
HOUSE CONCURRENT RESOLUTION

REQUESTING THE ATTORNEY GENERAL TO ESTABLISH A TASK FORCE TO
STUDY THE FEASIBILITY OF THE COUNTIES ADOPTING RULES THAT
REGULATE CLEAN AND SOBER HOUSING AND COMPLY WITH FEDERAL
AND STATE LAWS.

1 WHEREAS, this body finds that recent surveys from several
2 states indicate that many people are in favor of clean and sober
3 houses; and
4

5 WHEREAS, clean and sober housing that is self-run, is self-
6 supported, and observes rules helps stabilize the lives of those
7 in recovery from addiction and improves long-term outcomes; and
8

9 WHEREAS, the vast majority of clean and sober home
10 operators are independent owners who have a landlord-tenant
11 relationship; and
12

13 WHEREAS, there is a growing need for clean and sober
14 housing to support the increasing number of recovering
15 individuals entering communities each year and there are
16 economic advantages to landlords who are assured of long-term
17 tenancy and profitability; and
18

19 WHEREAS, while many clean and sober homes are well run,
20 those that are not well run have a greater, negative impact on
21 the community, often resulting in "not in my backyard"
22 challenges to problem-free clean and sober housing; and
23

24 WHEREAS, neighbors of clean and sober homes have lodged
25 complaints of violations of county zoning ordinances, including
26 overcrowding, which result in noise and parking issues; and
27

28 WHEREAS, poorly managed clean and sober housing creates
29 negative public relations with the neighborhood and community;
30 and
31



1 WHEREAS, many communities throughout the nation have
2 attempted to regulate the operation of clean and sober housing
3 after negative experiences with certain clean and sober houses;
4 and

5
6 WHEREAS, many of these regulations have been struck down in
7 court due to the fact that under certain circumstances,
8 recovering alcoholics and former drug users are considered
9 individuals with disabilities and are entitled to protection
10 under the federal Fair Housing Act, the Rehabilitation Act, and
11 the Americans with Disabilities Act; and

12
13 WHEREAS, it is important to ensure all housing regulations
14 are applied fairly and consistently throughout Hawaii; and

15
16 WHEREAS, legal analyses may be necessary to identify the
17 liability issues of subjecting clean and sober homes to public
18 informational meetings, neighborhood board approvals, public
19 agency oversight, and licensing that may be considered
20 discriminatory acts against people with disabilities; and

21
22 WHEREAS, a task force made up of various representatives
23 from the relevant executive agencies, social services community,
24 and stakeholders would be in the best position to determine the
25 feasibility of adopting rules that govern clean and sober houses
26 that comply with anti-discriminatory and fair housing
27 regulations; now, therefore,

28
29 BE IT RESOLVED by the House of Representatives of the
30 Twenty-sixth Legislature of the State of Hawaii, Regular Session
31 of 2012, the Senate concurring, that the Attorney General
32 establish a task force to determine the feasibility of the
33 counties adopting rules to govern clean and sober housing that
34 comply with federal and state laws; and

35
36 BE IT FURTHER RESOLVED that the Attorney General, or the
37 Attorney General's designee, serve as Chair of the task force;
38 and

39
40 BE IT FURTHER RESOLVED that the task force include the
41 following members:

- 42
43 (1) One representative from the Department of Human
44 Services;



- 1
- 2 (2) One representative from the Department of Health;
- 3
- 4 (3) One representative from the Office of the Mayor of the
- 5 City and County of Honolulu;
- 6
- 7 (4) One representative from the Department of the
- 8 Prosecuting Attorney of the City and County of
- 9 Honolulu;
- 10
- 11 (5) One representative from the Department of Planning and
- 12 Permitting of the City and County of Honolulu;
- 13
- 14 (6) Two representatives from the Oahu neighborhood boards;
- 15
- 16 (7) One manager of a well-operated clean and sober home;
- 17
- 18 (8) One representative from the Hawaii Substance Abuse
- 19 Coalition;
- 20
- 21 (9) One representative from the Hawaii Disability Rights
- 22 Center;
- 23
- 24 (10) One member of the Senate selected by the President of
- 25 the Senate;
- 26
- 27 (11) One member of the House of Representatives selected by
- 28 the Speaker of the House; and
- 29
- 30 (12) One member selected by the Governor; and
- 31

32 BE IT FURTHER RESOLVED that the task force is directed to
33 examine and report on the following:

- 34
- 35 (1) Which federal and state laws clean and sober housing
- 36 must comply with;
- 37
- 38 (2) Challenges that clean and sober housing faces from a
- 39 community, legal, health care, and disability
- 40 perspective, such as crowding, noise, and parking
- 41 violations;
- 42



H.C.R. NO. 111

1 (3) The feasibility of counties adopting rules that govern
 2 clean and sober housing that are legally sound and
 3 will hold up in court; and
 4

5 (4) If feasible, proposed rules that will govern clean and
 6 sober housing in Hawaii; and
 7

8 BE IT FURTHER RESOLVED that members of the task force shall
 9 not receive compensation for their service but shall be
 10 reimbursed for necessary expenses, including travel expenses,
 11 incurred in the performance of their duties; and
 12

13 BE IT FURTHER RESOLVED that the task force is requested to
 14 submit its findings and recommendations, including any proposed
 15 legislation, to the Legislature no later than twenty days prior
 16 to the convening of the Regular Session of 2013; and
 17

18 BE IT FURTHER RESOLVED that the Legislative Reference
 19 Bureau assist the task force in drafting legislation to
 20 implement the task force's recommendations; provided that the
 21 task force submits its recommendations and proposed legislation,
 22 if any, to the Bureau no later than November 1, 2012; and
 23

24 BE IT FURTHER RESOLVED that the task force be dissolved on
 25 June 30, 2013; and
 26

27 BE IT FURTHER RESOLVED that certified copies of this
 28 Concurrent Resolution be transmitted to the Governor, the
 29 Attorney General, the Director of Human Services, the Director
 30 of Health, the Mayor of the City and County of Honolulu, the
 31 Prosecuting Attorney of the City and County of Honolulu, the
 32 Director of the City and County of Honolulu Department of
 33 Planning and Permitting, the Hawaii Substance Abuse Coalition,
 34 and the Hawaii Disability Rights Center.
 35
 36
 37

OFFERED BY: 

MAR 13 2012

