

## ACT 261

H.B. NO. 2071-80

A Bill for an Act Relating to Licensure of Independent Group Residences for Elderly, Handicapped or Disabled Persons.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. In January, 1979, the United States Department of Housing and Urban Development (HUD) adopted final regulations establishing an independent group residence as an eligible type of housing for elderly, handicapped, or disabled individuals residing in group residences where supportive services are provided, under the section 8 housing assistance payments program. As a result, elderly, handicapped, or disabled individuals, who otherwise satisfy the income requirement of the HUD program, were made eligible to receive housing supplements even if they lived in group living facilities where housing as well as services were provided.

Under the federal regulations allowing such persons to be certified as eligible to receive such federal supplements, the State must license, certify, or otherwise provide written approval of the group living facility. Such certification or licensure must include inspection and approval of the physical plant, as well as review and approval of the planned program and methods whereby supportive services will be provided.

Licensure of independent group residences as provided by this Act shall be solely for the purpose of facilitating the elderly, handicapped, or disabled individual's

receipt of federal housing supplements. The department of social services and housing's licensing function shall be independent of any state or county housing agency's functions under the HUD's section 8 housing assistance payments program; such state or county housing agencies shall continue to determine whether such individuals are otherwise eligible to receive the federal housing supplement and the amount of such assistance.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART  
LICENSURE OF INDEPENDENT GROUP RESIDENCES**

**Sec. 346- Definitions.** As used in this part:

“Independent group residence” means a residential space which contains a living room, dining area, kitchen area, appropriate social and recreational areas, and one or more bathrooms and bedrooms which is for the exclusive and private use of:

- (1) Two to twelve elderly, handicapped, or disabled individuals who are not capable of living completely independently and require a planned program of continued supportive services but who are not continuously confined to a bed, do not require continued medical or nursing care, and are capable of taking appropriate actions for their own safety under emergency conditions; and
- (2) One or more resident assistants, if any.

“Resident assistant” means a person or family who is unrelated to residents of an independent group residence by blood, marriage, or operation of law, does not contribute toward the expenses of such residents, and occupies no more than one bedroom in an independent group residence, who is essential to the care or well-being of such residents and provides some or all of the necessary supportive services which the residents require on a daily basis.

“Supportive services” include counseling; social services which promote physical activity, intellectual stimulation, or social motivation; training or assistance with activities of daily living including housekeeping, dressing, personal hygiene, and grooming; first aid skills in case of emergencies; supervision of self-administration of medications, diet, and nutrition; and assurance that residents obtain incidental medical care. Supportive services shall not include the provision of continual nursing, medical, or psychiatric care.

**Sec. 346- Licensure of independent group residences.** The department shall license independent group residences in accordance with federal requirements and standards established to ensure the quality of supportive services provided in independent group residences and that residents of such residences have a suitable living environment.

Licenses shall only be issued to public or private nonprofit organizations qualified to prepare and submit planned programs of supportive services suitable to the particular residence which the organization's members wish to establish.

Standards for licensure shall include minimal qualifications, quantity, and working hours of resident assistants or other persons providing continual supportive services as well as procedures and methods whereby the organization seeking licen-

sure plans to interface its activities into the section 8 housing assistance payments program of the United States Department of Housing and Urban Development. The "section 8 housing assistance payments program" means the program under section 8 of the United States Housing Act of 1927 (Chapter 396, 50 Stat. 888)†, as amended.

Nothing in this part shall be construed to include or affect facilities or homes licensed by the department, the department of health, or any other state agency which provides minimal assistance and supervision in living activities to adults.

**Sec. 346- Rules.** The department shall adopt such rules as are necessary to establish standards and procedures to carry out this part, in accordance with chapter 91.

**Sec. 346- Cooperation of other agencies.** The department of health, county building and fire protection agencies, and other appropriate state and county agencies shall cooperate with and assist the department in establishing standards and monitoring initial and on-going compliance with such standards by facilities seeking or obtaining a license for operation of an independent group residence."

SECTION 3. This Act shall take effect on July 1, 1980.

(Approved June 13, 1980.)

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†So in original, but correct reference is "United States Housing Act of 1937 (Chapter 896, 50 Stat. 888)".