

Senate Executive Departments and Administration Committee

Kevin Condict 271-7875

SB 298-FN, relative to sober living house certification and operational standards.

Hearing Date: March 5, 2025

Time Opened: 9:02 a.m.

Time Closed: 9:37 a.m.

Members of the Committee Present: Senators Pearl, McGough, Gannon, Altschiller and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill requires sober living houses to be certified by the New Hampshire Coalition of Recovery Residents, to verify resident eligibility, and to retain a paid house manager. The bill provides enforcement authority to the municipality in which the house is located and to the department of health and human services.

Sponsors:

Sen. Avard

Who supports the bill: Sen. Kevin Avard (SD 12), Joe Sculley, Sen. David Rochefort (SD 1), and Maura Weston (NHMS).

Who opposes the bill: Daisy Pierce, Corey Gately, Jeffrey Kiernan, Angela Conforti, Shannon Gately, Erica Gilbert, Steven Crowley, Matthew Danhof, Michael Gallagher, Francine Sullivan, Sam Ross, Susan Delaney, John Gately, Diane Gallagher, and Robert Gallagher.

Who is neutral on the bill: Jenny O'Higgins (DHHS), Peter Nelson, Anthony Salvucci (NHCORR), Jake Berry (New Futures), Laura Wargo (NHPRR), and Brodie Deshaies (NHMA).

Summary of testimony presented:

Senator Kevin Avard, Senate District 12

- Sen. Avard introduced Senate Bill 298-FN.
- Sen. Avard said this topic needs some attention. This bill requires that sober living houses be certified by the New Hampshire Coalition of Recovery Residents (NHCORR), verify residents' eligibility, and retain a paid house

manager. The bill also provides enforcement authority for municipalities in which the house is located and to the Department of Health and Human Services (DHHS).

- Sen. Avarad said the reason he filed this bill was because he is very concerned about sober living and wants to make sure that it flourishes in the state. But at the same time, there could be certain people who are abusing the system. He said that he does not want this bill to get rid of the bad at the expense of the good.
- Sen. Avarad said this bill might not be ready for prime time, meaning it might not be ready to move forward at this time.
- Sen. Avarad explained the functions of the different sections of the bill.
- Sen. Avarad said that the State wants to encourage people in sobriety. He noted that he is twenty years sober as of December. He said that he wants to support sober living but does not want people to use the system as a gateway to drug trafficking.
- Sen. Avarad said he is fine with the bill being re-referred. He said that discussion is needed, but that he wanted people to start looking at this issue with more scrutiny. He said this is a good starting point.

Joe Sculley

- Mr. Sculley said he supports this bill and that even if the bill does not move forward, he would like the opportunity to work with the stakeholders to put good standards in place for sober living houses. He said this would protect the members of those houses, as well as the members of the community where those houses are located.
- Mr. Sculley provided a packet of articles to the Committee. He pointed out that in one article the Manchester Fire Chief was quoted as talking about how they know where the 'so-called' sober living houses are. He noted that there are bad actors out there, and that many sober living houses are violating the fire code. He said those are unsafe.
- Mr. Sculley pointed to the New Hampshire Public Radio (NHPR) article, which said that twenty states have some form of standard and policy that sober living houses must live up to.
- Mr. Sculley pointed to the language in the bill addressing the paid house manager. He questioned if one of the occupants of the sober living house being the house manager provides the structure and leadership that other occupants need.
- Mr. Sculley said that the bill references the houses having a responsibility to check if residents were or are in recovery.
- Mr. Sculley said there has been a misunderstanding regarding the State's ability to pass legislation in New Hampshire. He noted the perception that this is a federal issue and only the federal government can act on this. He said he does not believe that is true. He said that if the State acts, it must be in compliance with what is in federal law and federal regulation.

