

STATE OF NEW YORK

8649

IN SENATE

May 10, 2018

Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to alcohol and drug free housing

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The mental hygiene law is amended by adding a new section
2 22.13 to read as follows:

3 § 22.13 Alcohol and drug free housing.

4 (a) As used in this section, the following words shall have the
5 following meanings unless the context clearly requires otherwise:

6 1. "Alcohol and drug free housing", a residence, commonly known as a
7 sober home, which provides or advertises as providing, an alcohol and
8 drug free environment for people recovering from substance use disor-
9 ders; provided, however, that, alcohol and drug free housing shall not
10 include a halfway house, treatment unit or detoxification facility regu-
11 lated under article thirty-two of this chapter or any other facility
12 licensed pursuant to article twenty-eight-a of the public health law.

13 2. "Certified alcohol and drug free housing", alcohol and drug free
14 housing that has been accredited by the bureau pursuant to this section.

15 3. "Operator", the lawful owner of alcohol and drug free housing or a
16 person employed and designated by the owner to have primary responsibil-
17 ity for the daily operation of such housing and for maintaining stand-
18 ards and conditions in such housing that create an environment support-
19 ive of substance use disorder recovery.

20 (b) The commissioner shall establish and provide for the adminis-
21 tration of a voluntary training and accreditation program for operators
22 of alcohol and drug free housing seeking certification under subdivision
23 (d) of this section.

24 (c) The accreditation program established pursuant to this section
25 shall maintain standards and practices which:

26 1. uphold industry best practices and support a safe, healthy and
27 effective recovery environment;

28 2. evaluate the ability to assist persons in achieving long-term
29 recovery goals;

30 3. provide for appropriate training for the operators and staff and
31 ensure satisfactory completion of such training;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 4. protect occupants of alcohol and drug free housing against unrea-
2 sonable and unfair practices in setting and collecting rent payments;
3 and

4 5. verify good standing with regard to local, state and federal laws
5 and any regulations and ordinances including, but not limited to, build-
6 ing, maximum occupancy, fire safety and sanitation codes.

7 (d) The office shall include a residence on a list of certified alco-
8 hol and drug free housing as described in subdivision (f) of this
9 section upon receipt and review of:

10 1. the completion of training as described in subdivision (c) of this
11 section;

12 2. a deed, trust document, articles of incorporation, lease or other
13 document acceptable to the director evidencing that the individual or
14 entity seeking certification is the lawful owner or lessee of the parcel
15 where the housing shall be located; and

16 3. appropriate documentation indicating that there are no taxes or
17 other assessments which constitute liens on the parcel of real estate
18 upon which the housing shall be located.

19 (e) The commissioner shall periodically evaluate the quality of train-
20 ing being provided to operators seeking certification and the integrity
21 and efficacy of the accreditation program.

22 (f) The commissioner shall prepare, publish and disseminate a list of
23 alcohol and drug free housing certified pursuant to this section;
24 provided, however, that such list shall be updated bimonthly. The list
25 shall be disseminated to each state agency or vendor with a statewide
26 contract that provides substance use disorder treatment services. The
27 commissioner shall inform all local probation departments and all courts
28 within the state who may issue a sentence of probation on how to access
29 the list. Such list shall also be posted on the website for the office.

30 (g) The commissioner, in consultation with the commissioner of the
31 department of health, shall promulgate rules and regulations to imple-
32 ment this section that shall include a process for receiving complaints
33 against certified alcohol and drug free housing and criteria by which
34 the commissioner may exclude a residence from the list prepared under
35 subdivision (f) of this section if the frequency and severity of
36 complaints received supports a determination that the alcohol and drug
37 free housing in question does not maintain standards or provide an envi-
38 ronment that appropriately supports the recovery goals of its residents.

39 (h) A state agency or vendor with a statewide contract which is
40 providing treatment or services to a person, or a state agency or offi-
41 cer setting terms and conditions for the release, parole or discharge of
42 a person from custody or treatment, shall not refer such person to alco-
43 hol and drug free housing and shall not otherwise include in such terms
44 and conditions a referral to alcohol and drug free housing unless such
45 alcohol and drug free housing is certified pursuant to this section.
46 Nothing in this section shall prohibit a residence which has not
47 received certification from operating or advertising as alcohol and drug
48 free housing or from offering residence to persons recovering from
49 substance use disorders.

50 § 2. This act shall take effect on the one hundred eightieth day after
51 it shall have become a law. Effective immediately, the addition, amend-
52 ment and/or repeal of any rule or regulation necessary for the implemen-
53 tation of this act on its effective date are authorized and directed to
54 be made and completed on or before such effective date.