

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3145

BY DELEGATE PUSHKIN

[Introduced March 15, 2021; Referred to the
Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-59-2, of the Code of West Virginia, 1931, as amended, relating
 2 to recovery residences; providing certain exemptions from recovery residence standards
 3 for group housing facilities of 50 beds or more.

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 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 the National Alliance for Recovery Residences (NARR) or a similar
 4 entity: Provided, That a group housing facility comprised of 50 beds or more is exempt from a
 5 certifying agency standards for applicable building, fire safety, sanitation or occupancy codes if a
 6 county or municipality has established those standards for that facility, as provided pursuant to
 7 subsection (b) (2) of this section. The certifying agency shall establish and implement an
 8 accreditation program for drug-free and alcohol-free recovery residences that shall maintain
 9 nationally recognized standards that:

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

12 (2) Evaluate the residence’s ability to assist persons in achieving long-term recovery
 13 goals;

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

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

17 (1) Documentation verifying certification as specified and administered by the certifying
 18 agency;

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

21 housing, documentation of verification by the municipality or county where the recovery residence
22 is located stating that the recovery residence is in compliance.

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

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

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

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

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

46 (f) The certifying agency shall implement and maintain a process by which a residence

47 whose certification has been suspended or revoked may apply for and be granted reinstatement.
48 If a municipality or county offers or requires verification of compliance with local building,
49 maximum occupancy, fire safety, and sanitation codes applicable to single-family housing, and if
50 the residence's certification suspended or revoked for noncompliance with local building,
51 maximum occupancy, fire safety, and sanitation codes applicable to single-family housing, the
52 municipality or county may charge a fee of up to \$100 for any requested reinspection of a recovery
53 residence by the residence seeking reinstatement.

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

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

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

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

NOTE: The purpose of this bill is to provide exemptions from certain recovery residence organizations facility safety standards for group housing facilities of 50 beds or more if a municipality or county has established alternative standards.

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