



April 11, 2021

Via Electronic Mail

Jordan Lewis, PhD
Policy Director, Executive Office
jorlewis@pa.gov

Jodi Skiles
Bureau Director, Program Licensure
joskiles@pa.gov

Re: Comments to Standards for Drug and Alcohol Recovery House Licensure

Dear Dr. Lewis and Ms. Stiles:

In anticipation of the April 15, 2021 public meeting of the Independent Regulatory Review Commission (“IRRC”), The Western Pennsylvania Alliance of Recovery Residences (“West PARR”) submits the following comments in response to Standards for Drug and Alcohol Recovery House Licensure (the “Standards”) promulgated as a Final Omitted Regulation by the Pennsylvania Department of Drug and Alcohol Programs (“DDAP”).

West PARR recognizes, respects, and appreciates DDAP’s intent to promote standards in recovery housing as a means of protecting recovery house residents from an “influx of unscrupulous individuals who seek to enrich themselves by exploiting those in recovery.”¹ However, based on West PARR’s collective experience in Pennsylvania recovery housing field, multiple aspects of the Standards, as promulgated, are unworkable. In short - and as explained in detail below - West PARR has grave concerns that the economic burden the Standards place on recovery house owners will serve as an impediment to the very progress and protection DDAP seeks to achieve for those in Pennsylvania who need the valuable service recovery housing provides.

¹ DDAP Final Omitted Regulation, Regulatory Analysis Form at 2.

I. About West PARR

West PARR is a Pennsylvania non-profit² alliance of recovery residences providers dedicated to ensuring that individuals in recovery can find safe and supportive recovery housing in Western Pennsylvania. It was founded in 2017 by a group of recovery residence owners with years of experience operating recovery residences throughout the region. At the time of West PARR's founding, the need for quality recovery housing was never greater, as public concern regarding the suitability of recovery residences throughout the state was growing in tandem with the need for this vital resource by individuals embarking on recovery from addiction. West PARR's founding members understood firsthand the unique and invaluable resource that recovery housing provides to those in recovery (and particularly early recovery). They were committed to ensuring that quality, supportive, and ethical recovery housing remained available to these individuals. That commitment, now embodied by West PARR's membership, has only grown stronger.

West PARR's mission is to create, evaluate, and improve standards and measures of quality for all levels of recovery residences in Western Pennsylvania. We offer a forum for exchanging ideas to develop uniformity and solve problems in the recovery housing field. We also offer guidance and a variety of resources to recovery residence providers in Western Pennsylvania to help ensure that residents who live in recovery housing have the very best chance of succeeding in their recovery journey. Our website is: <http://www.westparr.org>.

West PARR is the Western Pennsylvania affiliate of the Pennsylvania Alliance of Recovery Residences ("PARR"). Since 2011, PARR has been the Pennsylvania affiliate of the National Alliance of Recovery Residences ("NARR"). As you are probably aware, NARR is a nationally recognized nonprofit dedicated to expanding the availability of well-operated, ethical, and supportive recovery housing. NARR developed the most widely referenced national standard for the operation of recovery residences.³ These standards are based on the practical experience of recovery residence providers and stakeholders, and underpinned by core theoretical principles (i.e., promoting recovery through social model recovery by providing four supportive dimensions and upholding core recovery principles thereby increasing recovery capital) that have demonstrated success.⁴ NARR works with approximately thirty state affiliate organizations, including PARR. NARR and its affiliates collectively support over 25,000 persons in addiction recovery living in over 2,500 NARR certified residences throughout the country. The NARR standards have become the model for regulation of recovery residences in a number of states, and have been referenced by the United States Congress in proposed legislation

² West PARR has held 501(c)(3) status since shortly after its 2017 founding.

³ See, NARR Recovery Residence Quality Standards, available at: <https://narronline.org/wp-content/uploads/2015/10/National-Recovery-Residence-Quality-Standards-Oct-7-2015.pdf>. (last visited April 6, 2021).

⁴ See, NARR National Standard 3.0 Compendium at 4-6, available at: <https://narronline.org/wp-content/uploads/2019/02/NARR-Standard-Compendium-v3.pdf>. (last visited April 7, 2021).

regarding recovery residences.⁵ In fact, many of the requirements in the Standards are already encompassed by the NARR standard.

West PARR currently has approximately twenty-five recovery residence provider-members representing roughly sixty recovery residences throughout Western Pennsylvania who are committed to providing well-operated, ethical, and supportive recovery housing in the region in accordance with NARR standards. As a PARR affiliate - and as a part of its mission and vision - West PARR inspects and certifies the residences of its provider-members for compliance with NARR standards.

It is through this lens of first-hand experience, as well as dedication to furthering the availability of quality, supportive, and ethical recovery housing throughout Western Pennsylvania, that West PARR voices the following comments and concerns regarding the Standards.

