

SENATE No. 1262

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 in environmental justice communities.

PETITION OF:

NAME:

Liz Miranda

DISTRICT/ADDRESS:

Second Suffolk

SENATE No. 1262

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.

The Commonwealth of Massachusetts

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 Section 18A of chapter 17 of the General Laws is hereby repealed.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

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

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

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

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

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

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

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

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

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

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

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

58 (i) the location of the recovery housing;

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

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

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

63 (iv) written intake procedures;

64 (v) the relapse policy;

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

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

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

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

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

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

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

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

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

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

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

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

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