

MAR 08 2024

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO ASSESS THE REGISTRATION  
AND MONITORING OF CLEAN AND SOBER HOMES.

1 WHEREAS, the legislature enacted Act 193, Session Laws of  
2 Hawaii 2014 (Act 193), to develop a process for the management  
3 and support for clean and sober homes, also known as sober  
4 living recovery homes/residences, which are located in  
5 communities throughout the State, to provide housing for  
6 individuals suffering from substance use, including people who  
7 may have co-occurring mental health issues, as they transition  
8 from the treatment setting to life in the community; and  
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10 WHEREAS, Act 193 incorporated clean and sober home  
11 operating standards based on the National Alliance for Recovery  
12 Residences; and  
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14 WHEREAS, to increase the number of homes that maintain  
15 appropriate living conditions, Act 193 established a voluntary  
16 registry to set minimum operating standards and give special  
17 advantages to homes on the registry, such as technical support  
18 and preferred referral status as well as the ability to monitor  
19 residences that provide the necessary support for recovery  
20 efforts; and  
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22 WHEREAS, Act 193 amended section 46-4, Hawaii Revised  
23 Statutes, to clarify the conditions under which the counties  
24 shall not prohibit registered clean and sober homes that have up  
25 to eight unrelated persons in a dwelling unit, as well as  
26 eliminate any conflict with the federal Fair Housing Amendments  
27 Act by deleting the requirement for a public informational  
28 meeting; and  
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30 WHEREAS, the public may report concerns regarding clean and  
31 sober homes to the Alcohol and Drug Abuse Division of the  
32 Department of Health by email or make a toll-free call to 1-877-  
33 877-1716; and



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2 WHEREAS, the primary goals of rehabilitation and recovery  
3 are to restore social, family, lifestyle, vocational, and  
4 economic support by stabilizing an individual's physical and  
5 psychological functioning; and

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7 WHEREAS, alcohol- and drug-free environments that are safe,  
8 sanitary, and secure promote recovery and assist individuals in  
9 becoming self-supporting; and

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11 WHEREAS, recovery residences support recovery of  
12 individuals with substance use disorders and help prevent  
13 relapse, criminal justice system involvement, and overdose; and

14  
15 WHEREAS, recovery residences are designed to address the  
16 needs of individuals in recovery from substance use disorders  
17 through the provision of a safe and healthy living environment  
18 and a community of supportive recovering peers to which the  
19 residents are accountable, without the ridged and more expensive  
20 structure of a licensed therapeutic living program; and

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22 WHEREAS, the support of a home environment fulfills a need  
23 for those who are reintegrating into the community while  
24 maintaining sobriety; and

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26 WHEREAS, the State's recovery homes are monitored by  
27 agencies that contract for its services, but the level of  
28 oversight for clean and sober homes varies, depending on the  
29 referral source as well as independent operation; and

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31 WHEREAS, the vast majority of clean and sober homes are  
32 independently owned and have a landlord-tenant relationship with  
33 house rules where the tenants generally govern themselves such  
34 that the housing is considered independent living; and

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36 WHEREAS, alcoholism and past illicit drug use are  
37 considered disabilities, and those with such disabilities are  
38 protected under the Federal Fair Housing Act (FHA) and the  
39 Americans with Disabilities Act (ADA); and

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41 WHEREAS, Act 193 developed procedures intended to ensure  
42 that clean and sober homes owners and operators who volunteer to



1 apply to be on the current registry are properly monitored and  
2 accountable to meet occupancy, zoning, and permitting  
3 requirements, as well as quality standards while not violating  
4 protection laws such as the FHA and ADA; and

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6 WHEREAS, most clean and sober homes on the voluntary  
7 registry are well-run; however there are concerns that other  
8 homes not on the registry are overcrowded and not well-managed,  
9 and some owners/lessors violate their county land use permits by  
10 overcrowding, which results in noise and parking complaints from  
11 neighbors; and

