description below):

The number of times the HPD has responded to complaints at Kauhale Kamaile located at 85-248 Farrington Hwy, since 2019.

**THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:**

**Will be granted in its entirety:** Since 2019, The Honolulu Police Department responded to 85-248 Farrington Hwy 135 times.

**Cannot be granted. Agency is unable to disclose the requested records for the following reason:**

- Agency does not maintain the records. (HRS § 92F-3)  
Other agency that is believed to maintain records: \_\_\_\_\_
- Agency needs further clarification or description of the records requested. Please contact the agency and provide the following information: \_\_\_\_\_
- Request requires agency to create a summary or compilation from records, but requested information is not readily retrievable. (HRS § 92F-11(c))
- Requested record(s) does not exist.

**Will be granted in part and denied in part, OR**

**Is denied in its entirety**

**Although the agency maintains the requested records, it is not disclosing all or part of them based on the exemptions provided in HRS § 92F-13 and/or § 92F-22 or other laws cited below.**  
(Describe the portions of records that the agency will not disclose.)

**RECORDS OR  
INFORMATION WITHHELD**

**APPLICABLE  
STATUTES**

**AGENCY  
JUSTIFICATION**

### REQUESTER'S RESPONSIBILITIES:

You are required to (1) pay any lawful fees and costs assessed; (2) make any necessary arrangements with the agency to inspect, copy or receive copies as instructed below; and (3) provide the agency any additional information requested. If you do not comply with the requirements set forth in this notice within 20 business days after the postmark date of this notice or the date the agency makes the records available, you will be presumed to have abandoned your request and the agency shall have no further duty to process your request. Once the agency begins to

search for or review of the records until the prepayment is received by the agency. Additionally, if you have outstanding fees or costs from previous requests, including abandoned requests, the agency may require prepayment of 100% of the unpaid balance from prior requests before it begins any search or review for the records you are now seeking.

The following is an itemization of what you must pay, based on the estimated fees and costs that the agency will charge you and the applicable waiver amount that will be deducted:

**For public record requests only:**

<b>Fees:</b> Search	Estimate of time to be spent: <u>1</u> hours (\$2.50 for each 15-minute period)	\$ 10
Review & segregation	Estimate of time to be spent: _____ hours (\$5.00 for each 15-minute period)	\$
Fees waived	<input checked="" type="checkbox"/> general (\$30), <b>OR</b> <input type="checkbox"/> public interest (\$60) (Only one waiver per request)	<\$ <u>30</u> >
Other	_____	\$
	(Pursuant to HAR §§ 2-71-19 & 2-71-31)	
<b>Total Estimated Fees:</b>		<b>\$ 0</b>

**For public or personal record requests:**

<b>Costs:</b> Copying	Estimate of # of pages to be copied: _____ (@ \$ <u>0.50</u> for 1 <sup>st</sup> pages of each report and \$ <u>0.25</u> for each subsequent pages per page, pursuant to HRS § 92-21)	\$
Delivery	Postage	\$
Other	_____	\$
<b>Total Estimated Costs:</b>		<b>\$</b>

**TOTAL ESTIMATED FEES AND COSTS from above:** **\$ 0**

The estimated fees and costs above are for the first incremental disclosure only. Additional fees and costs, and no further fee waivers, will apply to future incremental disclosures.

**PREPAYMENT IS REQUIRED** (50% of fees + 100% of costs, as estimated above) **\$**

**UNPAID BALANCE FROM PRIOR REQUESTS** (100% must be paid before work begins) **\$**

**TOTAL AMOUNT DUE AT THIS TIME** **\$**

Payment may be made by:  cash  
 personal/business/cashier's check payable to **City and County of Honolulu**

For questions about this notice or the records being sought, please contact the agency person named at the beginning of this form. Please note that the Office of Information Practices (OIP) does not maintain the records of other agencies, and a requester must seek records directly from the agency it believes maintains the records. If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at (808) 586-1400, [ois@hawaii.gov](mailto:ois@hawaii.gov), or 250 South Hotel Street, Suite 107, Honolulu, Hawaii 96813.

Approved by the Governor

JUN 27 2022

on \_\_\_\_\_

THE SENATE  
THIRTY-FIRST LEGISLATURE, 2022  
STATE OF HAWAII

**ACT 155**  
**S.B. NO.** 2137  
S.D. 2  
H.D. 1  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO TRANSITIONAL HOUSING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 321-193.7, Hawaii Revised Statutes, is  
2 amended by amending subsection (j) to read as follows:

3           "(j) The department shall establish a toll-free telephone  
4 number to receive complaints regarding clean and sober homes.  
5 The department and pertinent county agencies shall work together  
6 to resolve problems and complaints received by either the State  
7 or counties regarding clean and sober homes. The department  
8 shall educate the public on:

- 9           (1) Clean and sober homes;  
10           (2) The department's registry of clean and sober homes;  
11           (3) State and county procedures pertaining to clean and  
12           sober homes; and  
13           (4) Contact information and procedures for inquiries and  
14           complaints related to clean and sober homes."

15           SECTION 2. New statutory material is underscored.

16           SECTION 3. This Act shall take effect upon its approval.



S.B. NO. 2137  
S.D. 2  
H.D. 1  
C.D. 1

APPROVED this 27th day of June, 2022




GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 3, 2022  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022.

  
President of the Senate

  
Clerk of the Senate



SB No. 2137, SD 2, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives



GOV. MSG. NO. 1256

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 27, 2022

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty-First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty-First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2022, the following bill was signed into law:

SB2137 SD2 HD1 CD1

RELATING TO TRANSITIONAL HOUSING.  
ACT 155

Sincerely,

A handwritten signature in black ink that reads "David Y. Ige".

DAVID Y. IGE  
Governor, State of Hawai'i

**HB-2750**

Submitted on: 1/30/2024 12:19:27 AM

Testimony for HLT on 1/31/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
gina salcedo	Individual	Support	In Person

Comments:

Gina Salcedo, in Support with Amendments

Beside “Clean & Sober Homes”, additional language to be incorporated due to “equal involvement” of State Operations, also Known As: Transitional Group Housing & Shelter’s, Drug Rehab Facilities & Shelter’s, Halfway Group Housing, Houseless Shelter’s etc.

Language to be incorporated due to “equal involvement” by: Hawai‘i State Department of Health & Mental Health Hospital, Hawai‘i State Departments of Circuit Court (Probation/Paroling Authority), Hawai‘i State Public Safety Prison’s (Probation/Paroling Authority), Hawai‘i State Institute Of Human Service’s (IHS) Shelter’s, Hawai‘i State Department of Commerce and Consumer Affairs (LLC Certifications). Financially supported by Federal Housing Urban Development Funding.

