
SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A TASK FORCE TO
STUDY CLEAN AND SOBER HOMES AND HALFWAY HOUSES.

1 WHEREAS, clean and sober homes and halfway houses provide a
2 means for persons to return to the community through support in
3 a home-like environment without the rigid structure of a
4 therapeutic care facility or therapeutic living program; and
5

6 WHEREAS, there is a growing need for clean and sober homes
7 to support the increasing number of recovering individuals
8 entering communities each year and there are economic advantages
9 to landlords who are assured of long-term tenancy and
10 profitability; and
11

12 WHEREAS, many persons released from incarceration need the
13 support of a home environment while trying to deal with the
14 stressors of reintegrating back into society while maintaining
15 sobriety; and
16

17 WHEREAS, recent surveys from several states indicate that
18 many people are in favor of clean and sober homes and halfway
19 houses, however, community residents have expressed concerns
20 over the legal operation of such homes in their immediate
21 vicinity and the compliance of those homes with all state and
22 county laws; and
23

24 WHEREAS, many communities throughout the nation have
25 attempted to regulate the operation of clean and sober homes and
26 halfway houses after negative experiences with certain homes and
27 houses; and
28

29 WHEREAS, as such, the needs and concerns of the community
30 must be tempered with the needs of the individuals requiring
31 support; and
32



1 WHEREAS, the urgency to establish a clean and sober home
 2 and halfway house task force is evident with the progress of
 3 S.B. No. 2536, H.D. 2, through the legislative process, which
 4 among other things establishes a task force to develop a plan of
 5 accountability to ensure the safe, lawful, and effective
 6 operation of clean and sober homes and halfway houses; and
 7

8 WHEREAS, a task force made up of various representatives
 9 from the relevant executive agencies, social services community,
 10 and stakeholders would be in the best position to determine ways
 11 to ensure the operation of clean and sober homes and halfway
 12 houses in the community in a safe, lawful, and effective manner;
 13 now, therefore,
 14

15 BE IT RESOLVED by the Senate of the Twenty-sixth
 16 Legislature of the State of Hawaii, Regular Session of 2012, the
 17 House of Representatives concurring, that if S.B. Bill No. 2536,
 18 H.D. 2, which among other things establishes a task force to
 19 develop a plan of accountability to ensure the safe, lawful, and
 20 effective operation of clean and sober homes and halfway houses,
 21 is not enacted, that the Department of Health is requested to
 22 establish a task force to study clean and sober homes and
 23 halfway houses; and
 24

25 BE IT FURTHER RESOLVED that the Director of Health, or the
 26 Director's designee, is requested to serve as Chairperson of the
 27 task force; and
 28

29 BE IT FURTHER RESOLVED that the task force is requested to
 30 include the following members:
 31

- 32 (1) The directors of each of the county planning
 33 departments or the directors' designees;
- 34
- 35 (2) The Chairperson of the Hawaii Paroling Authority or
 36 the Chairperson's designee;
- 37
- 38 (3) Homeless advocates, as determined by the Department of
 39 Human Services;
- 40
- 41 (4) Representation from clean and sober homes and halfway
 42 houses, as determined by the Department of Health;
- 43



- 1 (5) Legislative representatives in equal number from the
- 2 Senate and House of representatives, as determined by
- 3 the President of the Senate and the Speaker of the
- 4 House of Representatives;
- 5
- 6 (6) Legal representatives, as determined by the Department
- 7 of Health, to address issues such as discrimination,
- 8 including the Attorney General or the Attorney
- 9 General's designee; and
- 10
- 11 (7) Others, as appropriate, as determined by the Director
- 12 of Health; and
- 13

14 BE IT FURTHER RESOLVED that the task force is requested to
 15 perform the following tasks and report on its efforts in
 16 performing these tasks:

- 17
- 18 (1) Establish a clear, legal definition of a "clean and
- 19 sober home";
- 20
- 21 (2) Establish clear occupancy requirements for clean and
- 22 sober homes and halfway houses;
- 23
- 24 (3) Develop a plan of accountability for clean and sober
- 25 homes and halfway houses to ensure compliance with
- 26 occupancy and other requirements; provided that in
- 27 developing the plan, the task force shall review the
- 28 need for or appropriateness of regulation of these
- 29 facilities, as well as the most appropriate practices
- 30 regarding regulation;
- 31
- 32 (4) Conduct an inventory of clean and sober homes
- 33 statewide, identify current occupancy levels, and
- 34 determine compliance with county zoning laws and tax
- 35 requirements;
- 36
- 37 (5) Promote community and advocate education; and
- 38
- 39 (6) Balance community concerns with the needs of
- 40 individuals requiring clean and sober homes and
- 41 halfway houses; and
- 42

43 BE IT FURTHER RESOLVED that members of the task force shall
 44 not receive compensation for their service but shall be



1 reimbursed for necessary expenses, including travel expenses,
2 incurred in the performance of their duties; and
3

4 BE IT FURTHER RESOLVED that the task force consult with the
5 appropriate county agencies to ensure that clients are referred
6 only to clean and sober homes and halfway houses that meet the
7 zoning requirements and definitions under section 46-4, Hawaii
8 Revised Statutes, the Federal Fair Housing Act, Section 504 of
9 the Rehabilitation Act, Titles II and III of the Americans with
10 Disabilities Act, and other laws providing housing opportunities
11 and protections for people with disabilities; and
12

13 BE IT FURTHER RESOLVED that the task force is requested to
14 submit its plan of accountability and other findings and
15 recommendations, including any proposed legislation, to the
16 Legislature no later than twenty days prior to the convening of
17 the Regular Session of 2013; and
18

19 BE IT FURTHER RESOLVED that the Legislative Reference
20 Bureau is requested to assist the task force in drafting
21 legislation to implement the task force's recommendations;
22 provided that the task force submits its recommendations and
23 proposed legislation, if any, to the Bureau no later than
24 November 1, 2012; and
25

26 BE IT FURTHER RESOLVED that the task force be dissolved on
27 June 30, 2013; and
28

29 BE IT FURTHER RESOLVED that certified copies of this
30 Concurrent Resolution be transmitted to the Director of Health,
31 the Attorney General, Director of Human Services, Director of
32 Health, Senate President, Speaker of the House of
33 Representative, directors of each county planning department,
34 Chairperson of the Hawaii Paroling Authority, and Director of
35 the Legislative Reference Bureau.

