

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing, and Military Affairs to which was
3 referred House Bill No. 783 entitled “An act relating to recovery residences”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 18 V.S.A. § 4812 is added to read:

8 § 4812. RECOVERY RESIDENCES

9 (a) Definition.

10 (1) As used in this section, “recovery residence” means a shared living
11 residence supporting persons recovering from a substance use disorder that:

12 (A) provides residents with peer support, an environment that
13 prohibits the use of alcohol and the illegal use of prescription drugs or other
14 illegal substances, and provides assistance accessing support services and
15 community resources available to persons recovering from substance use
16 disorder; and

17 (B) is certified by an organization that is a Vermont affiliate of the
18 National Alliance for Recovery Residences and adheres to the national
19 standards established by the Alliance or its successor in interest.

1 (2) As used in this section, “the illegal use of prescription drugs” refers
2 to the use of prescription drugs by a person who does not hold a valid
3 prescription for that drug or in an amount that exceeds the dosing instructions.

4 (b) Voluntary arrangement. The decision to live in a recovery residence
5 shall be voluntary and shall not be required or mandated by any private or
6 public entity or individual. The State shall not subject any individual to
7 incarceration, penalty, or sanction based solely on temporary removal from a
8 recovery residence.

9 (c) Terms of residency; compliance.

10 (1) Landlord and tenant relationship. Except as otherwise provided in
11 subdivisions (3)–(5) of this subsection, a recovery residence and a resident
12 have a landlord and tenant relationship that is subject to 9 V.S.A. chapter 137.

13 (2) Residential rental agreement.

14 (A) A recovery residence and a resident shall execute a written rental
15 agreement that includes:

16 (i) the policies and procedures governing the tenancy;

17 (ii) a statement that the recovery residence and the resident will
18 comply with the policies and procedures;

19 (iii) the consequences of noncompliance;

20 (iv) the identification of a location where the resident may be
21 housed in the event of temporary removal;

1 (v) payment requirements;

2 (vi) notice requirements and procedure for terminating the
3 tenancy; and

4 (vii) any other provisions to which the parties agree.

5 (B) The parties may amend a rental agreement in a written record
6 signed by the parties.

7 (C) A resident may have a support person present when negotiating
8 and executing a rental agreement or amendment.

9 (3) Temporary removal.

10 (A) A recovery residence shall adopt policies and procedures that
11 govern the temporary removal of a resident who uses alcohol or illegal
12 substances, engages in the illegal use of prescription drugs, or engages in
13 violent, sexually harassing, or threatening behavior, consistent with the
14 following:

15 (i) A recovery residence shall

16 (I) provide written notice of the reason for temporary removal
17 and of the actions the resident must take to avoid temporary removal or to be
18 readmitted after temporary removal;

19 (II) design and implement harm reduction strategies for a
20 resident who is temporarily removed, including providing naloxone to the
21 resident upon temporary removal; and

1 (III) take action that is consistent with the resident’s most
2 recent reoccurrence agreement to the extent possible.

3 (ii) A recovery residence shall not temporarily remove a resident
4 based solely on the resident’s use of medication in conjunction with
5 medication-assisted treatment, as defined in section 4750 of this title.

6 (B) Notwithstanding 9 V.S.A. §§ 4463 and 4464, a recovery
7 residence that complies with the policies and procedures adopted pursuant to
8 this subdivision (c)(3) may temporarily deny a resident access to the recovery
9 residence and to his or her property within the residence.

10 (5) Termination of tenancy.

11 (A) A recovery residence shall adopt policies and procedures that
12 govern the termination of tenancy of a resident who violates one or more
13 provisions of the rental agreement, consistent with the following:

14 (i) A recovery residence shall:

15 (I) provide written notice of its intent to terminate the tenancy
16 that includes the reason for termination and the actions the resident must take
17 to avoid removal;

18 (II) design and implement harm reduction strategies for a
19 resident whose tenancy is terminated, including providing naloxone to the
20 resident upon removal; and

21 (III) adopt a review process under which:

1 (aa) a person other than the original decisionmaker or a
2 subordinate of the original decisionmaker, which may include a Vermont
3 affiliate of the National Alliance for Recovery Residences, reviews the
4 decision to terminate the tenancy;

5 (bb) the resident has a meaningful opportunity to present
6 evidence why the resident should not be removed; and

7 (cc) the resident receives prompt written notice of a final
8 decision.

9 (ii) A recovery residence shall not:

10 (I) terminate a tenancy because a resident uses alcohol or
11 illegal substances, or engages in the illegal use of prescription drugs, unless:

12 (aa) the resident fails to take the actions required to avoid
13 temporary removal or to be readmitted after temporary removal; and

14 (bb) the recovery residence has contemporary drug test
15 results verified by a laboratory approved by the State; and

16 (II) terminate a tenancy based solely on the resident's use of
17 medication in conjunction with medication-assisted treatment, as defined in
18 section 4750 of this title.

19 (B) Notwithstanding 9 V.S.A. §§ 4467 and 4468, a recovery
20 residence that complies with the policies and procedures adopted pursuant to
21 this subdivision (c)(5) may terminate the tenancy of a resident pursuant to the

1 notice requirements and procedure for terminating the tenancy provided in the
2 rental agreement.

3 (d) Drug testing. A recovery residence shall adopt policies and procedures
4 that govern drug testing of residents, consistent with the following:

5 (1) A recovery residence shall apply testing procedures fairly among
6 residents.

7 (2) A recovery residence shall not test a resident without a substantial
8 reason to believe the resident is using alcohol or illegal substances or engaging
9 in the illegal use of prescription drugs.

10 (e) Future services. A recovery residence shall not deny future services to
11 a resident based solely on the resident’s use of alcohol or illegal substances,
12 illegal use of prescription drugs, temporary removal, or termination of tenancy.

13 (f) Unfair housing practices. Notwithstanding 9 V.S.A. § 4503, a recovery
14 residence may adopt policies and procedures to limit housing opportunities
15 based on a resident’s gender or gender identity, or on the basis of having one
16 or more minor children, provided:

17 (1) the limitation is designed to promote the health, safety, and welfare
18 of residents; and

19 (2) the recovery residence does not otherwise discriminate on an
20 unlawful basis.

21 Sec. 2. 24 V.S.A. § 4412 is amended to read:

1 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

2 Notwithstanding any existing bylaw, the following land development
3 provisions shall apply in every municipality:

4 (1) Equal treatment of housing and required provisions for affordable
5 housing.

6 * * *

7 (G) A residential care home or group home to be operated under
8 State licensing or registration, serving not more than eight persons who have a
9 disability as defined in 9 V.S.A. § 4501, and a recovery residence as defined in
10 18 V.S.A. § 4812, shall be considered by right to constitute a permitted single-
11 family residential use of property. [Just want to flag again that the way this is
12 written, the limitations concerning State licensing or registration, and to eight
13 residents/with a disability, would not apply to a recovery residence] This
14 subdivision (G) does not require a municipality to allow a greater number of
15 residential care homes or group homes on a lot than the number of single-
16 family dwellings allowed on the lot.

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18 Sec. 3. EFFECTIVE DATE

19 This act shall take effect on July 1, 2020.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE