

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5155

By Delegates Rohrbach, Fehrenbacher, Chiarelli,

Heckert, Foggin, Worrell, Criss and Young

[Introduced; Referred

to the Committee on]

1 A BILL to amend and reenact §16-59-2 of the Code of West Virginia, 1931, as amended, relating to
 2 requiring recovery residences to be certified if such residences receive funding from the
 3 state.

Be it enacted by the Legislature of West Virginia:

ARTICLE 59. CERTIFICATION OF RECOVERY RESIDENCES.

§16-59-2. Voluntary and mandatory 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 goals;
- 9 (3) Protect residents of drug- and alcohol-free housing against unreasonable and unfair
 10 practices in setting and collecting fee payments.

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

- 12 (1) Documentation verifying certification as specified and administered by the certifying
 13 agency;
- 14 (2) If a municipality or county offers or requires verification of compliance with local
 15 building, maximum occupancy, fire safety, and sanitation codes applicable to single-family
 16 housing, documentation of verification by the municipality or county where the recovery residence
 17 is located stating that the recovery residence is in compliance.

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

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

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

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

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

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

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

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

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

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

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

60 (j) A recovery residence who receives any type of remuneration, subsidy, funding, or other
61 financial assistance from the State of West Virginia shall be certified according to the procedures
62 set forth in this section.

63 ~~(j)~~ (k) Nothing herein shall be read to require any recovery residence to obtain certifications
64 set forth herein in order to conduct operations, unless that residence receives state funding as
65 otherwise set forth in subsection (j).

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NOTE: The purpose of this bill is to require recovery residences to be certified if such residences receive funding from the state.

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