

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Originating

House Bill 3079

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[Originating in the Committee on Prevention and Treatment of Substance

Use; reported on March 10, 2021]

1 A BILL to amend and reenact §16-59-2 of the Code of West Virginia, 1931, as amended, relating
2 to exempting recovery residences from certain standards.

Be it enacted by the Legislature of West Virginia:

ARTICLE 59. CERTIFICATION OF RECOVERY RESIDENCES.

§16-59-2. Voluntary certification of recovery residences.

1 (a) The department shall contract with an entity to serve as the certifying agency for a
2 voluntary certification program for drug-free and alcohol-free recovery residences based upon
3 standards determined by the National Alliance for Recovery Residences (NARR) or a similar
4 entity. The certifying agency shall establish and implement an accreditation program for drug-free
5 and alcohol-free recovery residences that shall maintain nationally recognized standards that:

6 (1) Uphold industry best practices and support a safe, healthy, and effective recovery
7 environment;

8 (2) Evaluate the residence's ability to assist persons in achieving long-term recovery
9 goals;

10 (3) Protect residents of drug- and alcohol-free housing against unreasonable and unfair
11 practices in setting and collecting fee payments.

12 (b) The department shall require the recovery residence to submit the following:

13 (1) Documentation verifying certification as specified and administered by the certifying
14 agency;

15 (2) If a municipality or county offers or requires verification of compliance with local
16 building, maximum occupancy, fire safety, and sanitation codes applicable to single-family
17 housing, documentation of verification by the municipality or county where the recovery residence
18 is located stating that the recovery residence is in compliance.

19 (c) If a municipality or county offers or requires verification of compliance with local
20 building, maximum occupancy, fire safety, and sanitation codes applicable to single-family
21 housing, the municipality or county must perform requested or required inspections within 30 days

22 of receiving a request for verification. If a residence is located within a municipality or county that
23 offers or requires verification of compliance with local building, maximum occupancy, fire safety,
24 and sanitation codes applicable to single-family housing, and the municipality or county fails to
25 perform requested or required inspections within 30 days of receiving a request for verification,
26 the residence may apply for and be granted certification directly through the certifying agency
27 without the aforementioned verification.

28 (d) Upon receiving a complete application, the certifying agency shall evaluate the
29 residence to determine if the residence is in compliance with national best-practice standards and
30 safety requirements. Additionally, any application of the items specified in this section must
31 comply with the Fair Housing Act, 42 U.S.C. §3601 *et seq.* and the Americans with Disabilities
32 Act of 2008, 42 U.S.C. §12101 *et seq.*

33 (1) If it is determined that the residence is in compliance, the certification agency shall
34 issue a certificate of compliance to the recovery residence operator for the specific recovery
35 residence location set forth in the application.

36 (2) Each residence location, even if operated by the same person or entity, must maintain
37 a certificate of compliance for the purposes of this article.

38 (e) The certifying agency may suspend or revoke a certificate of compliance if the recovery
39 residence is not in compliance with any provision of this section or has failed to remedy any
40 deficiency identified in writing and served by certified mail. Suspension or revocation may take
41 place after a notice of deficiency is served and has existed for at least 30 days.

42 (f) The certifying agency shall implement and maintain a process by which a residence
43 whose certification has been suspended or revoked may apply for and be granted reinstatement.
44 If a municipality or county offers or requires verification of compliance with local building,
45 maximum occupancy, fire safety, and sanitation codes applicable to single-family housing, and if
46 the residence's certification suspended or revoked for noncompliance with local building,
47 maximum occupancy, fire safety, and sanitation codes applicable to single-family housing, the

48 municipality or county may charge a fee of up to \$100 for any requested reinspection of a recovery
49 residence by the residence seeking reinstatement.

50 (g) The department shall periodically evaluate the quality, integrity, and efficacy of the
51 accreditation program developed. The department shall promulgate rules subject to legislative
52 approval in accordance with §29A-3-1 *et seq.* of this code to implement this section that shall
53 include a process for receiving complaints against drug-free and alcohol-free recovery residences
54 and criteria by which such residences' certifications can be revoked.

55 (h) A person may not advertise to the public any recovery residence as a "certified
56 recovery residence" unless the recovery residence has first secured a certificate of compliance
57 under this section. A person who violates this subsection commits a misdemeanor, punishable by
58 a fine of not less than \$1,000 nor more than \$5,000 for each infraction.

59 (i) This article does not permit a structure that would not be normally classified as a single
60 family dwelling to be exempt from the state building code or fire code.

61 (j) Nothing herein shall be read to require any recovery residence to obtain certifications
62 set forth herein in order to conduct operations.

63 (k) A group housing facility comprised of 50 beds or more is exempt from a certifying
64 agency's standards for applicable building, fire safety, sanitation or occupancy codes, if a county
65 or municipality has established those standards for that facility, as provided pursuant to §16-59-
66 2(b)(2).

NOTE: The purpose of this bill is to exempt large group housing facility from additional building, fire safety, sanitation or occupancy codes, if the county or municipality in which the facility is located has adopted those codes.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.