

Recovery House FAQs/Concerns

Concern	DDAP's response
It will be costly to bring recovery houses into compliance with regulations; will have to raise rent to pay for upgrades	DDAP is currently collaborating with DCED to obtain funding from the U.S. Department of Housing and Urban Development (HUD). This funding will allow DDAP to provide grants to recovery house owners who intend to pursue licensure and can be specifically used for brick-and-mortar upgrades to bring houses in compliance with physical plant requirements.
Not enough houses will opt into the licensure program, limiting options for individuals in need of quality housing	There is flexibility for the department to grant exceptions or extend timelines on a case-by-case basis as the licensing process unfolds.
Proposed regulations go above and beyond the taskforce recommendations	DDAP used the task force recommendations as the basis of the recovery house regulations ; the majority of the physical plant recommendations were adopted verbatim. See pages 3-6 for taskforce recommendations and citations for where they appeared in DDAP's proposed regulation; 55 out of 64 recommendations (86%) were included in the regulation.
An annual audit is too costly	<p>An audit is a requirement of Act 59 of 2017: the regulations shall include "(2) Policies and procedures for management of all funds received and expended by the drug and alcohol recovery house in accordance with standard accounting practices, including funds received from or managed on behalf of residents of the drug and alcohol recovery house." 71 P.S. 613.13(2).</p> <p>For licensed treatment facilities, DDAP currently allows audit exception requests if a provider's annual gross revenue does not exceed \$500,000 (Licensing Alert 01-11). DDAP is willing to explore a similar audit exception for recovery houses whose revenue does not exceed a certain threshold.</p>
Fires escapes are too expensive / not permitted in certain townships	<p>The proposed regulations state that a house shall "Maintain a minimum of two exits on every floor to which the residents have access, including the basement, that are separated by a minimum distance of 15 feet. Portable ladders and rope escapes at windows are not considered exits, but may be used in addition to exits." § 709.152(b)(2).</p> <p>Fire escapes are one possible safety structure. Fire ladders are another possible, and potentially less expensive, option that DDAP already accepts for our licensed residential treatment facilities. Any exterior exits above the first floor must be permanently affixed to the facility at both the top and bottom. Basements and attics not having two exits cannot be used for any reason and must be locked at all times. A secondary exit that crosses a roof needs to have a catwalk with a secure railing. DDAP is working with DCED, Labor & Industry, and PEMA to verify all possible fire safety options that are in compliance with our regulations.</p> <p>Several research studies have reported that a higher number of residents in a home is one of the factors that increases a risk for house fire the most – similar to smoking, having young children in the house, and having a building in poor condition. The purpose of providing regulations for recovery houses is to create standards for the safety and protection of this vulnerable population in Pennsylvania.</p>

Concern	DDAP's response
<p>Unclear what it means to be "ADA compliant" / cost associated with making accommodations</p>	<p>Act 59 of 2017 says that, "In order to receive and maintain licensure or certification, a drug and alcohol recovery house must be in compliance with all Federal, State and local laws, including, but not limited to, the Americans with Disabilities Act of 1990." 71 P.S. 613.18.</p> <p>"Being ADA compliant" means being able to accommodate an individual with a disability, should the need arise. For example, a house doesn't necessarily need to be wheelchair accessible up front, but if somebody who uses a wheelchair requests a "reasonable accommodation," the house should be able to make modifications for them. Facilities are not obligated to make fundamental alterations or incur undue burdens. If recovery houses have situation-specific questions about ADA compliance, they should consult legal counsel. Violations of ADA will rise to DDAP as the result of a complaint filed to the department.</p>
<p>Unclear why recovery houses will be licensed as "non-hospital residential facilities" / will lead to zoning issues and discrimination</p>	<p>Recovery houses do not provide D&A treatment and will not be licensed as treatment services. Recovery houses are just that – <i>houses</i>. If recovery houses are located in residentially-zoned areas, licensure by DDAP will not drive changes to zoning regulations that would prohibit houses from operating in those areas.</p> <p>Recovery houses will be listed under the definition of <i>inpatient nonhospital activity</i> (§ 701.1). To eliminate confusion, DDAP had removed the phrase "drug and alcohol services" as part of that definition. This change now captures the breadth of residential facilities that DDAP will be licensing, from residential treatment to community housing. DDAP was also careful to list "housing in a drug and alcohol recovery house" as a type of activity, not a "service."</p>