- Mr. Sculley said that he came upon this issue when attending a meeting of the Concord Zoning Board, at which they were discussing a petition for a special exception to operate a sober living house a few doors down from his residence. The applicant admitted that he was seeking approval for something that he was already doing. He said that it had become known due to police activity in the area; neighbors were telling the city that something had to be done about the house.
- Mr. Sculley said that one of his neighbors during that process filed a Freedom of Information Act (FOIA) request regarding police calls to the property. He noted that the police had not been called for a decade prior to the current entity's purchase of the house, after which there was an uptick.
- Mr. Sculley pointed to the final paper in the packet which listed the federal regulations. He said that the State can act if it is in compliance with those federal regulations.
- Mr. Sculley stated that recovering addicts are a protected class but there must be some proof of that status. He said there is no responsibility for a town or city to make accommodations for active users, but they do for individuals in recovery. He said he has no animosity toward those in recovery.
- Mr. Sculley noted that the Manchester Police Chief called sober living "the wild west." He reiterated that states can act as long as they comply with federal laws and regulations.
- Sen. Reardon noted that this bill deals with the planning and zoning sections of law. She asked if there is nothing in DHHS or Office of Professional Licensure and Certification (OPLC) standards.
 - o Mr. Sculley said the bill is a work in progress. He stated he believes that DHHS needs to have an enforcement role. If the enforcement is not included, then there would be little improvement from where we are now. He said the two prongs of the bill are that houses are certified by an appropriate organization and subject to enforcement by DHHS.

Peter Nelson, St. Michael's Sober Living

- Mr. Nelson explained that he is the owner and operator of St. Michael's Sober Living.
- Mr. Nelson said that he and other sober living owners/operators are concerned over the language of the bill.
- Mr. Nelson said that everyone agrees that there should be some sort of oversight and certification process. He noted that St. Michael's is NHCORR certified. He said many of the issues that have been addressed in the hearing are addressed in the certification process. This includes life safety issues, resident rights, and good neighbor policies.
- Mr. Nelson said most of the houses that are certified do a great job.
- Mr. Nelson asked the Committee to hold the bill so that more work can be done on it.

- Mr. Nelson discussed resident eligibility. He said that very few individuals want to go to sober living because it is a restrictive environment. He said that someone could do great in a sober living house but not do as well living alone. He said the industry wants to make sure there are no barriers to service for people.
- Mr. Nelson pointed to the definition of sober living manager in the bill. On page 2, it says that a sober living manager will not be a former or current resident. He said that sober living house recovery is a peer-led movement, and that it is very much about the culture that is created by residents. He said that house leaders are typically people who are doing well in their recovery and are compensated with room and board. He stated that having someone who is not part of the culture could be a big deal.
- Mr. Nelson distinguished between treatment and sober living. He said they have different standards and record keeping, and that sober living is a non-clinical environment.
- Mr. Nelson said this bill could put undo financial burden on operators. He said there is not much money in sober living houses.
- Mr. Nelson reiterated that there is agreement that there should be some sort of certification process that is standard across the board.
- Sen. Pearl asked Mr. Nelson if he was willing to be part of the group that will work on this bill.
 - o Mr. Nelson said that he is, and that allowing everyone to work together could fix the bill.
- Sen. Reardon asked if any of the residents were court ordered to be there.
 - o Mr. Nelson said that some are. He said some people are court ordered to go to treatment and then some are ordered to follow up treatment with sober living.
- Sen. Reardon asked if there is any responsibility to report back to the court.
 - o Mr. Nelson said that they often do report back to the court. He said they have working relationships with the case managers, and it is important to maintain those relationships.

Anthony Salvucci, New Hampshire Coalition of Recovery Residencies

- Mr. Salvucci explained that NHCORR is a certifying body for sober living houses. He said they were the state's sole certifier until 2024. NHCORR also runs ombudsman processes, which is a complaint resolution program, and a housing assistance fund. He stated that NHCORR is connected to the National Alliance of Recovery Residences (NARR).
- Mr. Salvucci echoed the previous speakers. He said NHCORR strongly believes there should be no bad actors in this space. He said the State needs to ensure there are safe and ethically run homes in New Hampshire.

