

JAN 20 2016

A BILL FOR AN ACT

RELATING TO ADULT RESIDENTIAL CARE HOMES.

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

1 SECTION 1. Section 46-15.3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§46-15.3 Regulation of adult [family boarding home and]~~
4 residential care home[-]; permitted use of care homes in
5 agriculturally designated districts. (a) For the purpose of
6 regulation under a county's life safety code, building code,
7 fire code, or any other ordinance of similar purpose, a
8 [~~licensed adult family boarding home or~~] licensed care home that
9 provides living accommodations for:

- 10 (1) The operator of the home and operator's family; and
11 (2) Up to six other persons, not more than three of whom
12 are incapable of self-preservation because of age or
13 physical or mental limitations,
14 shall be deemed a single-family dwelling occupied by a family.

15 (b) For the purposes of zoning, a licensed care home shall
16 be considered a permitted use in all agriculturally designated
17 districts; provided that the licensed care home is located in a



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1 farm dwelling, notwithstanding sections 205-2 and 205-4.5. No
2 conditional use permit, variance, or special exception shall be
3 required for residences used as licensed care homes.

4 ~~[(b)]~~ (c) For the purpose of this section:

5 "Building code" means an ordinance the purpose of which is
6 to provide minimum standards to safeguard life or limb, health,
7 property, and public welfare by regulating and controlling the
8 design, construction, quality of materials, use and occupancy,
9 location, and maintenance of all buildings and structures within
10 the county's jurisdiction and certain equipment specifically
11 regulated by the ordinance.

12 "Fire code" means an ordinance adopted under section 132-3
13 or an ordinance intended to prescribe regulations consistent
14 with recognized good practice for the safeguarding to a
15 reasonable degree of life and property from the hazards of fire
16 and explosion arising from the storage, handling, and use of
17 hazardous substances, materials, and devices and from conditions
18 hazardous to life or property in the use or occupancy of
19 buildings or premises.

20 ~~["Licensed adult family boarding home" means an adult~~
21 ~~family boarding home licensed under chapter 346, part IV.]~~



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1 "Licensed care home" means a care home licensed under
2 section 321-15.6.

3 "Life safety code" means an ordinance the purpose of which
4 is to establish minimum requirements that will provide a
5 reasonable degree of safety from fire in buildings and
6 structures."

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect upon its approval.
10

INTRODUCED BY: *Fitzanne Crum Clark*

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S.B. NO. 2001

Report Title:

Adult Residential Care Homes; Agriculturally Designated Districts

Description:

Permits adult residential care homes in agriculturally designated districts if located in a farm dwelling.

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