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13 WHEREAS, notwithstanding the needs of those who benefit  
14 from these homes, neighboring residents have expressed concerns  
15 over the legality of the operation of clean and sober homes in  
16 their immediate vicinity and the poor conduct and lack of  
17 neighborly behavior of some residents; and

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19 WHEREAS, the Alcohol and Drug Abuse Division has not  
20 received any complaints of so-called "harm reduction" homes  
21 where occupants continue to use alcohol and drugs while seeking  
22 recovery; and

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24 WHEREAS, various types of group homes are defined in  
25 section 46-4(d), Hawaii Revised Statutes, relating to county  
26 zoning--section 45-4(d), Hawaii Revised Statues, defines terms  
27 that are now consistent with the federal FHA, because Act 193  
28 did not include language that required a public informational  
29 meeting be held in the affected community before a clean and  
30 sober home, or drug rehabilitation home, is located in that  
31 community; and

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33 WHEREAS, Act 193 intended to balance the needs of those  
34 requiring the support of group homes and the concerns of the  
35 community members, by helping prospective residents of clean and  
36 sober homes to access a stable, alcohol- and drug-free,  
37 home-like living environment in residences that comply with  
38 federal, state, and county requirements and minimum quality  
39 standards; and

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41 WHEREAS, it is recognized that there is a need to improve  
42 the operation of clean and sober homes if these homes are to



1 achieve their intended purposes, including that they are well-  
2 run; and

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4 WHEREAS, the counties are the proper agency to issue  
5 permits according to zoning ordinances, encourage the orderly  
6 development of land resources within their jurisdictions, and  
7 enforce compliance by appropriate fines and penalties; and

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9 WHEREAS, a collaborative effort among the Department of  
10 Health to register and monitor, the counties to enforce  
11 permitting and zoning ordinances, and the state and providers to  
12 give preference to compliant clean and sober homes would ensure  
13 an accountability process by which the homes would be monitored  
14 in such a way to address the concerns of those requiring the  
15 support of the homes, without using direct government oversight  
16 that is inconsistent with the protection laws; now, therefore,

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18 BE IT RESOLVED by the Senate of the Thirty-second  
19 Legislature of the State of Hawaii, Regular Session of 2024, the  
20 House of Representatives concurring, that this body urges the  
21 Department of Health to convene and lead an informal working  
22 group to discuss the management of clean and sober homes and  
23 discuss possible collaboration with the counties and other  
24 affected regulators to ensure clean and sober homes comply with  
25 county regulations and to encourage registration without using  
26 restrictions that are discriminatory; and

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28 BE IT FURTHER RESOLVED that the informal working group  
29 should include input from the Hawaii Paroling Authority; the  
30 Judiciary's Adult Client Services Branch; the Department of the  
31 Attorney General; and any others, as appropriate, as determined  
32 by the Director of Health or their designee; and

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34 BE IT FURTHER RESOLVED that the working group should  
35 discuss legal issues pertaining to protective FHA and ADA laws,  
36 how the Department of Health and pertinent county agencies can  
37 work more closely together to resolve problems and complaints  
38 received by either the State or counties regarding clean and  
39 sober homes; the Department's efforts to educate the public,  
40 expand the current registry membership, and expand complaint  
41 response; how the Department keeps an inventory of homes  
42 throughout the State including those not on the registry; and



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1 establish processes to ensure that functions are aligned between  
2 the State and county for accountability, community education,  
3 and advocacy; and

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BE IT FURTHER RESOLVED that certified copies of this  
Concurrent Resolution be transmitted to the Director of Health,  
Director of Public Safety, Administrator of the Hawaii Paroling  
Authority, Chief Justice of the Hawaii Supreme Court, Attorney  
General, and Mayors of the City and County of Honolulu, County  
of Maui, County of Kauai, and County of Hawaii.

OFFERED BY: \_\_\_\_\_

