
HOUSE RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO ENCOURAGE EACH ADULT RESIDENTIAL CARE HOME LICENSE APPLICANT TO OFFER TO MAKE A PRESENTATION TO THE RELEVANT NEIGHBORHOOD BOARD IN WHOSE DISTRICT THE HOME IS LOCATED.

1 WHEREAS, adult residential care homes provide community-
2 based care for a fee to persons who cannot live independently,
3 such as those who are aged, disabled, or mentally ill; and
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5 WHEREAS, the Department of Health licenses two types of
6 adult residential care homes in Hawaii - type I, which may have
7 five or fewer residents unrelated to the home operator, and type
8 II, which may have six or more of such residents; and
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10 WHEREAS, under section 46-4(d), Hawaii Revised Statutes, a
11 county cannot enact an ordinance that prohibits group living in
12 an adult residential care home by eight or fewer residents
13 unrelated to the home operator; and
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15 WHEREAS, section 46-4(d), Hawaii Revised Statutes, is
16 generally taken to mean that a county may not enact a zoning
17 ordinance that makes an adult residential care home an
18 impermissible use in a district zoned residential or that
19 imposes a separation between adult residential care homes of a
20 specified minimum distance; and
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22 WHEREAS, adult residential care homes provide an important
23 public service, the need for which will only increase in the
24 future as the population of Hawaii ages; and
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26 WHEREAS, adult residential care homes are necessary as a
27 more appropriate and less expensive alternative setting for
28 persons who cannot live independently but do not exhibit
29 infirmities severe enough to require institutional nursing care;
30 and
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32 WHEREAS, despite the public need for and benefit of adult
33 residential care homes, some communities become concerned when



1 homes are perceived to be excessively concentrated in their
2 neighborhoods; and

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4 WHEREAS, these community concerns and fears can be
5 addressed and mitigated by the presentation to the public of
6 accurate information on the proposed locations and planned
7 operations of adult care homes before their licensure; and

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9 WHEREAS, on Oahu, the neighborhood board system is
10 available for the making of such presentations; now, therefore,

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12 BE IT RESOLVED by the House of Representatives of the
13 Twenty-fourth Legislature of the State of Hawaii, Regular
14 Session of 2008, that the Department of Health is requested to
15 encourage each adult care home license applicant to offer to
16 make an informational and educational presentation to the
17 relevant neighborhood board in whose district the applicant's
18 proposed home and planned operation is to be located; and

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20 BE IT FURTHER RESOLVED that the Department of Health is
21 requested to encourage each adult care home license applicant to
22 submit the offer to the relevant neighborhood board as early as
23 possible before a decision on licensure; and

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25 BE IT FURTHER RESOLVED that the Department of Health is
26 requested to submit to the Legislature at least twenty days
27 prior to the convening of the Regular Session of 2009 a report
28 on the Department's action taken; and

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30 BE IT FURTHER RESOLVED that certified copies of this
31 Resolution be transmitted to the Director of Health and the
32 Executive Secretary of the Honolulu Neighborhood Commission, who
33 in turn is requested to distribute copies to all neighborhood
34 board chairs.

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OFFERED BY:

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