

ACT 302

H.B. NO. 434

A Bill for an Act Relating to Domiciliary Care.

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

SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§46- Regulation of adult family boarding home and care home. (a) For the purpose of regulation under a county’s life safety code, building code, fire code, or any other ordinance of similar purpose, a licensed adult family boarding home or licensed care home which provides living accommodations for:

- (1) The operator of the home and operator’s family; and
- (2) Up to five other persons, not more than two of whom are incapable of self-preservation because of age or physical or mental limitations;

shall be deemed a single-family dwelling occupied by a family.

(b) For the purpose of this section:

“Building code” means an ordinance the purpose of which is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the county’s jurisdiction and certain equipment specifically regulated by the ordinance.

“Fire code” means an ordinance adopted under section 132-3 or an ordinance intended to prescribe regulations consistent with recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

“Licensed adult family boarding home” means an adult family boarding home licensed under chapter 346, part IV.

“Licensed care home” means a care home licensed under section 321-15.6.

“Life safety code” means an ordinance the purpose of which is to establish minimum requirements that will provide a reasonable degree of safety from fire in buildings and structures.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved June 12, 1985.)

Note

1. Edited pursuant to HRS §23G-16.5.