

HOUSE No. 1828

The Commonwealth of Massachusetts

PRESENTED BY:

Viriato Manuel deMacedo

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 relative to ensuring the safety of sober houses.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Viriato Manuel deMacedo

1st Plymouth

Thomas J. Calter

12th Plymouth

HOUSE No. 1828

By Mr. deMacedo of Plymouth, a petition (accompanied by bill, House, No. 1828) of Viriato Manuel deMacedo and Thomas J. Calter relative to zoning ordinances and by-laws for special permits or by-laws for environmental licenses for sober houses, so-called . Municipalities and Regional Government.

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Thirteen
—————

An Act relative to ensuring the safety of sober houses.

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. Chapter 40A of the General Laws, as appearing in the 2010 Official
2 Edition, is hereby amended by inserting, after section 9C, the following section:—

3 Section 9D. (a) As used in this section, the term “sober house” shall mean a dwelling unit
4 occupied by more than 4 unrelated persons, all of whom are in recovery from chemical
5 dependency and considered handicapped under 42 U.S.C. 3601, et seq., that provides a non-
6 institutional residential setting in which residents voluntarily are subject to written rules and
7 regulations regarding recovery from chemical dependency, including the prohibition of alcohol
8 and illegal drug use and a required minimum of 10 hours of group therapy per month. A sober
9 house shall not include government subsidized facilities or group residences licensed or
10 regulated by the commonwealth under section 71 of chapter 111.

11 (b) A city or town may adopt zoning ordinances, by-laws for special permits or by-laws
12 for an environmental license for sober houses authorizing the establishment and operation of
13 sober houses upon the request of a reasonable accommodation pursuant to 42 U.S.C 3601 et. seq.
14 to provide an exception to sections 22 to 31, inclusive, of chapter 140, which environmental
15 license shall be granted if the following standards and conditions are met by the operator of such
16 sober house:

17 (1) the operator shall submit a written request for an environmental license to the permit
18 granting authority of the city or town on a form provided by the municipality and states the
19 number of residents to resided in the sober house and specifies the maximum number of

20 residents as allowed by the square footage of living area that meets the requirements set forth
21 below.

22 SECTION 2. The department of Public Health shall, six months following the passage of
23 this act, promulgate rules and regulations relative to sober homes, as defined in section 9D of
24 chapter 40A. The rules and regulations shall address, at minimum, the following:

25 (a) the requisite that all sober homes include complete living accommodations and
26 bedroom space that allows for individual privacy and activities;

27 (b) standards for bedroom size and occupancy;

28 (c) the requisite that all sober homes prepare, file, and distribute among sober home
29 residents a written safety plan assuring the safety of individuals in the event of a disaster, such as
30 fire, flood, loss of heat or electricity, or any other circumstances requiring evacuation or
31 resettlement;

32 (d) the requisite that all sober homes conduct fire drills at a frequency determined by
33 the department; and

34 (e) the requisite that all sober homes develop and file a parking plan for motor
35 vehicles.

36 SECTION 3. Section 26H of chapter 148 of the General Laws, as so appearing, is hereby
37 amended by inserting after the word “commonwealth” in line 16, the following:—

38 ; excluding sober houses, as defined in section 9D of chapter 40A.

39 SECTION 4. Section 26H of chapter 148 of the General Laws, as so appearing, is hereby
40 amended by inserting after the third paragraph, the following new paragraph:—

41 Any lodging or boarding house subject to the provisions of this section shall present, in
42 writing, to the local city or town fire department a notice of an intention to occupy to the local
43 city or town, no less than 30 days before taking occupancy of the premises. Failure to present
44 notice to the local city or town will result in a \$10 per day cumulative fine payable to the city or
45 town and shall authorize the local fire department to immediately inspect the premises and
46 terminate occupancy. If following a fire in any lodging or boarding house subject to the
47 provisions of this section, it is discovered they have failed to present notice of occupancy to the
48 local city or town, the owners of the lodging or boarding house may be subject to criminal
49 prosecution.