

IN SENATE

DRAFT

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

GENEBULA
(Amends general business law, mental
hygiene law and social services law
in relation to sober living homes)

Gen Bus L. sober liv homes

AN ACT

to amend the general business law,
in relation to improving the operation
of sober living homes and to
establish and enforce regulations
pertaining to such homes; to amend
the mental hygiene law, in relation
to the certification of sober living
homes; and to amend the social
services law, in relation to sober
living homes

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal

s20 Adams	s17 Falder	s63 Kennedy	s25 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s29 Serrano
s11 Avella	s08 Fuschillo	s28 Krueger	s55 O'Brien	s51 Seward
s40 Ball	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s42 Bonacic	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s04 Boyle	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s44 Breslin	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	s60 Grisanti	s45 Little	s48 Ritchie	Cousins
s32 Diaz	s06 Hannon	s05 Marcellino	s33 Rivera	s46 Tkaczyk
s18 Dilan	s36 Hassell-	s43 Marchione	s56 Robach	s53 Valesky
s31 Espailat	Thompson	s07 Martins	s19 Sampson	s57 Young
s49 Farley	s27 Hoylman	s62 Maziarz	s10 Sanders	s03 Zeldin

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a097 Jaffee	a136 Morelle	a111 Santabarbara
a092 Abinanti	a081 Dinowitz	a135 Johns	a057 Mosley	a029 Scarborough
a084 Arroyo	a147 DiPietro	a113 Jordan	a039 Moya	a016 Schimel
a035 Aubry	a115 Duprey	a094 Katz	a133 Nojay	a140 Schimminger
a120 Barclay	a004 Englebright	a074 Kavanagh	a037 Nolan	a087 Sepulveda
a106 Barrett	a054 Espinal	a142 Kearns	a130 Oaks	a065 Silver
a060 Barron	a109 Fahy	a076 Kellner	a069 O'Donnell	a027 Simanowitz
a082 Benedetto	a071 Farrell	a040 Kim	a051 Ortiz	a036 Simotas
a117 Blankenbush	a126 Finch	a131 Kolb	a091 Otis	a104 Skartados
a062 Borelli	a008 Fitzpatrick	a105 Lalor	a132 Palmesano	a099 Skoufis
a055 Boyland	a124 Friend	a013 Lavine	a088 Paulin	a022 Solages
a026 Braunstein	a143 Gabryszak	a050 Lentol	a141 Peoples-	a114 Stec
a044 Brennan	a095 Galef	a125 Lifton	Stokes	a110 Steck
a119 Brindisi	a137 Gantt	a102 Lopez, P.	a058 Perry	a079 Stevenson
a138 Bronson	a007 Garbarino	a053 Lopez, V.	a089 Fratlow	a127 Stirpe
a046 Brook-Krasny	a077 Gibson	a002 Losquadro	a073 Quart	a011 Sweeney
a093 Buchwald	a148 Giglio	a123 Lupardo	a019 Ra	a112 Tedisco
a118 Butler	a080 Gjonaj	a010 Lupinacci	a098 Rabbitt	a101 Tenney
a103 Cahill	a066 Glick	a121 Magee	a012 Raia	a001 Thiele
a043 Camara	a023 Goldfeder	a129 Magnarelli	a006 Ramos	a061 Titone
a086 Castro	a150 Goodell	a059 Maisel	a134 Reilich	a031 Titus
a145 Ceretto	a075 Gottfried	a064 Malliotakis	a078 Rivera	a146 Walter
a033 Clark	a005 Graf	a030 Markey	a128 Roberts	a041 Weinstein
a047 Colton	a100 Gunther	a090 Mayer	a056 Robinson	a020 Weisenberg
a032 Cook	a139 Hawley	a108 McDonald	a068 Rodriguez	a024 Weprin
a144 Corwin	a083 Heastie	a014 McDonough	a072 Rosa	a070 Wright
a085 Crespo	a003 Hennessey	a017 McKevitt	a067 Rosenthal	a096 Zebrowski
a122 Crouch	a028 Hevesi	a107 McLaughlin	a025 Rozic	
a021 Curran	a048 Hikind	a038 Miller	a116 Russell	
a063 Cusick	a018 Hooper	a052 Millman	a149 Ryan	
a045 Cymbrowitz	a042 Jacobs	a015 Montesano	a009 Saladino	

1) Single House Bill (introduced and printed separately in either or both
houses). Uni-Bill (introduced simultaneously in both houses and printed as one
bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed
copies of bill and 4 copies of memorandum in support (single house); or 4 signed
copies of bill and 8 copies of memorandum in support (uni-bill).

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

DRAFT

1 Section 1. Declaration of findings and legislative intent. The legis-
2 lature hereby finds and declares that there is an urgent need to improve
3 the operation of sober living homes. A sober living home is intended to
4 provide affordable, drug and alcohol free environments for persons who
5 are enrolled in out-patient treatment or recovering from a drug or alco-
6 hol addiction. The mission of a sober living home is to promote recovery
7 and allow individuals to become self supporting. In order to meet this
8 mission, residents must be afforded a safe, sanitary, and secure envi-
9 ronment.

10 The legislature further finds that far too many sober living home
11 operators fail to provide the atmosphere necessary for residents. While
12 there certainly are some well-run sober living homes that truly aim to
13 assist those in recovery, many of these homes are often overcrowded,
14 drug and alcohol infested, unsanitary, and incompetently managed. In
15 order to ensure that appropriate living standards are being maintained,
16 regulations pertaining to the operation of sober living homes must be
17 established and enforced.

18 The legislature further finds and declares that it is the intent of
19 the legislature to prevent recidivism, injury, and death among persons
20 seeking housing in a sober living home by establishing and enforcing
21 operational standards. By ensuring that appropriate standards are estab-
22 lished and enforced, communities which host a sober living home will
23 also benefit. By authorizing the state to certify establishments meeting
24 the criteria necessary to provide an appropriate environment, and by
25 allowing localities to inspect the establishments, safe and effective
26 sober living homes can continue to improve people's lives.

27 The legislature has further learned that many communities in Suffolk
28 county are burdened with a disproportionate share of poorly-operated

DRAFT

1 sober living homes. Instituting a pilot certification program in Suffolk
2 county, administered by the office of alcoholism and substance abuse
3 services, will ensure that sober living homes maintain an appropriate
4 environment without disrupting the quality of life in the surrounding
5 community.

6 § 2. The general business law is amended by adding a new section 210
7 to read as follows:

8 § 210. Sober living homes. 1. A "sober living home" shall mean a home
9 located in Suffolk county that is operated, whether for profit or not,
10 for transitional recovery purposes of individuals afflicted with alcohol
11 or substance abuse dependencies. Such homes shall have, as its primary
12 purpose, the reintegration of such afflicted persons into society with
13 accompanying monitoring and support, and shall provide a safe, support-
14 ive, drug free living environment. Homes established as "half-way houses
15 or homes" and/or "recovery houses or homes" shall be included in this
16 definition.

17 2. An owner, operator, or landlord, may not hold themselves out to be
18 or advertise to be a "sober living home" in Suffolk county unless they
19 are certified by, and remain in good standing with, the New York state
20 office of alcoholism and substance abuse services.

21 3. Any violation of this section shall result in a fine in the amount
22 of ten thousand dollars.

23 § 3. The mental hygiene law is amended by adding a new article 21 to
24 read as follows:

25 ARTICLE 21

26 CERTIFICATION OF SOBER LIVING HOMES

27 Section 21.01 Authority.

28 21.03 Definition.

DRAFT

- 1 21.05 Certification process.
- 2 21.07 Certification fee.
- 3 21.09 Revocation of certificates.
- 4 21.11 Inspections.
- 5 21.13 Violations.
- 6 21.15 Exclusivity of sober living home title.
- 7 21.17 Listing of certified sober living homes.
- 8 21.19 Toll-free hotline.
- 9 § 21.01 Authority.

10 The legislature hereby declares that alcoholism, substance abuse and
11 chemical dependence pose major health and social problems for individ-
12 uals. It has been proven that transitional living environments can help
13 to prevent recidivism after an individual has ceased using alcohol,
14 illegal substances and chemicals. The tragic, cumulative and often fatal
15 consequences of recidivism can be prevented through the establishment of
16 quality sober living homes.

17 The legislature recognizes locally implemented transitional living
18 programs as an effective avenue to avert recidivism. The primary goals
19 of rehabilitation and recovery are to restore social, family, lifestyle,
20 vocational, and economic supports by stabilizing an individual's phys-
21 ical and psychological functioning. By ensuring that sober living homes
22 are offering the environment necessary for such success, positive treat-
23 ment outcomes can be further attained.

24 The state of New York and local governments have a responsibility to
25 coordinate the delivery of alcoholism and substance abuse services,
26 through the entire process of recovery. To accomplish these objectives,
27 the legislature declares that the establishment of a pilot program for
28 certification of sober living homes in Suffolk county will provide an

DRAFT

1 integrated framework to further plan, oversee, and regulate the state's
2 prevention and treatment network. In recognition of the growing trends
3 and incidences of recidivism, this oversight allows the state to respond
4 to the recovery needs of individuals suffering from alcoholism,
5 substance abuse and chemical dependency.

6 § 21.03 Definition.

7 For the purposes of this section, a "sober living home" shall mean a
8 home located in Suffolk county that is operated, whether for profit or
9 not, for transitional recovery purposes of individuals afflicted with
10 alcohol or substance abuse dependencies. Such homes shall have, as its
11 primary purpose, the reintegration of such afflicted persons into socie-
12 ty with accompanying monitoring and support, and shall provide a safe,
13 supportive, drug free living environment. Homes established as "half-way
14 houses or homes" and/or "recovery houses or homes" shall be included in
15 this definition.

16 § 21.05 Certification process.

17 (a) The office shall promulgate rules and regulations necessary for
18 the implementation of a pilot program for certification of sober living
19 homes in Suffolk county in cooperation with the Suffolk group home over-
20 sight board and the Suffolk county executive. Provided however, that
21 any rules or regulations adopted must include a provision requiring an
22 inspection of the proposed sober living home prior to the completion of
23 the certification process.

24 (b) In addition to any standards promulgated by the office, operators
25 of sober living homes shall, at a minimum:

26 (1) Operate in accordance with all federal, state, and local building
27 codes and ordinances to the extent practicable in accordance with the
28 Federal Fair Housing Act.

DRAFT

1 (2) Be operated or managed by people with at least two years employ-
2 ment experience with people with substance abuse disorders. Operators
3 may not have any prior felony convictions.

4 (3) Be affiliated with a treatment program approved by the office of
5 alcoholism and substance abuse services.

6 (4) Establish and enforce a zero tolerance policy for alcoholism and
7 substance abuse.

8 (5) Provide furnished living spaces in accordance with all local
9 zoning and housing standards.

10 (c) Such certificate shall specify:

11 (1) The name of the holder of the certificate.

12 (2) The address to which the certificate applies.

13 (3) The maximum number of persons to reside in the home.

14 (d) Such certificate shall be publicly displayed at the home.

15 (e) Certificates are non-transferable to new ownership or other
16 locations.

17 (f) Nothing in this section shall relieve certificate holders from
18 complying with other provisions of this article, nor shall powers or
19 duties of the office granted or imposed by other sections of this arti-
20 cle be circumscribed by this section. Further, nothing in this section
21 shall relieve certificate holders from complying with other applicable
22 provisions of Suffolk county law or regulation which do not violate this
23 article.

24 § 21.07 Certification fee.

25 The office is hereby authorized to impose a reasonable fee to apply
26 for a certificate. The office is also authorized to collect a biannual
27 re-certification fee of five hundred dollars from applicants and holders
28 of sober living home certificates in order to implement the certif-

DRAFT

1 ication process and oversee compliance therewith. Certification must be
2 renewed every two years. One-half of the revenue generated by this fee
3 shall be remitted to Suffolk county. The office shall have the authori-
4 ty to waive this fee at its discretion.

5 § 21.09 Revocation of certificates.

6 (a) The office shall have the authority to revoke a certificate if a
7 sober living home ceases to meet the standards provided or with the
8 provisions of any other applicable state of Suffolk county law or regu-
9 lation. The holder of the certificate shall be given at least thirty
10 days written notice and the opportunity to be heard prior to revocation.

11 (b) The commissioner may immediately revoke a certificate if there are
12 reasonable grounds to believe that the continued operation of the sober
13 living home presents an immediate danger to residents of the home or the
14 general public. Such action must be made in writing to the certificate
15 holder, and may last no longer than thirty days, during which time the
16 commissioner shall make a final determination after giving the certif-
17 icate holder an opportunity to be heard.

18 § 21.11 Inspections.

19 The office shall, in coordination with the Suffolk county department
20 of community mental hygiene services, promulgate rules and regulations
21 regarding the inspection of certified sober living homes in order to
22 ensure that each home is in compliance with all applicable rules and
23 regulations.

24 § 21.13 Violations.

25 Any certified sober living home that is found by the office to be in
26 violation of any provision of this article or any other state, county,
27 town, or village law or regulation may be fined. A fine may be imposed
28 for each day that a sober living home remains in violation of this arti-

DRAFT

1 cle or any other state or county law or regulation. The daily fine may
2 not exceed one thousand dollars per day, and in no event may the total
3 fine amount exceed five thousand dollars annually except for fines
4 issued pursuant to section 210 of the general business law. Such fine
5 may be in lieu of, or in addition to, certificate revocation. One-half
6 of any fines assessed shall be remitted to Suffolk county.

7 § 21.15 Exclusivity of sober living home title.

8 No owner, operator or landlord may hold a property out to be or adver-
9 tise a property as a sober home or sober living home in Suffolk county
10 unless the property is certified by the office.

11 § 21.17 Listing of certified sober living homes.

12 The office shall maintain an online listing, available to the public,
13 of all certified sober living homes in Suffolk county which are in good
14 standing.

15 § 21.19 Toll-free hotline.

16 The office shall establish a toll-free telephone line to receive and
17 respond to complaints regarding sober living homes in Suffolk county.

18 § 4. Paragraph (vii) of subdivision (g), subdivisions (h) and (i) of
19 section 17 of the social services law, paragraph (vii) of subdivision
20 (g) as added by chapter 280 of the laws of 2002, subdivision (h) as
21 added and subdivision (i) as relettered by section 1 of part K-3 of
22 chapter 57 of the laws of 2007, and subdivision (i) as amended by chap-
23 ter 110 of the laws of 1971, are amended to read as follows:

24 (vii) emphasize the need for the system to hold the abusing partner
25 responsible by appropriate referrals to law enforcement[.];

26 (h) make available on its website all award allocations for request
27 for proposals issued by the office of children and family services upon
28 release of such awards. Such information shall also include all organ-

DRAFT

1 izations requesting funding and the amounts requested for each request
2 for proposal. The office of children and family services may also
3 include any other information related to each program that it deems
4 appropriate[.];

5 (i) ensure that all recipients of public assistance who reside in
6 sober living homes, as defined by article twenty-one of the mental
7 hygiene law, reside in housing accommodations that are in compliance
8 with all applicable building codes, ordinances and regulations of the
9 municipality in which the housing accommodation is located. Reasonable
10 accommodations from building codes, ordinances and regulations shall be
11 made pursuant to the Federal Fair Housing Act. Upon discovery that such
12 housing accommodation is not in compliance recipients shall be housed in
13 emergency housing or other alternative temporary housing until such time
14 as the initial housing accommodations in which such recipient or recipi-
15 ents resided is brought into compliance with all applicable building
16 codes, ordinances and regulations of Suffolk county and the municipality
17 in which such housing accommodation is located or until a suitable
18 permanent housing accommodation is located, whichever occurs earlier;
19 and

20 (j) exercise such other powers and perform such other duties as may be
21 imposed by law.

22 § 5. Subdivision 2 of section 143-b of the social services law, as
23 added by chapter 997 of the laws of 1962, is amended to read as follows:

24 2. Every public welfare official shall have power to and may withhold
25 the payment of any such rent, or portion comprising rent in instances
26 where the department makes room and board payments to a sober living
27 home as defined by the mental hygiene law, in any case where he has
28 knowledge that there exists or there is outstanding any violation of law

DRAFT

1 in respect to the building containing the housing accommodations occu-
2 pied by the person entitled to such assistance which is dangerous,
3 hazardous or detrimental to life or health. A report of each such
4 violation shall be made to the appropriate public welfare department by
5 the appropriate department or agency having jurisdiction over
6 violations.

7 § 6. Severability. If any clause, sentence, paragraph or part of this
8 act shall be adjudged by any court of competent jurisdiction to be
9 invalid, such judgment shall not affect, impair or invalidate the
10 remainder thereof, but shall be confined in its operation to the clause,
11 sentence, paragraph or part thereof directly involved in the controversy
12 in which such judgment shall have been rendered.

13 § 7. This act shall take effect one year after it shall have become a
14 law. Effective immediately, the addition, amendment and/or repeal of any
15 rule or regulation necessary for the implementation of this act on its
16 effective date is authorized to be made on or before such effective
17 date.