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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **2493**

May 17, 2007

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The bill was read for the first time and referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to human services; regulating sober houses; amending Minnesota
1.3 Statutes 2006, sections 504B.001, subdivision 7; 626.5572, subdivision 6;
1.4 proposing coding for new law in Minnesota Statutes, chapters 254A; 462; 504B.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[254A.087] SOBER HOUSES.**

1.7 Subdivision 1. **Definition.** "Sober house" is defined as a cooperative living
1.8 residence, a room and board residence, an apartment, or any other living accommodation
1.9 that:

1.10 (1) provides temporary housing to persons with alcohol or other drug dependency or
1.11 abuse problems in exchange for compensation;

1.12 (2) stipulates residents must abstain from using alcohol or drugs and meet other
1.13 requirements as a condition of living in the residence; and

1.14 (3) does not provide counseling or treatment services to the residents.

1.15 Subd. 2. **Provision of counseling services.** Persons with alcohol or drug
1.16 dependency or abuse problems residing in sober houses shall be:

1.17 (1) provided with counseling and related services by alcohol and drug counselors
1.18 licensed under chapter 148C; or

1.19 (2) referred by the sober house to counseling and related services provided by
1.20 alcohol and drug counselors licensed under chapter 148C.

1.21 Subd. 3. **Notice; alternative living arrangements; referral for counseling.**

1.22 Persons with alcohol or drug dependency or abuse problems receiving residential services
1.23 shall be:

2.1 (1) provided with 48 hours written notice prior to discharge or termination of
 2.2 services, stating the reason for discharge and proposed alternative living arrangements as
 2.3 recommended by an assessment under Minnesota Rules, parts 9530.6600 to 9530.6660;

2.4 (2) provided alternative living arrangements to meet their needs as recommended by
 2.5 an assessment under Minnesota Rules, parts 9530.6600 to 9530.6660, if discharge from the
 2.6 program must occur prior to the expiration of 48 hours is deemed necessary by the facility;

2.7 (3) provided with information in writing who to contact to appeal the proposed
 2.8 discharge; and

2.9 (4) informed of their right to request that designated individuals receive immediate
 2.10 notice of the proposed discharge by telephone, fax, or other means of communication.

2.11 Weekends and legal holidays are excluded when calculating the 48 hours notice.

2.12 Subd. 4. **Services by licensed providers.** (a) Residential or outpatient facilities
 2.13 licensed under chapter 245A shall only refer persons with alcohol or drug dependency or
 2.14 abuse problems, or their family members or others affected by the person's dependency or
 2.15 abuse, to persons licensed under chapter 148C or to facilities licensed under chapter 245A.

2.16 (b) If a referring facility has an economic interest in the referral, this interest shall be
 2.17 disclosed in writing and two alternative referrals shall be provided.

2.18 (c) Organizations and groups that do not receive compensation for their services,
 2.19 such as 12-step programs, are excluded from the requirements of this subdivision.

2.20 **Sec. 2. ~~[462.175]~~ SOBER HOUSES.**

2.21 Notwithstanding any law to the contrary, sober houses, as defined in section
 2.22 254A.087, are subject to the requirements of this chapter and any lawful zoning,
 2.23 subdivision, building code, density, occupancy, or other real estate use law, ordinance,
 2.24 charter provision, or regulation adopted by a state or local unit of government to promote
 2.25 the public health, safety, and general welfare.

2.26 **Sec. 3.** Minnesota Statutes 2006, section 504B.001, subdivision 7, is amended to read:

2.27 **Subd. 7. **Landlord.**** "Landlord" means an owner of real property, a contract for deed
 2.28 vendee, receiver, executor, trustee, lessee, agent, or other person directly or indirectly in
 2.29 control of rental property or sober house, as defined in section 254A.087.

2.30 **Sec. 4. ~~[504B.392]~~ WAIVER OF TENANT RIGHTS; REMEDIES.**

2.31 Subdivision 1. **Waiver prohibited.** It shall be unlawful for any landlord to include
 2.32 in a lease, a provision that requires a tenant to waive or modify any rights or remedies
 2.33 provided by state law or local ordinance. An attempted waiver or modification by a

3.1 landlord and tenant, by contract or otherwise, is contrary to public policy and shall be
3.2 void and unenforceable.

3.3 Subd. 2. **Attorney general; authority.** The attorney general has authority under
3.4 section 8.31 to investigate and prosecute violations of this section.

3.5 Sec. 5. Minnesota Statutes 2006, section 626.5572, subdivision 6, is amended to read:

3.6 Subd. 6. **Facility.** (a) "Facility" means a hospital or other entity required to be
3.7 licensed under sections 144.50 to 144.58; a nursing home required to be licensed to
3.8 serve adults under section 144A.02; a residential or nonresidential facility required to
3.9 be licensed to serve adults under sections 245A.01 to 245A.16; a home care provider
3.10 licensed or required to be licensed under section 144A.46; a hospice provider licensed
3.11 under sections 144A.75 to 144A.755; a sober house under section 254A.087, or a person
3.12 or organization that exclusively offers, provides, or arranges for personal care assistant
3.13 services under the medical assistance program as authorized under sections 256B.04,
3.14 subdivision 16, 256B.0625, subdivision 19a, 256B.0651, and 256B.0653 to 256B.0656.

3.15 (b) For home care providers and personal care attendants, the term "facility" refers
3.16 to the provider or person or organization that exclusively offers, provides, or arranges for
3.17 personal care services, and does not refer to the client's home or other location at which
3.18 services are rendered.

3.19 Sec. 6. **SOBER HOUSE WORKING GROUP; MEMBERSHIP.**

3.20 (a) There is created a sober house working group composed of the following
3.21 members:

3.22 (1) the commissioner of human services or the commissioner's designee;

3.23 (2) the commissioner of health or the commissioner's designee;

3.24 (3) the director of the Housing Finance Agency or the director's designee; and

3.25 (4) the commissioner of public safety or the commissioner's designee.

3.26 (b) The working group created in paragraph (a) is directed to study issues related to
3.27 sober houses, as they are defined in Minnesota Statutes, section 254A.087, and determine
3.28 whether state licensing or other regulation is appropriate. The working group shall submit
3.29 a report of its findings and recommendations to the legislature by January 1, 2008.