

HOUSE No. 4165

The Commonwealth of Massachusetts

PRESENTED BY:

Liz Miranda

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 recovery housing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>2/18/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>9/23/2021</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>9/24/2021</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>11/9/2021</i>

HOUSE No. 4165

By Ms. Miranda of Boston, a petition (accompanied by bill, House, No. 4165) of Liz Miranda, Tami L. Gouveia and Russell E. Holmes relative to recovery housing commonly known as sober homes. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to recovery 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. Chapter 17 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by inserting after section 18A the following section:-

3 Section 18B. (a) The following terms shall, unless the context clearly requires otherwise,
4 have the following meanings:-

5 “Accredited housing”, recovery housing that has been accredited by the bureau pursuant
6 to section 18A.

7 “Bureau”, the bureau of substance addiction services established in section 18.

8 “Director”, the director of substance addiction services.

9 “Impacted community”, a neighborhood that meets 1 or more of the following criteria: (i)
10 the annual median household income is not more than 65 per cent of the statewide annual
11 median household income; (ii) minorities comprise 40 per cent or more of the population; (iii) 25

12 per cent or more of households lack English language proficiency; (iv) minorities comprise 25
13 per cent or more of the population and the annual median household income of the municipality
14 in which the neighborhood is located does not exceed 150 per cent of the statewide annual
15 median household income; or (v) the neighborhood contains more than 1 accredited housing or
16 recovery housing building; provided, however, that for a neighborhood that does not meet said
17 criteria, but a geographic portion of that neighborhood meets at least 1 criterion, the bureau may
18 designate that geographic portion as an impacted community upon the petition of at least 10
19 residents of the geographic portion of that neighborhood meeting any such criteria; provided
20 further, that the bureau may determine that a neighborhood, including any geographic portion
21 thereof, shall not be designated an impacted community upon finding that: (A) the annual
22 median household income of that neighborhood is greater than 125 per cent of the statewide
23 median household income; (B) a majority of persons age 25 and older in that neighborhood have
24 a college education; (C) the neighborhood does not bear an unfair burden of accredited or
25 recovery housing; and (D) the neighborhood has reasonable access to health and human service
26 support systems for accredited or recovery housing.

27 “Operator”, the lawful owner or lessor of accredited or recovery housing or a person
28 employed and designated by the owner to have primary responsibility for the daily operation of
29 such housing and for maintaining standards and conditions in such housing that create an
30 environment supportive of substance use disorder recovery.

31 “Recovery housing”, a residence, commonly known as a sober home, that provides or
32 advertises as providing, an alcohol and drug free environment for people recovering from
33 substance use disorders; provided, however, that, “Recovery housing” shall not include a

34 halfway house, treatment unit or detoxification facility or any other facility licensed pursuant to
35 section 7 of chapter 111E.

36 (b)(1) The bureau shall determine the regional need for recovery housing throughout the
37 commonwealth. The bureau shall conduct a survey of the total statewide capacity of current
38 voluntary accredited housing pursuant to section 18A and any other housing meeting the
39 definition of recovery housing, including:

40 (i) locations of accredited housing and recovery housing by city, town and census block;

41 (ii) the number of occupants in each home; and

42 (iii) any municipal zoning, land use by-law or ordinance, or other restrictions on
43 occupancy for such housing.

44 (2) Upon review of the regional need for, and distribution of, accredited housing and
45 recovery housing across the commonwealth, but not later than June 30, 2022, the bureau may,
46 upon application of an operator pursuant to this section issue a determination of need permit to
47 operate recovery housing in the commonwealth; provided however, that the bureau shall not
48 issue a permit to locate recovery housing in an impacted community.

49 (3) An operator may apply for a permit for recovery housing, notwithstanding any local
50 zoning by-law, ordinance or law to the contrary to the requirements of this section. Section 3 of
51 chapter 40A shall not apply to any such permit.

52 (d) An operator shall submit a permit application to the director that provides the
53 following information:

54 (i) the location of the recovery housing;

- 55 (ii) the name, address, phone number and driver's license number of the operator;
- 56 (ii) the name, address, phone number and driver's license number of the house manager
57 of the recovery housing;
- 58 (iii) a copy of the recovery housing's rules and regulations;
- 59 (iv) written intake procedures;
- 60 (v) the relapse policy;
- 61 (vi) an affirmation by the operator that only residents, other than the house manager, who
62 are persons with a disability as defined by state and federal law shall reside at the recovery
63 housing;
- 64 (vii) blank copies of all forms that all residents and potential residents are required to
65 complete;
- 66 (viii) the fee for the cost of processing of the application as annually determined by the
67 secretary of administration and finance pursuant to section 3B of chapter 7.
- 68 (e) A determination of need permit may be issued where the recovery housing is located
69 in a non-impacted neighborhood and the recovery housing is at least 1,000 feet from any
70 property that operates recovery housing or similar home or facility as measured from the
71 property line.
- 72 (f) An operator's permit shall not be valid for a location other than the property for which
73 it is issued, unless and until the transfer of the permit is approved by the bureau.

74 (g) An operator's permit shall not be transferred to any other person or entity. No
75 operator's permit issued pursuant to this section shall be transferred or assigned or authorize any
76 person or entity other than the person or entity named in the permit to operate the recovery
77 housing named therein.

78 (h) An operator's permit may be revoked upon a hearing by the bureau for failing to
79 comply with the terms of the permit or for failing to comply with this section or any regulations
80 promulgated thereto. An operator aggrieved of a permit revocation may appeal such revocation,
81 which shall be heard in the superior court division of the trial court department in which the
82 recovery housing is located, whose decision shall be final.

83 (i)(1) An applicant for an operator's permit whose application for such a permit has been
84 denied may not reapply for a permit for a period of 6 months from the date such notice of denial
85 was issued.

86 (2) A holder of a permit that has been cancelled, revoked or otherwise invalidated may
87 not reapply for a permit for a period of 6 months from the date that such cancellation, revocation
88 or invalidation became final.

89 (j) The bureau shall promulgate regulations to implement the provisions of this section.

90 SECTION 2. Recovery housing subject to section 1 that is in existence as of the effective
91 date of this act shall have 120 days from the effective date of this act to comply with the
92 provisions of said section 1.

93 SECTION 3. Section 18A of chapter 17 of the General Laws is hereby repealed.

94 SECTION 4. The bureau of substance addiction services shall promulgate regulations to
95 implement section 18B of chapter 17 of the General Laws within 90 days of the passage of this
96 act.

97 SECTION 4. Section 3 shall take effect on June 30, 2022.