

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

H.638

Introduced by Representatives Maguire of Rutland City, Noyes of Wolcott,
Austin of Colchester, Bishop of Colchester, Black of Essex,
Bosch of Clarendon, Boutin of Barre City, Burrows of West
Windsor, Cole of Hartford, Dodge of Essex, Eastes of Guilford,
Garofano of Essex, Greer of Bennington, Gregoire of Fairfield,
Hango of Berkshire, Howard of Rutland City, Krasnow of
South Burlington, Lalley of Shelburne, Logan of Burlington,
Masland of Thetford, Morris of Springfield, Morrow of Weston,
North of Ferrisburgh, Nugent of South Burlington, Ode of
Burlington, Page of Newport City, Pinsonault of Dorset,
Pritchard of Pawlet, Quimby of Lyndon, Stevens of Waterbury,
Tagliavia of Corinth, and Wells of Brownington

Referred to Committee on

Date:

Subject: Health; substance use disorder; recovery residence; certification

Statement of purpose of bill as introduced: This bill proposes to establish a
voluntary recovery residence certification through the Department of Health.

An act relating to recovery residence certification

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 18 V.S.A. § 4813 is added to read:

3 § 4813. RECOVERY RESIDENCE CERTIFICATION

4 (a) Definition. As used in this section, “recovery residence” means a
5 shared temporary living residence supporting persons recovering from a
6 substance use disorder that provides care through peer support and assistance
7 accessing support services and community resources available to persons
8 recovering from substance use disorders.

9 (b) Certification. Upon receipt of an application from a recovery residence
10 in the State seeking certification, the Department shall issue the requested
11 certification if it determines that the applicant meets the following minimum
12 standards:

13 (1) the applicant is certified by either a Vermont affiliate of the National
14 Alliance for Recovery Residences or another organization approved by the
15 Department;

16 (2) the applicant demonstrates the capacity to operate a recovery
17 residence in accordance with rules adopted by the Department of Health and in
18 a manner that ensures person-centered care and resident dignity;

19 (3) the applicant shall fully comply with standards for health, safety, and
20 sanitation as required by State law, including standards set forth by the State
21 Fire Marshal, the Department, and municipal ordinance;

1 (4) the applicant agrees that once certified, the recovery residence,
2 including the buildings and grounds, shall be subject to inspections by the
3 Department with a 10-day prior notice;

4 (5) the applicant shall have a clear process for responding to resident
5 complaints, including:

6 (A) a method by which each resident shall be made aware of the
7 complaint procedure;

8 (B) an appeals mechanism within a recovery residence;

9 (C) a published time frame for processing and resolving complaints
10 and appeals within a recovery residence; and

11 (D) periodic reporting to the Department of the nature of complaints
12 filed and action taken; and

13 (6) the applicant shall fully comply with 9 V.S.A. chapter 137.

14 (c) Transferability. A certification is not transferable or assignable and
15 shall be issued only for the premises named in the application.

16 (d) Certification renewal. Annually, a recovery residence seeking renewal
17 of its certification under this section shall submit an attestation to the
18 Department that the recovery residence continues to maintain its certification
19 through either a Vermont affiliate of the National Alliance for Recovery
20 Residences or another organization approved by the Department.

1 (e) Rulemaking. The Department shall adopt rules pursuant to 3 V.S.A.
2 chapter 25 to carry out the purposes of this section.

3 (f) Reporting.

4 (1) On or before January 1 of each year, a recovery residence certified
5 pursuant to this section shall report to the Department the following data from
6 the previous calendar year in a manner approved by the Department, in
7 consultation with the Vermont affiliate of the National Alliance for Recovery
8 Residences or another organization approved by the Department:

9 (A) the number of residents served;

10 (B) the average length of stay at the recovery residence;

11 (C) any exit or transfer of a resident by the recovery residence and
12 the asserted basis for exiting or transferring the resident;

13 (D) the number of residents who gained or lost meaningful
14 employment during their stay at the recovery residence;

15 (E) budgetary needs; and

16 (F) any other information the Department deems appropriate.

