

# SENATE . . . . . No. 1262

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*Liz Miranda*

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*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 in environmental justice communities.

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PETITION OF:

NAME:

*Liz Miranda*

DISTRICT/ADDRESS:

*Second Suffolk*

# SENATE . . . . . No. 1262

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By Ms. Miranda, a petition (accompanied by bill, Senate, No. 1262) of Liz Miranda for legislation relative to recovery housing in environmental justice communities. Mental Health, Substance Use and Recovery.

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Third General Court  
(2023-2024)  
\_\_\_\_\_

An Act relative to recovery housing in environmental justice communities.

*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 Section 18A of chapter 17 of the General Laws is hereby repealed.

2           SECTION 2. Chapter 17 of the General Laws, as appearing in the 2020 Official Edition,  
3 is hereby amended by inserting after section 18A the following section:-

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

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

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

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

“Impacted community”, a neighborhood that meets 1 or more of the following criteria: (i) the annual median household income is not more than 65 per cent of the statewide annual median household income; (ii) minorities comprise 40 per cent or more of the population; (iii) 25 per cent or more of households lack English language proficiency; (iv) minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income; or (v) the neighborhood contains more than 1 accredited housing or recovery housing building; provided, however, that for a neighborhood that does not meet said criteria, but a geographic portion of that neighborhood meets at least 1 criterion, the bureau may designate that geographic portion as an impacted community upon the petition of at least 10 residents of the geographic portion of that neighborhood meeting any such criteria; provided further, that the bureau may determine that a neighborhood, including any geographic portion thereof, shall not be designated an impacted community upon finding that: (A) the annual median household income of that neighborhood is greater than 125 per cent of the statewide median household income; (B) a majority of persons age 25 and older in that neighborhood have a college education; (C) the neighborhood does not bear an unfair burden of accredited or recovery housing; and (D) the neighborhood has reasonable access to health and human service support systems for accredited or recovery housing.

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

“Recovery housing”, a residence, commonly known as a sober home, that provides or advertises as providing, an alcohol and drug free environment for people recovering from substance use disorders; provided, however, that, “Recovery housing” shall not include a halfway house, treatment unit or detoxification facility or any other facility licensed pursuant to section 7 of chapter 111E.

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

- (i) locations of accredited housing and recovery housing by city, town and census block;
- (ii) the number of occupants in each home; and
- (iii) any municipal zoning, land use by-law or ordinance, or other restrictions on occupancy for such housing.

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

(3) All residences that provide alcohol and drug free housing, or advertise as alcohol and drug free housing, shall apply for a determination of need permit from the bureau of substance addiction services.

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

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

(i) the location of the recovery housing;

(ii) the name, address, phone number and driver's license number of the operator;

(ii) the name, address, phone number and driver's license number of the house manager of the recovery housing;

(iii) a copy of the recovery housing's rules and regulations;

(iv) written intake procedures;

(v) the relapse policy;

(vi) an affirmation by the operator that only residents, other than the house manager, who are persons with a disability as defined by state and federal law shall reside at the recovery housing;

(vii) blank copies of all forms that all residents and potential residents are required to complete;

(viii) the fee for the cost of processing of the application as annually determined by the secretary of administration and finance pursuant to section 3B of chapter 7.

(e) A determination of need permit may be issued where the recovery housing is located in a non-impacted neighborhood and the recovery housing is at least 1,000 feet from any property that operates recovery housing or similar home or facility as measured from the property line.

(f) An operator's permit shall not be valid for a location other than the property for which it is issued, unless and until the transfer of the permit is approved by the bureau.

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

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

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

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

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

SECTION 3. The bureau shall begin accepting applications pursuant to section 18B of chapter 17 of the General Laws not later than 120 days after the effective date of this act. Any operator of recovery housing in existence on the effective date of this act shall apply for a permit pursuant to said section 18b of said chapter 17 not later than June 30, 2024. Any other entity seeking to operate recovery housing shall receive a permit pursuant to section 18B of chapter 17 prior to operating such housing.

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

SECTION 5. Section 1 shall take effect on June 30, 2024.