Language to be incorporated State Policy Mandate for “equal involvement” by the Hawai‘i State and City County. To adopt Hawai‘i State “Adult Residential Care Home (ARCH)” Permit protocol, and City County “Conditional Use Permit (CUP)” protocol with City County Community Neighborhood Board full approvals by means of “Community Impact Study”.

Language to be incorporated for Operations by 1 ½ Miles Distance proximity away from Children Schools (all age’s), Recreational Public Parks, and Elderly Rehab/Hospice Facilities.

Language to be incorporated, “Prohibited Oahu District’s” for any operations from Makaha through Makua Districts. Facts is the Manning shortfall of First Responder’s Law Enforcement (HPD, DLNR, Sheriffs Dept, EMS)

1. all the State Operations with All related common factors is None City DPP “Conditional Use Permits” obtained, and not presented before the Waianae Neighborhood Board for adjudicated approval by means of “Community Impact Study”.
2. Department Of Health & Adult Mental Health Department (AMHD), Alcohol & Drug Abuse Division (ADAD), State Mental Health Hospital is a broken system. None City DPP Conditional Use Permits (CUP), and not presented as “Community Impact Study” before the Waianae Neighborhood Board for adjudicated approval.

Whereas, the #2023 data analysis by Honolulu Police Department of 80% Increase Homicides in the Waianae District, with more recent deaths occurred.

Whereas, per Island News recent data analysis to State Legislation by Partner's In Care. 630 Point In Count on Homelessness on the Oahu Westside, and 27% unsheltered.

Relevant and Valid question, is "Federal Bureau of Prisons". Under federal ruling "is it prohibited for felon's released on probation/paroling be in Group Living Environment Program together"? Conflicting as to Why is the State Public Safety Dept (Director Tommy Johnson) prison policy is allowing, awarding contracts for Non-Profit Organization Programs for "Transitional Group Living Housing".

1. to state the State operations and partnership is "misuse of the Governor Josh Green Emergency Proclamation", and negatively impacting the manning shortfall of the Honolulu Police Department Law Enforcements.

Permission for personal submission at committee hearing, copies of:

- State legislative SR30, given full Senate Authority too "Partners In Care Organization". For accurate State legislative/City "point in count". Unable to fully consider all State Operations and Subcontracting. I consider this as "Aiding & Abiding" and compromising the Safety/Health Welfare of the entire 96792.
- Measurement inquiries made September 28, 2022 by State Rep Bob McDermott. Senator Maile Shimabukuro & Rep Cedric Gates of 96792 was made awareness.
- ACT 255, SB 1378 "relating to unlicensed care homes". No other follow' up, implementation, and execution within the Oahu Westside 96792. Further language made within Hawai'i ACT 255, SB 1378 (July 7, 2023) "Relating to unlicensed care homes" (attached), page(1) para(14): "The legislature further finds that at least twenty-one unlicensed homes have used the **landlord exclusion** to avoid the department of health's regulatory oversight, further placing 17 patients at risk. **By repealing the landlord exclusion**, the department of health will have the ability to conduct an investigation to determine if unlicensed activity is occurring."
- ACT 155, SB2137 "relating to transitional housing". State Department Of Health & Adult Mental Health Department (AMHD) is a broken system. Unknown measurement of business operations, which compromise's the Safety/Health Children Schools/Recreational Area's of the near proximities of these State operations.
- ACT 26 session Laws 2020, State DOH, broken system and judicial system revolving door.



**HOUSE OF REPRESENTATIVES**

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

Wednesday, September 28, 2022

The Honorable David Y. Ige  
Governor of the State of Hawaii  
State Capitol, Executive Chamber  
Honolulu, Hawaii 96813

**RE: CONSTITUENT CONCERNS**

Aloha Governor Ige:

I hope all is well.

Please have your team provide the following data for constituent knowledge:

1. How many "Clean and Sober Homes" do we have on the West side of O'ahu in Wai'anae, Nānākuli, Mā'ili, Mākaha, etc...?
2. Same goes for "Youth Foster Homes"
3. Same goes for "General Care Homes" for the elderly.

Residents have expressed concern that the numbers of these facilities are disproportionately impacting the West side. Based on objective numbers, is this perception correct? If not, can you please provide data disabusing me of this notion?

I look forward to hear from you soon.

With much aloha,



**Bob McDermott**  
State House Representative, District 40  
*Ewa Beach, Ewa by Gentry, Iroquois Point*  
State Capitol, Room 427, Honolulu, HI 96813  
(office): (808) 586-9730 (cell): (808) 371-4605  
(email): repmcdermott@capitol.hawaii.gov

Copy via Electronic Mail:  
Austin Salcedo  
Sen. Shimabukuro  
Rep. Gates

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## SENATE RESOLUTION

URGING THE STATE AND CITY AND COUNTY OF HONOLULU TO RECOGNIZE  
AND ADDRESS THE INEQUITABLE LOCATION OF MENTAL HEALTH  
FACILITIES, CLEAN AND SOBER HOMES, HOMELESS SHELTERS, AND  
OTHER SUPPORTIVE LIVING HOMES ACROSS THE ISLAND OF OAHU.

1           WHEREAS, mental health facilities, clean and sober homes,  
2 homeless shelters, and other supportive living homes are  
3 inequitably located across the island of Oahu, with a large  
4 number of facilities and homes along the Waianae coast; and  
5

6           WHEREAS, the large number of mental health facilities,  
7 clean and sober homes, homeless shelters, and other supportive  
8 living homes along Oahu's Waianae coast has caused individuals  
9 struggling with mental health issues and substance use problems  
10 to be referred to services along the Waianae coast from other  
11 areas of Oahu; and  
12

13           WHEREAS, due to these factors, residents living along the  
14 Waianae coast have urged the government to increase access to  
15 mental health facilities, clean and sober homes, homeless  
16 shelters, and other supportive living homes more evenly across  
17 the State; now, therefore,  
18

19           BE IT RESOLVED by the Senate of the Thirty-second  
20 Legislature of the State of Hawaii, Regular Session of 2023,  
21 that the State and City and County of Honolulu are urged to  
22 recognize and address the inequitable locating of mental health  
23 facilities, clean and sober homes, homeless shelters, and other  
24 supportive living homes across the island of Oahu, particularly  
25 the prevalence of these facilities and homes along the Waianae  
26 coast; and  
27

28           BE IT FURTHER RESOLVED that Partners in Care Oahu is  
29 requested to consult with stakeholders on issues such as:  
30

