



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
Margaret M. O'Neill Bldg., Third Floor, Suite 1  
410 Federal Street  
Dover, Delaware 19901  
302-739-3621


The Honorable John Carney,  
Governor

John McNeal, Director  
SCPD

## MEMORANDUM

DATE: April 24, 2023

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Mr. Benjamin Shrader, Chairperson   
State Council for Persons with Disabilities

RE: HB 114 (Certification of Recovery Houses)

The State Council for Persons with Disabilities (SCPD) has reviewed HB 114 which seeks to require certification for Recovery Houses in Delaware that wish to receive referrals from state agencies and who receive state funds. Recovery Houses are residential “sober” houses where individuals in various stages of treatment and recovery reside. Sometimes services are provided in addition to housing.

SCPD has the following observations and recommendations:

- While stable housing in a substance free environment can be crucial element in substance use disorder treatment, these houses are ripe for abuse and there have certainly been instances of financial exploitation, neglect and abuse of residents who seek out these facilities.<sup>1</sup> Like every other treatment milieu, especially ones that are funded by state or federal dollars, Recovery Houses must be regulated to avoid these abuses. However, this bill does not set up a

---

<sup>1</sup> <https://www.burlingtonfreepress.com/story/news/2019/01/08/sober-houses-problems-exploit-patients-drug-addiction-relapse-vermont/2449735002/>; <https://www.justice.gov/usao-sdfl/pr/owner-sentenced-more-27-years-prison-multi-million-dollar-health-care-fraud-and-money>

licensing system, nor does it require all sober living houses to be certified. Entities that choose not to undergo this process can continue to operate with private funds. There is nothing to stop unqualified and sometimes unscrupulous individuals from setting up flop houses under the guise of calling them “sober-living” or recovery houses. Such entities could be fined if they hold themselves out as being a certified recovery house, and state agencies are forbidden from referring people to these locations.

- The bill sets up a voluntary certification system and authorizes DSAMH to
  - 1.) Contract out the certification process.
  - 2.) Develop regulations.

The contracted certification organization is responsible for developing and implementing standards. DSAMH is charged with adopting “nationally recognized standards” for the certifying organization and for the operation of recovery homes. These standards are not delineated but one would assume they are contemplating the National Association for Recovery Residences (NARR) standards.<sup>2</sup> DSAMH must approve the processes and requirements that the certifying entity establishes. However, NARR standards are not subject to federal review and have been developed by private entities who engage in running recovery houses. **In a brief review, there is no requirement in the NARR standards that these homes provide physical accessibility.** It is worth noting that Pennsylvania issues licensed recovery houses and has developed its own regulations.<sup>3</sup> It does not contract this process out.

There are some other concerning aspects of the bill:

- The bill requires houses publish in the required online registry ( 2204A(a)(4)) “whether residents can participate in Medication Assistant Treatment.” MAT is a widely used and supported short term and long term treatment modality.<sup>4</sup> United States Department of Health and Human Services has made it clear that it is a violation of the ADA (and very likely a violation of the Fair Housing Act) to prohibit or exclude individuals who are engaged in MAT.<sup>5</sup>

---

<sup>2</sup> [https://narronline.org/wp-content/uploads/2018/11/NARR\\_Standard\\_V.3.0\\_release\\_11-2018.pdf](https://narronline.org/wp-content/uploads/2018/11/NARR_Standard_V.3.0_release_11-2018.pdf)

<sup>3</sup> <https://www.ddap.pa.gov/Get%20Help%20Now/Pages/Licensed-Recovery-Houses.aspx>;  
<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-50/2058.html>

<sup>4</sup> [https://narronline.org/wp-content/uploads/2019/03/NARR-C4-NCBH\\_MAR-RH-Brief.pdf](https://narronline.org/wp-content/uploads/2019/03/NARR-C4-NCBH_MAR-RH-Brief.pdf)

<sup>5</sup> See [https://archive.ada.gov/opioid\\_guidance.pdf](https://archive.ada.gov/opioid_guidance.pdf); [https://archive.ada.gov/ready\\_work\\_sa.pdf](https://archive.ada.gov/ready_work_sa.pdf) Settlement Agreement Between The United States Of America And Ready To Work, Llc Under The Americans With Disabilities Act, Dj # 202-13-342;

- Second, the bill explicitly exempts Recovery Houses from the Landlord Tenant Code. The resident has no protection from being literally put on the curb, without notice or warning. The House is authorized to establish rules about behavior and termination from the program. The only obligation to the resident is to make a “reasonable effort to connect the resident with appropriate services.” There is no due process, no appeal process, no obligation to refund the resident’s rent or other payments, no obligation to protect the person’s property, and no obligation to consider the person’s safety when terminating services.
- While maintaining a sober environment is obviously of key importance, creating these environments should not be done in a vacuum without recognition of the frequency of relapse and also the devastating impact of being rendered homeless and penniless. There is a middle ground where a residence could use the emergency eviction process. There should be written notice, the ability to challenge a decision to terminate someone from the program, and firm guidelines that protect a resident’s resources.

**SCPD opposes this legislation as is currently written.**

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed legislation.

cc: Ms. Laura Waterland, Esq.  
Governor’s Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

HB 114 Certification of Recovery Houses 4-24-23