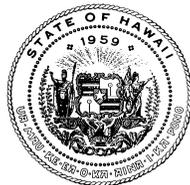


Testimony

HB2224



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**Senate Committees on Health and Public Safety, Intergovernmental and Military  
Affairs**

**H.B. 2224 HD2, Group Homes**

**Testimony of Linda Rosen, M.D., M.P.H.  
Director of Health**

**March 12, 2014**

1 **Department's Position:** The Department of Health (DOH) supports passage of this measure as  
2 amended, which will afford a balance between concerns of community members and the concerns of  
3 those requiring the support of alcohol- and drug-free group homes, provided that its passage does not  
4 replace or adversely impact priorities indicated in our Executive Supplemental Budget Request.

5 **Fiscal Implications:** An estimated \$534,407 in general funds, to be expended by the Department of  
6 Health in Fiscal Year 2014-2015, will be required for staffing and operating costs to plan, establish and  
7 operate the registry of clean and sober homes. (The cost of space rental is not included in the budget  
8 estimate.)

9 **Purpose and Justification:** This measure will establish a registry for clean and sober homes within the  
10 Department of Health, appropriate funds to staff and operate the registry, and amend the county zoning  
11 statute to better align functions of State and county jurisdictions and comply with federal law.

12 Clean and sober homes, which are located in communities throughout the state, provide housing  
13 for those suffering from substance abuse, including those who may have co-occurring mental health  
14 issues, as they transition from the treatment setting to life in the community. These homes provide a  
15 means for persons to return to the community without the rigid structure of a therapeutic living program

1 which requires licensure. The support of a home environment fulfills a need for those who are dealing  
2 with the stressors of reintegrating back into the community while maintaining sobriety.

3 Stable housing is a critical component in the continuum of substance abuse treatment and  
4 recovery. Data for Fiscal Year 2012-13 show that approximately 17.0 percent of clients served by the  
5 Alcohol and Drug Abuse Division contracted providers did not have stable housing at admission. At  
6 discharge and follow-up, unstable housing status was reduced to 14.3 percent and 6.6 percent,  
7 respectively.

8 While individuals in recovery benefit from these homes, neighboring residents have also  
9 expressed concerns over the location and operation of such homes in their neighborhoods. In response  
10 to these concerns, the Clean and Sober Homes and Halfway Houses Task Force was convened by the  
11 Director of Health to explore ways to ensure that these homes are properly monitored and accountable  
12 for meeting occupancy, zoning and permitting requirements and quality standards.

13 This measure is a product of a two-year process during which the knowledge and expertise of  
14 public (i.e., State and County) as well as private agencies' perspectives were elicited. Enactment of this  
15 measure will help residents to access a stable, alcohol- and drug free home-like living environment in  
16 residences that are in compliance with federal, state and county requirements and minimum quality  
17 standards. The proposed registry will provide a more formalized means for agencies to refer clients to  
18 alcohol- and drug-free housing which benefits clients of DOH behavioral health programs, as well as  
19 clients enrolled in Department of Human Services programs that assist the homeless.

20 We respectfully recommend that this measure be approved as amended.

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

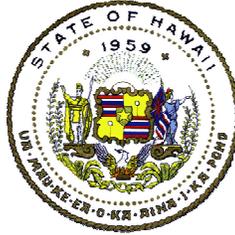
22

23

24

25

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

919 Ala Moana Blvd. 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813

**TED SAKAI**  
DIRECTOR

**Martha Torney**  
Deputy Director of  
Administration

**Max Otani**  
Deputy Director  
Corrections

**Shawn Tsuha**  
Deputy Director  
Law Enforcement

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

TESTIMONY ON HOUSE BILL (HB) 2224, HOUSE DRAFT (HD) 2  
A BILL FOR AN ACT RELATING TO  
GROUP HOMES

by

Ted Sakai, Director  
Department of Public Safety

Senate Committee on Health  
Senator Josh Green, Chair  
Senator Rosalyn H. Baker, Vice Chair

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair

Wednesday, March 12, 2014, 1:45PM  
State Capitol, Conference Room 229

Chairs Green and Espero, Vice Chair Baker, and Members of the Committee:

The Department of Public Safety (PSD) **supports** HB 2224, HD 2. Clean and sober homes are a vital resource for individuals coming out of substance abuse treatment.

