

DEPARTMENT OF HEALTH

Adoption of Chapter 11-178
Hawaii Administrative Rules

January 3, 2019

SUMMARY

Chapter 11-178, Hawaii Administrative Rules,
entitled "Clean and Sober Homes Registry", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 178

CLEAN AND SOBER HOMES REGISTRY

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- §11-178-2 Definitions
- §§11-178-3 to 11-178-5 (Reserved)

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SUBCHAPTER 1

GENERAL PROVISIONS

§11-178-1 Purpose and scope. The purpose of these rules is to 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 registry establishes standards and procedures by which homes will be listed on the registry as described in §11-178-7. [Eff **MAR 01 2019**] (Auth: HRS §321-196) (Imp: HRS §321-193.7)

§11-178-2 Definitions. As used in this chapter unless a different meaning clearly appears within the context of the rules:

"Applicant" means any person, organization or entity who has applied for registration of one or more clean and sober homes.

"Certificate holder" means the holder of a certificate of registration.

"Certificate of registered clean and sober home not in good standing" means a clean and sober home has not met all the requirements of a certificate of registration and application.

"Certificate of registered clean and sober home in good standing" means a clean and sober home has met all the requirements of a certificate of registration and application.

"Certificate of registration" means a document issued by the department to an applicant that fulfills requirements for application and registration of a home to be listed on the department's clean and sober homes registry.

"Clean and sober home" means a dwelling unit that is intended to provide a stable, independent environment of alcohol-and drug-free living conditions to sustain recovery and that is shared by unrelated adult persons who are recovering from substance abuse.

"Department" means the department of health, State of Hawaii.

"Home operator" means a person or entity who makes available and manages a clean and sober home.

"Inspection" means scheduled off-site or on-site evaluation of a clean and sober home that ensures minimum registry standards are being met.

"Landlord" means the owner, lessor, or any agent of the landlord assigned to the operation of the clean and sober home.

"Owner" means one or more persons, jointly or severally, in whom is vested legal title to property.

"Registry" means list of registered clean and sober homes.

"Resident" means any person who occupies a clean and sober home on the registry under a rental agreement. [Eff **MAR 01 2019**] (Auth: HRS §321-196) (Imp: HRS §321-193.7)

§§11-178-3 to 11-178-5 (Reserved).

SUBCHAPTER 2

TERMS OF APPLICATION

§11-178-6 Application. (a) The applicant shall comply with federal, state, and county building, housing, fire, and other codes, ordinances, and laws.

(b) The applicant shall meet the registry standards for clean and sober homes pursuant to §11-178-7. [Eff **MAR 01 2019**] (Auth: HRS §321-196) (Imp: HRS §§46-4, 321-193.7)

§11-178-7 Registry standards. (a) The minimum requirements for application and registration include specific standards that address organization and administration, fiscal management, operations, recovery support, property, and good neighbor requirements.

(b) Organization and administrative standards shall include the following;

- (1) Written mission statement;
- (2) Written code of ethics;
- (3) Written policies and procedures governing resident rights, grievances, fees, charges, payments, and deposits;
- (4) Written screening criteria for new residents; and
- (5) Written house rules.

(c) Fiscal management standards require that clean and sober homes have an accounting system documenting all resident financial transactions, such as fees, payments, and deposits.

(d) Operation standards shall require documentation that owner or home operator have general liability insurance.

(e) Recovery support standards shall include the following:

- (1) Written policies on maintaining an alcohol-

and drug-free environment;

- (2) Written policies ensuring residents receive an orientation on financial matters, group living, rental agreements, house rules, safety, grievance and health policies and procedures prior to signing a rental agreement; and
- (3) Post written resident rights, requirements, agreements and house rules.
- (f) Property standards are as follows:
 - (1) Signed and dated safety self-assessment checklist that includes functioning smoke detectors and fire extinguishers in plain sight in clearly marked locations; and
 - (2) Written and posted emergency plan with phone numbers, procedures and evacuation maps in clearly marked locations including emergency resident contact information.
- (g) Good neighbor standards require policies addressing neighbors' reasonable complaints regarding: smoking, loitering, parking, noise, offensive language, and cleanliness. [Eff **MAR 01 2019**]
 (Auth: HRS §321-196) (Imp: HRS §321-193.7)

§§11-178-8 to 11-178-10 (Reserved).

SUBCHAPTER 3

TERMS OF CERTIFICATE OF REGISTRATION

§11-178-11 Terms of certificate of registration.

