

1 H.241

2 Introduced by Representatives Troiano of Stannard, Anthony of Barre City,  
3 Bartholomew of Hartland, Birong of Vergennes, Bluemle of  
4 Burlington, Burke of Brattleboro, Carroll of Bennington, Casey  
5 of Montpelier, Christie of Hartford, Cina of Burlington,  
6 Headrick of Burlington, Hooper of Randolph, Howard of  
7 Rutland City, Hyman of South Burlington, LaBounty of  
8 Lyndon, Lipsky of Stowe, Logan of Burlington, Maguire of  
9 Rutland City, Masland of Thetford, Mrowicki of Putney, Nicoll  
10 of Ludlow, Noyes of Wolcott, Patt of Worcester, Squirrell of  
11 Underhill, Stebbins of Burlington, Templeman of Brownington,  
12 and White of Bethel

13 Referred to Committee on

14 Date:

15 Subject: Human services; housing; substance use disorder; recovery residences

16 Statement of purpose of bill as introduced: This bill proposes to (1) provide  
17 certain residential rental agreement exclusions to recovery residences;

18 (2) require that recovery residences have certain policies and procedures

19 pertaining to residential agreements, temporary removal, separation, and drug

20 testing; (3) require a municipality to treat a recovery residence as a single-

21 family residential home under its land use bylaws; (4) require the Department

1 of Corrections to submit a report to the General Assembly pertaining to the  
2 number of individuals on furlough who reside in recovery residences; and  
3 (5) establish the Recovery Stabilization Study Committee.

4 An act relating to recovery residences

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

6 Sec. 1. LEGISLATIVE INTENT

7 It is the intent of the General Assembly:

8 (1) to support individuals with substance use disorder who are in  
9 recovery;

10 (2) to reduce homelessness, trafficking, incarceration, and fatal drug  
11 overdoses caused by the disease; and

12 (3) that any exceptions made to existing landlord and tenant  
13 relationships in this act are limited solely to recovery residences operating  
14 pursuant to this act, as these exceptions are intended to enable the expansion of  
15 recovery residences throughout the State and ensure their accessibility to  
16 individuals recovering from a substance use disorder.

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

18 § 4812. RECOVERY RESIDENCES

19 (a) Definitions. As used in this section:

1           (1) “Recovery residence” means a shared living residence supporting  
2           persons recovering from a substance use disorder that:

3                   (A) Provides tenants with peer support, an environment that prohibits  
4                   the use of alcohol and the illegal use of prescription drugs or other illegal  
5                   substances, and assistance accessing support services and community resources  
6                   available to persons recovering from substance use disorders.

7                   (B) Is certified by an organization that is a Vermont affiliate of the  
8                   National Alliance for Recovery Residences or obtains a preliminary  
9                   certification within 45 days of operation and adheres to the national standards  
10                  established by the Alliance or its successor in interest, including duty of care  
11                  standards. If there is no successor in interest, the Department of Health shall  
12                  designate a certifying organization to uphold appropriate standards for  
13                  recovery housing.

14                  (2) “The illegal use of prescription drugs” refers to the use of  
15                  prescription drugs by a person who does not hold a valid prescription for that  
16                  drug or in an amount that exceeds the dosing instructions.

17                  (b) Voluntary arrangement.

18                   (1) The decision to live in a recovery residence shall be voluntary and  
19                   shall not be required or mandated by any private or public entity or individual.

20                   (2) The State shall not subject any individual to incarceration, penalty,  
21                   or sanction based solely on temporary removal or termination from a recovery

1 residence. This subdivision shall not limit the ability of the Department of  
2 Corrections to incarcerate an individual based on criminal activity or a  
3 substantial threat to public safety. If a tenant who is subject to temporary  
4 removal or termination from a recovery residence is at immediate risk of  
5 significant harm, the Department of Corrections shall use its best efforts to  
6 transition the tenant from the recovery residence directly to another safe  
7 community setting and shall incarcerate the tenant only as a last resort.

8 (c) Terms of residency; compliance.

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

12 (2) Residential rental agreement.

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

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

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

18 (iii) the consequences of noncompliance;

19 (iv) the identification of a verified location where the tenant may  
20 be housed in the event of temporary removal, including at least one alternative  
21 housing option;

1                   (v) payment requirements;

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

4                   (vii) the contact information for a tenant's probation or parole  
5 officer if the tenant is on furlough or parole from the Department of  
6 Corrections; and

7                   (viii) any other provisions to which the parties agree.

