

JAN 20 2012

A BILL FOR AN ACT

RELATING TO CLEAN AND SOBER HOMES AND HALFWAY HOUSES.

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

1 SECTION 1. The legislature finds that clean and sober
2 homes and halfway houses provide a means for persons to return
3 to the community through support in a home-like environment
4 without the rigid structure of a therapeutic care facility or
5 therapeutic living program. The legislature also finds that
6 many persons being released from incarceration need the support
7 of a home environment while trying to deal with the stressors of
8 reintegrating back into society while maintaining sobriety.
9 Often, community residents have expressed concerns over the
10 legal operation of such homes in their immediate vicinity and
11 the compliance of those homes with all state and county laws.
12 The legislature acknowledges that the needs and concerns of the
13 community must be tempered with the needs of the individuals
14 requiring support.

15 The purpose of this Act is to establish a clean and sober
16 home and halfway house task force.



1 SECTION 2. There is established a clean and sober home and
2 halfway house task force, exempt from section 26-34, Hawaii
3 Revised Statutes, charged with the following responsibilities:

4 (1) Establishing a clear, legal definition of a "clean and
5 sober home";

6 (2) Establishing clear occupancy requirements for clean
7 and sober homes and halfway houses;

8 (3) Developing a plan of accountability for clean and
9 sober homes and halfway houses to ensure compliance
10 with occupancy and other requirements. In developing
11 the plan, the task force shall review the need for or
12 appropriateness of regulation of these facilities, as
13 well as the most appropriate practices regarding
14 regulation;

15 (4) Conducting an inventory of clean and sober homes
16 statewide, indentifying current occupancy levels, and
17 determining compliance with county zoning laws and tax
18 requirements;

19 (5) Promoting community and advocate education; and

20 (6) Balancing community concerns with the needs of
21 individuals requiring clean and sober homes and
22 halfway houses.



1 SECTION 3. The director of health, or the director's
2 designee, shall chair and convene the clean and sober home and
3 halfway house task force, which shall also include:

- 4 (1) The directors of each of the county planning
5 departments or the directors' designees;
- 6 (2) The chair of the Hawaii paroling authority or the
7 chair's designee;
- 8 (3) Homeless advocates, as determined by the department of
9 human services;
- 10 (4) Representation from clean and sober homes and halfway
11 houses, as determined by the department of health;
- 12 (5) Legislative representatives in equal number from the
13 senate and house of representatives, as determined by
14 the president of the senate and the speaker of the
15 house of representatives;
- 16 (6) Legal representatives, as determined by the department
17 of health, to address issues such as discrimination,
18 including the attorney general or the attorney
19 general's designee; and
- 20 (7) Others, as appropriate, as determined by the director
21 of health.



1 SECTION 4. The task force shall consult with the
2 appropriate county agencies to ensure that clients are referred
3 only to clean and sober homes and halfway houses that meet the
4 zoning requirements and definitions under section 46-4, Hawaii
5 Revised Statutes, the Federal Fair Housing Act, Section 504 of
6 the Rehabilitation Act, Titles II and III of the Americans with
7 Disabilities Act, and other laws providing housing opportunities
8 and protections for people with disabilities.

9 SECTION 5. The task force shall report to the legislature
10 on the scope and nature of the accountability plan for clean and
11 sober homes and halfway houses, the process by which the houses
12 will be monitored, the way in which concerns of the community
13 members are balanced with the concerns of those requiring the
14 support of the homes, and how the homes will be regulated short
15 of direct governmental oversight. The report shall be submitted
16 to the legislature no later than twenty days prior to the
17 convening of the regular session of 2013 and shall also include
18 findings and recommendations of the task force and any proposed
19 legislation that may be necessary to effectuate those
20 recommendations.

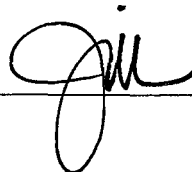
21 SECTION 6. The task force shall cease to exist on June 30,
22 2013.



1 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

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S.B. NO. 2536

Report Title:

Clean and Sober Home and Halfway House Task Force; Report

Description:

Establishes a temporary clean and sober home and halfway house task force. Requires the task force to submit a report to the legislature containing findings and recommendations and any proposed legislation that may be necessary to effectuate those recommendations.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