- Mr. Salvucci said the goal is to have individuals make a good transition from sober living programs to independent living. He said certified homes produce great results.
- Mr. Salvucci said it is important to understand the safety impact this bill may have.
- Mr. Salvucci suggested having a group of stakeholders work on this bill and make it implementable. He said he would love to be part of a group working on this bill.
- Mr. Salvucci made himself available to the Committee for any follow-up questions or concerns.
- Sen. Reardon asked if NHCORR derives its standards from NARR. She asked if NARR is a private organization or if it is quasigovernmental.
 - o Mr. Salvucci said NARR was a grassroots movement. He explained that NARR achieved nonprofit status and began to work with the Substance Abuse and Mental Health Services Administration (SAMHSA) and the DHHS. He said their standards are reviewed at an annual summit at which NARR educates representatives from around the country on new standards.
- Sen. Reardon asked for clarification that NARR is a private organization.
 - o Mr. Salvucci said that is correct.

Lauren Wargo, New Hampshire Partnership for Recovery Residences

- Ms. Wargo explained that she is the Director of the New Hampshire Partnership for Recovery Residences (NHPRR). The NHPRR can certify sober living houses for the State.
- Ms. Wargo agreed with the testimony previously provided.
- Ms. Wargo said that NHPRR certifies homes under SAMHSA best practices. The NHPRR's standards are specific to New Hampshire. She said they collaborate with community partners, state agencies, substance abuse providers and operators to develop those standards.
- Ms. Wargo said that they have a grievance process through DHHS, in which they provide weekly reports. Members of the community, residents of the homes, and municipalities are able to report concerns and the NHPRR investigates and reports directly back to the State.
- Ms. Wargo stated that the NHPRR agrees there needs to be some level of oversight and that the State needs to address bad actors.
- Ms. Wargo said they have found that most sober living houses are well run and are addressing concerns.
- Ms. Wargo said that many states have moved toward a certification process or have pending legislation like this bill. Virginia, Maine, and Ohio have already

implemented a mandated certification process. New Jersey and Arizona require licensing of recovery homes.

- Ms. Wargo said they would love to collaborate on this bill. She said the NHPRR wants to find something that would support small businesses and respect people's pathways to recovery.
- Ms. Wargo said that many people in recovery homes are not right out of treatment. She stated that respecting all pathways and periods of sobriety is critical.

Jake Berry, New Futures

- Mr. Berry stated that New Futures has no formal position on this bill.
- Mr. Berry echoed the concern that there are bad actors in the system. He said New Futures shares the goal of a mandatory certification.
- Mr. Berry voiced concerns and questions about unintended consequences. He said this is a complicated and sensitive issue.
- Mr. Berry said that those in recovery are a protected class under the Americans with Disabilities Act (ADA). The State needs to be careful to stay in line with both the ADA and the federal Fair Housing Act when it contemplates mandatory certification.
- Mr. Berry said that many other states are figuring out how to do this. He said this can be an important step forward.

Brodie Deshaies, New Hampshire Municipal Association

- Mr. Deshaies stated that the New Hampshire Municipal Association (NHMA) is neutral on the bill. He said they believe the bill is closer to ready than some have indicated.
- Mr. Deshaies said this is primarily a planning and zoning bill.
- Mr. Deshaies pointed to lines 15-16 on page 1. He voiced concern about section II. He said there is compelling interest for zoning boards to allow some variance.
- Mr. Deshaies pointed to lines 6-9 on page 2. He noted the bill says municipalities "shall" require certification and other requirements. He stated his belief that the "shall" should be a "may." He said there should be a fee available to municipalities for the cost of collecting information.
- Mr. Deshaies pointed to lines 20-28 on page 2. He said there should be language included there to require getting a variance in the zoning district where the sober home operates. He said this is important if the house is being used as a congregate living situation, which is a change of use, or if it is commercial.
- Mr. Deshaies noted that a subcommittee of the House Municipal and County Government Committee made a recommendation against House Bill 432. HB

432 would have mandated sober homes in all residential zoning districts. He said there has been a push to allow congregate living situations. He said that this should be a local control issue. He said some of the biggest issues with variance tend to be parking issues. He noted that water and septic system capacity are concerns as well.

- Mr. Deshaies said the NHMA would like to see the bill move forward. He said it is easily operable for municipalities.
- Sen. Pearl said he suspects the bill will be in committee for a while and will have work done on it. He asked if the NHMA could help with the work.
 - o Mr. Deshaies said that they would help.

KC

Date Hearing Report completed: March 7, 2025