17 (2) On or before February 1 of each year, the Department shall submit
18 the data received under subdivision (1) of this subsection in an aggregated
19 format to the House Committee on Human Services and the Senate Committee
20 on Health and Welfare.

1 Sec. 2. 9 V.S.A. § 4452 is amended to read:

2 § 4452. EXCLUSIONS

3 (a) Unless created to avoid the application of this chapter, this chapter does
4 not apply to any of the following:

5 * * *

6 (b)(1) Notwithstanding subsections 4463(b) and 4467(b) and section 4468
7 of this chapter only, a recovery residence may immediately exit or transfer a
8 resident if all of the following conditions are met:

9 (A) the recovery residence has developed and adopted a residential
10 agreement:

11 (i) containing a written exit and transfer policy approved by the
12 Vermont Alliance for Recovery Residences or another certifying organization
13 approved by the Department of Health that:

14 (I) addresses the length of time that a bed will be held in the
15 event of a temporary removal;

16 (II) establishes the criteria by which a resident can return to the
17 recovery residence in the event of a temporary removal; and

18 (III) ensures a resident's possessions will be held not less than
19 60 days in the event of permanent removal;

20 (ii) explaining program rules and expected residential social
21 standards;

1 (iii) designating alternative housing arrangements for the resident
2 in the event of an exit or transfer, including contingency plans when alternative
3 housing arrangements are not available;

4 ~~(iii)~~(iv) describing the recovery residence’s substance use policy,
5 which shall exempt the use of a resident’s valid prescription medication when
6 used as prescribed; and

7 ~~(iv)~~(v) indicating that by signing a residential agreement, a
8 resident acknowledges that the recovery residence may cause the resident to be
9 immediately exited or transferred to alternative housing if the resident violates
10 the recovery residence’s substance use policy, regularly refuses to engage in
11 services or programming, commits a crime, engages in theft, is mentally or
12 physically interfering with the recovery of other residents, or engages in acts of
13 violence that threaten the health or safety of other residents or recovery
14 residence staff;

15 (B) the recovery residence has obtained the resident’s written consent
16 to its residential agreement, reaffirmed after seven days;

17 (C) the resident violated the substance use policy in the residential
18 agreement, regularly refused to engage in services or programming, committed
19 a crime, engaged in theft, was mentally or physically interfering with the
20 recovery of other residents, or engaged in acts of violence that threatened the
21 health or safety of other residents or recovery residence staff; and

1 (D) the recovery residence has provided or arranged for a
2 stabilization bed or other alternative temporary housing.

3 (2) Relapse of a substance use disorder resulting in exiting a recovery
4 residence shall not be deemed a cause of the resident's own homelessness for
5 purposes of obtaining emergency housing.

6 (3) As used in this subsection, "recovery residence" ~~means a shared~~
7 ~~living residence supporting persons recovering from a substance use disorder~~
8 ~~that:~~

9 ~~(A) provides tenants with peer support and assistance accessing~~
10 ~~support services and community resources available to persons recovering~~
11 ~~from substance use disorders; and~~

12 ~~(B) is certified by an organization approved by the Department of~~
13 ~~Health and that is either a Vermont affiliate of the National Alliance for~~
14 ~~Recovery Residences or another approved organization has the same meaning~~
15 ~~as in 18 V.S.A. § 4812.~~

16 Sec. 3. 2024 Acts and Resolves No. 163, Sec. 5 is amended to read:

17 Sec. 5. SUNSET; RECOVERY RESIDENCES; RESIDENTIAL
18 AGREEMENT; REPORTING

19 (a) ~~9 V.S.A. § 4452(b) is repealed on July 1, 2026. [Deleted.]~~

20 (b) Sec. 4 (report; recovery residences' exit and transfer data) is repealed
21 on July 1, 2026.

1 Sec. 4. EFFECTIVE DATE

2 This act shall take effect on July 1, 2026.