

MAR 14 2007

---

## SENATE 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  
9

10           WHEREAS, in recent years, there has been a proliferation of  
11 the establishment of adult residential care homes on Oahu; and  
12

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  
16

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  
21

22           WHEREAS, the Department of Health is authorized to license  
23 the establishment and operation of adult residential care homes;  
24 and  
25

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  
32

33           WHEREAS, there is apparently no regulation to provide an  
34 opportunity for public notice, review, or comment, especially by  
35 adjoining property owners, regarding pending applications to  
36 establish, modify, or expand adult residential care homes; and



1  
2 WHEREAS, while the City and County of Honolulu has revised  
3 each of the development plans and sustainable community plans  
4 for Oahu in recent years, the Department of Health has not  
5 conducted a similar review or revision of its rules regarding  
6 adult residential care homes; and

7  
8 WHEREAS, the Department of Health should conduct a study of  
9 residential care home facilities; now, therefore,

10  
11 BE IT RESOLVED by the Senate of the Twenty-fourth  
12 Legislature of the State of Hawaii, Regular Session of 2007,  
13 that the Department of Health is requested to conduct a study of  
14 residential care home facilities; and

15  
16 BE IT FURTHER RESOLVED that in completing the study, the  
17 Department of Health is requested to:

18  
19 (1) Examine and determine the adequacy of the statutes,  
20 administrative rules, and inspection and enforcement  
21 processes, related to the establishment, modification,  
22 and expansion of adult residential care facilities;

23  
24 (2) Determine whether adequate opportunity exists for  
25 public notice and participation in the inspection and  
26 enforcement processes related to the establishment,  
27 modification, and expansion of adult residential care  
28 facilities; and

29  
30 (3) Consult with the Attorney General and the Director of  
31 the Honolulu Department of Planning and Permitting;  
32 and

33  
34 BE IT FURTHER RESOLVED that the Department of Health is  
35 requested to submit a report to this body no later than twenty  
36 days prior to the convening of the 2008 Regular Session; and

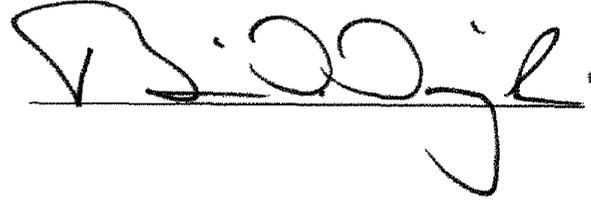
37  
38 BE IT FURTHER RESOLVED that certified copies of this  
39 Resolution be transmitted to the Director of Health, the



1 Attorney General, and the Director of the Honolulu Department of  
2 Planning and Permitting.

3  
4  
5

OFFERED BY:

A handwritten signature in black ink, appearing to read "V. S. O'Neil", is written over a horizontal line.