



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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In reply, please refer to:  
File:

### House Committee on Health

## S.C.R. 48, REQUESTING THE AUDITOR TO ASSESS THE PROBABLE EFFECTS OF LICENSING AND REGULATING CLEAN AND SOBER HOMES

Testimony of Linda Rosen, M.D., M.P.H.  
Director of Health

April 14, 2014

**Department's Position:** The Department of Health (DOH) supports this measure and will work with staff assigned by the Office of the Auditor if the measure is adopted.

**Fiscal Implications:** None.

**Purpose and Justification:** This measure requests that the Auditor conduct an analysis pursuant to Section 26H-6, Hawaii Revised Statutes, of the probable effects of licensing and regulating clean and sober homes as proposed in S.B. No. 2587 (Regular Session of 2014); and that the Auditor submit findings and recommendations, including any necessary implementing legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2015.

Clean and sober homes, which are located in communities throughout the state, provide housing for those suffering from substance abuse, including those who may have co-occurring mental health issues, as they transition from the treatment setting to life in the community. These homes provide a means for persons to return to the community without the rigid structure of a therapeutic living program which requires licensure. The support of a home environment fulfills a need for those who are dealing with the stressors of reintegrating back into the community while maintaining sobriety.

1           Stable housing is a critical component in the continuum of substance abuse treatment and  
2 recovery. Data for Fiscal Year 2012-13 show that approximately 17.0 percent of clients served by the  
3 Alcohol and Drug Abuse Division contracted providers did not have stable housing at admission. At  
4 discharge and follow-up, unstable housing status was reduced to 14.3 percent and 6.6 percent,  
5 respectively.

6           While individuals in recovery benefit from these homes, neighboring residents have also  
7 expressed concerns over the location and operation of such homes in their neighborhoods. In response  
8 to these concerns, the Clean and Sober Homes and Halfway Houses Task Force was convened by the  
9 Director of Health to explore ways to ensure that these homes are properly monitored and accountable  
10 for meeting occupancy, zoning and permitting requirements and quality standards.

11           Measures that have been introduced (S.B. 2587 and H.B. 2224) are products of a two-year  
12 process during which the knowledge and expertise of public (i.e., State and County) as well as private  
13 agencies' perspectives were elicited. The proposed registry is intended to provide a more formalized  
14 means for agencies to refer clients to alcohol- and drug-free housing which benefits clients of DOH  
15 behavioral health programs, as well as clients enrolled in Department of Human Services programs that  
16 assist the homeless. The proposed registry would be voluntary and would serve as a means to ensure  
17 that clean and sober homes are compliant with existing laws and county ordinances. There are no  
18 services being provided by clean and sober homes or persons that DOH would be "regulating."

19           We welcome the opportunity to work with Office of the Auditor staff to accomplish the assigned  
20 tasks if this measure is adopted.

21           Thank you for the opportunity to testify on this measure.

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NEIL ABERCROMBIE  
GOVERNOR

SHAN S. TSUTSUI  
LT. GOVERNOR

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PRESENTATION OF THE  
OFFICE OF CONSUMER PROTECTION

TO THE COMMITTEE ON HEALTH

THE TWENTY-SEVENTH  
REGULAR SESSION OF 2014

APRIL 14, 2014  
8:30 AM

TESTIMONY IN OPPOSITION TO S. C. R. 48, REQUESTING THE AUDITOR TO ASSESS THE PROBABLE EFFECTS OF LICENSING AND REGULATING CLEAN AND SOBER HOMES.

TO THE HONORABLE DELLA AU BELATTI, CHAIR,  
AND TO THE HONORABLE DEE MORIKAWA, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs, Office of Consumer Protection ("OCP") appreciates the opportunity to testify in opposition to S. C. R. 48, Requesting the Auditor to Assess the Probable Effects of Licensing and Regulating Clean and Sober Homes, as drafted, and requests amendments. My name is Bruce B. Kim and I am the Executive Director of OCP.

OCP has concerns regarding page 2, lines 27-28 of this concurrent resolution, which notes that S. B. 2587 excludes the proposed licensed and regulatory controls for

clean and sober homes from the residential landlord-tenant code. OCP worked with the Department of Health to address our concerns that a residential landlord-tenant code exemption was inappropriate, as it contains numerous protections for landlords and tenants. The exemption has been removed in S. B. 2587, S.D. 1, as well as the House companion bill, H. B. 2224, H.D. 2, S.D. 2, which is the current vehicle for the legislation this concurrent resolution proposes to do a sunrise study for. Therefore, OCP requests that the reference to the proposed exemption to the residential landlord-tenant code, on page 2, lines 27-28, be similarly deleted to harmonize it with the legislation it is intended to address.

Thank you for the opportunity to testify in opposition, and request amendments to, S. C. R. 48. I would be happy to answer any questions members of the committee have.