STAND. COM. REP. NO. **867** -10

Honolulu, Hawaii

March 19, 2010

RE: S.B. No. 2287

H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2010 State of Hawaii

Sir:

Your Committees on Human Services and Health, to which was referred S.B. No. 2287 entitled:

"A BILL FOR AN ACT RELATING TO COUNTY ZONING FOR GROUP LIVING FACILITIES,"

beg leave to report as follows:

The purpose of this bill, as received by your Committees, is to require counties to consider when zoning for group living facilities the potential impact of traffic safety and congestion, elevated noise levels, and disruption of commercial deliveries upon the residents in the surrounding areas.

For the purposes of the public hearing, your Committees circulated a proposed H.D. 1 version that deletes the provisions of the bill and inserts new language invalidating any county ordinance that requires a minimum distance between group living facilities for the elderly and persons with disabilities.

The State Council on Developmental Disabilities, Disability and Communication Access Board, Alliance of Residential Care Administrators, Adult Foster Homecare Association, Hawaii Disability Rights Center, and several concerned individuals testified in support of the proposed draft. The Department of Planning and Permitting of the City and County of Honolulu and the Hawaii Substance Abuse Coalition opposed the proposed draft. The Community Alliance on Prisons provided comments.

Your Committees note that the Fair Housing Act prohibits making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities. Your Committees are also aware, however, of neighborhood concerns that not all group living homes are well-managed, which may lead to parking, traffic, and noise issues.

Upon careful consideration, your Committees have chosen not to adopt the proposed draft and, instead have amended the bill as received by your Committees by:

- (1) Adding provisions that establish a task force, administratively attached to the Executive Office on Aging, to review local, state, and federal policies regarding zoning for group living facilities; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2287, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2287, H.D. 1, and be referred to the Committee on Water, Land, & Ocean Resources.

Respectfully submitted on behalf of the members of the Committees on Human Services and Health,

RYAN I YAMANE Chair

JOHN M. MIZUNO, Chair

State of Hawaii House of Representatives The Twenty-fifth Legislature

HSLR 867-10

Record of Votes of the Committee on Human Services

Bill/Resolution No.: SB 2287	Committee Referral: HhS/HLT, WLO	Date	3/11/	110		
☐ The committee is reconsidering its previous decision on the measure.						
The recommendation is to: ☐ Pass, unamended (as is) ☐ Pass, with amendments (HD) ☐ Hold ☐ Pass short form bill with HD to recommit for future public hearing (recommit)						
HUS Members	Ayes	Ayes (WR)	Nays	Excused		
1. MIZUNO, John M. (C)				To you have		
A PROWER TO (UC)						
2. BROWER, Tom (VC)						
3. BELATTI, Della Au						
4. BERTRAM, Joe, III						
5. CARROLL, Mele						
6. NISHIMOTO, Scott Y.						
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7. SHIMABUKURO, Maile S.L.						
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8. YAMANE, Ryan I.						
A WIND G						
9. WARD, Gene						
TOTAL (9)	8	٥	0	l		
	If joint referral, did not support recommendation.					
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						

State of Hawaii House of Representatives The Twenty-fifth Legislature

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Record of Votes of the Committee on Health

Bill/Resolution No.: SB 2287	Committee Referral: HUS/HLT, WLO	Date: 3/11/10				
☐ The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)						
HLT Members	Ayes	Ayes (WR) Nays	Excused			
1. YAMANE, Ryan I. (C)						
2. NISHIMOTO, Scott Y. (VC)						
2. Ribitivio 10, beat 1. (10)						
3. BELATTI, Della Au						
4. BERTRAM, Joe, III						
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5. BROWER, Tom						
6. CARROLL, Mele						
7. MIZUNO, John M.						
8. SHIMABUKURO, Maile S.L.						
9. FINNEGAN, Lynn			-			
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TOTAL (9)	8					
The recommendation is: Adopted						
Vice Chair's or designee's signature						
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO						