

From: Linda LeGrande [mohalaway@hawaii.rr.com]
Sent: Tuesday, February 17, 2009 10:23 PM
To: TIATestimony
Subject: testimony

COMMITTEE ON HUMAN SERVICES
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair

NOTICE OF HEARING

DATE: Wednesday, February 18, 2009
TIME: 1:15 p.m.
PLACE: Conference Room 224 State Capitol 415 South Beretania Street

Dear Chairperson and Members of The Committee,

I support the passage of SB673.

I am a long time Manoa resident/homeowner living at 2243 Mohala Way. I am writing to you to express my strong opposition to the current practice of expansion and clustering of adult residential care homes (hereinafter ARCHs), such as at 2220 McKinley Street, owned by Ms. Sandra Shim, and a second planned expansion to an ARCH at 2383 Beckwith, owned by Wendell and Annette Pang who seem to think they have freedom to maximize their lots with commercial establishments and personal profit and gain. I feel that the residents of this quiet, historic neighborhood have a few rights, also, and should be afforded the right to the peaceful enjoyment of the neighborhood within which they reside. I see the following as the major issues and problems that must be considered as these adult care homes are being permitted, licensed and allowed to be built in our neighborhoods:

Noise and traffic congestion from more residents being transported to and from the ARCH, more staff vehicles, more visitor vehicles, more service vehicles, and more overflow parking; lack of adequate supervision of the increased number of elderly and infirm residents, increased danger of death, serious injury, and substantial property damage from fire, increased tobacco smoking activity by staff and residents in areas where their smoke infiltrates the homes of nearby neighbors, and a significant decrease of the property values of neighborhood residences.

Ms. Sandra Shim, the ARCH owner/operator in question at 2220 McKinley, appears to be operating one contiguous health care complex. Ms. Shim was recently granted a permit to construct a third "wing" to her "Manoa Cottage," not a separate residential facility. Such proposed construction should require, at a minimum, a Conditional Use Permit and a full public hearing.

Mr. and Mrs. Pang, the ARCH owners/operators at 2383 Beckwith Street, have applied for an extension to their existing 5 bedroom/5 bath facility. Is a Conditional Use Permit and full public hearing going to be required? I live across the street from the back of this property on a sub-standard street that was originally built as an alley in 1901 when the population in Manoa was considerably lower. I have watched these people, the Pangs, move into this wonderful historic home and proceed to rape the neighborhood with their alterations, additions and

changes to their 'home' ... and I put home in parenthesis because now that their children are moved out, and they are planning to add 5 additional rooms, they have recently moved to a condominium in Makiki. What was a 100 year old home (and infrastructure for same) with 3 bedrooms and 2 baths will now be 8 bedrooms & 7 baths and with the planned expansion will become 13 bedrooms and 12 baths the sewer pipes and water lines to the main feeds are original, I believe, and certainly were not built to service this volume.

It is important to recognize the long-range effects of a narrow, property-by-property interpretation of the planning and permitting laws. Such an interpretation will promote the proliferation of ARCHs in Manoa if some master planning is not implemented soon and the disappearance of traditional residential neighborhoods will certainly result.

Public hearings should be held before any major changes are made to our neighborhoods. This proposed change is definitely a major change, equivalent to the addition of one Group Living Facility to another, in the case of Ms. Shim's project. No two facilities should be closer than 1000 feet from one another.

Thank you for allowing me this testimony. Please feel free to contact me at any of the following telephone numbers: 944-5856 (office), 947-7400 (home), or 384-0450 (cellular).

Sincerely,
Linda LeGrande
2243 Mohala Way
Honolulu, HI 96822

**Senate Committee on Human Services
Senate Bill 673 Relating to Adult Residential Care Homes
1:15 pm, Thursday, February 18, 2009; Conference Room 224 of the Hawai'i
State Capitol**

**Dear Chairperson Suzanne Chun Oakland, Vice Chairperson Les Ihara, and
Committee Members,**

February 18, 2009

I am testifying in favor of SB 673.

There is currently no legislation in place that protects residential neighborhoods in Hawaii from the impacts of an ARCH which may threaten the character of our neighborhoods (with the resultant medical waste, handivans, pickups, dropoffs, staff traffic, overflow parking, family, visitors, and general strain on the infrastructure). Nor is there a law that establishes a balance of well-managed care homes nestled in a **sustainable** way among residents who value truly good neighbors. We believe that through neighborly input and cooperation we can retain the character of our neighborhoods and still accommodate the needs and ensure the safety of our families, both the younger and the elder.

Pease pass SB 673.

