

MAR 12 2012

SENATE 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

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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

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

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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

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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

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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

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28 WHEREAS, poorly managed clean and sober housing creates
29 negative public relations with the neighborhood and community;
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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;
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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
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13 WHEREAS, it is important to ensure all housing regulations
14 are applied fairly and consistently throughout Hawaii; and
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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
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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,
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29 BE IT RESOLVED by the Senate of the Twenty-sixth
30 Legislature of the State of Hawaii, Regular Session of 2012, the
31 House of Representatives 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
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36 BE IT FURTHER RESOLVED that the Attorney General, or the
37 Attorney General's designee, serve as Chair of the task force;
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40 BE IT FURTHER RESOLVED that the task force include the
41 following members:
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- 43 (1) One representative from the Department of Human
44 Services;



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- (2) One representative from the Department of Health;
- (3) One representative from the Office of the Mayor of the City and County of Honolulu;
- (4) One representative from the Department of the Prosecuting Attorney of the City and County of Honolulu;
- (5) One representative from the Department of Planning and Permitting of the City and County of Honolulu;
- (6) Two representatives from the Oahu neighborhood boards;
- (7) One manager of a well-operated clean and sober home;
- (8) One representative from the Hawaii Substance Abuse Coalition;
- (9) One representative from the Hawaii Disability Rights Center;
- (10) One member of the Senate selected by the President of the Senate;
- (11) One member of the House of Representatives selected by the Speaker of the House; and
- (12) One member selected by the Governor; and

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

- (1) Which federal and state laws clean and sober housing must comply with;
- (2) Challenges that clean and sober housing faces from a community, legal, health care, and disability perspective, such as crowding, noise, and parking violations;

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

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

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

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

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

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

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, the Attorney General, the Director of Human Services, the Director of Health, the Mayor of the City and County of Honolulu, the Prosecuting Attorney of the City and County of Honolulu, the Director of the City and County of Honolulu Department of Planning and Permitting, the Hawaii Substance Abuse Coalition, and the Hawaii Disability Rights Center.

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