
A BILL FOR AN ACT

RELATING TO LONG-TERM CARE FACILITIES.

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

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46- Long-term care facilities; permitted use in
5 residential areas. (a) For the purposes of zoning, long-term
6 care facilities shall be considered a residential use of
7 property and shall be a permitted use in all residentially
8 designated zones, including but not limited to zones for single-
9 family dwellings. No conditional use permit, variance, or
10 special exception shall be required for residences used as long-
11 term care facilities.

12 (b) For the purposes of this section, "long-term care
13 facility" means any skilled nursing facility as defined in
14 section 1861(j) of the Social Security Act, as amended, any
15 intermediate care facility as defined in section 1905(c) of the
16 Social Security Act, as amended, any nursing home as defined in
17 section 1908(e) of the Social Security Act, as amended, and any



1 other similar adult care facility licensed by the State serving
2 elders."

3 SECTION 2. Chapter 501, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 **"§501- Long-term care facilities; permitted uses in**

7 **residential areas.** (a) Long-term care facilities shall be
8 considered a residential use. Notwithstanding any other law to
9 the contrary, every recorded restriction or prohibition entered
10 into whether by way of covenant, condition upon use or
11 occupancy, or upon transfer of title to residential real
12 property, that directly or indirectly restricts or prohibits
13 long-term care facilities on residential real property is void.

14 (b) This section shall not apply to:

15 (1) Housing for older persons as defined by 42 United
16 State Code section 3607(b)(2);

17 (2) Limited-equity housing cooperatives created pursuant
18 to chapter 421H; or

19 (3) Cooperative housing corporations created pursuant to
20 chapter 421I.

21 (c) For the purposes of this section, "long-term care
22 facility" means any skilled nursing facility as defined in



1 section 1861(j) of the Social Security Act, as amended, any
 2 intermediate care facility as defined in section 1905(c) of the
 3 Social Security Act, as amended, any nursing home as defined in
 4 section 1908(e) of the Social Security Act, as amended, and any
 5 other similar adult care facility licensed by the State serving
 6 elders."

7 SECTION 3. Chapter 502, Hawaii Revised Statutes, is
 8 amended by adding a new section to be appropriately designated
 9 and to read as follows:

10 **"§502- Long-term care facilities; permitted uses in**
 11 **residential areas.** (a) Long-term care facilities shall be
 12 considered a residential use. Notwithstanding any other law to
 13 the contrary, every recorded restriction or prohibition entered
 14 into whether by way of covenant, condition upon use or
 15 occupancy, or upon transfer of title to residential real
 16 property, that directly or indirectly restricts or prohibits
 17 long-term care facilities on residential real property is void.

18 (b) This section shall not apply to:

19 (1) Housing for older persons as defined by 42 United
 20 State Code section 3607(b)(2);

21 (2) Limited-equity housing cooperatives created pursuant
 22 to chapter 421H; or



1 (3) Cooperative housing corporations created pursuant to
2 chapter 421I.

3 (c) For the purposes of the section, "long-term care
4 facility" means any skilled nursing facility as defined in
5 section 1861(j) of the Social Security Act, as amended, any
6 intermediate care facility as defined in section 1905(c) of the
7 Social Security Act, as amended, any nursing home as defined in
8 section 1908(e) of the Social Security Act, as amended, and any
9 other similar adult care facility licensed by the State serving
10 elders."

11 SECTION 4. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: John M. Wagner

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Report Title:

Long-Term Care Facilities; Allowed Use in Residential Areas

Description:

Allows long-term care facilities in residential areas.