Requirements of Act 59 of 2017

		Where it's addressed in the regulation
Requirements of the recovery house	Inform residents of house rules, residency requirements and lease agreements	709.144(b)(2)
	Management of funds received/expended	709.138
	Criminal background checks for operators and employees	709.139(a)(7)
	No employee shall accept anything of monetary/material value from residents other than rent	709.147(b)(5)
	Safety and protection of residents	709.152
	Require resident participation in treatment and recovery supports	709.150(1)
	Require abstinence from alcohol/illicit drugs	709.150(2)
	Appropriate use and security of medication	709.146
	Fire safety	709.152(c) 709.152(d)
	Prohibit employees from requiring resident to relinquish public assistance benefits	709.147(b)
	Emergency contact notification in event of resident death	709.149
	ADA compliance	709.151
Requirements of DDAP	Managing complaints	709.154

Below are the Certified Drug and Alcohol Recovery Housing (CDARH) Taskforce recommendations submitted to DDAP in 2016. The highlighted insertions below show sections in the proposed recovery house regulation where these recommendations were adopted; 55 out of 64 recommendations (86%) were included in the regulation.

**Recovery Housing
Recommended Physical Plant Standards
Submitted to Pennsylvania Department of Drug and Alcohol Programs
Provided by Certified Drug and Alcohol Recovery Housing Taskforce
July 18, 2016**

Building exterior and grounds

A recovery house shall:

- Maintain all structures, fences and playground equipment, when applicable, on the grounds of the house so as to be free from any danger to health and safety.
- Keep the grounds of the house clean, safe, sanitary and in good repair at all times for the safety and well-being of residents, employees and visitors. The exterior of the building and the building grounds or yard shall be free of hazards. (§ 709.151(b)(1)(i))
- Keep exterior exits, stairs and walkways lighted at night. (§ 709.151(b)(1)(v))
- Store all trash, garbage and rubbish in noncombustible, covered containers that prevent the penetration of insects and rodents, and remove it, at least once every week. (§ 709.151(b)(1)(iii))

Living rooms and lounges

A recovery house shall:

- Contain at least one living room or lounge for the free and informal use of residents, their families and invited guests. The house shall maintain furnishings in a state of good repair. (§ 709.151(c)(1))

Sleeping accommodations

A recovery house shall:

- Provide to each resident in each recovery house bedroom:
 - o A bed with a solid foundation and fire retardant mattress in good repair. (§ 709.151(d)(1)(i))
 - o A pillow and bedding appropriate for the temperature in the facility. (§ 709.151(d)(1)(ii))
 - o A storage area for clothing. (§ 709.151(d)(1)(iii))
- Ensure that each shared bedroom has at least 60 square feet of floor space per resident measured wall to wall (§ 709.151(d)(1)(iv)), including space occupied by furniture. When bunk beds are used, each bedroom shall have at least 50 square feet of floor space per resident measured wall to wall. Bunk beds shall afford enough space in between each bed and the ceiling to allow a resident to sit up in bed. Bunk beds shall be equipped with a securely attached ladder capable of supporting a resident. Bunk beds shall be equipped with securely attached railings on each open side and open end of the bunk. (709.151(d)(1)(v)) Each single bedroom shall have at least 70 square feet of floor space per resident measured wall to wall (§ 709.151(d)(1)(vi)), including space occupied by furniture. A bedroom is that area enclosed by floor-to-ceiling walls. Partitions or half-walls are not recognized in defining the bedroom area.
- Limit to no more than four the number of residents sharing a bedroom.
- Ensure each bedroom has direct access to a corridor or external exit. (§ 709.151(d)(1)(vii))

In addition to the above, recovery house bedrooms must also meet the following standards.

- A bedroom may not be used as a means of egress from or access to another part of the facility. (§ 709.151(d)(2)(i))
- Sole entrances to stairways or basements may not be located in a resident's bedroom. (§ 709.151(d)(2)(ii))

- Each bedroom shall be ventilated by operable windows or have mechanical ventilation. (§ 709.151(d)(1)(viii))
- Each bedroom shall have a window with a source of natural light. (§ 709.151(d)(1)(ix))
- Bedrooms located in a basement shall meet the following requirements:
 - The bedroom shall have wall, floor and ceiling coverings such as tile, linoleum, paneling or dry wall. (§ 709.151(d)(3)(i))
 - The bedroom shall have a protective fire wall between the residents and any furnace. (§ 709.151(d)(3)(ii))
- Areas where beds can be placed must be in compliance with fire safety codes. In addition, operation of heating and cooling systems, evacuation procedures and emergency numbers must be accessible and available. (§ 709.151(b)(2)(v))

