

MAR 14 2007

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY OF ADULT
RESIDENTIAL CARE HOMES.

1 WHEREAS, an adult residential care home is defined under
2 section 321-15.1, Hawaii Revised Statutes, as any facility that
3 provides twenty-four hour living accommodations for a fee to
4 adults unrelated to the family, who require at least minimal
5 assistance with the activities of daily living, personal care
6 services, protection, and health care services, but who do not
7 need the professional health services provided in an
8 intermediate, skilled nursing, or acute care facility; and
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10 WHEREAS, in recent years, there has been a proliferation of
11 the establishment of adult residential care homes on Oahu; and
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13 WHEREAS, many of the adult residential care homes are
14 located in residential neighborhoods characterized by single
15 family residences, and in commercial or mixed use areas; and
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17 WHEREAS, concentrations of the adult residential care homes
18 in these areas have attendant traffic, parking, delivery, noise,
19 trash collection, and emergency services response challenges;
20 and
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22 WHEREAS, the Department of Health is authorized to license
23 the establishment and operation of adult residential care homes;
24 and
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26 WHEREAS, the Department of Health's authority is apparently
27 superior to that of the City and County of Honolulu's Department
28 of Planning and Permitting to regulate these facilities,
29 including the regulation of the locations of the facilities,
30 their distance from each other, and whether they are compatible
31 with the land use; and
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1 WHEREAS, there is apparently no regulation to provide an
2 opportunity for public notice, review, or comment, especially by
3 adjoining property owners, regarding pending applications to
4 establish, modify, or expand adult residential care homes; and
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6 WHEREAS, while the City and County of Honolulu has revised
7 each of the development plans and sustainable community plans
8 for Oahu in recent years, the Department of Health has not
9 conducted a similar review or revision of its rules regarding
10 adult residential care homes; and
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12 WHEREAS, the Department of Health should conduct a study of
13 residential care home facilities; now, therefore,
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15 BE IT RESOLVED by the Senate of the Twenty-fourth
16 Legislature of the State of Hawaii, Regular Session of 2007, the
17 House of Representatives concurring, that the Department of
18 Health is requested to conduct a study of residential care home
19 facilities; and
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21 BE IT FURTHER RESOLVED that in completing the study, the
22 Department of Health is requested to:
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- 24 (1) Examine and determine the adequacy of the statutes,
25 administrative rules, and inspection and enforcement
26 processes, related to the establishment, modification,
27 and expansion of adult residential care facilities;
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- 29 (2) Determine whether adequate opportunity exists for
30 public notice and participation in the inspection and
31 enforcement processes related to the establishment,
32 modification, and expansion of adult residential care
33 facilities; and
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- 35 (3) Consult with the Attorney General and the Director of
36 the Honolulu Department of Planning and Permitting;
37 and
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39 BE IT FURTHER RESOLVED that the Department of Health is
40 requested to submit a report to the Legislature no later than
41 twenty days prior to the convening of the 2008 Regular Session;
42 and
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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Director of Health,
3 the Attorney General, and the Director of the Honolulu
4 Department of Planning and Permitting.
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OFFERED BY: 