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

10                  (C) A tenant may have a support person present when negotiating  
11 and executing a rental agreement or amendment.

12                  (3) Temporary removal.

13                  (A) A recovery residence shall adopt policies and procedures that  
14 govern the temporary removal of a tenant. A recovery residence may  
15 temporarily remove a tenant who is currently intoxicated and who is creating a  
16 risk for other tenants by using alcohol or illegal substances; engaging in the  
17 illegal use of prescription drugs; or engaging in violent, sexually harassing, or  
18 threatening behavior.

19                  (i) Minimally, a recovery residence's temporary removal policy  
20 shall:

1                   (I) Provide written notice of the reason for temporary removal  
2                   and of the actions the tenant must take to avoid temporary removal or to be  
3                   readmitted after temporary removal.

4                   (II) Design and implement harm reduction strategies for a  
5                   tenant who is temporarily removed, which may include distribution of  
6                   naloxone to the tenant upon temporary removal or other strategies more  
7                   appropriate to the tenant's recovery needs.

8                   (III) Take action that is consistent with the tenant's most recent  
9                   reoccurrence agreement to the extent possible or, if the reoccurrence agreement  
10                  is not actionable, help connect the tenant with community resources that may  
11                  include access to medical care; access to inpatient treatment; and services  
12                  provided by a local public inebriate program, homeless shelter, or recovery  
13                  center. Failure of a recovery residence to connect a tenant with one or more of  
14                  these community resources may result in rescission of certification.

15                  (ii) A recovery residence shall not temporarily remove a tenant  
16                  based on the tenant receiving medication-assisted treatment, as defined in  
17                  section 4750 of this title.

18                  (B) Notwithstanding 9 V.S.A. §§ 4463 and 4464, a recovery  
19                  residence that complies with the policies and procedures adopted pursuant to  
20                  this subdivision (c)(3) may temporarily deny a tenant access to the recovery  
21                  residence but shall allow a tenant to take essential medication and personal

1 property, such as clothing, money, telephone or related device, or any other  
2 item the tenant deems necessary for safety when leaving the residence. The  
3 recovery residence shall ensure safekeeping of property left at the recovery  
4 residence during the temporary removal.

5 (4) Termination of tenancy.

6 (A) A recovery residence shall adopt policies and procedures that  
7 govern the termination of tenancy of a tenant who violates one or more  
8 provisions of the rental agreement, consistent with the following:

9 (i) A recovery residence shall:

10 (I) provide written notice of its intent to terminate the tenancy  
11 that includes the reason for termination and the actions the tenant must take to  
12 avoid removal;

13 (II) design and implement harm reduction strategies for a  
14 tenant whose tenancy is terminated, which may include distribution of  
15 naloxone to the tenant upon removal or other strategies more appropriate to the  
16 tenant's recovery needs; and

17 (III) adopt a review process under which:

18 (aa) a person other than the original decision maker or a  
19 subordinate of the original decision maker, which may include a Vermont  
20 affiliate of the National Alliance for Recovery Residences, reviews the  
21 decision to terminate the tenancy;

1                    (bb) the tenant has a meaningful opportunity to present  
2                    evidence that demonstrates why the tenant should not be removed; and

3                    (cc) the tenant receives prompt written notice of a final  
4                    decision.

5                    (ii) A recovery residence shall not:

6                    (I) terminate a tenancy because a tenant uses alcohol or illegal  
7                    substances or engages in the illegal use of prescription drugs unless:

8                    (aa) the tenant fails to take the actions required to avoid  
9                    temporary removal or to be readmitted after temporary removal; and

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

12                    (II) terminate a tenancy based on the tenant receiving  
13                    medication-assisted treatment, as defined in section 4750 of this title.

14                    (B) Notwithstanding 9 V.S.A. §§ 4467 and 4468, a recovery  
15                    residence that complies with the policies and procedures adopted pursuant to  
16                    this subdivision (c)(4) may terminate the tenancy of a tenant pursuant to the  
17                    notice requirements and procedure for terminating the tenancy provided in the  
18                    rental agreement.

19                    (d) Drug testing. A recovery residence shall adopt policies and procedures  
20                    that govern drug testing of tenants and shall apply the policies and testing  
21                    procedures fairly among tenants.