31           (1) The proximity of supportive living homes to children,  
32 elderly, and recreational areas;



- 1
- 2 (2) Transparency;
- 3
- 4 (3) Liability insurance;
- 5
- 6 (4) Lack of Honolulu Police Department and Department of
- 7 Planning and Permitting of the City and County of
- 8 Honolulu resources;
- 9
- 10 (5) Oversight; and
- 11
- 12 (6) Community engagement; and
- 13
- 14 BE IT FURTHER RESOLVED that certified copies of this
- 15 Resolution be transmitted to the Director of Health, Director of
- 16 Human Services, Director of Public Safety, Chief Justice of the
- 17 Hawaii Supreme Court, Mayor of the City and County of Honolulu,
- 18 Chairperson of the Honolulu City Council, Chief of the Honolulu
- 19 Police Department, Director of the City and County of Honolulu
- 20 Department of Planning and Permitting, Prosecuting Attorney of
- 21 the City and County of Honolulu, Executive Secretary of the
- 22 Neighborhood Commission Office of the City and County of
- 23 Honolulu, Chairperson of the Waianae Coast Neighborhood Board,
- 24 Chairperson of the Nanakuli-Maili Neighborhood Board, and
- 25 Executive Director of Partners in Care Oahu.



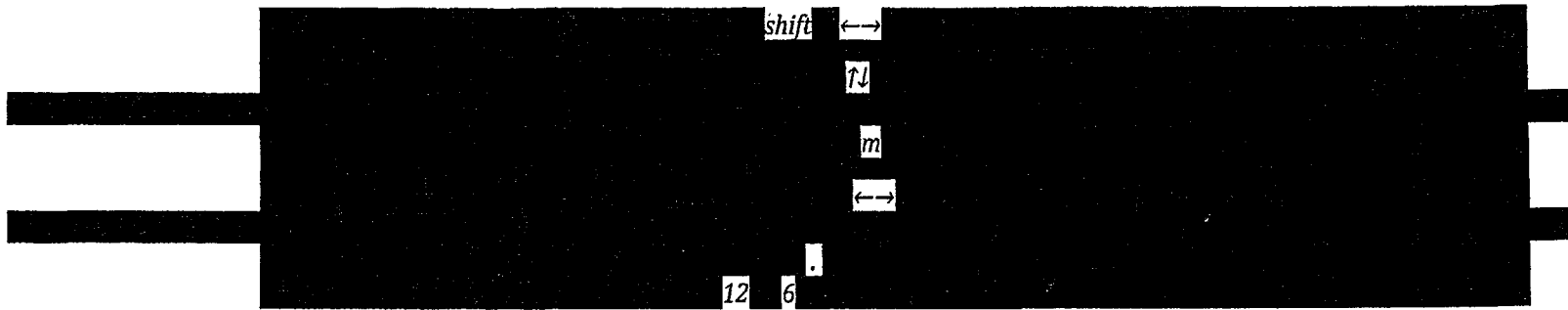
# Funding denied to program that helps with transition Hawaii inmates back into community

- By Arielle Argel

KITV-4 NEWS

- Oct 30, 2023 Updated 3 hrs ago





The Restorative Circle program was created to help incarcerated people transition back into their communities. But the Department of Public Safety denied them funding.

HONOLULU (Island News) – For many people, there is a moment that changes them for the rest of their lives. For Curtis Crabbe and his family, it was attending a program called Restorative Circle.

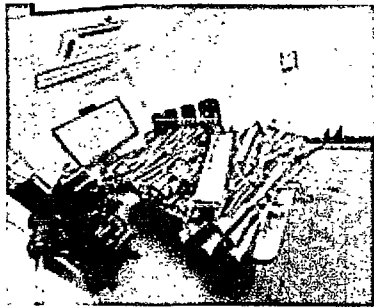
In the 1990s, Crabbe's brother had been incarcerated for a drug addiction and was getting ready to go back into the community.

“Basically, it was to get the people in the person's immediate family or support group into a circle, a literal circle,” said Crabbe.

To prevent his brother from going back to prison, Crabbe attended the restorative circles to help with his brother's transition back into the community.

“Each of us went around the circle and forgave him. And if there were some concerns, we'd address it. But at that point in time, we all understood that perhaps the methodology was to forgive and to really forget and not to look back,” said Crabbe.

Crabbe said without the program, his brother wouldn't be as successful as he is today and his family dynamic would be very different.



LOCAL

Nearly 500 guns recovered during Oahu gun buyback event

- By Kathryn Doorey

The program was created to help incarcerated people transition back in their communities by providing support and guidance for when they get out. Worknet Inc., and the Hawaii Friends of Restorative Justice are working together to continue the program.

However, the Department of Public Safety (DPS) denied funding to the program. Chas Williams, Worknet's Executive Director, wrote a letter asking why.

“There were four items stated in the rejection letter, but all four of the items of the same thing. There are statements and restatements of that particular cause,” said Williams.

Williams said they were rejected due to subcontracting the Hawaii Friends of Restorative justice, however, he says that was not stated as a restriction before.

“It would come upon Mr. Williams to make sure that his bid met the scope of the request for proposal (RFP). It did not. And since it specifically barred subcontracting, he aired in saying that he was going to subcontract, when it specifically barred that in the RFP. So he gave us no choice but to reject his bid because it did not meet the RFP,” said Tommy Johnson, Director of the DPS.

Johnson said the department is still reviewing the appeal Williams sent back in early August. He said it typically takes the department 60 to 90 days to respond back to the appeal.

Approved by the Governor

on       JUL 7 2023      

ACT 255

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

S.B. NO. 1378  
S.D. 1  
H.D. 1  
C.D. 1

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## A BILL FOR AN ACT

RELATING TO UNLICENSED CARE HOMES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1           SECTION 1. The legislature finds that the department of  
2 health has conducted investigations on two hundred twenty-one  
3 alleged unlicensed care homes over the past forty-eight months  
4 and has closed eleven homes and assessed \$2,489,800 in  
5 administrative penalties. Investigations on eighty-nine  
6 unlicensed homes are underway or pending. Meanwhile, unlicensed  
7 care homes continue to operate and pose a danger to the public  
8 and to frail, elderly, and vulnerable populations. Licensed  
9 care operators and other persons continue to refer or transfer  
10 patients to care homes that, unbeknownst to patients, are  
11 unlicensed. This practice places patients at risk and better  
12 enforcement on the sources of these referrals must be put in  
13 place.

