
SENATE RESOLUTION

URGING THE DEPARTMENT OF HEALTH TO CONVENE AN INFORMAL WORKING GROUP TO ASSESS THE REGISTRATION AND MONITORING OF ALL GROUP LIVING FACILITIES AS DESCRIBED IN SECTION 46-4(D), HAWAII REVISED STATUTES, INCLUDING 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



1 Department of Health by email or make a toll-free call to 1-877-
2 877-1716; and

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

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

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

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

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

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

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

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

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1 WHEREAS, Act 193 developed procedures intended to ensure
2 that clean and sober homes owners and operators who volunteer to
3 apply to be on the current registry are properly monitored and
4 accountable to meet occupancy, zoning, and permitting
5 requirements, as well as quality standards while not violating
6 protection laws such as the FHA and ADA; and

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

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

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

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26 WHEREAS, before the enactment of Act 193, various types of
27 group homes were defined in section 46-4, Hawaii Revised
28 Statutes, relating to county zoning, that is now consistent with
29 the federal FHA; and

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31 WHEREAS, section 46-4(d), Hawaii Revised Statutes, now
32 clarifies that counties shall not "prohibit group living in
33 facilities with eight or fewer residents for purposes or
34 functions that are licensed, certified, registered, or monitored
35 by the State"; and

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37 WHEREAS, Act 193 repealed language in section 46-4, Hawaii
38 Revised Statutes, that required a public informational meeting
39 to be held in the affected community before a halfway house,
40 clean and sober home, or drug rehabilitation home is located in
41 that community; and

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1 WHEREAS, Act 193 intended to balance the needs of those
 2 requiring the support of group homes and the concerns of the
 3 community members, by helping prospective residents of clean and
 4 sober homes to access a stable, alcohol- and drug-free,
 5 home-like living environment in residences that comply with
 6 federal, state, and county requirements and minimum quality
 7 standards; and

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 9 WHEREAS, it is recognized that there is a need to improve
 10 the operation of clean and sober homes if these homes are to
 11 achieve their intended purposes, including that they are well-
 12 run; and

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 14 WHEREAS, the counties are the proper agency to issue
 15 permits according to zoning ordinances, encourage the orderly
 16 development of land resources within their jurisdictions, and
 17 enforce compliance by appropriate fines and penalties; and

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 19 WHEREAS, a collaborative effort among the Department of
 20 Health to register and monitor, the counties to enforce
 21 permitting and zoning ordinances, and the State and providers to
 22 give preference to compliant clean and sober homes would ensure
 23 an accountability process by which the homes would be monitored
 24 in such a way to address the concerns of those requiring the
 25 support of the homes, without using direct government oversight
 26 that is inconsistent with the protection laws; now, therefore,

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 28 BE IT RESOLVED by the Senate of the Thirty-second
 29 Legislature of the State of Hawaii, Regular Session of 2024,
 30 that the Department of Health is urged to convene and lead an
 31 informal working group to discuss:

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 33 (1) The management of all group living facilities as
 34 described in section 46-4(d), Hawaii Revised Statutes,
 35 including clean and sober homes; and
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 37 (2) Possible collaboration with the counties and other
 38 affected regulators to ensure that all group living
 39 facilities as described in section 46-4(d), Hawaii
 40 Revised Statutes, including clean and sober homes,
 41 comply with county regulations, and encourage



1 registration without using restrictions that are
2 discriminatory; and
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4 BE IT FURTHER RESOLVED that the informal working group is
5 requested to include input from the Hawaii Paroling Authority;
6 the Judiciary's Adult Client Services Branch; Department of the
7 Attorney General; and any others, as appropriate, as determined
8 by the Director of Health or the Director's designee; and
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10 BE IT FURTHER RESOLVED that the working group is requested
11 to discuss legal issues pertaining to protective FHA and ADA
12 laws, how the Department of Health and pertinent county agencies
13 can work more closely together to resolve problems and
14 complaints received by either the State or counties regarding
15 clean and sober homes; the Department's efforts to educate the
16 public, expand the current registry membership, and expand
17 complaint response; how the Department keeps an inventory of
18 homes throughout the State including those not on the registry;
19 and establish processes to ensure that functions are aligned
20 between the State and county for accountability, community
21 education, and advocacy; and
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23 BE IT FURTHER RESOLVED that certified copies of this
24 Resolution be transmitted to the Director of Health, Director of
25 Public Safety, Administrator of the Hawaii Paroling Authority,
26 Chief Justice of the Hawaii Supreme Court, Attorney General, and
27 Mayors of the City and County of Honolulu, County of Maui,
28 County of Kauai, and County of Hawaii.

