

# STATE OF NEW YORK

3411

2021-2022 Regular Sessions

## IN SENATE

January 29, 2021

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

AN ACT to amend the mental hygiene law, in relation to the creation of a recovery living task force

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 19.04 to read as follows:

3 § 19.04 Recovery living task force.

4 1. Definitions. As used in this section:

5 "Recovery living residence" shall mean any residence located in New  
6 York state where the owner or operator of such residence holds the resi-  
7 dence out to the public as an alcohol and drug free living environment  
8 for persons recovering from a chemical dependency, where no formal  
9 treatment services are provided on-site.

10 2. The recovery living task force is hereby created, which pursuant to  
11 the provisions of this section, shall establish best practice guidelines  
12 for recovery living residences that illustrate the most appropriate and  
13 effective environment for persons recovering from a chemical dependency.

14 3. The task force shall study and utilize reliable evidence and infor-  
15 mation collected from organizations and programs both in New York state  
16 and throughout the country to:

17 (a) Document the number of recovery residences operating in the state;

18 (b) Issue recommendations and guidelines establishing best practices  
19 for recovery living residences in order to provide an alcohol and drug  
20 free recovery living environment, with a focus on least restrictive  
21 means of benefiting the person in recovery. In developing guidelines,  
22 the task force shall consider the role of local and state government in  
23 oversight and other areas; siting challenges; geographic variations in  
24 what housing currently exists and in barriers to creating new suitable

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

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1 housing; optimal standards for living space, privacy and nutrition;  
2 personal financial participation by tenants; work requirements, includ-  
3 ing adequacy of compensation; reimbursement opportunities; discharge  
4 planning, the participant's legal protections against removal from the  
5 residence; what information must be provided to the participant at  
6 admission, including due process rights of the participant for removal  
7 from the residence; appropriate responses to relapse with the goal of  
8 protecting both the person who has relapsed and other residents of the  
9 residence; how to ensure access to medication assisted treatment; the  
10 needs of women, and of women with children; the use of drug testing; and  
11 options and requirements for formal or self-help treatment services;

12 (c) Study and issue findings regarding health and safety concerns  
13 related to the occupancy and operation of recovery living residences for  
14 the person in recovery;

15 (d) Study and issue findings regarding the impacts of occupancy and  
16 operation of recovery living residences on neighborhoods and surrounding  
17 areas;

18 (e) Issue recommendations on the feasibility of licensing, regulating,  
19 registering or certifying recovery living residences in New York state;  
20 and

21 (f) Issue recommendations for any other program or policy initiative  
22 that the task force deems relevant.

23 4. (a) The members of the task force shall include ten members  
24 consisting of the commissioner or his or her designee; the commissioner  
25 of the office of mental health or his or her designee; the commissioner  
26 of the office of temporary and disability assistance or his or her  
27 designee; the commissioner of the office of homes and community renewal  
28 or his or her designee; two members appointed by the temporary president  
29 of the senate, at least one of whom shall be a current or former resi-  
30 dent of a recovery living residence; two members appointed by the speak-  
31 er of the assembly, at least one of whom shall be a current or former  
32 resident of a recovery living residence; and two members appointed by  
33 the governor. The task force shall include at least one operator of a  
34 recovery living residence with at least five years of experience in the  
35 field who must demonstrate, to the extent practicable, that the resi-  
36 dences they operate have had minimal code violations within the preced-  
37 ing three years. Appointments must ensure geographic representation, to  
38 the extent practicable. The commissioner shall be designated the chair-  
39 person of such task force and shall select a vice-chairperson and a  
40 secretary from the designees appointed by the legislature or the gover-  
41 nor;

42 (b) The members of the task force shall receive no compensation for  
43 their services but shall be reimbursed for expenses actually and neces-  
44 sarily incurred in the performance of their duties;

45 (c) No civil action shall be brought in any court against any member  
46 of the recovery living task force for any act or omission necessary to  
47 the discharge of his or her duties as a member of the task force, except  
48 as provided herein. Such member may be liable for damages in any such  
49 action if he or she failed to act in good faith and exercise reasonable  
50 care. Any information obtained by a member of the task force while  
51 carrying out his or her duties as prescribed in subdivision three of  
52 this section shall only be utilized in their capacity as a member of the  
53 task force.

54 5. No later than one year after the effective date of this section,  
55 the task force shall provide a report containing the results of the  
56 study, including evidence used as a basis in making such report, and its

1 recommendations, if any, together with drafts of legislation necessary  
2 to carry out its recommendations by filing said report, documentation,  
3 and draft legislation, with the governor, the temporary president of the  
4 senate, the minority leader of the senate, the speaker of the assembly,  
5 and the minority leader of the assembly. The task force shall also make  
6 the report, documentation, and draft legislation public by posting a  
7 copy on the website maintained by the office.

8 § 2. This act shall take effect immediately.