Bathrooms

A recovery house shall:

- Provide bathrooms to accommodate residents and other users of the facility. There should be at least one toilet, sink, and shower or tub (§ 709.151(e)(1)) for every eight residents.
- Provide a sink, a wall mirror, an operable soap dispenser, and either individual paper towels or a mechanical dryer in each bathroom. (§ 709.151(e)(2))
- Have hot and cold water under pressure. Hot water temperature may not exceed 120°F. (§ 709.151(e)(3))
- Provide privacy in toilets with doors and in showers and bathtubs with partitions, doors or curtains. There shall be slip-resistant surfaces in all bathtubs and showers. (§ 709.151(e)(4))
- Ensure privacy measures are followed. Open toilet stalls, including those with a curtain, and group shower rooms that do not provide individual privacy are not permitted. (§ 709.151(e)(4))
- Ensure bathrooms are safe. The bathtub and shower may have a manufactured slip-resistant surface or utilize slip-resistant mats, spray-on applications or other slip-resistant surfaces. (§ 709.151(e)(4))
- Provide for ventilation in each toilet and wash rooms, either with an exhaust fan or window. (§ 709.151(e)(5))
Windows used for ventilation need to be operable and should have screens. Exhaust fans, including those that are part of a larger ventilation system, must be operable and create a noticeable airflow.
- Provide toilet paper at each toilet at all times. (§ 709.151(e)(6))
- Maintain each bathroom in a functional, clean and sanitary manner at all times. (§ 709.151(e)(7))

Food service

A recovery house shall:

- Provide on-site a central food preparation area or kitchen in which residents prepare their own food. These areas shall be in a good state of repair with a refrigerator, sink, stove, oven and cabinet space for storage. (§ 709.151(f)(1))
- Clean and disinfect food preparation areas and appliances following each prepared meal.
- Clean all eating, drinking and cooking utensils and all food preparation areas after each usage, as well as ensuring that storage areas for foods are free of food particles, dust and dirt. (§ 709.151(f)(2))
- Store the utensils in a clean enclosed area. Pots and pans may be stored on open shelving units or hung from racks designed for that purpose. A “clean enclosed area” would refer to closets, cabinets, drawers and other enclosed areas. Utensil trays that are covered when not in use are acceptable.
- Store all food items off the floor. (§ 709.151(f)(4))

In houses that operate kitchens in which residents prepare their own meals, houses shall have policies and documented house orientation processes that address:

- Cleaning and disinfecting of food preparation areas and appliances daily, as well as ensuring that storage areas for foods are free of food particles, dust and dirt.
- Cleaning of all eating, drinking and cooking utensils and all food preparation areas daily and the storage of utensils in a clean enclosed area. Pots and pans may be stored on open shelving units or hung from racks

designed for that purpose. A “clean enclosed area” would refer to closets, cabinets, drawers and other enclosed areas. Utensil trays that are covered when not in use are acceptable.

- Storage of food.
 - All food items must be kept off the floor. (§ 709.151(f)(4))
 - Storage areas for foods are maintained free of food particles, dust and dirt. (§ 709.151(f)(2))
 - Storage of all food items off the floor. (§ 709.151(f)(4))
 - Prohibition on smoking in food preparation areas. (§ 709.151(b)(1)(iv))
- Kitchen.
 - Houses with kitchens shall include a food preparation area that is in a good state of repair with a refrigerator, a sink, a stove, an oven and cabinet space for storage. (§ 709.151(f)(1))

Heating and cooling

A recovery house shall:

- Have a heating and cooling ventilation system that is adequate to maintain an indoor temperature of at least 65°F in the winter. (§ 709.151(g)(1)) When indoor temperatures exceed 90°F (§ 709.151(g)(1)), mechanical ventilation such as fans or air conditioning shall be provided by house operator or owner.