II. Comments to the Standards

A. **Recovery residences are not akin to residential treatment and rehabilitation or short-term detoxification facilities and cannot absorb the same degree of costs associated with licensure. (Standards, § 701.1)**

The Standards place housing in a drug and alcohol recovery house in the same category of “inpatient nonhospital activity” as residential treatment and rehabilitation services and short-term detoxification facilities. The requirements set forth in the Standards suggest that recovery housing is more like these other types of “inpatient nonhospital activity” in structure and resources than is actually the case. The distinction between recovery housing and these types of facilities is critical to understanding why certain requirements posed by the Standards will undermine the protections DDAP now seeks to put in place.

Recovery residences in Western Pennsylvania by and large provide supportive housing only; they are not anything like residential treatment centers or detoxification facilities. Recovery residences are generally operated out of single-family homes, not commercial or clinical properties. In most cases, they do not receive government or insurance dollars to fund the services they provide. Instead, the income stream of most individual recovery residences typically comes from residents of limited financial means who pay monthly rent generally ranging from \$450 - \$500. As a result, operating margins are thin. The rent increases that recovery residences seeking licensure will be required to implement in order to cover the costs associated with certain requirements in the Standards (i.e., installing additional exits above ground level and obtaining an annual financial audit) will be immediately felt by residents. To those residents, even seemingly modest increases in rent are significant enough to drive them to find less expensive, poorer quality options.

⁵ See, S. 2678, “Ensuring Access to Quality Recovery Living Act of 2018”, available at: <https://www.congress.gov/bill/115th-congress/senate-bill/2678>. (last visited April 7, 2021); see also, H.R. 4684, “Ensuring Access to Quality Sober Living Act of 2018” <https://www.congress.gov/bill/115th-congress/house-bill/4684>. (last visited April 7, 2021).

West PARR is therefore concerned that DDAP’s approach will have two unintended, negative consequences. First, it will drive vulnerable residents away from scrupulous recovery residences that must raise rents to incur the expenses necessary to obtain licensure and towards those “unscrupulous individuals” the Standards are intended to protect them from. DDAP’s notion that the Standards, as written, will somehow drive these “noncompliant facilities” from the treatment landscape is simply erroneous given the high costs associated with obtaining of licensure. In fact, the opposite is true; the Standards, as written, will perpetuate the existence of substandard recovery housing because rent increases necessary to comply with the Standards will create demand for less expensive, lower quality housing. Second, the high economic costs of meeting certain aspects of the Standards will place licensure out of reach for many scrupulous recovery house owners, including West PARR members who already operate their houses at the pinnacle of ethics and quality. The result will be a dearth of licensed recovery residences in the Commonwealth despite there being many owners who are otherwise committed to the mission of quality in recovery housing. Ironically, the consequences of such a shortage will be particularly detrimental to individuals coming out of residential treatment and detoxification facilities who need referrals to quality recovery housing.

B. Requiring licensees to obtain the services of an independent certified public accountant for an annual financial audit will place an undue financial burden on recovery residence providers who wish to pursue licensure. (Standards § 709.138)

The operation of recovery housing is typically a “labor of love.” Providers are not in it for the money. Many own one home (or, at most, a few) and do not realize significant (if any) financial gain as a result. Obtaining the services of an independent certified public accountant for an annual financial audit - something DDAP estimates to cost as much as \$10,000 per year - will be cost prohibitive for many providers and may deter them from pursuing licensure. As noted above, this, in turn, will limit the availability of licensed residences available in the Commonwealth.

C. The requirement that licensees maintain a minimum of two exits on every floor, excluding portable ladders and rope escapes, will be financially, and in many cases physically, unworkable. (Standards § 709.152(b)(2))

Most recovery residences in Western Pennsylvania are operated out of single-family homes. Single-family homes typically do not have two exits on floors above ground level. The Standards will require providers seeking licensure to install fire escapes or similar exits on upper floors of recovery residences. This is not only cost prohibitive - such installations can cost tens of thousands of dollars, which may exceed the value of the home itself - but also may be physically or structurally impossible in many instances given the age and location of these homes. This fact will undoubtedly deter or prevent otherwise qualified providers from seeking licensure, thereby driving down the number of licensed residences available to individuals in need of their services. In many jurisdictions, the use of portable ladders or similar devices is an acceptable alternative from a zoning perspective. Moreover, a typical single-family home not occupied by people in recovery is generally not required to have two exits on every floor. There

appears to be no legitimate basis for the disparate treatment of recovery residences in the Standards.

West PARR provides these comments in the hopes that they will be seriously considered in connection with IRRC review of the Standards. As mentioned above, the NARR standard, which is applied by West PARR to its provider-members, already covers many of the areas addressed in the Standards. The NARR standard has been successfully adopted and applied in other jurisdictions, and West PARR urges DDAP to reconsider and do so here.

We appreciate your review and consideration of the above. Please do not hesitate to contact me if you have any questions.

Sincerely,

/s/ Leo Hutchison

Leo Hutchison
President
West PARR

cc: IRRC (via email: irrc@irrc.state.pa.us)