

JAN 23 2025

A BILL FOR AN ACT

RELATING TO CLEAN AND SOBER HOMES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 46-4, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:
3 "(d) Neither this section nor any other law, county
4 ordinance, or rule shall prohibit group living in facilities
5 with eight or fewer residents for purposes or functions that are
6 licensed, certified, registered, or monitored by the State;
7 provided that a resident manager or a resident supervisor and
8 the resident manager's or resident supervisor's family shall not
9 be included in this resident count[~~-~~]; provided further that a
10 clean and sober home, as defined in section 321-191, with five
11 or more residents shall require a conditional use permit issued
12 by the county in which the home is located. These group living
13 facilities shall meet all applicable county requirements not
14 inconsistent with the intent of this subsection, including but
15 not limited to building height, setback, maximum lot coverage,
16 parking, and floor area requirements."



SECTION 2. Section 321-193.7, Hawaii Revised Statutes, is amended to read as follows:

"§321-193.7 Clean and sober homes~~[registry]~~. (a) No clean and sober home shall operate without a valid certificate of registration issued pursuant to subsection (b). The department shall establish a ~~[voluntary]~~ clean and sober homes registry to assist persons recovering from substance abuse to have a safe, clean, and sober environment that supports their recovery. The department shall establish procedures and standards by which homes ~~[will be allowed to be]~~ shall be listed on the registry, including but not limited to:

- (1) Organizational and administrative standards;
- (2) Fiscal management standards;
- (3) Operation standards;
- (4) Recovery support standards;
- (5) Property standards; and
- (6) Good neighbor standards.

(b) Upon review and approval of a home operator's application, the department shall issue a certificate of registration that shall specify:

- (1) The name of the holder of the registration;



(2) The address to which the registration applies;

(3) The maximum number of persons to reside in the home;

and

(4) The period for which the registration shall be valid.

An owner, operator, or landlord shall not hold the property out to be or advertise to be a "registered clean and sober home" unless the home is registered and in good standing with the clean and sober homes registry.

(c) The certificate of registration shall be publicly displayed at the home.

(d) The certificate of registration shall not be transferred to a new owner or operator, or to an address other than as specified on the certificate of registration.

(e) Nothing in this section shall relieve a certificate holder from compliance with other pertinent statutory provisions, nor shall a certificate holder be relieved from compliance with other applicable provisions of federal, state, or county laws, ordinances, or rules.

(f) The department may revoke the certificate of registration if a home ceases to meet established standards or



1 any other applicable federal, state, or county law, ordinance,
2 or rule.

3 (g) The department may immediately revoke a certificate of
4 registration if there are reasonable grounds to believe that the
5 continued operation of the home presents an immediate danger to
6 residents of the home or the general public.

7 (h) Any revocation of the certificate of registration
8 shall be made in writing to the certificate holder.

9 (i) The department shall maintain a listing of all
10 registered clean and sober homes on its website.

11 (j) The department shall establish a toll-free telephone
12 number to receive complaints regarding clean and sober homes.
13 The department and pertinent county agencies shall work together
14 to resolve problems and complaints received by either the State
15 or counties regarding clean and sober homes. The department
16 shall educate the public on:

17 (1) Clean and sober homes;

18 (2) The department's registry of clean and sober homes;

19 (3) State and county procedures pertaining to clean and
20 sober homes; and



1 (4) Contact information and procedures for inquiries and
2 complaints related to clean and sober homes.

3 (k) On an annual basis and without prior notice, the
4 department shall conduct inspections of homes listed on the
5 clean and sober homes registry; provided that the department may
6 conduct inspections at more frequent intervals, as determined by
7 the department.

8 ~~[(*)]~~ (l) This section shall not be construed to abrogate
9 an individual's right to privacy. Unless otherwise provided by
10 law, the department shall implement sufficient protections to
11 ensure that the identity of a clean and sober home resident
12 remains confidential and that information collected pursuant to
13 this section is used solely for the purposes of this section.

14 ~~[(+)]~~ (m) The department shall adopt rules under chapter
15 91 as necessary to carry out the purposes of this section."

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval;
19 provided that clean and sober homes with five or more residents
20 in existence prior to the effective date of this Act may



1 continue to operate without a county-issued conditional use
2 permit until:
3 (1) January 1, 2026; or
4 (2) The clean and sober home obtains a county-issued
5 conditional use permit,
6 whichever comes first.

7

INTRODUCED BY: *Samantha Deane*



S.B. NO. 1533

Report Title:

County Zoning; Registry of Clean and Sober Homes; Mandatory
Registration; DOH; Inspections

Description:

Requires a county conditional use permit for clean and sober homes with 5 or more residents. Requires registration of all clean and sober homes on registry maintained by the Department of Health. Requires DOH to conduct unannounced inspections of clean and sober homes on at least an annual basis.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

