

SENATE No. 1816

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 subsection: - (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, alcohol and drug
6 free housing, and certified alcohol and drug free housing as defined under section 18A of chapter
7 17 the General Laws. The administration of the helpline shall be coordinated with other
8 departments and agencies to prevent the duplication of similar services. The operation of the
9 helpline may be contracted to third parties; provided however, that any such contracts shall be
10 performance-based and subject 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. (a) 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 “Bureau,” the bureau of substance abuse services established in section 18 of this chapter.

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

23 “Director,” the director of the bureau of substance abuse services.

24 (b) the bureau shall establish and administer, or provide for the administration of, a
25 voluntary training and accreditation program for owners of alcohol and drug free housing
26 seeking certification under subsection (e)

27 (c) the bureau, upon the request of any individual or entity owning or operating alcohol
28 and drug free housing, shall certify alcohol and drug free housing under subsection (e)

29 (d) an individual or entity seeking an alcohol and drug free housing certification shall file
30 with the bureau an application which shall include the following:

31 (1) proof of satisfactory completion of the voluntary training program under
32 subsection (b) within 5 years of the date of application, and proof of accreditation by a nationally
33 recognized accreditation body as determined by the bureau;

34 (2) a deed, trust documents, articles of incorporation, leases or other documents
35 acceptable to the director evidencing that the individual or entity seeking certification is the
36 lawful owner or lessee of the parcel of real estate where the housing is or is planned to be
37 located;

38 (3) a certificate under section 23 of chapter 60 of the general laws proving that
39 there are no taxes or other assessments which at the time constitute liens on the parcel of real
40 estate upon which the housing is or is planned to be located;

41 (4) a list certified by the police department of the municipality where the housing
42 is or is planned to be located showing the total number and nature of police calls to the address
43 of the housing for the year preceding the date of application;

44 (5) written proof of satisfactory building, fire and sanitary code inspections under
45 chapter 143 and chapter 148 conducted within 45 days of the filing of the application;

46 (6) photographs, certified by the applicant to have been taken within 45 days of
47 the filing of the application, showing the exterior of the building from all sides, and showing
48 each room to be used for alcohol and drug free housing, including kitchens and bathrooms;

49 (7) a rendering of the floor plan of the building depicting the approximate
50 dimensions of each room to be used for alcohol and drug free housing, and certification of the
51 maximum number of occupants proposed to reside in each room;

52 (8) certification of the amount of rent and the frequency of rent to be paid by
53 occupants for the 12 months following certification of the housing by the director;

54 (9) a certificate of good standing or tax compliance issued by the department of
55 revenue within 45 days of the filing of the application for any individual filing the application, or
56 for each principal officer of any entity filing the application; and,

57 (10) a signed criminal offender record information acknowledgement form for
58 any individual filing the application or, if the application is filed on behalf of multiple
59 individuals comprising an entity of any sort, for each principal officer of the entity applying for
60 certification;

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

66 (f) the bureau shall prepare, publish and disseminate a list of alcohol and drug free
67 housing certified under paragraph (e), updating the list each time an application or action results
68 in a change in certification status, but in no case less than once per month. The list shall be
69 disseminated and be made readily available to the director of the division of drug rehabilitation
70 under chapter 111E, and to all state agencies and their state-contracted vendors. The
71 commissioner of probation shall inform all district and superior court probation officers, and the
72 chief justice of the trial court shall inform all district and superior court judges within the
73 commonwealth of how to access the list

74 (g) the bureau shall create a process for soliciting and receiving complaints against
75 certified alcohol and drug free housing and determining whether the housing shall remain on or
76 be removed from the list prepared, published, disseminated and updated under paragraph (f)

77 (h) the bureau may prescribe and publish, pursuant to chapter 30A, rules and regulations
78 necessary to carry out this section, which may include a schedule of application and
79 recertification fees

80 (i) no state agency or state-contracted vendor that is providing treatment or services to a
81 person, and no state agency or officer setting terms and conditions for the release, parole, or
82 discharge of a person from custody or treatment, may refer that person or otherwise include in
83 said terms and conditions a referral to alcohol and drug free housing that is not certified under
84 this section, and any terms and conditions that include residence in alcohol and drug free housing
85 shall not be deemed satisfied except by residence in alcohol and drug free housing that is
86 certified under this section.

87 SECTION 3. Section 19 of chapter 17 of the general laws, as appearing in the 2010
88 Official Edition, is hereby amended by adding at the end of the section the following: -No

89 discharge plan may include a referral or recommendation to alcohol and drug free housing that is
90 not certified under section 18A.

91 SECTION 4: Section 7 of chapter 111B of the general laws, as appearing in the 2010
92 Official Edition, is hereby amended by inserting after the word “treatment” in line 41 the words:
93 -, but no patient shall be referred to alcohol and drug free housing that is not certified under
94 section 18A of chapter 17 of the general laws

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

101 SECTION 6. Section 20B of chapter 127 of the general laws, as appearing in the 2010
102 Official Edition, is hereby amended by inserting after the word program in line 11 the following:
103 -, provided that such place of confinement may not include alcohol and drug free housing that is
104 not certified under section 18A of chapter 17 of the General Laws,

105 SECTION 7. Section 130 of chapter 127 of the general laws, as amended by chapter 192
106 of the acts of 2012, is hereby amended by adding after the last sentence the following: -If the
107 terms and conditions prescribed by the board include residence in alcohol and drug free housing,
108 said terms and conditions shall be deemed satisfied only by residence in alcohol and drug free
109 housing that is certified under section 18A of chapter 17 of the General Laws.

110 SECTION 8. Section 133B of chapter 127 of the general laws, as amended by chapter
111 192 of the acts of 2012, is hereby amended by inserting after the words “at any time.” in the first
112 paragraph the following: -If the terms and conditions prescribed by the board include residence
113 in alcohol and drug free housing, said terms and conditions shall be deemed satisfied only by
114 residence in alcohol and drug free housing that is certified under section 18A of chapter 17 of the
115 General Laws.

116 SECTION 9. Section 133D of chapter 127 of the general laws, as appearing in the 2010
117 Official Edition, is hereby amended by inserting at the end of the second paragraph, in line 11,
118 the following: -If the terms and conditions imposed by the board include residence in alcohol and
119 drug free housing, said terms and conditions shall be deemed satisfied only by residence in
120 alcohol and drug free housing that is certified under section 18A of chapter 17 of the General
121 Laws.

122 SECTION 10. Section 87A of chapter 276 of the general laws, as appearing in the 2010
123 Official Edition, is hereby amended by inserting after the first sentence the following sentence: -
124 If the court imposes as a condition of probation that the defendant reside in alcohol and drug free

125 housing, that condition shall be deemed satisfied only if the defendant resides in alcohol and
126 drug free housing certified under section 18A chapter 17 of the General Laws.

127 SECTION 11. The provisions of this act are severable. Should any section of this act, or
128 regulations promulgated pursuant to this act, be declared invalid in a court of competent
129 jurisdiction, the remaining provisions and regulations shall remain unaffected.

130 SECTION 12. Subsection (i) of Section 2, and Sections 4 through 10 inclusive, of this act
131 shall take effect two years after enactment.