

# Legal Assistance Resource Center ❖ of Connecticut, Inc. ❖

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## H.B. 5243 -- Managers for sober houses Human Services Committee public hearing -- March 2, 2010 Testimony of Raphael L. Podolsky

Recommended Committee action: NO ACTION ON THE BILL

This bill requires each "sober house" to designate a person as "manager" to supervise the "facility." It defines a sober house as a "residential facility" providing structured living for two or more people recovering from substance abuse disorders. The manager must identify himself or herself to DMHAS and presumably identify the fact that a particular location is a sober house. It appears to us that the bill seems to misconceive the nature of sober houses and raises questions under the state and federal laws prohibiting discrimination against persons with disabilities. It is also not clear what is the purpose that would justify the bill.

- \* The bill misconceives the nature of sober houses: While different sober houses use different models, most sober houses are not "facilities" but are houses or apartments where residents with histories of substance abuse live under rules and in an atmosphere designed to promote sobriety. Sober houses are commonly self-governing and thus democratic in nature and do not necessarily have an on-site manager. Residents pay rent and are tenants. There are usually group meetings intended to reinforce sobriety, but sober houses are not treatment facilities, and the use of the term "facility" may have negative zoning law implications. If this bill moves forward, the terminology should be changed so that they are described as residences and not as facilities.
- \* Laws that single out sober houses may violate the Americans with Disabilities Act and fair housing laws. A question of violation occurs whenever different rules are applied to sober houses than are applied to other similar housing. In addition, both disability and fair housing law require reasonable accommodation for persons with disabilities. The requirements that sober houses have a manager and that they identify themselves as sober houses raise substantial questions under these two laws.
- \* The purpose of the bill is not clear: The bill seems to assume that sober houses are treatment facilities requiring a manager or that they are regulated by DMHAS. What, for example, is DMHAS supposed to do with a registration? What responsibility for the operation of a sober house is the manager supposed to have? Is there an underlying goal to create public registration of sober houses so that neighbors can learn their status? In the absence of a clear purpose, this appears to reflect a potentially discriminatory regulation based on the disability of the residents.