Sincerely,
Sharon Schneider
5042 Maunalani Circle
Honolulu, Hawaii 96816

From: paul berry [pbdocberry@gmail.com]
Sent: Tuesday, February 17, 2009 11:21 PM
To: TIATestimony; Jerry Lam
Subject: Senate Bill 673

**Senate Bill 673
Public Hearing
Wednesday February 18, 2009
1:15 pm Conference Room 224
State Capitol
415 South Beretania Street
Honolulu, HI 96813**

**Committee of Human Services
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara Jr., Vice Chair**

**Committee on Transportation, International
and Intergovernmental Affairs
Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair**

Dear Senators,

I would very much like to speak in favor of this bill (SB673) to give the counties the authority to place reasonable guidelines on future adult residential care homes in Hawaii.

The proliferation of ARCHs affects all communities statewide, including Kaneohe. Many owners who start an ARCH find they can easily afford buying more property and increasing their services and their wealth.

For the past two years beginning in Feb 2007 Senator Brian Taniguchi, Representative Kirk Caldwell, Councilwoman Ann Kobayashi, Director of Health Chiyome Fukino, the Dept. of Planning and Permitting and many others, dozens of residents, have attended meetings on Dr. Jerry Lam's patio to discuss the problems of multiple care homes built adjacent to one another and the myriad health and safety problems that arrive hand in hand with these developments. We understand the importance of these care homes and totally support their concept.

It is when they negatively impinge on the surrounding residential neighborhood that citizens are concerned. In Manoa, some adult residential care homes are located on sub standard streets with brittle infrastructure. Fire trucks may not fit on these tight roads. An ARCH owner on one street is now attempting to fit 13 unrelated people into a home and DPP has issued them a permit. In another case in Manoa, an ARCH owner has 3 adjacent care homes which have greatly affected the nearby neighbors. Medical waste blowing across the street, employees smoking outside, noise from shift changes and deliveries and patients and personnel, night lights shining at all hours, handicapped van pickups and drop offs, family visitors, limited parking, 6 foot high fences, increased traffic, are some of the ways that a quiet residential block has been transformed.

There are many more neighbors concerned about these homes than live in these homes and there must be a reasonable balance between the need for ARCHs and the needs of the surrounding communities. Since 2000, residential care homes have increased by 19%. I know Aina Haina, Maunalani Heights and Nuuanu are presently dealing with these same issues.

Neighbors object to the clustering of care homes, their significant negative impact on a quiet residential community. Authorities need to look at ways to restrict how many facilities can operate on the same block. Various legislation has been written for the past two years. Each time the community comes to testify, the Attorney General stonewalls the process of finding a balance or limiting ARCHs to 1000 yard apart which according to Mr. John Whalen was intended long ago. The Attorney General says such a law would violate the Fair Housing Act and then the bills die. We know states like Colorado and Arizona seem to have sensible distance requirements.

Hundreds of people have signed petitions encouraging distance requirements but their voices have now died with the past legislation. Manoa residents feel helpless and don't know what to do.

Like other communities, Manoa takes pride in and care of its kupuna. ARCHs are only one option for elderly care. Manoa supports the elderly and supports care homes. It is less the total number of homes that is a problem, than the dense proximity of these homes built next to one another. Manoa has concerns about the safeguards of operating two or more homes completely independently as stated within the law. Staff carrying disease can pass this back and forth between homes. Any physician could tell you about the inherent dangers of the spread of infectious diseases in adjacent homes. A single case of flu virus, stomach virus, or tuberculosis could spread like wild fire, exacting significant morbidity and mortality. Firemen would tell you that it would be much more difficult to evacuate elderly persons.

Having reasonable regulations like distance standards, random audits for independence, checking health requirements for staff, stringent reporting of infectious diseases, evacuation fire plans, and much more should be discussed. Please take a proactive role with this issue.

SB 673 would be a good start to address this land use and I support its passage!

**Paul Berry
46-158 Kiowai St. #2411
Kaneohe, Hi 96744
pbdocberry@gmail.com**

From: DRJLAM@aol.com
Sent: Tuesday, February 17, 2009 10:20 PM
To: TIATestimony@Capitol.pauspam.net; hawaii.gov@imo-d22.mx.aol.com
Subject: Testimony on Senate Bill 673

**Senate Bill 673
Public Hearing
Wednesday February 18, 2009
1:15 pm Conference Room 224
State Capitol
415 South Beretania Street
Honolulu, HI 96813**

**Committee of Human Services
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara Jr., Vice Chair**

**Committee on Transportation, International
and Intergovernmental Affairs
Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair**

Dear Senators,

I would very much like to speak in favor of this bill (SB673) to give the counties the authority to place reasonable guidelines on future adult residential care homes in Hawaii.

The proliferation of ARCHs affects all communities statewide. It is a very lucrative business and many owners who start an ARCH find they can easily afford buying more property and increasing their services and their wealth.