- (a) Upon the owner, home operator, or landlord meeting the requirements of the clean and sober home

application, the department shall issue a certificate of registration.

(b) All registered clean and sober homes shall be subject to the following:

- (1) A clean and sober home receives a certificate of registration upon meeting all requirements as defined in §11-178-7.
- (2) The certificate of registration issued shall specify:
 - (A) The name of the holder of the registration;
 - (B) The address to which the registration applies; and
 - (C) The maximum number of persons to reside in the clean and sober home;
- (3) The certificate of registration shall be valid for two years from the approval date;
- (4) An owner, home operator, or landlord shall not hold the property out to be or advertised to be a registered clean and sober home unless the home is registered and in good standing with the clean and sober homes registry;
- (5) The certificate of registration shall be publicly displayed at the clean and sober home; and
- (6) The certificate of registration shall not be transferred to a new owner or home operator, or to an address other than as specified on the certificate of registration. [Eff
MAR 01 2019] (Auth: HRS §321-196)
(Imp: HRS §§46-4, 321-193.7)

§§11-178-12 to 11-178-14 (Reserved).

SUBCHAPTER 4

ISSUANCE, CERTIFICATE OF REGISTRATION IN GOOD STANDING
OR NOT IN GOOD STANDING, AND RENEWAL

§11-178-15 Issuance of a certificate of registration of a clean and sober home in good standing. Issuance of a certificate of registration shall occur once the applicant meets the registry standards in §11-178-7 as determined by the department. [Eff **MAR 01 2019**] (Auth: HRS §321-196) (Imp: HRS §321-193.7)

§11-178-16 Certificate of registration for a clean and sober home in good standing or not in good standing. (a) A clean and sober home maintains a certificate of registration in good standing and is listed on the registry when it meets and maintains the registry standards pursuant to §11-178-7.

(b) The department shall change the status of a clean and sober home to not in good standing if a home fails to meet any of the registry standards in §11-178-7.

(c) The department shall list a change of status for a clean and sober home on the registry website.

(d) Clean and sober homes determined not to be in good standing shall receive notification by the department. [Eff **MAR 01 2019**] (Auth: HRS §321-196) (Imp: HRS §321-193.7)

§11-178-17 Renewal of a certificate of registration. (a) For a renewal of a certificate of registration, the application shall be submitted ninety days prior to expiration of the current certificate of registration.

(b) Upon inspection and determination by the department that the clean and sober home has met the

registry standards pursuant to §11-178-7, a certificate of registration shall be re-issued for a period of two years. [Eff **MAR 01 2019**] (Auth: HRS §321-196) (Imp: HRS §321-193.7)

§§11-178-18 to 11-178-20 (Reserved).

SUBCHAPTER 5

INSPECTION

§11-178-21 **Inspection.** (a) Off-site or on-site evaluations of a registered clean and sober home shall be conducted by the department.

(b) On-site inspection activities may include the following:

- (1) Follow-up visits;
- (2) Confirmation of correction of deficiencies; and
- (3) Complaint investigations.

(c) Off-site inspection activities involve review of written documentation, conference calls, or informal meetings. [Eff **MAR 01 2019**] (Auth: HRS §321-196) (Imp: HRS §321-193.7)

§§11-178-22 to 11-178-24 (Reserved).

SUBCHAPTER 6

COMPLAINTS

§11-178-25 Complaints. (a) The department shall establish a toll-free telephone number to receive complaints regarding clean and sober homes.

(b) Complaints may be submitted through the department's clean and sober homes' website." [Eff


MAR 01 2019] (Auth: HRS §321-196) (Imp: HRS §321-193.7)

§§11-178-26 to 11-178-28 (Reserved).


DEPARTMENT OF HEALTH

Chapter 11-178, Hawaii Administrative Rules, on the Summary Page dated January 3, 2019, was adopted on February 19, 2019, following a public hearing held on December 14, 2018, after public notice was given in the Honolulu Star-Advertiser, West Hawaii Today, Hawaii Herald Tribune, The Garden Isle, and Maui News on November 11, 2018.

The adoption of chapter 11-178, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.


Bruce S. Anderson, Ph.D.
Director
Department of Health

APPROVED:


David Y. Ige
Governor
State of Hawaii

Dated: 02-19-2019

APPROVED AS TO FORM:


Deputy Attorney General

Filed

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