

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. LEGISLATIVE INTENT

8 It is the intent of the General Assembly that any exceptions made to existing  
9 landlord and tenant relationships in this act are limited solely to recovery  
10 residences operating pursuant to this act. These exceptions are intended to  
11 enable the expansion of recovery residences throughout the State and ensure  
12 their accessibility to individuals recovering from a substance use disorder.

13 Sec. 2. 18 V.S.A. § 4812 is added to read:

14 § 4812. RECOVERY RESIDENCES

15 (a) Definition.

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

18 (A) Provides residents with peer support, an environment that  
19 prohibits the use of alcohol and the illegal use of prescription drugs or other  
20 illegal substances, and provides assistance accessing support services and

1 community resources available to persons recovering from substance use  
2 disorder; and

3 (B) Is certified by an organization that is a Vermont affiliate of the  
4 National Alliance for Recovery Residences and adheres to the national  
5 standards established by the Alliance or its successor in interest. If there is no  
6 successor in interest, the Department of Health shall designate a certifying  
7 organization to uphold appropriate standards for recovery housing.

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

11 (b) Voluntary arrangement. The decision to live in a recovery residence  
12 shall be voluntary and shall not be required or mandated by any private or  
13 public entity or individual.

14 (c) Terms of residency; compliance.

15 (1) Landlord and tenant relationship. A recovery residence and a  
16 resident have a landlord and tenant relationship that is subject to 9 V.S.A.  
17 chapter 137, except as otherwise provided in subdivisions (3)–(4) of this  
18 subsection.

19 (2) Residential rental agreement.

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

- 1                   (i) the policies and procedures governing the tenancy;
- 2                   (ii) a statement that the recovery residence and the resident will  
3 comply with the policies and procedures;
- 4                   (iii) the consequences of noncompliance;
- 5                   (iv) the identification of a verified location where the resident may  
6 be housed in the event of temporary removal;
- 7                   (v) payment requirements;
- 8                   (vi) notice requirements and procedure for terminating the  
9 tenancy;
- 10                  (vii) the contact information for a resident’s probation or parole  
11 officer, if the resident is on furlough or parole from the Department of  
12 Corrections; and
- 13                  (viii) any other provisions to which the parties agree.
- 14                  (B) The parties may amend a rental agreement in a written record  
15 signed by the parties.
- 16                  (C) A resident may have a support person present when negotiating  
17 and executing a rental agreement or amendment.
- 18                  (3) Temporary removal.
- 19                  (A) A recovery residence shall adopt policies and procedures that  
20 govern the temporary removal of a resident who uses alcohol or illegal

1 substances, engages in the illegal use of prescription drugs, or engages in  
2 violent, sexually harassing, or threatening behavior, consistent with the  
3 following:

4 (i) A recovery residence shall:

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

8 (II) design and implement harm reduction strategies for a  
9 resident who is temporarily removed, which may include providing naloxone  
10 to the resident upon temporary removal or other strategies more appropriate to  
11 the resident’s recovery needs; and

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

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

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

21 (4) Termination of tenancy.

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

4                   (i) A recovery residence shall:

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

8                           (II) design and implement harm reduction strategies for a  
9                           resident whose tenancy is terminated, which may include providing naloxone  
10                           to the resident upon removal or other strategies more appropriate to the  
11                           resident’s recovery needs; and

12                           (III) adopt a review process under which:

13                                   (aa) a person other than the original decision maker or a  
14                                   subordinate of the original decision maker, which may include a Vermont  
15                                   affiliate of the National Alliance for Recovery Residences, reviews the  
16                                   decision to terminate the tenancy;

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

19                                   (cc) the resident receives prompt written notice of a final  
20                                   decision.

21                           (ii) A recovery residence shall not:

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

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

5                   (bb) the recovery residence has contemporary drug test  
6                   results verified by a laboratory approved by the State; or

7                   (II) terminate a tenancy based solely on the resident’s use of  
8                   medication in conjunction with medication-assisted treatment, as defined in  
9                   section 4750 of this title.

10                  (B) Notwithstanding 9 V.S.A. §§ 4467 and 4468, a recovery  
11                  residence that complies with the policies and procedures adopted pursuant to  
12                  this subdivision (c)(5) may terminate the tenancy of a resident pursuant to the  
13                  notice requirements and procedure for terminating the tenancy provided in the  
14                  rental agreement.

15                  (d) Drug testing. A recovery residence shall adopt policies and procedures  
16                  that govern drug testing of residents and shall apply the policies and testing  
17                  procedures fairly among residents.

18                  (e) Future services. A recovery residence shall not deny future services to  
19                  a resident who has been either temporarily removed from a recovery residence  
20                  or whose tenancy has been terminated, based solely on the resident’s use of  
21                  alcohol or illegal substances or the illegal use of prescription drugs.

1 Sec. 3. 24 V.S.A. § 4412 is amended to read:

2 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

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

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

7 \* \* \*

8 (G) A residential care home or group home to be operated under  
9 State licensing or registration, serving not more than eight persons who have a  
10 disability as defined in 9 V.S.A. § 4501, and a recovery residence as defined in  
11 18 V.S.A. § 4812, serving not more than eight persons, shall be considered by  
12 right to constitute a permitted single-family residential use of property. This  
13 subdivision (G) does not require a municipality to allow a greater number of  
14 residential care homes or group homes on a lot than the number of single-  
15 family dwellings allowed on the lot.

16 \* \* \*

17 Sec. 4. REPORT; RECOVERY RESIDENCE; FURLOUGH

18 On or before January 1, 2021 and annually thereafter through January 1,  
19 2024, the Department of Corrections shall submit a report to the House  
20 Committees on General, Housing, and Military Affairs, on Corrections and  
21 Institutions, and on Human Services and to the Senate Committees on

1 Economic Development, on Health and Welfare, and on Judiciary containing  
2 the number of individuals on furlough who reside in recovery residences as  
3 defined in 18 V.S.A. § 4812 and the number of individuals who have violated  
4 the conditions of their furlough and were removed from their recovery  
5 residence and returned to prison.

6 Sec. 5. EFFECTIVE DATE

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

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15 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

FOR THE COMMITTEE