14           The legislature further finds that at least twenty-one  
15 unlicensed care homes have used the landlord exclusion to avoid  
16 the department of health's regulatory oversight, further placing  
17 patients at risk. By repealing the landlord exclusion, the



1 department of health will have the ability to conduct an  
2 investigation to determine if unlicensed activity is occurring.

3 Accordingly, the purpose of this Act is to expand  
4 protections for vulnerable senior citizens, the public at large,  
5 and residents of care homes by ensuring compliance with  
6 licensure requirements by:

- 7 (1) Clarifying that any person, corporation, or entity is  
8 prohibited from knowingly referring or transferring  
9 patients to an uncertified or unlicensed care  
10 facility; and  
11 (2) Repealing the landlord exclusion.

12 SECTION 2. Section 321-487, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) It shall be unlawful for [~~a certified or licensed~~  
15 ~~healthcare provider or certified or licensed care facility~~] any  
16 person, corporation, or entity to knowingly refer or transfer  
17 patients to an uncertified or unlicensed care facility. The  
18 department may impose a fine on any [~~certified or licensed~~  
19 ~~healthcare provider or certified or licensed care facility~~]  
20 person, corporation, or entity that knowingly refers or  
21 transfers patients to a care home, agency, or facility operating



1 without a certificate or license as required by law; provided.  
2 that "knowingly" includes but is not limited to failing to  
3 determine whether the care home, agency, or facility has the  
4 required certificate or license; provided further that the fine  
5 shall be [nø] not more than:

- 6 (1) \$500 for the first violation;
- 7 (2) \$1,000 for the second violation; and
- 8 (3) \$2,000 for the third and each succeeding violation."

9 SECTION 3. Section 321-488, Hawaii Revised Statutes, is  
10 repealed.

11 ~~["§§321-488] Exclusion. For purposes of this chapter, a~~  
12 ~~landlord, as defined in section 521-8, shall not be deemed to be~~  
13 ~~providing home care services or to be operating a care facility~~  
14 ~~requiring a license under this chapter solely due to a landlord~~  
15 ~~permitting a tenant to receive care services from persons~~  
16 ~~licensed to provide care services, if licensing is otherwise~~  
17 ~~required by law, and the landlord does not require a tenant to~~  
18 ~~use or pay for care services as a condition of the rental~~  
19 ~~agreement. For the purposes of this section, an operator means~~  
20 ~~an individual or entity that operates or manages a healthcare~~

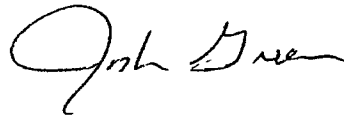


1 ~~facility or similar facility that provides care services in that~~  
2 ~~facility." ]~~

3 SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2023.

APPROVED this 7th day of July, 2023



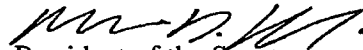
GOVERNOR OF THE STATE OF HAWAII




**THE SENATE OF THE STATE OF HAWAI‘I**

Date: May 2, 2023  
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2023.

  
President of the Senate

  
Clerk of the Senate



SB No. 1378, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives



GOV. MSG. NO. (358)

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 7, 2023

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 7, 2023, the following bill was signed into law:

SB1378 SD1 HD1 CD1

RELATING TO UNLICENSED CARE HOMES.  
**ACT 255**

Sincerely,

A handwritten signature in cursive script that reads "Josh Green M.D.".

Josh Green, M.D.  
Governor, State of Hawai'i

From: "Laura Thielen" <laurat@partnersincareoahu.org>

To: "saicedoa001@hawaii.rr.com" <saicedoa001@hawaii.rr.com>, "james.koshiiba@hawaii.gov" <james.koshiiba@hawaii.gov>, "laura.thielen@honolulu.gov" <laura.thielen@honolulu.gov>, "antonkrucky@honolulu.gov" <antonkrucky@honolulu.gov>, "namuro@honolulu.gov" <namuro@honolulu.gov>, "Justin.limasa@honolulu.gov" <Justin.limasa@honolulu.gov>, "senshimabukuro@capitol.hawaii.gov" <senshimabukuro@capitol.hawaii.gov>, "repgates@capitol.hawaii.gov" <repgates@capitol.hawaii.gov>, "atupola@honolulu.gov" <atupola@honolulu.gov>

Cc: "lindsay.p.pacheco@hawaii.gov" <lindsay.p.pacheco@hawaii.gov>, "jun.d.yang@hawaii.gov" <jun.d.yang@hawaii.gov>, "kehaulani.puu@honolulu.gov" <kehaulani.puu@honolulu.gov>, "dmiyagi@honolulu.gov" <dmiyagi@honolulu.gov>, "miku.sewell@honolulu.gov" <miku.sewell@honolulu.gov>, "k.renaud@capitol.hawaii.gov" <k.renaud@capitol.hawaii.gov>, "p.tanna@capitol.hawaii.gov" <p.tanna@capitol.hawaii.gov>, "C.Crabbe@capitol.hawaii.gov" <C.Crabbe@capitol.hawaii.gov>, "M.sarabanogarcia@honolulu.gov" <M.sarabanogarcia@honolulu.gov>, "tifanie.tapeni@honolulu.gov" <tifanie.tapeni@honolulu.gov>, "Kathryn.Olomua@honolulu.gov" <Kathryn.Olomua@honolulu.gov>, "Kenneth.Fink@DOH.Hawaii.gov" <Kenneth.Fink@DOH.Hawaii.gov>, "joy.takayama@doh.hawaii.gov" <joy.takayama@doh.hawaii.gov>, "hoomanawanui007@hotmail.com" <hoomanawanui007@hotmail.com>, "tianawilbur2022@gmail.com" <tianawilbur2022@gmail.com>

Priority: Normal

Date: Wednesday September 27 2023 3:11:53PM

## RE: Kea'au Resident Concerns with Makaha Bridge Project Closure

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Aloha Austin. As I've said before, our agency has no authority regarding the placement or facilitation of any care homes anywhere on Oahu. We never have and never will. I believe that Care Homes are under the Dept of Health. We also have no say in any placement of services or shelters on Oahu. If the agency has HUD funding, we are obligated to review their programs and ensure they are in compliance with Federal guidelines through HUD. This does not extend to their placement in the community. Programs such as Weed and Seed and Safe and Sound are actively banning folks who have trespassing and other crimes on their records from certain areas which may place a burden in other regions. These are City and State programs that we have no control over. I suggest a call to Prosecutor Alm on these issues. Our purpose is to support providers and those they serve as best as possible and get them into permanent and supportive housing. It is already a challenge doing this since no one wants folks with lived experience in their backyards. We are working with a shortage of resources, yet we are tasked with solving a problem that is huge – poverty. I give you my word that we are working as fast as we can with huge barriers in our way. I hope not to be in this job in 10 years, but I've been saying that for more than 30 years. We will continue to work wit communities across Oahu to improve the lives of all of our neighbors on the streets so that they can be recognized as what they are – community members. With Aloha, Laura