We have met for the past two years beginning in Feb 2007 with Senator Brian Taniguchi, Representative Kirk Caldwell, Councilwoman Ann Kobayashi, Director of Health Chiyome Fukino, the Dept. of Planning and Permitting and many others. Dozens of residents have attended meetings on my patio to discuss the problems of multiple care homes built adjacent to one another and the myriad health and safety problems that arrive hand in hand with these developments. We understand the importance of these care homes and totally support its concept.

It is when they negatively impinge on the surrounding residential neighborhood that we citizens are concerned. In Manoa, some adult residential care homes are located on sub standard streets with brittle infrastructure. Fire trucks may not fit on these tight roads. An ARCH owner on one street is now attempting to fit 13 unrelated people into a home and DPP has issued them a permit. In another case in Manoa, an ARCH owner has 3 adjacent care homes which have greatly affected the nearby neighbors. Medical waste blowing across the street, employee smoking outside, noise from shift changes and deliveries and patients and personnel, night lights shining at all hours, handicapped van pickups and drop offs, family visitors, limited parking, 6 foot high fences, increased traffic, are some of the ways that a quiet residential block has been transformed.

There are many more neighbors concerned about these homes than live in these homes and there must be a reasonable balance between the need for ARCHs and the needs of the surrounding communities. Since 2000, residential care homes have increased by 19%. I know Aina Haina, Maunalani Heights and Nuuanu are presently dealing with these same issues.

Neighbors object to the clustering of care homes. This has a significant negative impact on a quiet residential community. We tried to look at ways to restrict how many facilities can operate on the same block. Various legislation has been written for the past two years. Each time the community comes to testify, the Attorney

General stonewalls the process of finding a balance or limiting ARCHs to 1000 yard apart which according to Mr. John Whalen was intended long ago. The Attorney General says such a law would violate the Fair Housing Act and then the bills die. We know states like Colorado and Arizona seem to have sensible distance requirements.

Hundreds of people have signed petitions encouraging distance requirements but their voices have now died with the past legislation. We feel helpless and don't know what to do so we don't even have meetings anymore.

Manoa takes pride in and care of its kupuna. I have cared for my 92 year-old severely handicapped mother for 15 years. Many others do much more. ARCHs are only one option for elderly care. Manoa supports the elderly and supports care homes. It is not the total number of homes that is a problem, but the dense proximity of these homes built next to one another. We have concerns about the safeguards of operating two or more homes completely independently as stated within the law. Staff carrying disease can pass this back and forth between homes. Any physician could tell you about the inherent dangers of the spread of infectious diseases in adjacent homes. A single case of flu virus, stomach virus, or tuberculosis could spread like wild fire, exacting significant morbidity and mortality. Any fireman would tell you that it would be much more difficult to evacuate 8 elderly persons from an elderly care home than 16 or 24 which could occur in adjacent homes.

Having reasonable regulations like distance standards, random audits for independence, checking health requirements for staff, stringent reporting of infectious diseases, evacuation fire plans, and much more should be discussed. We hope the legislature will take a proactive role with this issue.

Just as the bed and breakfast and vacation rentals challenge our communities, so does the clustering of ARCHs which some have referred to as "mini hospital complexes".

SB 673 would be a good start to address this land use and I support its passage!

Jeremy Lam MD
2230 Kamehameha Avenue
Honolulu, HI 96822
drjlam@aol.com
2/17/09

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[REDACTED]

From: Gary Andersen [gkandersen@hotmail.com]
Sent: Wednesday, February 18, 2009 8:55 AM
To: TIATestimony
Subject: REGARDING: Senate Bill 673

Importance: High

From: Capt. G. K. Andersen, PM February 17, 2009
Subject: Testimony on Senate Bill 673
SENT VIA: TIATestimony@Capitol.hawaii.gov

REGARDING: Senate Bill 673

Wednesday February 18, 2009
1:15 pm Conference Room 224, State Capitol Building
415 South Beretania Street
Honolulu, HI 96813

Committee of Human Services

The Rt. Hon. Senator Suzanne Chun Oakland, Chair
The Rt. Hon. Senator Les Ihara Jr., Vice Chair

Committee on Transportation, International
and Intergovernmental Affairs

The Rt. Hon. Senator J. Kalani English, Chair
The Rt. Hon. Senator Mike Gabbard, Vice Chair

Dear Senators:

I wish to speak in favor of (SB673) that gives the counties the authority to place reasonable guidelines on future adult residential care homes in Hawaii.

The proliferation of ARCHs affects all communities throughout the state. This is a very lucrative business and I understand the importance of these care homes and totally support the intent of Senate Bill 673.

May I suggest 2,000 foot distance standards between facilities, unlimited random audits for independence, including vigorous health requirements for all staff, mandatory reporting of possible infectious diseases, and emergency evacuation plans to name a few considerations.

In closing, may I reiterate my support for and passage of SB 673.

Capt. G. K. Andersen, PM
61691 Manoa Station