

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

### Originating

## House Bill 3080

BY DELEGATES KELLY, D., HANNA, ELLINGTON,  
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[Originating in the Committee on Prevention &  
Treatment of Substance Abuse; Reported on March  
10, 2021]

A BILL to amend and reenact §16-59-2 of the Code of West Virginia, 1931, as amended, relating to making the Bureau of Behavioral Health the certifying agency for recovery residences.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 59. CERTIFICATION OF RECOVERY RESIDENCES.**

**§16-59-2. Voluntary certification of recovery residences.**

1           (a) The ~~department shall contract with an entity to~~ Bureau of Behavioral Health shall serve  
2 as the certifying agency for a voluntary certification program for drug-free and alcohol-free  
3 recovery residences based upon standards determined by the National Alliance for Recovery  
4 Residences (NARR) or a similar entity. The certifying agency shall establish and implement an  
5 accreditation program for drug-free and alcohol-free recovery residences that shall maintain  
6 nationally recognized standards that:

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

9           (2) Evaluate the residence's ability to assist persons in achieving long-term recovery  
10 goals;

11           (3) Protect residents of drug- and alcohol-free housing against unreasonable and unfair  
12 practices in setting and collecting fee payments.

13           (b) The department shall require the recovery residence to submit the following:

14           (1) Documentation verifying certification as specified and administered by the certifying  
15 agency;

16           (2) If a municipality or county offers or requires verification of compliance with local  
17 building, maximum occupancy, fire safety, and sanitation codes applicable to single-family  
18 housing, documentation of verification by the municipality or county where the recovery residence  
19 is located stating that the recovery residence is in compliance.

20           (c) If a municipality or county offers or requires verification of compliance with local  
21 building, maximum occupancy, fire safety, and sanitation codes applicable to single-family

22 housing, the municipality or county must perform requested or required inspections within 30 days  
23 of receiving a request for verification. If a residence is located within a municipality or county that  
24 offers or requires verification of compliance with local building, maximum occupancy, fire safety,  
25 and sanitation codes applicable to single-family housing, and the municipality or county fails to  
26 perform requested or required inspections within 30 days of receiving a request for verification,  
27 the residence may apply for and be granted certification directly through the certifying agency  
28 without the aforementioned verification.

29 (d) Upon receiving a complete application, the certifying agency shall evaluate the  
30 residence to determine if the residence is in compliance with national best-practice standards and  
31 safety requirements. Additionally, any application of the items specified in this section must  
32 comply with the Fair Housing Act, 42 U.S.C. §3601 et seq. and the Americans with Disabilities  
33 Act of 2008, 42 U.S.C. §12101 et seq.

34 (1) If it is determined that the residence is in compliance, the certification agency shall  
35 issue a certificate of compliance to the recovery residence operator for the specific recovery  
36 residence location set forth in the application.

37 (2) Each residence location, even if operated by the same person or entity, must maintain  
38 a certificate of compliance for the purposes of this article.

39 (e) The certifying agency may suspend or revoke a certificate of compliance if the recovery  
40 residence is not in compliance with any provision of this section or has failed to remedy any  
41 deficiency identified in writing and served by certified mail. Suspension or revocation may take  
42 place after a notice of deficiency is served and has existed for at least 30 days.

43 (f) The certifying agency shall implement and maintain a process by which a residence  
44 whose certification has been suspended or revoked may apply for and be granted reinstatement.  
45 If a municipality or county offers or requires verification of compliance with local building,  
46 maximum occupancy, fire safety, and sanitation codes applicable to single-family housing, and if  
47 the residence's certification suspended or revoked for noncompliance with local building,

48 maximum occupancy, fire safety, and sanitation codes applicable to single-family housing, the  
49 municipality or county may charge a fee of up to \$100 for any requested reinspection of a recovery  
50 residence by the residence seeking reinstatement.

51 (g) The department shall periodically evaluate the quality, integrity, and efficacy of the  
52 accreditation program developed. The department shall promulgate rules subject to legislative  
53 approval in accordance with §29A-3-1 et seq. of this code to implement this section that shall  
54 include a process for receiving complaints against drug-free and alcohol-free recovery residences  
55 and criteria by which such residences' certifications can be revoked.

56 (h) A person may not advertise to the public any recovery residence as a "certified  
57 recovery residence" unless the recovery residence has first secured a certificate of compliance  
58 under this section. A person who violates this subsection commits a misdemeanor, punishable by  
59 a fine of not less than \$1,000 nor more than \$5,000 for each infraction.

60 (i) This article does not permit a structure that would not be normally classified as a single  
61 family dwelling to be exempt from the state building code or fire code.

62 (j) Nothing herein shall be read to require any recovery residence to obtain certifications  
63 set forth herein in order to conduct operations.

NOTE: The purpose of this bill is to require the Bureau for Behavioral Health to certify recovery residences.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.