**Laura E. Thielen** | She/Her

Executive Director

Partners In Care

200 N. Vineyard Boulevard Ste. A-210

Honolulu, HI 96817

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[laurat@partnersincareoahu.org](mailto:laurat@partnersincareoahu.org)

C: (808) 380-9444

[www.partnersincareoahu.org](http://www.partnersincareoahu.org)

[Partners In Care Facebook](#)

INBOX1275632955ca912aba0f03916cfl9c9f2eb

## 25 Years of Bringing People Together to address homelessness!

**From:** salcedoa001@hawaii.rr.com <salcedoa001@hawaii.rr.com>

**Sent:** Wednesday, September 27, 2023 2:09 PM

**To:** 'james.koshiba@hawaii.gov' <james.koshiba@hawaii.gov>; 'laura.thielen@honolulu.gov' <laura.thielen@honolulu.gov>; 'antonkrucky@honolulu.gov' <antonkrucky@honolulu.gov>; 'namuro@honolulu.gov' <namuro@honolulu.gov>; 'Justin.limasa@honolulu.gov' <Justin.limasa@honolulu.gov>; Laura Thielen <laurat@partnersincareoahu.org>; 'senshimabukuro@capitol.hawaii.gov' <senshimabukuro@capitol.hawaii.gov>; 'repgates@capitol.hawaii.gov' <repgates@capitol.hawaii.gov>; 'atupola@honolulu.gov' <atupola@honolulu.gov>  
**Cc:** 'lindsay.p.pacheco@hawaii.gov' <lindsay.p.pacheco@hawaii.gov>; 'jun.d.yang@hawaii.gov' <jun.d.yang@hawaii.gov>; 'kehaulani.puu@honolulu.gov' <kehaulani.puu@honolulu.gov>; 'dmiyagi@honolulu.gov' <dmiyagi@honolulu.gov>; 'miku.sewell@honolulu.gov' <miku.sewell@honolulu.gov>; 'k.renaud@capitol.hawaii.gov' <k.renaud@capitol.hawaii.gov>; 'p.tanna@capitol.hawaii.gov' <p.tanna@capitol.hawaii.gov>; 'C.Crabbe@capitol.hawaii.gov' <C.Crabbe@capitol.hawaii.gov>; 'M.sarabanogarcia@honolulu.gov' <M.sarabanogarcia@honolulu.gov>; 'tifanie.tapeni@honolulu.gov' <tifanie.tapeni@honolulu.gov>; 'Kathryn.Olomua@honolulu.gov' <Kathryn.Olomua@honolulu.gov>; 'Kenneth.Fink@DOH.Hawaii.gov' <Kenneth.Fink@DOH.Hawaii.gov>; 'joy.takayama@doh.hawaii.gov' <joy.takayama@doh.hawaii.gov>; 'hoomanawanui007@hotmail.com' <hoomanawanui007@hotmail.com>; 'tianawilbur2022@gmail.com' <tianawilbur2022@gmail.com>

**Subject:** Kea'au Resident Concerns with Makaha Bridge Project Closure

**Aloha Governor Homeless Director James Koshiba and Team,**

**Aloha Honolulu City Parks & Recreation Director Laura Thielen,**

**Aloha City Department of Community Services Director Anton Krucky and Team,**

**Honolulu Emergency Services Department (CORE) Naomi Amuro, for Director Jim Ireland,**

I'm a Ag Landowner in Kea'au District. Whereas, the upcoming Makaha Bridge Project Closure scheduled date is Sept. 29<sup>th</sup>, thru Oct 1<sup>st</sup>, this is dated timeline bench mark not to be overlook. This is significantly concerning

to 210 residential homes will be isolated. The State DOT, Federal, City Officials is taking proactive approach in minimizing any sort of Unsafe negative impact and potential Wildfire's upon the Dry Vegetated District.

Making Awareness of observe today's status. The Houseless Population within the area remains in proximity along Farrington Hwy (State jurisdiction). and upon the Kea'au Undeveloped City Beach Park (City Parks jurisdiction)(No trespassing signage posted). Living conditions is Unhabitable/Unhealthy Conditions. No available Sanitation, Animal Fecal matter on beach grounds.

Moreso, the living condition along Farrington Hwy for these individuals is significantly Unsafe in view of the Detrimental All-Gun Violence currently in the Waianae Coast. Including, a measurable accountability of Oahu Wildfire's and casual relationship with nearby Homeless Encampments. On July 26<sup>th</sup>, there was an HPD Arrest Made of Arson Wildfire cause by Female Homeless Individual.

- (Under ACT-26) The follow-up State Judiciary discission made to place this Female Arson into the "custody of the Director of the State Department Of Health", into some type of Unknown "Jail Diversion Program". My interpretation is this Female Arson is "off public information accountable records" due to HIIPA Laws. Off the public records radar and into Unknown DOH Programs somewhere returning into the Oahu Community. Not Safe for our Oahu Community.
- Per Public Notice made yesterday's Via Chanel-2 News coverage. Stated Convicted Makiki Rapist (John Freudenberg, sexually assaulted 15 victims) is being released (time served) by the State Prison Paroling Authority into some type of Jail Diversion Program Or Transitional Housing Program somewhere in the Oahu Community. I assume Not Release within the Makiki Community. I personally know One Victim that was sexually assaulted by John Freudenberg, and her life was completely shattered.

I ask of your department to take action and act upon Houseless Encampments in the area, for the Makaha/Kea'au resident Safety, and for any Unsafe Cause of Wildfire's probabilities. I've included an attach picture of last month August Wildfire at Ke'awa'ula State Park, and burnt approximately 20 acre's along the walking trails lower portion the Mountain. The Houseless population is the area, should be held "equally accountable" and Not exempt, nor immune from Hawaii Prohibited laws as equal Tax Payer's adhere to.

### **Aloha Partners In Care Executive Director Laura E. Thielen,**

Appreciation for your appearance at Waianac Neighborhood meeting this past May, when I had invited you. I know this Newly Elected Neighborhood Board Chair will request for your participation into this Unsafe/Unhealthy Houseless Matters regarding above dialog. Your organization was given full authority by Hawaii Senate PSM/HHS Committee for Resolution-30 SD-1, is requested to consult with All Hawaii State/City Government Officials Stakeholders, and to collaborate with the Waianae Neighborhood Board Officials. For an accurate Point In Time Count from your outreach organization function and Partnerships.

Please consider and include reference Senate Bill 1378 (relating to unlicensed care homes), to include reference Homicide case happened at Kapolei HPD Precient, that identified Micheal Armstrong (assailant) brutally killing Linda Johnson. Both was previously in the custody of a Foster Care Giver, and was not held accountable.

Imperative to address concerning questions by other community members, regarding the Houseless population within the area, and continue to remain Resistant and in proximity along Farrington Hwy. and upon the Kea'au Undeveloped City Beach Park.

Information of accurate Point In Time Count of these Unknown Resistant Houseless Individuals residing in these area. Questions: Is there "measured data base and/or traceability data base" for Individuals Previously from programs and Somehow Rejected by the State/City Care Giving Programs that is now Houseless Living at upon our State/City jurisdiction Coastal Beach's along Kea'au thru Ke'awa'ula districts. Directed by:

The Hawaii State Department Of Health Directors, for Jail Diversion Program, Rehab Transitional Program etc.?

State Circuit Court Judiciary Probation Head Administrator by Brook Mamizuka, for Jail Diversion Program, Transitional Housing Programs etc.?

State Prison Paroling Authority Officer Cory Reincke, for Jail Diversion Program, Transitional Housing Programs etc.?

Mahalo, and the given authority by Senate Resolution SR-30, please advise to Waianae Community Neighborhood Board Officials of your discoveries,

Austin Salcedo

(Kea'au Ag Landowner)

Act 26, Session Laws 2020, amended this section to: (1) in cases where the defendant is charged with a petty misdemeanor not involving violence or attempted violence, require the appointment of a court-based certified examiner, if available, to examine and provide an expedited report solely upon the issues of the defendant's capacity to understand the proceedings against the defendant and the defendant's ability to assist in the defendant's own defense and require a hearing to be held on the defendant's fitness within two days of the filing of the report; (2) in all other nonfelony cases, and where a court-based certified examiner is not available in petty misdemeanor cases not involving violence or attempted violence, specify that the qualified examiner may be either a psychiatrist or a licensed psychologist designated by the director of health from within the department of health; (3) in felony cases, repeal the requirement that the three qualified examiners appointed to examine and report on the defendant's fitness to proceed include at least one psychiatrist and one licensed psychologist, and instead allow the appointment of any combination of psychiatrists, licensed psychologists, or qualified physicians, so long as one examiner is a psychiatrist or licensed psychologist designated by the director of health from within the department of health; (4) require that examination reports, other than for defendants charged with a petty misdemeanor not involving violence or attempted violence, include a diagnosis of the defendant's physical or mental condition; and (5) repeal the requirement that copies of examination reports be delivered to the prosecuting attorney and the defendant's counsel. The legislature noted significant increases in the number of individuals with mental illness that were arrested and remained in custody while awaiting a psychiatric evaluation of competency. If determined to be legally unfit to proceed with their cases, these individuals continued to remain in custody until restoration of their legal fitness to proceed. The legislature found that the mental health core steering committee, a collaboration of the department of health and the judiciary, published a Joint Report on January 9, 2020, proposing legislation to divert nonviolent petty misdemeanants living with mental illness from the criminal justice system within days of their arrest, rather than months, to further the goal of crime prevention, ensure appropriate diversion to community treatment, and further the goal of rehabilitation, among other amendments to

# NOTICE TO REQUESTER

**TO:** Austin Salcedo  
Phone: (808) 295-5102  
Email: salcedoa001@hawaii.rr.com  
(Requester's name)

**FROM:** Spencer Jim On, Assistant Police Legal Advisor  
Honolulu Police Department  
801 South Beretania Street  
Honolulu, HI 96813  
Phone: (808) 723-3848  
(Agency, and agency contact person's name, telephone number, & email address)

**DATE THAT THE RECORD REQUEST WAS RECEIVED BY AGENCY:** September 9, 2022

**DATE OF THIS NOTICE:** September 21, 2022

**GOVERNMENT RECORDS YOU REQUESTED** (attach copy of request or provide brief description below):

The number of times the HPD has responded to complaints at Kauhale Kamaile located at 85-248 Farrington Hwy, since 2019.

**THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:**

**Will be granted in its entirety:** Since 2019, The Honolulu Police Department responded to 85-248 Farrington Hwy 135 times.

**Cannot be granted. Agency is unable to disclose the requested records for the following reason:**

- Agency does not maintain the records. (HRS § 92F-3)  
Other agency that is believed to maintain records: \_\_\_\_\_
- Agency needs further clarification or description of the records requested. Please contact the agency and provide the following information: \_\_\_\_\_
- Request requires agency to create a summary or compilation from records, but requested information is not readily retrievable. (HRS § 92F-11(c))
- Requested record(s) does not exist.

**Will be granted in part and denied in part, OR**

**Is denied in its entirety**

**Although the agency maintains the requested records, it is not disclosing all or part of them based on the exemptions provided in HRS § 92F-13 and/or § 92F-22 or other laws cited below.**  
(Describe the portions of records that the agency will not disclose.)

RECORDS OR  
INFORMATION WITHHELD

APPLICABLE  
STATUTES

AGENCY  
JUSTIFICATION

## REQUESTER'S RESPONSIBILITIES:

You are required to (1) pay any lawful fees and costs assessed; (2) make any necessary arrangements with the agency to inspect, copy or receive copies as instructed below; and (3) provide the agency any additional information requested. If you do not comply with the requirements set forth in this notice within 20 business days after the postmark date of this notice or the date the agency makes the records available, you will be presumed to have abandoned your request and the agency shall have no further duty to process your request. Once the agency begins to



search for or review of the records until the prepayment is received by the agency. Additionally, if you have outstanding fees or costs from previous requests, including abandoned requests, the agency may require prepayment of 100% of the unpaid balance from prior requests before it begins any search or review for the records you are now seeking.

