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SENATE . . . . . No. 2098

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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:

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

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

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

"Alcohol and drug free housing", a residence, commonly known as a sober home, that provides or advertises as providing an alcohol and drug free environment for people in the commonwealth who are recovering from substance use disorders, but which does not provide treatment as a licensed halfway house, treatment unit, or detoxification facility under sections 6 and 7 inclusive of chapter 111E or any other facility licensed under section 7 of chapter 111E.

"Bureau," the bureau of substance abuse services established in section 18 of this chapter.

“Accredited alcohol and drug free housing”, alcohol and drug free housing, the owner or operator thereof having voluntarily completed training and accreditation pursuant this section, that has been accredited by the bureau.

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

"Operator,” the lawful owner of an alcohol or drug free housing residence, or a person employed and designated by the owner to have primary responsibility for the daily operation of the residence, and for maintaining in the residence standards and conditions that create an environment supportive of substance abuse recovery.

(b) The bureau shall establish and provide for the administration of a voluntary training and accreditation program for owners and operators of alcohol and drug free housing seeking accreditation under subsection (d)

(c) The program established for accreditation under this section must maintain, at a minimum, nationally recognized standards and practices that:

(1) uphold industry best practices and support a safe, healthy and effective recovery environment;

(2) evaluate the ability to assist persons in achieving long-term recovery goals;

(3) provide for appropriate training for the owners, operators and staff of the residence, and ensure satisfactory completion of said training;

(4) protect occupants against unreasonable and unfair practices in setting and collecting rent payments;

(5) inspect or verify good standing with regard to local, state and federal laws, regulations and ordinances, including but not limited to building, maximum occupancy , fire safety and sanitation codes; and

(6) inspect the history of tax compliance, and the complete criminal record, of the principle owners and operators of the residence and establish disqualifying criteria based on these factors.

(d) The bureau shall include a residence on a list of accredited alcohol and drug free housing as described in subsection (g) upon receipt and review of the following:

(1) proof of current accreditation and completion of training as described in subsection (c);

(2) a deed, trust documents, articles of incorporation, leases or other documents acceptable to the director evidencing that the individual or entity seeking accreditation is the

lawful owner or lessee of the parcel of real estate where the housing is located or is planned to be located; and

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

(e) The director may, at his or her discretion, request documentation from the administrators of the accreditation program to verify the adequacy and completeness of the accreditation process for a particular residence.

(f) The director shall periodically request and review documentation from the administrators of the accreditation program, in order to evaluate the quality of training being provided to operators seeking accreditation

, and the integrity and efficacy of the accreditation program generally.

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

(h) The bureau shall create a process for receiving complaints againstaccredited alcohol and drug free housing, and criteria by which the director may exclude a residence from the list prepared under subsection (g) if the frequency and severity of complaints received supports a determination that the alcohol and drug free housing in question does not maintain standards or provide an environment that appropriately supports the recovery goals of its residents .

(i) No state agency or state-contracted vendor that is providing treatment or services to a person, and no state agency or officer setting terms and conditions for the release, parole, or discharge of a person from custody or treatment, may refer that person or otherwise include in said terms and conditions a referral to alcohol and drug free housing that is not accredited under this section.

(j) Nothing in this section shall prohibit a residence that has not received accreditation from operating or advertising as alcohol and drug free housing, or from offering residence to persons recovering from substance use disorders; provided however that such a residence, being not accredited under this section, may not seek referrals of potential residents from state agencies or state-contracted vendors.

SECTION 3. Section 19 of chapter 17 of the general laws, as appearing in the 2010 Official Edition, is hereby amended by adding at the end of the section the following: -No discharge plan may include a referral or recommendation to alcohol and drug free housing that is not accredited under section 18A.

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

SECTION 5. Section 12 of chapter 111E of the general laws, as appearing in the 2010 Official Edition, is hereby amended in line 13 after the word “commonwealth” by inserting the following words: - If the court imposes as a condition of probation that the defendant reside in alcohol and drug free housing, the judge issuing the order shall require the probation officer to refer the defendant only to alcohol and drug free housing accredited under section 18A chapter 17 of the General Laws, and the probation officer shall require the defendant to reside in housing so accredited in order to satisfy said terms and conditions.

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

SECTION 7. Section 130 of chapter 127 of the general laws, as amended by chapter 192 of the acts of 2012, is hereby amended by adding after the last sentence the following: -If the terms and conditions prescribed by the board include residence in alcohol and drug free housing, the board shall refer and require that the prisoner to whom the permit is granted reside in alcohol and drug free housing that is accredited under section 18A of chapter 17 of the General Laws in order to satisfy said terms and conditions.

SECTION 8. Section 133B of chapter 127 of the general laws, as amended by chapter 192 of the acts of 2012, is hereby amended by inserting after the words “at any time.” in the first paragraph the following: -If the terms and conditions prescribed by the board include residence in alcohol and drug free housing, the board shall refer and require that the holder of the permit reside in alcohol and drug free housing that is accredited under section 18A of chapter 17 of the General Laws in order to satisfy said terms and conditions.

SECTION 9. Section 133D of chapter 127 of the general laws, as appearing in the 2010 Official Edition, is hereby amended by inserting at the end of the second paragraph, in line 11, the following: -If the terms and conditions imposed by the board include residence in alcohol and drug free housing, the board shall refer and require that person serving the sentence reside in alcohol and drug free housing that is accredited under section 18A of chapter 17 of the General Laws in order to satisfy said terms and conditions.

SECTION 10. Section 87A of chapter 276 of the general laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the first sentence the following sentence: - If the court imposes as a condition of probation that the defendant reside in alcohol and drug free housing, the judge issuing the order shall require the probation officer to refer the defendant only to alcohol and drug free housing accredited under section 18A of chapter 17 of the General Laws, and the probation officer shall require the defendant to reside in housing so accredited in order to satisfy said terms and conditions.

SECTION 11. The provisions of this act are severable. Should any section of this act be declared invalid in a court of competent jurisdiction, the remaining provisions shall remain unaffected.

SECTION 12. This act shall take effect two years after enactment.