

MAR 08 2024

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO ASSESS THE REGISTRATION
AND MONITORING OF CLEAN AND SOBER HOMES.

1 WHEREAS, the legislature enacted Act 193, Session Laws of
2 Hawaii 2014 (Act 193), to develop a process for the management
3 and support for clean and sober homes, also known as sober
4 living recovery homes/residences, which are located in
5 communities throughout the State, to provide housing for
6 individuals suffering from substance use, including people who
7 may have co-occurring mental health issues, as they transition
8 from the treatment setting to life in the community; and
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10 WHEREAS, Act 193 incorporated clean and sober home
11 operating standards based on the National Alliance for Recovery
12 Residences; and
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14 WHEREAS, to increase the number of homes that maintain
15 appropriate living conditions, Act 193 established a voluntary
16 registry to set minimum operating standards and give special
17 advantages to homes on the registry, such as technical support
18 and preferred referral status as well as the ability to monitor
19 residences that provide the necessary support for recovery
20 efforts; and
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22 WHEREAS, Act 193 amended section 46-4, Hawaii Revised
23 Statutes, to clarify the conditions under which the counties
24 shall not prohibit registered clean and sober homes that have up
25 to eight unrelated persons in a dwelling unit, as well as
26 eliminate any conflict with the federal Fair Housing Amendments
27 Act by deleting the requirement for a public informational
28 meeting; and
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30 WHEREAS, the public may report concerns regarding clean and
31 sober homes to the Alcohol and Drug Abuse Division of the
32 Department of Health by email or make a toll-free call to 1-877-
33 877-1716; and
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35 WHEREAS, the primary goals of rehabilitation and recovery
36 are to restore social, family, lifestyle, vocational, and



1 economic support by stabilizing an individual's physical and
2 psychological functioning; and

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4 WHEREAS, alcohol- and drug-free environments that are safe,
5 sanitary, and secure promote recovery and assist individuals in
6 becoming self-supporting; and

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8 WHEREAS, recovery residences support recovery of
9 individuals with substance use disorders and help prevent
10 relapse, criminal justice system involvement, and overdose; and

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12 WHEREAS, recovery residences are designed to address the
13 needs of individuals in recovery from substance use disorders
14 through the provision of a safe and healthy living environment
15 and a community of supportive recovering peers to which the
16 residents are accountable, without the rigid and more expensive
17 structure of a licensed therapeutic living program; and

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19 WHEREAS, the support of a home environment fulfills a need
20 for those who are reintegrating into the community while
21 maintaining sobriety; and

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

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

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33 WHEREAS, alcoholism and past illicit drug use are
34 considered disabilities, and those with such disabilities are
35 protected under the Federal Fair Housing Act (FHA) and the
36 Americans with Disabilities Act (ADA); and

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38 WHEREAS, Act 193 developed procedures intended to ensure
39 that clean and sober homes owners and operators who volunteer to
40 apply to be on the current registry are properly monitored and
41 accountable to meet occupancy, zoning, and permitting



1 requirements, as well as quality standards while not violating
2 protection laws such as the FHA and ADA; and

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4 WHEREAS, most clean and sober homes on the voluntary
5 registry are well-run; however there are concerns that other
6 homes not on the registry are overcrowded and not well-managed,
7 and some owners/lessors violate their county land use permits by
8 overcrowding, which results in noise and parking complaints from
9 neighbors; and

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11 WHEREAS, notwithstanding the needs of those who benefit
12 from these homes, neighboring residents have expressed concerns
13 over the legality of the operation of clean and sober homes in
14 their immediate vicinity and the poor conduct and lack of
15 neighborly behavior of some residents; and

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

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22 WHEREAS, various types of group homes are defined in
23 section 46-4(d), Hawaii Revised Statutes, relating to county
24 zoning--section 45-4(d), Hawaii Revised Statues, defines terms
25 that are now consistent with the federal FHA, because Act 193
26 did not include language that required a public informational
27 meeting be held in the affected community before a clean and
28 sober home, or drug rehabilitation home, is located in that
29 community; and

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31 WHEREAS, Act 193 intended to balance the needs of those
32 requiring the support of group homes and the concerns of the
33 community members, by helping prospective residents of clean and
34 sober homes to access a stable, alcohol- and drug-free,
35 home-like living environment in residences that comply with
36 federal, state, and county requirements and minimum quality
37 standards; and

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39 WHEREAS, it is recognized that there is a need to improve
40 the operation of clean and sober homes if these homes are to
41 achieve their intended purposes, including that they are well-
42 run; and



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2 WHEREAS, the counties are the proper agency to issue
3 permits according to zoning ordinances, encourage the orderly
4 development of land resources within their jurisdictions, and
5 enforce compliance by appropriate fines and penalties; and
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7 WHEREAS, a collaborative effort among the Department of
8 Health to register and monitor, the counties to enforce
9 permitting and zoning ordinances, and the state and providers to
10 give preference to compliant clean and sober homes would ensure
11 an accountability process by which the homes would be monitored
12 in such a way to address the concerns of those requiring the
13 support of the homes, without using direct government oversight
14 that is inconsistent with the protection laws; now, therefore,
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16 BE IT RESOLVED by the Senate of the Thirty-second
17 Legislature of the State of Hawaii, Regular Session of 2024,
18 that this body urges the Department of Health to convene and
19 lead an informal working group to discuss the management of
20 clean and sober homes and discuss possible collaboration with
21 the counties and other affected regulators to ensure clean and
22 sober homes comply with county regulations and to encourage
23 registration without using restrictions that are discriminatory;
24 and
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26 BE IT FURTHER RESOLVED that the informal working group
27 should include input from the Hawaii Paroling Authority; the
28 Judiciary's Adult Client Services Branch; the Department of the
29 Attorney General; and any others, as appropriate, as determined
30 by the Director of Health or their designee; and
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32 BE IT FURTHER RESOLVED that the working group should
33 discuss legal issues pertaining to protective FHA and ADA laws,
34 how the Department of Health and pertinent county agencies can
35 work more closely together to resolve problems and complaints
36 received by either the State or counties regarding clean and
37 sober homes; the Department's efforts to educate the public,
38 expand the current registry membership, and expand complaint
39 response; how the Department keeps an inventory of homes
40 throughout the State including those not on the registry; and
41 establish processes to ensure that functions are aligned between



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1 the State and county for accountability, community education,
2 and advocacy; and

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4 BE IT FURTHER RESOLVED that certified copies of this
5 Resolution be transmitted to the Director of Health, Director of
6 Public Safety, Administrator of the Hawaii Paroling Authority,
7 Chief Justice of the Hawaii Supreme Court, Attorney General, and
8 Mayors of the City and County of Honolulu, County of Maui,
9 County of Kauai, and County of Hawaii.

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OFFERED BY: _____