General safety and emergency procedures

A recovery house shall:

- Be free of rodent and insect infestation. Owner or operator will take all action to eradicate such infestations if and when they occur. (§ 709.151(b)(1)(iii))
- Require that pets housed in the recovery house are cared for in a safe and sanitary manner, including proper vaccinations and licensing.
- Limit smoking to designated smoking areas, typically outside of house. (§ 709.151(b)(1)(iv))
- Provide written procedures for residents to follow in case of an emergency, which shall include provisions for:
 - The evacuation and transfer of residents and staff to a safe location. (§ 709.152(a)(1))
 - Assignments of staff during emergencies. (§ 709.152(a)(2))
 - Notification of the Pennsylvania Department of Drug and Alcohol Programs (DDAP) or its designee within 48 hours of a fire, other disaster or situation which affects the continuation of services. (§ 709.152(a)(4))

Fire safety

A recovery house shall:

- Ensure that stairways, hallways and exits from rooms and from the recovery house are unobstructed. Exits must be unobstructed and operable at all times. (§ 709.152(b)(1))
- Maintain a minimum of two exits on every floor, including the basement, that are separated by a minimum distance of 15 feet. (§ 709.152(b)(2)) Basements and attics not having two exits cannot be used for any reason and must be locked at all times. Operable portable ladders and rope escapes may not be used as standard exits. (§ 709.152(b)(2))
- Ensure that any secondary exit that crosses a roof has a catwalk with a secure railing.
- Maintain each ramp, interior stairway and outside steps exceeding two steps with a well-secured handrail and maintain each porch that has over an 18-inch drop with a well-secured railing. (§ 709.152(b)(3))
- Clearly indicate exits by the use of signs. (§ 709.152(b)(4))
- Light interior exits and stairs at all times. (§ 709.152(b)(5))

Smoke detectors and fire alarms

A recovery house shall:

- Maintain a minimum of one operable smoke detector on each floor, including the basement and attic. (§ 709.152(c)(1)(i))
- On floors with resident bedrooms, maintain a smoke detector that shall be located within 15 feet of each bedroom door. (§ 709.152(c)(1)(ii)) On floors with no resident bedrooms, the smoke detection device shall be located in a common area or hallway.
- Repair inoperable smoke detectors or fire alarms within 48 hours of the time the detector or alarm is found to be inoperative. (§ 709.152(c)(1)(iii))
- Maintain automatic smoke detectors and fire alarms of a type approved by the Department of Labor and Industry or by the Underwriters Laboratories. (§ 709.152(c)(2)(i))
- Maintain all smoke detectors and fire alarms so that each person with a hearing impairment will be alerted in the event of a fire, if one or more residents or staff persons are not able to hear the smoke detector or fire alarm system.
- Carbon monoxide detectors shall be utilized in houses that have heating systems in which carbon monoxide is a byproduct of the heating system and houses with attached garages. The carbon monoxide detector will be located within 15 feet of the carbon monoxide source, audible to house residents and maintained in an operational state. (§ 709.152(c)(1)(iv))

Fire extinguishers

A recovery house shall:

- Maintain a portable fire extinguisher with a minimum of an ABC rating. A fire extinguisher shall be located on each floor. If there is more than 2,000 square feet of floor space on a floor, the recovery house shall maintain an additional fire extinguisher for each 2,000 square feet or fraction thereof. All extinguishers should be wall mounted, visible and easily accessible. Basements and attics, except attic crawlspaces, require fire extinguisher(s). (§ 709.152(d)(1))
- Maintain at least one portable fire extinguisher with a minimum of an ABC rating in each kitchen. (§ 709.152(d)(2))
 - This fire extinguisher shall meet the requirement of one portable fire extinguisher for a 2,000 square foot area.
 - The extinguisher shall be located near an exit and away from the cooking area. (§ 709.152(d)(2))
- Ensure fire extinguishers are inspected and approved annually by the local fire department or fire extinguisher company. The date of the inspection shall be indicated on the extinguisher or inspection tag. If a fire extinguisher is found to be inoperable, it shall be replaced or repaired within 48 hours of the time it was found to be inoperable. (§ 709.152(d)(3))
- Instruct all residents in the use of the fire extinguishers to be documented as part of orientation, including location and proper use of a fire extinguisher. This instruction shall be documented by the house.

Fire drills

A recovery house shall:

- Have a written policy in place on fire safety, including resident orientation to the house fire safety plan; house evacuation procedures to be used during a fire or as part of regular fire drills; and the maintenance of records on fire drills and fire safety procedures within the house.
- Conduct unannounced fire drills at least once every 90 days.
 - All occupants of the recovery house must evacuate during each drill.
 - It is recommended that house operators or owners consult with a fire safety expert to determine an acceptable evacuation time for their building(s). This time should be specified in writing.