There have been reports from substance abuse treatment programs which indicate that individuals do better when they go to a clean and sober home after residential substance abuse treatment, instead of going directly home or back into the community.

Many offenders utilize substance abuse treatment at some point during their time under criminal justice supervision, and benefit from using clean and

sober homes as a transition into independent living. Some offenders from PSD have been released directly to clean and sober homes from incarceration. These offenders usually participate in substance abuse treatment while incarcerated so are similar to clients who enter these homes from a substance abuse treatment program.

HB 2224, HD 2 will have several benefits to our offenders. It creates standards in an unregulated industry. These standards will increase the quality of service provided by the operators of these clean and sober homes. Standards provide guidance to the operators on what is expected of them in how they conduct business. It will also give the consumers a framework on what to expect from these services.

A registry will create a central repository of information about the clean and sober homes which will allow give the department access to more accurate and timely information about the clean and sober homes thereby allowing department staff to operate more efficiently.

This legislation will also create an avenue to file a complaint, and a mechanism to respond to the complaint. Both consumers and the community will benefit from this.

Thank you for the opportunity to testify on this bill.

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
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KIRK CALDWELL  
MAYOR



GEORGE I. ATTA, FAICP  
DIRECTOR

ARTHUR D. CHALLACOMBE  
DEPUTY DIRECTOR

March 12, 2014

The Honorable Josh Green, Chair  
and Members of the Committee on Health  
The Honorable Will Espero, Chair  
and Members of the Committee on Public Safety,  
Intergovernmental and Military Affairs  
Hawaii State Senate  
Hawaii State Capital  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chairs Green, Espero, and Committee Members:

SUBJECT: House Bill No. 2224, HD2  
Relating to Group Homes

The Department of Planning and Permitting (DPP) **supports** House Bill No. 2224, HD2, relating to group homes, which establishes a formal registry for clean and sober homes that will be administered by the State of Hawaii Department of Health. Through the administration of this registry, procedures and standards will be established regarding the organization and operation of registered clean and sober homes, their fiscal management and recovery support standards, property standards and good neighbor policies.

Once registered, clean and sober homes with no more than eight residents, in addition to a resident manager, can then be treated as a "family" for purposes of the various county zoning codes, and the use considered a permitted "dwelling unit" in areas zoned for residential uses. This is the very same opportunity already mandated by Chapter 46-4(d), HRS, and enjoyed by group homes involving adult residential care, skilled nursing, special treatment and similar facilities that are licensed and/or monitored by the State and involve up to eight care residents. Group homes involving more than eight care residents are, and will continue to be, treated as group living facilities, which require an approved conditional use permit by the county planning departments. By providing this same opportunity for clean and sober homes, we will be ensuring equal treatment under the law, as required by the federal Fair Housing Act.

The community will also benefit from the establishment of this registry, the administration of which will provide ongoing assurances as to the quality of the operation of registered clean and sober homes, as well as a direct resource for related complaints.

The Honorable Josh Green, Chair  
and Members of the Committee on Health  
The Honorable Will Espero, Chair  
and Members of the Committee on Public Safety,  
Intergovernmental and Military Affairs  
Hawaii State Senate  
Hawaii State Capital  
Re: House Bill No. 2224, HD2  
March 12, 2014  
Page 2

The Bill also removes from Section 46-4, HRS, numerous references and definitions for terms that are defined in other relevant statutes, and have no direct bearing on county zoning. Retaining these various definitions in Section 46-4, HRS, only contributes to confusion concerning the appropriate regulatory jurisdiction.

The DPP actively participated over the past two years as a member of the Clean and Sober Homes and Halfway Houses Task Force, which adopted findings and recommendations that are now contained in HB 2224, HD2. These are reasonable, practicable and worthy proposals that should be adopted; and, therefore, the July 1, 2050 effective date for HB 224, HD2, should be revised so that the related legislation shall take effect upon its approval.

Thank you for this opportunity to communicate our strong support of House Bill No. 2224, HD2.

