



March 19, 2021

Ms. Jennifer Smith
 Secretary, Pennsylvania Department of Drug and Alcohol Programs
 via email

Re: Standards for Drug and Alcohol Recovery House Licensure

Dear Director Smith:

I am writing for the National Alliance for Recovery Residences. NARR supports persons in recovery from substance use disorders by improving their access to quality recovery residences through standards, support services, education, research, and policy advocacy. NARR has established the nationally recognized standard for quality residence operation, based on the social model of recovery, and on decades of best practices by providers around the country. With our state affiliates including PARR, we have developed a process for ensuring that residences meet those standards. The standard and the certification process are in wide use across the country, often in partnership with state agencies such as the Pennsylvania Department of Drug and Alcohol Programs. We are writing today to express concern over the regulations recently proposed by the Department, and to oppose their adoption as written.

We believe that this package of regulations would decrease safety in recovery residences, would not provide assurances that essential recovery support services are provided, and would severely limit access to quality recovery residences for individuals seeking this recovery support.

Regulations will not increase resident safety

We share DDAP's concerns over resident safety and encourage appropriate efforts to ensure that recovery homes are not overcrowded, are following appropriate fire safety precautions, and that high-quality services and supports are provided. However, the proposed licensure approach will not increase safety. The licensure process is nothing more than a review of paperwork, with no plans or funding for onsite visits, verification of policies and procedures, or follow-up if there are concerns from residents or family members.

It is extremely difficult to ascertain if standards are being implemented without making an onsite visit to the property and conducting appropriate interviews with residence staff to ensure that written policies and procedures are being implemented in practice. The proposed rule will make it incredibly simple for an organization to meet its requirements without offering a quality recovery environment. That will give consumers a false sense of security that the residence will meet their needs when no one has made a visit to the actual property, and no structured interview has been conducted with staff. In comparison, our PARR affiliate conducts all three essential components of thorough certification – document review, structured staff interviews, and on-site inspections, in line with national best practices.

Regulations will reduce essential recovery supports

The process described in the regulatory package also does not examine all elements of recovery housing that ensure the well-being of residents. While the regulatory package contains requirements related to building safety, people in early recovery also need other supports to

ensure that their recovery needs are met. There is very little in this rule package that would require that licensed operators have appropriate policies and procedures in place to ensure that homes maintain an illicit drug- and alcohol-free environment, that residents receive individualized recovery planning support, or that peer-to-peer support is an integral part of the home environment. These are critical supports that help residents prevent return to substance use and help keep both residents and communities safe.

Regulations will reduce access to quality recovery residences

The regulatory package requires operators to gather documents which are impossible to get for smaller homes that are integrated into single family neighborhoods, such as permission from zoning boards or certificates of occupancy. This requirement not only allows but promotes discrimination from local governments. No other group of people living as a family must get permission from their local zoning board or get a certificate of occupancy for their single-family home to continue to live in their community or move into a new community. Several instances of local government discrimination in Pennsylvania have already occurred, and this law will make that situation much worse.

Our experience elsewhere also suggests that the term “license” will increase discrimination against recovery residences regardless of licensure status. Opponents of recovery housing often prey on public misunderstandings about permissible zoning/land use practices for licensed care facilities such as nursing homes or residential drug/alcohol treatment centers and housing for persons with disabilities. Further, in common usage the existence of a license for a service implies that such services may not be offered without a license, which is not the intent of this law. However, opponents of recovery housing often used the term “unlicensed” to imply that a recovery home is somehow evading a legal obligation.

The audit requirement is, in our opinion, excessive. Goals including maintenance of proper resident record keeping and financial management can be met through other means including giving DDAP the right to inspect records upon suspicion of financial fraud, inappropriate financial relationships between staff and residents, improper record keeping, or misrepresentation.

We estimate that the cumulative effect of these regulations would result in fee increases beyond the ability to pay for most low-income and disadvantaged residents – as much as 30% for the lowest-cost homes. That would not only deny those individuals the ability to access properly certified residences, these regulations would result in very limited quality-assured capacity overall. The system operated for years in the City of Philadelphia, and now overseen by PARR, points to a superior means for regulating providers at a fraction of the cost, and with the promise of far higher provider compliance, than these proposed regulations.

Recommendations

We recommend that the proposed regulations not be adopted. They are overly prescriptive, impose excessive and needless costs, and still fail to ensure that residences subject to its provisions are providing services in line with best practices. Instead, we recommend that:

- DDAP should develop a process for ensuring quality of recovery homes that includes an interview and onsite visit component; partner with an organization such as PARR that has

relevant subject matter expertise, possibly to conduct applicant reviews and site visits for the Department.

- DDAP should ensure that technical assistance and support is provided to operators seeking to meet the proposed standards.
- Replace the audit requirement with one for adequate financial and resident record keeping; provide for the right for DDAPP or other state agencies to inspect records in cases where financial fraud, abuse or misrepresentation is alleged.
- Remove requirements from the standards that would allow local governments to discriminate against people in recovery. Specifically, the requirement to receive permission from the zoning board, certificate of occupancy, and (for single-family dwellings) fire department approval. Instead, other measures to ensure appropriate physical environment safety should be implemented.
- Include language requiring local government entities of their obligations under the federal Fair Housing Act and Americans With Disabilities Act regarding the rights of disabled individuals in their access to housing.
- The term “licensed” should be replaced with a less confusing one such as “certified” that will not create the impression that a residence must hold the credential in order to operate legally.

Thank you for your time and attention to this critical matter. NARR would be happy to assist the Department in developing a better plan. Please do not hesitate to contact me if you would like to discuss further.

Respectfully,

A handwritten signature in black ink, appearing to read "David M. Sheridan", with a long horizontal flourish extending to the right.

David Sheridan, Executive Director