

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: May 11, 2021
To: Joint Standing Committee on Health & Human Services
From: Anna Broome, Legislative Analyst

LD 964 An Act To Expand Access to Certified Substance Use Disorder Recovery Residence Services

SUMMARY: This bill requires recovery residences to be certified according to the standards set by a nationally recognized organization that supports persons recovering from substance use disorder in order to receive contracts from the department or receive housing vouchers or municipal general assistance housing assistance from a person living in a recovery residence. The bill also prevents an applicant for general assistance from being denied general assistance for the sole reason that the person is living in a recovery residence. The bill requires the costs of living in a recovery residence to be calculated in the same manner as for other housing assistance when maximum amounts of general assistance under the municipal ordinance and the amount of general assistance granted to the applicant are established.

ISSUES FROM TESTIMONY:

- Recovery residences having to show municipalities their entire books to allow a person to qualify for general assistance because the applicant can only receive a pro rata share of costs of basic needs of the household. Hotels don't have to do that but not equipped to deal with SUD issues. GA acceptance has varied over time.
- MARR certification to ensure quality of residences.
- DHHS: rules for certification are in development. The department contracts with MSHA to provide operating subsidies to certified recovery residences and only MARR certified residences are eligible for funding. DHHS contracts with MARR to certify recovery residences based on NARR (this bill could necessitate an increase in this contract). Currently 51 MARR certified recovery residences and 70 uncertified. Unaware of someone being denied GA solely because they live in a recovery residence.

- MSHA: working with DHHS to run a pilot program – must be certified by MARR. Worked with sponsor to include amendment language: “To the extent not in conflict with federal law, any housing assistance or voucher..”

DRAFTING ISSUES:

- Current law in Title 5, §20005 (duties of the department), sub-§22 requires the department to adopt rules for certification according to national standards although the certification itself is voluntary (this bill would require certification for department contracts or MSHA housing assistance):

22. Certification of recovery residences. Establish by rule criteria for the certification of recovery residences. The criteria for the certification of recovery residences must be based on criteria for recovery residences developed by a nationally recognized organization that supports persons recovering from substance use disorder. Certification of a recovery residence pursuant to this subsection is voluntary. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A. [PL 2019, c. 524, §12 (NEW).]

PL 2019, c. 524 also included this section of unallocated law:

Sec. 21. Rental subsidies for certified recovery residences. The Maine State Housing Authority shall develop a pilot project to provide a short-term rental subsidy for a person recovering from substance use disorder, as defined in the Maine Revised Statutes, Title 5, section 20003, subsection 17-B, to reside in a recovery residence, as defined in Title 5, section 20003, subsection 19-D, certified pursuant to Title 5, section 20005, subsection 22 and that allows medication-assisted treatment. The Maine State Housing Authority may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

MSHA provided additional information 4/8 on the pilot to address questions about qualifying for the pilot and the need for the amendment regarding federal language.

ADDITIONAL INFORMATION REQUESTED BY COMMITTEE:

- How is MARR board selected? Answer from Alison Webb:

Thanks for your query about the MARR Board of Directors. Briefly, MARR was founded by 7 owner-operators of recovery residences, and incorporated as a 501 C (6) non-profit trade association in 2016. All the members served as volunteers (and still do). In 2019 the board expanded to nine members. In selecting board members at that time, we solicited applications from people knowledgeable about recovery housing, including from affiliates, and we added two non-owners and a representative of our affiliates. (Affiliates are recovery residences that join MARR and become certified).

The board is currently seeking new members, and we have an ad hoc nominating committee. We have agreed as a board that we need people who support all pathways, people with a background or interest in recovery advocacy/housing with professional experience in law, finance, healthcare, and/or human resources, and we need to have appropriate geographic representation (not just southern Maine) As we are growing, we want to be sure we have helpful expertise on our board, geographic representation, and affiliate representation. We've established a guideline that 75% of board members have lived experience. We've reached out through several channels to ask people about their interest in serving.

Ideally, we would have completed this process by our annual meeting. (We're a little behind schedule.) All board member terms are for 3 years.

Our by-laws allow for up to 15 directors. Our goal right now is to grow to 11 members. We are in the process of changing our status from 501 C (6) to 501 C (3).

- Information on other states with respect to certification (as of 2020):
https://mhacbo.org/media/filer_public/2e/fd/2efd1a20-9558-4329-8683-0e2367cbbc2b/nationaloverviewrecoveryhousingjanuary2020.pdf
- GA rates for hotel housing (DHHS and MMA to be at the work session)

FISCAL IMPACT:

Not yet received from OFPR.