
SENATE CONCURRENT RESOLUTION

REQUESTING THE WILLIAM S. RICHARDSON SCHOOL OF LAW TO FACILITATE
A DISCUSSION TO ADDRESS THE IMPACT OF TYPE II ADULT
RESIDENTIAL CARE HOME FACILITIES ON RESIDENTIAL
NEIGHBORHOODS.

1 WHEREAS, the Legislature finds that adult residential care
2 home facilities provide a valuable and much needed service to
3 Hawaii's elderly and disabled populations; and
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5 WHEREAS, in certain neighborhoods, the strong demand for
6 these facilities has resulted in their being located in close
7 proximity to each other, thereby generating additional traffic,
8 noise, and other concerns that have affected the residents
9 living in these areas; and
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11 WHEREAS, the impact on these neighborhoods appears to
12 differ between Type I facilities, operated by single proprietors
13 who live in the care home, and Type II facilities, commercial
14 enterprises operating multiple residences with rotating care
15 providers; and
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17 WHEREAS, the Department of Health is the agency responsible
18 for overseeing the licensing of these adult residential care
19 home facilities, which oversight is limited to determining
20 whether the health, welfare, and safety of residents are
21 provided for; and
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23 WHEREAS, each of the four counties issues building permits
24 as a ministerial function based solely on whether or not a
25 proposed adult residential care home facility complies with the
26 applicable county building code; and
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28 WHEREAS, there is currently no informational notice or
29 hearing for those living in these areas to be informed that an
30 adult residential care home facility is proposed for their
31 neighborhood, nor is there any process for public comment or



1 exchange of information between residents of the community in
2 which the home is located and the care home provider; and

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4 WHEREAS, the federal Fair Housing Act, Americans with
5 Disabilities Act, and Religious Land Use and Institutionalized
6 Persons Act have an impact, to varying degrees, on local zoning
7 and land use laws relating to these kinds of group care home
8 facilities; and

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10 WHEREAS, the objective of these federal laws is to
11 integrate persons with disabilities into the community, and
12 there is some latitude in considering neighborhood impacts, as
13 long as any restriction is applied equally to similar groups of
14 unrelated persons without disabilities; now, therefore,

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16 BE IT RESOLVED by the Senate of the Twenty-fourth
17 Legislature of the State of Hawaii, Regular Session of 2008, the
18 House of Representatives concurring, that the William S.
19 Richardson School of Law is requested to facilitate a discussion
20 among Type II adult residential care home facility providers,
21 advocates, stakeholders, community residents, and the public, to
22 provide an opportunity for public comment and discussion
23 concerning the impact that Type II adult residential care home
24 facilities have on the neighborhoods in which they are located;
25 and

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27 BE IT FURTHER RESOLVED that the William S. Richardson
28 School of Law is requested to submit a report of its findings
29 and recommendations to the Legislature no later than twenty days
30 prior to the convening of the 2009 legislative session, relating
31 to the impact that Type II adult residential care home
32 facilities have on their respective communities, addressing such
33 issues as traffic, noise, and other concerns, and any potential
34 mitigation measures; and

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36 BE IT FURTHER RESOLVED that the report is also requested to
37 include any proposed legislation concerning the creation of
38 appropriate venues for public comment on proposed residential
39 care facilities or on-going discussion or comment concerning
40 facilities in operation; and

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42 BE IT FURTHER RESOLVED that certified copies of this
43 Concurrent Resolution be transmitted to the Dean of the William
44 S. Richardson School of Law, President of the University of



- 1 Hawaii, Chairperson of the University Of Hawaii Board Of
- 2 Regents, and the Director of Health.