1       Sec. 4. REPORT; RECOVERY RESIDENCE; FURLOUGH

2           On or before January 1, 2024 and annually thereafter through January 1,  
3           2027, the Department of Corrections, in collaboration with the Vermont  
4           affiliate of the National Alliance for Recovery Residences, shall submit a  
5           report to the House Committees on General and Housing, on Corrections and  
6           Institutions, and on Human Services and to the Senate Committees on  
7           Economic Development, Housing and General Affairs; on Health and Welfare;  
8           and on Judiciary containing:

9           (1) the number of individuals on furlough who reside in recovery  
10          residences as defined in 18 V.S.A. § 4812 during the preceding year;

11          (2) the number of individuals who have violated the conditions of their  
12          furlough and were removed from their recovery residence and returned to  
13          prison, including the action that caused the Department to find the individual  
14          violated furlough; and

15          (3) data regarding the Department's efforts to transition each tenant  
16          from a recovery residence directly to another community setting and thereby  
17          incarcerating the tenant for lack of residence only as a last resort.

18       Sec. 5. RECOVERY STABILIZATION STUDY COMMITTEE

19           (a) Creation. There is created the Recovery Stabilization Study  
20           Committee to monitor statewide access to recovery stabilization programs

1 that provide vulnerable persons with substance use disorders continuous  
2 access to safe housing, including:

3 (1) during periods of instability associated with substance use; and  
4 (2) following a temporary or permanent removal from a recovery  
5 residence pursuant to 18 V.S.A. § 4812.

6 (b) Membership. The Study Committee shall be composed of the  
7 following members:

8 (1) the Commissioner of Health or designee, who shall serve as chair;

9 (2) the Commissioner of Mental Health or designee;

10 (3) the Commissioner of Corrections or designee;

11 (4) one current member of the House of Representatives, serving on  
12 either the Committee on General and Housing or on the Committee on  
13 Human Services, who shall be appointed by the Speaker of the House;

14 (5) one current member of the Senate, serving on either the Committee  
15 on Economic Development, Housing and General Affairs or on the  
16 Committee on Health and Welfare, who shall be appointed by the Committee  
17 on Committees;

18 (6) a representative, who shall be appointed by the Vermont Alliance  
19 for Recovery Residences;

20 (7) a representative, who shall be appointed by Vermont Legal Aid;

1           (8) a representative, who shall be appointed by Vermonters for  
2           Criminal Justice Reform; and

3           (9) any other stakeholders whom the Chair deems appropriate.

4           (c) Powers and duties. The Study Committee shall study recovery  
5           stabilization programming, including:

6           (1) access to current recovery stabilization programs in Vermont,  
7           including any gaps in services;

8           (2) recovery stabilization models used successfully in other  
9           jurisdictions to enable participants to find employment or attend school,  
10          move into independent housing, and avoid relapse and those models'  
11          applicability in Vermont; and

12          (3) recommendations for a more integrated system of recovery  
13          stabilization programs.

14          (d) Assistance. The Study Committee shall have the administrative,  
15          technical, and legal assistance of the Department of Health.

16          (e) Report. On or before December 1, 2023, the Study Committee shall  
17          submit a written report to House Committees on General and Housing and on  
18          Human Services and to the Senate Committees on Economic Development,  
19          Housing and General Affairs and on Health and Welfare with its findings and  
20          any recommendations for legislative action.

21          (f) Meetings.

1           (1) The Commissioner of Health or designee shall call the first meeting  
2           of the Study Committee to occur on or before July 15, 2023.

3           (2) A majority of the membership shall constitute a quorum.

4           (3) The Study Committee shall cease to exist on December 15, 2023.

5           (g) Compensation and reimbursement.

6           (1) For attendance at meetings during adjournment of the General  
7           Assembly, a legislative member of the Study Committee serving in the  
8           member's capacity as a legislator shall be entitled to per diem compensation  
9           and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than  
10           four meetings. These payments shall be made from monies appropriated to  
11           the General Assembly.

12           (2) Other members of the Study Committee shall be entitled to per  
13           diem compensation and reimbursement of expenses as permitted under  
14           32 V.S.A. § 1010 for not more than four meetings. These payments shall be  
15           made from monies appropriated to the Department of Health.

16           Sec. 6. EFFECTIVE DATE

17           This act shall take effect on July 1, 2023.