

HOUSE No. 2029

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Malia and John F. Keenan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act certifying alcohol and drug free housing.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-----------------------------|--------------------------------|
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> |
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> |
| <i>Linda Dorcena Forry</i> | <i>12th Suffolk</i> |
| <i>Joan B. Lovely</i> | <i>Second Essex</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> |
| <i>James J. Dwyer</i> | <i>30th Middlesex</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> |
| <i>Randy Hunt</i> | <i>5th Barnstable</i> |
| <i>Jennifer L. Flanagan</i> | <i>Worcester and Middlesex</i> |
| <i>John J. Mahoney</i> | <i>13th Worcester</i> |
| <i>Martin J. Walsh</i> | <i>13th Suffolk</i> |
| <i>James J. O'Day</i> | <i>14th Worcester</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Nick Collins</i> | <i>4th Suffolk</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> |
| <i>Angelo M. Scaccia</i> | <i>14th Suffolk</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> |
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> |

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| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> |
| <i>Kathi-Anne Reinstein</i> | <i>16th Suffolk</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Tackey Chan</i> | <i>2nd Norfolk</i> |
| <i>Peter V. Kocot</i> | <i>1st Hampshire</i> |
| <i>Carl M. Sciortino, Jr.</i> | <i>34th Middlesex</i> |
| <i>Cory Atkins</i> | <i>14th Middlesex</i> |
| <i>Jerald A. Parisella</i> | <i>6th Essex</i> |
| <i>Karen E. Spilka</i> | <i>Second Middlesex and Norfolk</i> |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> |
| <i>Gloria L. Fox</i> | <i>7th Suffolk</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> |
| <i>Sonia Chang-Diaz</i> | <i>Second Suffolk</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> |
| <i>Thomas A. Golden, Jr.</i> | <i>16th Middlesex</i> |

HOUSE No. 2029

By Ms. Malia of Boston and Senator Keenan, a joint petition (accompanied by bill, House, No. 2029) of Elizabeth A. Malia, John F. Keenan and others relative to the certification of alcohol-free and drug-free housing by the Bureau of Substance Abuse Services within the Department of Public Health. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act certifying alcohol and drug free housing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 18 of chapter 17 of the general laws is hereby amended by striking
2 out subsection (b) as appearing in the 2010 Official Edition and inserting in place thereof the
3 following subsections: - (b) the bureau shall establish and advertise a free, anonymous and
4 confidential toll-free telephone helpline that provides comprehensive, accurate and current
5 information and referrals related to addiction treatment, prevention services, and alcohol and
6 drug free housing as defined under section 18A of chapter 17 the General Laws. The
7 administration of the helpline shall be coordinated with other departments and agencies to
8 prevent the duplication of similar services. The operation of the helpline may be contracted to
9 third parties; provided however, that any such contracts shall be performance-based and subject
10 to the approval of the commissioner.

11 SECTION 2. Chapter 17 of the general laws is hereby amended by inserting after section
12 18 the following section: -

13 Section 18A. (1) As used in this section, the following words shall have the following
14 meanings:

15 “Alcohol and drug free housing”, a residence, commonly known as a sober home, that
16 provides a substance-free environment for people in the commonwealth who are recovering from
17 substance abuse, but which does not provide treatment as a licensed halfway house, treatment
18 unit, or detoxification facility under sections 6 and 7 inclusive of chapter 111E or any other
19 facility licensed under section 7 of chapter 111E.

20 “Certified alcohol and drug free housing”, alcohol and drug free housing certified by the
21 bureau.

22 (2) the bureau shall establish a voluntary training program for owners of alcohol and drug
23 free housing seeking certification under paragraph (5)

24 (3) the bureau, upon the request of any individual or entity owning or operating alcohol
25 and drug free housing, shall certify alcohol and drug free housing under paragraph (5);

26 (4) an individual or entity seeking an alcohol and drug free housing certification shall file
27 with the bureau an application which shall include the following: (i) proof of satisfactory
28 completion of the voluntary training program under paragraph (2) within 5 years of the date of
29 application; (ii) a deed, trust documents, articles of incorporation, leases or other documents
30 acceptable to the director evidencing that the individual or entity seeking certification is the
31 lawful owner or lessee of the parcel of real estate where the housing is or is planned to be
32 located; (iii) a certificate under section 23 of chapter 60 of the general laws proving that there are
33 no taxes and other assessments, including water rates and charges, and charges due to municipal
34 lighting plants, under the provisions of sections fifty-eight B to fifty-eight F, inclusive, of chapter
35 one hundred and sixty-four which at the time constitute liens on the parcel of real estate upon
36 which the housing is or is planned to be located; (iv) a list certified by the police department of
37 the municipality where the housing is or is planned to be located showing the total number and
38 nature of police calls to the address of the housing while owned by the applicant for the year
39 preceding the date of application; (v) written proof of satisfactory building, fire and sanitary code
40 inspections under chapter 143 and chapter 148 conducted within 45 days of the filing of the
41 application; (vi) photographs, certified by the applicant to have been taken within 45 days of the
42 filing of the application, showing the exterior of the building from all sides, and showing each
43 room, including kitchens and bathrooms; (vii) a rendering of the floor plan of the building
44 depicting the approximate dimensions of each room; (viii) a plan certifying the maximum
45 number of occupants proposed to reside or residing within the building at the time of application;
46 (ix) certification of the amount of rent and the frequency of rent to be paid by occupants for the
47 12 months following certification of the housing by the director; (x) a certificate of good
48 standing or tax compliance issued by the department of revenue within 45 days of the filing of
49 the application for any individual filing the application, or for each principal officer of any entity
50 filing the application; and, (xi) a signed criminal offender record information acknowledgement
51 form for any individual filing the application, or for each principal officer of any entity filing the
52 application;

