

TO: House Committee on Human Services
FROM: Recovery Partners of Vermont
RE: Landlord-Tenant Language in S.186
DATE: April 26, 2024

Dear Chair Wood and Members of the House Committee on Human Services:

Thank you for your diligence working on S.186. We, the undersigned, represent Vermont's 13 certified recovery residences and 12 recovery centers. We have been watching the development of this bill closely and while we appreciate several aspects of the proposed language, we have serious concerns regarding the practical implications of certain sections.

There is an urgent need to scale recovery residences in Vermont. The need to scale was the original motivation for addressing landlord-tenant law as it relates to certified recovery residences in the state. Unfortunately, some of the new language added to S.186 adds further requirements for recovery residences beyond what already exists. The Vermont Alliance for Recovery Residences (VTARR) worked with VT Legal Aid to negotiate the original language that passed out of the House in H.639. **We are concerned about the new language presenting even greater barriers to scale, and may in fact cause some currently certified residences to close** – we are already hearing that fear and possibility arise from the field.

First, the areas of support. We support the language regarding the use of residential agreements to define rights and processes. Every certified residence currently does develop and adopt residential agreements and obtain written consent from each member to follow this voluntary agreement. We also support the language around holding a resident's belongings, as that is also current practice. Finally, **we strongly support the language added stating that a relapse shall not be deemed a cause of the resident's own homelessness**. This is critical for supporting those in recovery, and we believe the language could be even stronger by not tying this to recovery residences at all – no one who loses shelter because of a relapse, whether it is at a residence or any other housing, should be subject to long wait periods for emergency housing.

This brings us to the areas of disagreement. First and foremost, **operators must be able to take immediate action and ask an individual to leave if they are engaging in threatening or violent behavior**. The partial exemption to landlord tenant law is intended to cover *all* instances where the health and safety of all residents is at risk. Sometimes, residents' health and safety is at risk because of threatening or violent behavior from one individual that is outside the scope of active use. These traumatic situations are of immediate concern.

If an operator is not able to take immediate action to remove an individual who is being violent in the home, or acting aggressively toward others in the home, they cannot meet their obligation to protect the safety of all residents and may choose to shut down. Again, this has been and remains a very real consideration of current operators. We are aware that the committee chose to omit this language because threatening or violent behavior can be addressed through restraining orders and by getting the police involved. We believe this runs counter to what we all want, which is to protect each individual to the greatest extent possible. Involving law enforcement can be truly traumatic for other members of the home who may have very negative experiences with the police. It also places potential criminal charges on the individual's record who is being removed.

Recovery residences exist to support people in early recovery. We believe it is better for the individual being asked to leave as well as the other members of the home if operators have the right to remove an individual for violent or threatening behavior without involving the police. **Involving the police can cause re-incarceration, while allowing the individual to be removed by the operator allows that individual to relocate to a safe place without damaging their record or livelihood**.

In regards to the specific exemptions from landlord-tenant law, there are 4 separate sections of 9 V.S.A. 137 that do not work for recovery residences. §4467(b) and 4468 to remove someone immediately for use is important. §4460 and §4463(b) are also critical to be exempt from. Without including all 4, we cannot support Sec. 3(b)(1) as written. Here are why all 4 sections are important to include in the temporary exemption:

- § 4460 – an operator needs to be able to come and go from the home at will.
- § 4463(b) – an operator needs to be able to deny access to the home if a resident is exited.
- § 4467 – an operator needs to be able to exit someone immediately for safety concerns (return to use, violence, or threatening behaviors) and with a defined notice period for non-compliance with the resident agreement.
- § 4468 – to avoid an official court eviction process which takes a long time and lots of money as well as putting an eviction on a person's record.

We believe the inclusion of all landlord/tenant sections above in our exemption is for the health and safety of all residents in the home.

We cannot ignore the significant financial burden that comes with some of the new requirements outlined in S.186. We read the new language to understand that recovery residences are fully responsible for the costs associated with alternative housing, including stabilization beds. While it is current practice to pay for hotel rooms or apartments on a temporary basis as well as staff time to stay with an individual who is removed temporarily, imposing additional financial burdens on operators for individuals exiting the program will only exacerbate existing fiscal strains, threatening the viability of the entire recovery residence system. We are more than happy to make referrals and assist individuals in accessing stabilization beds and other wraparound services, but we cannot bear the full financial burden for these options for every individual.

The funding for stabilization beds in the budget is critical. This will support a wide set of needs beyond recovery residences and needs to be established in an expedited manner. **Recovery residences are not operators of stabilization beds, and therefore we will not be the ones accessing the \$1million for stabilization beds.** We already do, and will continue, to exhaust all options for an individual asked to leave. If their emergency contact backs out, and if there is not a stabilization bed available, we do not have the resources to provide ongoing support past a temporary hotel room.

Residences' ability to meet these new requirements, as well as our ability to scale generally, directly hinges on increased state support in funding. **If the FY25 Budget does not include the House allocation of \$1,425,000 for recovery residences, we simply do not have the capacity to meet these requirements.** Vermont's recovery ecosystem already faces strain and fragmentation, necessitating comprehensive community support. While recovery residences play a pivotal role, we constitute just one facet of the broader solution. We fully appreciate and understand the worthy goal to end homelessness. And, the financial responsibility to do that for the subset of people in early recovery cannot be on residences alone, or we will go bankrupt and be forced to shut down.

On a more general note, we caution against pushing voluntary certification for programs that deviate from the social model of recovery and emphasize the importance of adhering to standards. National certification standards should guide certification levels to ensure sustainability and growth. Those in early recovery need to be surrounded by love, support, care, empathy, and an overall positive atmosphere. There must also be structure and accountability in order to break old habits and install new, healthy habits. Recovery residences exist to create this very specific, intentional environment. We require members to follow the agreements outlined in their residential agreement because it helps them prepare for life after early recovery - it develops the habits needed to obtain and hold a job, engage in healthy relationships, and live a fulfilling and self-directed life. If someone is not participating in any of the agreements of their member agreement, it is detrimental to the very purpose of a residence because it sends a message to others that the structure of the home does not need to be taken seriously, which puts everyone's long term recovery at risk. It is not fair to the other members of the household if one individual is able to break all the rules and remain in that household.

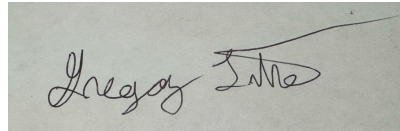
We have heard a desire from other advocates for the committee to hear from people with lived experience in recovery residences. **We are those people.** The staff at recovery centers and recovery residences across the state are people who are in long-term recovery and have experience living in treatment facilities, rehabs, and sober homes. We know what it takes to truly break free from an addiction, and that's why we support the original language from H.639. It is hard to underscore the importance of maintaining not only a sober environment, but an environment that creates hope and healing because all members are participating in the program as designed.

Thank you for considering our feedback. We remain committed to advancing initiatives that foster the growth and efficacy of Vermont's recovery residences. The last thing Vermont needs is to lose more residences, and it is our responsibility to raise these concerns in hopes to avoid that outcome.

Sincerely,



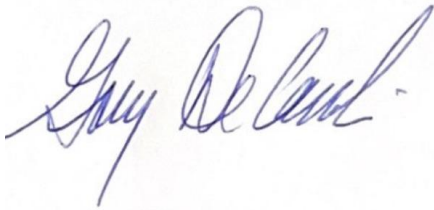
Candace Gale, Director of Community Relations
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