The following is an itemization of what you must pay, based on the estimated fees and costs that the agency will charge you and the applicable waiver amount that will be deducted:

**For public record requests only:**

Fees: Search	Estimate of time to be spent: <u>1</u> hours (\$2.50 for each 15-minute period)	\$ 10
Review & segregation	Estimate of time to be spent: _____ hours (\$5.00 for each 15-minute period)	\$
Fees waived	<input checked="" type="checkbox"/> general (\$30), <b>OR</b> <input type="checkbox"/> public interest (\$60) (Only one waiver per request)	<\$ <u>30</u> >
Other	_____ (Pursuant to HAR §§ 2-71-19 & 2-71-31)	\$
<b>Total Estimated Fees:</b>		<b>\$ 0</b>

**For public or personal record requests:**

Costs: Copying	Estimate of # of pages to be copied: _____ (@ \$ <u>0.50</u> for 1 <sup>st</sup> pages of each report and \$ <u>0.25</u> for each subsequent pages per page, pursuant to HRS § 92-21)	\$
Delivery	Postage	\$
Other	_____	\$
<b>Total Estimated Costs:</b>		<b>\$</b>

**TOTAL ESTIMATED FEES AND COSTS from above:** **\$ 0**

The estimated fees and costs above are for the first incremental disclosure only. Additional fees and costs, and no further fee waivers, will apply to future incremental disclosures.

**PREPAYMENT IS REQUIRED** (50% of fees + 100% of costs, as estimated above) \$

**UNPAID BALANCE FROM PRIOR REQUESTS** (100% must be paid before work begins) \$

**TOTAL AMOUNT DUE AT THIS TIME** **\$**

Payment may be made by:  cash  
 personal/business/cashier's check payable to **City and County of Honolulu**

For questions about this notice or the records being sought, please contact the agency person named at the beginning of this form. Please note that the Office of Information Practices (OIP) does not maintain the records of other agencies, and a requester must seek records directly from the agency it believes maintains the records. If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at (808) 586-1400, [ois@hawaii.gov](mailto:ois@hawaii.gov), or 250 South Hotel Street, Suite 107, Honolulu, Hawaii 96813.

Approved by the Governor

JUN 27 2022

on \_\_\_\_\_

THE SENATE  
THIRTY-FIRST LEGISLATURE, 2022  
STATE OF HAWAII

**ACT 155**  
**S.B. NO.** 2137  
S.D. 2  
H.D. 1  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO TRANSITIONAL HOUSING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 321-193.7, Hawaii Revised Statutes, is  
2 amended by amending subsection (j) to read as follows:

3           "(j) The department shall establish a toll-free telephone  
4 number to receive complaints regarding clean and sober homes.  
5 The department and pertinent county agencies shall work together  
6 to resolve problems and complaints received by either the State  
7 or counties regarding clean and sober homes. The department  
8 shall educate the public on:

- 9           (1) Clean and sober homes;  
10           (2) The department's registry of clean and sober homes;  
11           (3) State and county procedures pertaining to clean and  
12           sober homes; and  
13           (4) Contact information and procedures for inquiries and  
14           complaints related to clean and sober homes."

15           SECTION 2. New statutory material is underscored.

16           SECTION 3. This Act shall take effect upon its approval.



S.B. NO. 2137  
S.D. 2  
H.D. 1  
C.D. 1

APPROVED this 27th day of June, 2022

A handwritten signature in black ink, appearing to read "David Ige". The signature is fluid and cursive, with a prominent loop at the end of the last name.


GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 3, 2022  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate  
of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022.

  
President of the Senate

  
Clerk of the Senate

SB No. 2137, SD 2, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives

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**GOV. MSG. NO. 1256**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 27, 2022

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty-First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty-First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2022, the following bill was signed into law:

SB2137 SD2 HD1 CD1

RELATING TO TRANSITIONAL HOUSING.  
**ACT 155**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

**HB-2750**

Submitted on: 1/30/2024 2:31:29 AM

Testimony for HLT on 1/31/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kevin McClintock	Individual	Support	Written Testimony Only

Comments:

Clean and sober homes fit the definition of Group Living Facility (GLF) as defined by the Honolulu Department of Planning and Permitting DPP) and should be identified as such by language in the bill. This places by ordinance mandate Conditional Use Permit (CUP) requirements on the home operator as well as any GLF clients. Additionally GLF density restrictions should be placed in consideration of district residential/agriculture zone proportions. As an example leeward coast (zip 96792) has a 20/80 residential/agriculture zoning distribution commonly lacking infrastructure (I.e. sewers, sidewalks, streetlights etc) while Honolulu has a 80/20 residential/agriculture zoning with well developed infrastructure and adequate public services.

**HB-2750**

Submitted on: 1/29/2024 1:04:40 PM

Testimony for HLT on 1/31/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dr. RaeDeen M. Keahiolalo	Individual	Oppose	Written Testimony Only

Comments:

Dear Legislators,

My name is Dr. RaeDeen Keahiolalo and my research is on incarceration in Hawaii. I strongly oppose HB2750.

Not only does this bill discriminate against people overcoming addiction who are protected by the ADA and Fair Housing Act, but also violates the protection of people in recovery by the U.S. Supreme Court.

As noted by the U.S. Supreme Court and previous Hawaii legislative bills over the past few decades, people in recovery do not commit any more crimes than the general population. In fact, there is a wide body of studies and reports showing people in recovery are significantly less likely to engage in criminal activity.

Furthermore, the Department of Health, with all of its problems over the years is not capable of ensuring equitable distribution of clean and sober homes throughout the county. Creating a bureaucracy around a system that has proven to work for decades only stifles people's ability to get clean and sober, and off the streets or out of prison. Finally, the state should not engage in any form of management of protected classes, not should the state or county implement additional barriers to recovery. This would be counterproductive to the state, county and taxpayer efforts in ensuring pathways for people to live beyond addiction, prison and homelessness.



In short, this bill is counterintuitive to what works and what has worked for many decades. Frankly, I'm appalled by this attempted measure, which has come up in the legislature previously.

Again, I strongly oppose HB2750.

Mahalo,

Dr. RaeDeen Keahiolalo

**HB-2750**

Submitted on: 1/29/2024 5:19:21 PM

Testimony for HLT on 1/31/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dr.Joeseph Kassel N.D., L.Ac.	Individual	Oppose	Written Testimony Only

Comments:

Dear Representatives:

As a health care provider for over 44years, who for over 3 decades has provided care for people with chemical dependency related health concerns, i oppose this legislation. We face a svere shortage of clean and sober housing, as well as all affordable housing in Kona. I am not entirely sure what the original intent of this legislation was, but in reading this bill, it is evident that it will exacerbate the shortage of clean and sober homes, not alleviate it. Please do not pass this legislation.

Thank you,

Dr Joseph Kassel, N.D., L.Ac.

Jeff Nash  
EXECUTIVE DIRECTOR



Vincent C. Marino  
FOUNDER

**HABILITAT**  
THE PLACE OF CHANGE

Subject: Strong Opposition to HB2750

Aloha Legislators,

I hope this message finds you well. My name is Becky Harrison, and I serve as the Director of Operations for Habilitat, an organization dedicated to assisting individuals in overcoming challenges related to substance abuse and houselessness.