53 (5) the bureau shall review applications for completeness and in its discretion certify the
54 housing for one year from the date of certification as certified alcohol and drug free housing;
55 however, the bureau shall not certify any alcohol and drug free housing if any individual
56 applicant or any one of the principal officers of an entity filing an application has been convicted
57 of a felony within 5 years of the date of application;

58 (6) the bureau shall prepare, publish and disseminate a list of alcohol and drug free
59 housing certified under paragraph (5), updating the list each time an application results in new
60 certified alcohol and drug free housing, but in no case less than once per month. The list shall be
61 disseminated to the director of the division of drug rehabilitation under chapter 111E, the
62 commissioner of probation for dissemination to all district and superior court probation officers,
63 and to the chief justice of the trial court for dissemination to all district and superior court judges
64 within the commonwealth;

65 (7) the bureau shall create a process for soliciting and receiving complaints against
66 certified alcohol and drug free housing and determining whether the housing shall remain on or
67 be removed from the list prepared, published, disseminated and updated under paragraph (6); and

68 (8) the bureau shall prescribe and publish, pursuant to chapter 30A, rules and regulations
69 to carry out this section.

70 SECTION 3. Section 19 of chapter 17 of the general laws, as appearing in the 2010
71 Official Edition, is hereby amended in line 7 after the word “shelters” by inserting the following
72 words: - and certified alcohol and drug free housing

73 SECTION 4. Section 6 of chapter 111E of the general laws, as appearing in the 2010
74 Official Edition, is hereby amended by striking out subsections 9 through 17 and inserting in
75 place thereof the following subsections: -

76 (9) Cooperate with the department of probation, the trial court, and the bureau of
77 substance abuse services established under section 18 of chapter 17 of the general laws, in
78 preparing, publishing and disseminating a list of certified alcohol and drug free housing.

79 (10) Cooperate with the department of education, schools, police departments, courts, and
80 other public agencies and private organizations and individuals in establishing programs for the
81 prevention and treatment of drug dependency and in preparing curriculum materials for use at all
82 levels of public school education;

83 (11) Prepare, publish and disseminate educational material dealing with the prevention,
84 nature and effects of drug dependency and the benefits of rehabilitation;

85 (12) Develop and implement, as an integral part of treatment programs established
86 pursuant to this chapter an educational program for use in the treatment of drug dependent
87 persons, especially drug dependent persons who are not drug addicts, which program shall
88 include the dissemination of factual information concerning the nature and effects of dependency
89 related drugs and drug dependency;

90 (13) Organize and foster training programs for professional and nonprofessional workers
91 in the treatment of drug dependent persons;

92 (14) Keep records and engage in research and the gathering of statistics relevant to the
93 purposes of this chapter;

94 (15) Utilize the support and assistance of interested persons in the community,
95 particularly rehabilitated drug dependent persons, in encouraging voluntary participation in the
96 program by drug dependent persons and persons in need of immediate assistance due to the use
97 of a dependency related drug;

98 (16) Serve as a clearinghouse for information relating to drug dependency;

99 (17) Approve and license public and private facilities in accordance with section forty-
100 four; and

101 (18) Do all other acts and things necessary or convenient to carry out the powers
102 expressly granted to it for the exercise of its powers and the performance of its duties.

103 SECTION 5. Section 12 of chapter 111E of the general laws, as appearing in the 2010
104 Official Edition, is hereby amended in line 13 after the word “commonwealth” by inserting the
105 following words: - If the court imposes as a condition of probation that the defendant reside in
106 alcohol and drug free housing, that condition shall be deemed satisfied only if the defendant
107 resides in alcohol and drug free housing certified under section 18A chapter 17 of the General
108 Laws.

109 SECTION 6. Section 87A of chapter 276 of the general laws, as appearing in the 2010
110 Official Edition, is hereby amended by inserting after the first sentence the following sentence: -
111 If the court imposes as a condition of probation that the defendant reside in alcohol and drug free
112 housing, , that condition shall be deemed satisfied only if the defendant resides in alcohol and
113 drug free housing certified under paragraph section 18A chapter 17 of the General Laws.

114

115 SECTION 7. The provisions of this act are severable. Should any section of this act, or
116 regulations promulgated pursuant to this act, be declared invalid in a court of competent
117 jurisdiction, the remaining provisions and regulations shall remain unaffected.

118 SECTION 8. Section 5 and section 6 of this act shall take effect two years after
119 enactment.