

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 491

By Senators Woelfel and Grady

[Introduced January 18, 2024; referred
to the Committee on Health and Human Resources;
and then to the Committee on the Judiciary]

1 A BILL to amend and reenact §16-59-1 and §16-59-2 of the Code of West Virginia, 1931, as
 2 amended, all relating to certification of recovery residences; providing for recovery
 3 residence certification and compliance; amending the definition of "recovery residence";
 4 adding a new definition for "recovery support services"; and requiring that the Department
 5 of Health contract with certifying agencies for a voluntary certification program for drug-
 6 free and alcohol-free recovery residences based upon standards determined by the West
 7 Virginia Alliance for Recovery Residences, the National Alliance for Recovery Residences,
 8 or a similar entity recognized and approved by the department.

Be it enacted by the Legislature of West Virginia:

ARTICLE 59. CERTIFICATION OF RECOVERY RESIDENCES.

§16-59-1. Definitions.

1 As used in this article, the term:

2 (1) "Certificate of compliance" means a certificate that is issued to a recovery residence by
 3 the department's appointed certifying agency.

4 (2) "Certified recovery residence" means a recovery residence that holds a valid certificate
 5 of compliance.

6 (3) "Department" means the Department of Health and Human Resources.

7 (4) "Recovery residence" means ~~a single-family, drug-free, and alcohol-free residential~~
 8 ~~dwelling unit, or other form of group housing, that is offered or advertised by any person or entity~~
 9 ~~as a residence that provides a drug-free and alcohol-free living environment for the purposes of~~
 10 ~~promoting sustained, long-term recovery from substance use disorder~~ any premises, place, or
 11 building that:

12 (1) Holds itself out as a recovery residence, recovery home, sober living residence,
 13 alcohol, illicit drug, and other intoxicating substance-free home for unrelated individuals, or any
 14 other similarly named or identified residence that promotes substance use disorder recovery
 15 through abstinence from intoxicating substances;

16 (2) Provides a housing arrangement for a group of unrelated individuals who are
17 recovering from substance use disorders or to a group of parents who are recovering from a
18 substance use disorder and their children, including peer-to-peer supervision models; and

19 (3) Is not licensed or otherwise approved by the department or any other agency of state
20 government to provide any medical, clinical, behavioral health, or substance use treatment service
21 for which a license or other approval is required under state law.

22 "Recovery support services" means activities that are directed primarily toward recovery
23 from substance use disorders and includes but is not limited to mutual aid self-help meetings,
24 recovery coaching, spiritual coaching, group support, and assistance in achieving and retaining
25 gainful employment, and does not include any medical, clinical, behavioral health, or other
26 substance use treatment service for which a license or other approval is required under state law..

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

1 (a) The department shall contract with an entity to serve as the certifying agency for a
2 voluntary certification program for drug-free and alcohol-free recovery residences based upon
3 standards determined by West Virginia Alliance for Recovery Residences, the National Alliance
4 for Recovery Residences (NARR) or a similar entity that develops and administers professional
5 certification programs requiring minimum standards for the operation of recovery residences that
6 has been recognized and approved by the department. The certifying agency shall establish and
7 implement an accreditation program for drug-free and alcohol-free recovery residences that shall
8 maintain nationally recognized standards that:

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

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

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

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

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

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

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

30 (d) Upon receiving a complete application, the certifying agency shall evaluate the
31 residence to determine if the residence is in compliance with national best-practice standards and
32 safety requirements. Additionally, any application of the items specified in this section must comply
33 with the Fair Housing Act, 42 U.S.C. §3601 *et seq.* and the Americans with Disabilities Act of 2008,
34 42 U.S.C. §12101 *et seq.*

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

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

40 (e) The certifying agency may suspend or revoke a certificate of compliance if the recovery

41 residence is not in compliance with any provision of this section or has failed to remedy any
42 deficiency identified in writing and served by certified mail. Suspension or revocation may take
43 place after a notice of deficiency is served and has existed for at least 30 days.

44 (f) The certifying agency shall implement and maintain a process by which a residence
45 whose certification has been suspended or revoked may apply for and be granted reinstatement. If
46 a municipality or county offers or requires verification of compliance with local building, maximum
47 occupancy, fire safety, and sanitation codes applicable to single-family housing, and if the
48 residence's certification suspended or revoked for noncompliance with local building, maximum
49 occupancy, fire safety, and sanitation codes applicable to single-family housing, the municipality or
50 county may charge a fee of up to \$100 for any requested reinspection of a recovery residence by
51 the residence seeking reinstatement.

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

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

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

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

NOTE: The purpose of this bill is amend the definition of "recovery residence", adding a

new definition for "recovery support services"; and to require that the Department of Health contract with certifying agencies for a voluntary certification program for drug-free and alcohol-free recovery residences based upon standards determined by the West Virginia Alliance for Recovery Residences, the National Alliance for Recovery Residences (NARR) or a similar entity recognized and approved by the department. to certification of 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.