I am writing to express my strong opposition to HB2750, a bill that mandates registration for all clean and sober homes. This proposed legislation infringes on the rights of a protected class of people under the the Americans with Disabilities Act (ADA) and Fair Housing Act.

HB2750 also mandates for the Department of Health to ensure an equitable distribution of clean and sober homes across a county. Attempting to regulate the distribution of clean and sober homes raises concerns about the government managing protected classes of people and is discriminatory.

The bill also requires applicants to obtain written approval from the appropriate county, showcasing compliance with all land use and zoning ordinances and rules. This requirement is excessive, as no other protected class of people renting homes is subject to such a condition.

Furthermore, the provision that prohibits the Department of Health from issuing a certificate of registration without a public informational meeting before a neighborhood board is overly discriminatory. The imposition of restrictions based on the number of registered clean and sober homes within a specific radius is alarming and places undue risk on various classes of people. This type of discriminatory language has been reversed in all states over a decade ago due to legal challenges and financial repercussions.

Hawaii has already made significant strides in managing clean and sober homes without violating discrimination rules, as evidenced by Act 193 that was developed after a two-year task force collaboration. Implementing further bureaucracy and restrictive measures would counteract the progress made and hinder individuals' ability to transition from addiction, prison, and houselessness.

In conclusion, I strongly oppose HB2750 as it goes against established practices that have proven effective for decades. This bill is counterproductive to the goal of fostering pathways for individuals to overcome addiction, incarceration, and houselessness. I urge you to reconsider and reject this measure.

Thank you for your attention to this matter.

Sincerely,

Becky Harrison

**HB-2750**

Submitted on: 1/30/2024 7:56:08 AM

Testimony for HLT on 1/31/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Maddalynn Seseapasara	Individual	Oppose	Written Testimony Only

Comments:

Requires mandatory registration for all clean and sober homes. This violates ADA and Fair Housing. C&S Homes can voluntary register or can be a requirement if contractually stated as a condition to receive state funds but can't be required by government without a provider accepting the funding contract requirements. Requires the Department of Health to ensure there is equitable distribution of clean and sober homes throughout a county. Most of the C&S Homes are self-managed and government can't manage protected classes of people (change the word clean and sober to anything racial, religious, gender, or any other disability and see that there are protected classes of people for a reason). Requires an applicant to obtain written approval from the appropriate county showing compliance with all land use and zoning ordinances and rules. No protected class of people renting a house have to do this. Prohibits the Department of Health from issuing a certificate of registration: unless, in certain counties, a public informational meeting is first held before a neighborhood board in the affected community; This is outrageously discriminatory and if there are more than a certain number of registered clean and sober homes within a certain mile radius in the affected community. OMG this is discriminatory and places all classes of people at risk. All states have reversed any such discriminatory language 10 years ago, because the 2-3 states who held to this language lost hundreds of thousands of dollars in Federal Court. The 2 year task force in Hawaii led by the DOH, advocated by HSAC, working with AG office, all Counties representatives, Probation/Parole, Senate, House, and a few providers developed legislation into Act 193 which we believe is the most we could do to manage such homes without violating discrimination rules. It still holds true today.

**HB-2750**

Submitted on: 1/30/2024 8:54:37 AM

Testimony for HLT on 1/31/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Claudia Ramos	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

HB2750 discriminates against a protected class of individuals. As a member of this class, I understand the hardships one already faces with discrimination and stigma. It is challenging to get jobs or stay employed at times because people assume the worst about you. To compound these hardships by creating barriers to housing is an injustice.

As previously stated, this bill targets a protected class of individuals no different from those who suffer from physical abilities or face discrimination based on the color of their skin or religion. This protected class of people are not bad people they are struggling with an illness for which they are seeking support.

Please oppose this bill and show that you care about those who are trying to do better for themselves and their ohanas.

Sincerely,

Claudia Ramos

**HB-2750**

Submitted on: 1/30/2024 9:56:02 AM

Testimony for HLT on 1/31/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
LaVada Beard-Holdener	Individual	Oppose	Remotely Via Zoom

Comments:

As a former addict who has been clean and sober for 27 years clean. I have been working in the human services field as an SUD counselor for over 20 years, I STRONGLY disagree with this policy.

I am sure you have seen the data. It takes several episode for a client to successfully transition to abstinence or at least harm reducion.

I am certain it is no suprise we have such a high rate of recidivism due to the stigma of this marginalizeed population.

As a former addict I can say with confidence that if we don't start with our responsibility in addressing accountability and change how are others supposed to do the same.

Society at large would love nothing more than to not have to look at, deal with or acknowledge folks with social determinates. Yet legislation continues to support these insubornant view, which only perpetuates the issue at hand.

Sober housing is more than a shelter it is an attempt to assist with re-entry into mainstream society.

In a well facilitated home there are rules, guidelines, structure, peer support, schedules, meetings, obligations to the facility and suporrtd accountability. Often times I have seen homes with not only housing managers but onsite counselors available as well.

Perhaps if the folks that are supposed to monitoring these homes did a more through job we wouldn't be having this discussion now.

Thank you for your time,

LaVada Beard Holdener

**HB-2750**

Submitted on: 1/30/2024 10:11:11 AM

Testimony for HLT on 1/31/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Heather Butler	Hina Mauka	Oppose	Written Testimony Only

Comments:

Bill HB2750 Discriminates against people in recovery who are protected by the ADA and Fair Housing Act as well as a ruling to protect recovery people by the U.S. Supreme Court. The Supreme Court held that there is no evidence that people in recovery commit any more crimes and violations than the general population. Please defer this discrimination bill or remove all discrimination language.

**HB-2750**

Submitted on: 1/30/2024 10:14:26 AM

Testimony for HLT on 1/31/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Paul	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Belatti, Vice Chair Takenouchi, and members of the committee.

I strongly oppose HB 2750. While this bill may have good intentions, it discriminates against people in recovery. Folks who are experiencing substance use disorder, or even just have a problematic relationship with substances, already face many hurdles when it comes to achieving and maintaining abstinence, housing being one of the most significant obstacles. Finding housing, especially housing in an environment that will support their continued recovery, can be very difficult. This bill will have the effect of making it even harder to find appropriate housing. This bill also seems to run afoul of federal law, specifically the Fairness in Housing Act, and the ADA by adding additional requirements to housing that other protected groups of people are not required to do. In a time when HI is facing a housing crisis, I believe we should be reducing the burden, not increasing it.

Mahalo for your time,

-Michael Paul, resident of House District 27