



# COMMUNITY JUSTICE PROJECT



April 7, 2021

*via first class mail*

Chairman Frank Farry,  
PA House Human Service Committee  
18 East Wing / PO Box 202142  
Harrisburg, PA 17120

Secretary Jennifer Smith,  
PA Department of Drug and Alcohol Programs  
2601 N. 3d Street  
Harrisburg, PA 17110

Re. Standards for Drug and Alcohol Licensure

Dear Chairman Farry and Secretary Smith:

On behalf of the Cornerstone Residence, Inc., a non-profit provider of residential recovery services, for whom we provide legal representation, we write to support the need for recovery house regulations consistent with recovery principles. However, we oppose several proposed regulations due to their misapplication and overreach. While we share other commenters' concerns about the time and costs associated with physical modifications and administrative burdens, we will primarily focus on the legal issues that the regulations will complicate.

Categorizing a recovery house as an "(i)npatient nonhospital activity" together with inpatient rehabilitation and detoxification facilities is a mistake. We take great pains in litigation to distinguish recovery houses from drug and alcohol centers in the business of providing treatment, and opponents will undoubtedly seize on the regulations or, more problematically, the operational steps recovery houses must take to comply with these regulations, and argue in every venue from zoning hearings, Magisterial District Judges (MDJs), common pleas and appellate courts that recovery houses are businesses that should therefore not be permitted in residential areas. We have repeatedly experienced such resistance, and these regulations will compound and not relieve an already existing obstacle.

Requiring administration of the house in the form of an employed manager and/or an audit specifically tailored for recovery houses not only gives opponents of this essential form of recovery grounds to argue against their existence or location, but it also imposes unnecessary costs and other burdens that interfere with their core recovery efforts. We have encountered multiple recovery housing providers that run top notch residences without paid staff or the level of administrative or fiscal detail required by these proposed regulations.

Zoning challenges already occur throughout many municipalities, and the requirements that recovery houses obtain occupancy and zoning permits are not only superfluous – these are already governed by the Pa. Municipal Planning Code and local zoning and occupancy ordinances – they will effectively welcome substantially more challenges from municipal officers who would otherwise take no action. This will lead to exponential growth in zoning hearings and citations heard before MDJs, which will cause critical time delays and extraordinary legal expenses.

The Department stated in its April 1, 2021 responses, “Recovery houses are just that – *houses*.” However, its proposed regulations effectively contradict that statement by treating them as businesses akin and categorized with inpatient rehabilitation and detoxification centers. The regulations’ levels, costs, and increased obstacles will create a chilling effect throughout Pennsylvania for small housing providers who will adhere to reasonable regulations that are limited to ensuring high quality recovery settings. Therefore, in addition to scaling back the costs associated with structural changes, the annual audit, and unnecessary administrative burdens, we recommend that recovery houses are completely separated from the inpatient treatment facilities and that their regulations are limited to those necessary to reject or eliminate purported recovery houses that are not following regularly accepted recovery housing standards.

Thank you for your consideration and that of the Committee and Department.

Yours truly,



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