Very truly yours,



George I. Atta, FAICP  
Director

GIA:cl  
HB2224HD2-jp



HAWAII SUBSTANCE ABUSE COALITION

## **HB2224 HD2 Group Homes: Registry for Clean and Sober Homes**

- COMMITTEE ON HEALTH: Senator Josh Green M.D, Chair; Senator Rosalyn Baker, Vice Chair
- COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS: Senator Will Espero, Chair; Senator Rosalyn Baker, Vice Chair
- Wednesday, March 12, 2014; 1:45 p.m.
- Conference Room 229

## **HAWAII SUBSTANCE ABUSE COALITION Supports HB2224 HD2**

*Good Morning Chair Green, Chair Espero, Vice Chair Baker, and Distinguished Committee Members. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide group of more than twenty non-profit treatment and prevention agencies.*

**For the last 2 years, a multi-department task force has meet to determine appropriate legislation to monitor clean and sober housing that doesn't violate the complex federal and state laws pertaining to such housing:**

There are complex Fair Housing Act and ADA laws to protect individuals with disabilities such as alcoholics as well as individuals who are currently drug free and are involved in continuing professional rehabilitation and mentoring programs. Clean and Sober homes are protected because people recovering from addiction are “disabled” and the homes are independently operated.

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

Hawaii has attempted to legislate monitoring of clean and sober homes for almost a decade without success because of the complex federal regulations that prohibit many legislative actions. Many communities throughout the nation have been frustrated with lack of accountability and have enacted regulations only to see them struck down in Federal court.

**The task force is proposing legislation for clean and sober housing this session that does not violate federal law and yet establishes criteria to monitor performance:**

1. Laws and definitions are changed to comply with federal laws thus clearly defining and ensuring federal protections are specifically applied only to housing that is subject to ADA and Federal Housing Act regulations.
2. The Department of Health will establish a registry that will:

- 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.



**The task force, led by members from both the Senate and House, had wide spread representation and was most active with large attendance for the entire two years:**

Sen. Espero, Sen. Tokuda Rep. Carroll, Rep. Jordan Other Sen. and Rep. leadership offices.	Deputy Attorney General Department of Health County Planning and Zoning from every County Public Safety and Parole Adult Client Services	Substance Abuse Treatment Clean and Sober Houses Homeless agencies Halfway House agency Community
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**Summary:**

The task force recognizes that there are complex federal and state laws that support clean and sober housing arrangements because of civil rights and that they are a cost effective and valuable means to transition recovering individuals back into their chosen communities; however, quality and compliance would improve if government could establish and monitor performance criteria. We believe that this legislation proposed this session would accomplish this objective.

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

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [HTHTestimony](#)  
**Cc:** [lynhowe1946@yahoo.com](mailto:lynhowe1946@yahoo.com)  
**Subject:** Submitted testimony for HB2224 on Mar 12, 2014 13:45PM  
**Date:** Saturday, March 08, 2014 9:21:33 AM

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**HB2224**

Submitted on: 3/8/2014

Testimony for HTH/PSM on Mar 12, 2014 13:45PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lyn Howe	Individual	Support	No

Comments: This is an important bill to pass. It will provide so much support for the state by Providing essential data for implementation of the Hawaii 2050 Sustainability Plan, Act 8, 2005. Improving our state disaster preparedness by researching and developing best practices to alleviate impacts due to a state of long emergency. Promoting the development of think tanks focusing on sustainable research and development Alleviate landfill problems by increasing- reduce, reuse, recycle, refuse, and re-educate. Help to Increase employment in small sustainable business enterprises. Help to Promote the growth of small locally-owned farms that educate and employ a new breed of young farmers. Increase real 'affordable' and sustainable green housing. Achieve multiple community goals through economic activity. Implement programs in sustainable development to resolve problems of public transportation, recycling, energy conservation, natural hazard mitigation, and other social issues. Reduce dependence on imports of food and energy by promoting locally sustainable alternatives. Promote the development of think tanks focusing on sustainable research and development and most importantly it will bring current zoning and land use codes into compliance with local community values. Thank you

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [HTHTestimony](#)  
**Cc:** [melanie.boehm@usw.salvationarmy.org](mailto:melanie.boehm@usw.salvationarmy.org)  
**Subject:** \*Submitted testimony for HB2224 on Mar 12, 2014 13:45PM\*  
**Date:** Monday, March 10, 2014 6:29:21 PM

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**HB2224**

Submitted on: 3/10/2014

Testimony for HTH/PSM on Mar 12, 2014 13:45PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melanie Boehm	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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