

Leonard Smith
Portland
LD 109

Dear Senator Beebe-Center and Representative Salisbury, and members of the Criminal Justice and Public Safety Committee,

My name is Lenny Smith. I am a person in long-term recovery, and I've also had the great privilege of working in the field of treatment of Substance Use Disorder for the last 18 years. I have worked now in various capacities at many levels of the treatment continuum, as an employee of the Plymouth House, an inpatient rehab in central New Hampshire, as a manager at Plymouth House Sober Living in Portland, as a partner and facilitator at the Intensive Outpatient Program and the detox of Pine Tree Recovery Center. I am also an active member of MARR, the Maine Association of Recovery Residences. I speak today as a private citizen, but this is the combination of knowledge and practical experience from which I'm speaking today.

I'm writing to oppose the proposed bill LD 109: An Act to Improve Safety for Individuals Living in Recovery Residences. This bill, sponsored by Rep. Laundry, seeks to repeal Sec. 1. 25 MRSA §2452, sub-§4, which was passed unanimously in all bodies in the 129th Session and signed by Governor Mills through LD 353, sponsored by then-Representative Justin Fecteau.

While the stated intention of LD 109, improving safety, is laudable, if passed, this bill would actually decrease the safety of the population it proposes to protect, by drastically reducing the number of available beds for the continued treatment of a vulnerable population of people still learning how to build and maintain recovery.

When the Maine State Legislature passed LD 353, they did so in a unanimous vote signaling the importance to the people of Maine and to the administration of Governor Mills, of supporting the availability of life saving recovery residences in the state of Maine. There is long-standing legal precedent at the federal level to view recovery residences as a "family of choice": in this case, people who, though unrelated, elect to live together in order to address common needs arising from a shared disability from which they seek to recover. People with Substance Use Disorder are protected by Federal law through the Fair Housing Act and the Americans with Disabilities Act. In fact, one of the primary issues LD 353 addressed was that a statewide move by local code enforcement to treat recovery residences as lodging or rooming houses, rather than as a family of choice, which would have required the installation of sprinkler systems which, at costs of \$20,000 to \$40,000, many operators could not afford to install. During the public hearing on LD 353, Richard McCarthy, the Assistant State Fire Marshal testified the following: "Recovery Houses and their residents have protection under the Americans with Disabilities Act as a protected class as to not prohibit or restrict Where these recovery houses are located. It is less clear whether this protection extends to the Fire and Building Codes. This issue was reviewed by a member of the Maine State Attorney General's Office and the decision was as follows:

- "A failure on the part of the State of Maine to make reasonable accommodation, namely non-enforcement of the sprinkler rules, would likely be found to violate the Fair-Housing Act and the Americans with Disabilities Act. Our office was advised to allow these substance recovery homes to operate without the sprinklers that would be otherwise be required by law." -Maine State Attorney General's Office

One reason that LD 353 garnered so much support, was that there are other measures in place to address fire safety concerns in the majority of Maine recovery residences. The Maine Association of Recovery Residences offers certification of participating Maine recovery residences based upon compliance with best practice standards established by the National Association of Recovery Residences (website: <https://narronline.org/>) and utilized by our Maine affiliate organization, the Maine Association of Recovery Residences (<https://www.mainerecoveryresidences.com/>). To obtain certification, participating houses need to establish and post evacuation plans on every floor, have inspected, working fire extinguishers accessible and available, maintain working smoke and carbon monoxide detectors throughout the house, and perform fire drills. Accountable compliance with these measures alone makes the residents of these houses safer than in most private single family homes.

The importance of recovery residences to the recovery process cannot be overstated. Dr. Corrie Vilsaint, PhD, of Harvard Medical School and the Recovery Research

Institute and Center for Addiction Medicine at Mass General Hospital, specializes in identifying and measuring various types of “recovery capital,” or resources that statistically correlate with measurable increases in the likelihood of better treatment outcomes. She cited studies showing that recovery residences increase the odds of employment of people seeking recovery by a factor of 2, decrease the likelihood of incarceration, including recidivist incarceration, by 50%, and, depending on length of stay, recovery residences can increase the likelihood of continued and long term recovery by as much as a factor of 4. The website of the Recovery Research Institute is here (<https://www.recoveryanswers.org/>)

Overcoming Substance Use Disorder, whether alcohol or anything else, is hard. Detox is a physical intervention at best (though it’s an important beginning), 30 day inpatient treatment can teach new practices and even change perspective, but by their nature, neither supports the long term establishment of healthy new habits to replace the unhealthy habits one seeks to change. That happens in sober living and it happens over time.

Operating a sober house competently and responsibly is challenging, and, and most people do it for love, not money. Requiring the onerous expense of a sprinkler system when there are already other robust safety measures and round the clock operator engagement (even in a peer operated house) in place, will make it difficult or impossible for smaller operators to continue the life saving work they do, and will unhouse newly clean and sober people and put them back on the street, where they are at a much higher risk of relapse, and possibly death. The harm this bill will do would greatly outweigh any gains.

Recovery residences are vital to Maine, and vital not only to their residents, but also to their families, and to the employers who need workers, to their local economies, to which they’ll contribute, to their local communities, which they’ll enrich, and to the future, where they may alter the course of people’s lives for the better because they had the opportunity to get well, to go back to school, to contribute to humanity in some way that wouldn’t have been possible without access to this level of care. Remember, alcoholism and addiction don’t discriminate. The life a recovery residence helps to save may be your child’s... or even your own.

Please vote “No” on LD 109.