

115TH CONGRESS  
2D SESSION

# H. R. 5724

To amend the Fair Housing Act to clarify the applicability of that Act to recovery facilities, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2018

Mr. ROHRBACHER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To amend the Fair Housing Act to clarify the applicability of that Act to recovery facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring Community  
5 Oversight of Sober Living Homes Act of 2018”.

6 **SEC. 2. ZONING AND LICENSING OF RECOVERY FACILITIES.**

7 Section 807 of the Fair Housing Act (42 U.S.C.  
8 3607) is amended by adding at the end the following:

1       “(c) Nothing in this title or any other Federal law  
2 relating to protections for those with disabilities prohibits  
3 any State or local government from implementing laws,  
4 regulations, or ordinances that apply specifically to recov-  
5 ery facilities located in residentially zoned areas, including  
6 a law, regulation, or ordinance which prohibits recovery  
7 facilities in residentially zoned areas.”.

8 **SEC. 3. FAIR HOUSING ACT DEFINITIONS.**

9       Section 802 of the Fair Housing Act (42 U.S.C.  
10 3602) is amended—

11           (1) in subsection (b), by inserting before the pe-  
12 riod at the end the following: “, except that such  
13 term does not include any building, structure, or  
14 portion thereof that is located in a residentially  
15 zoned area and is used as a recovery facility”; and

16           (2) by adding at the end the following:

17       “(p) ‘Recovery facility’ means a building, structure,  
18 or portion thereof that is occupied by a person who is  
19 handicapped due to drug addiction or alcoholism, and for  
20 which a condition of such occupancy of such building,  
21 structure, or portion thereof is that it remains free of con-  
22 trolled substances and alcohol.”.

1 **SEC. 4. REQUIREMENTS FOR RECOVERY FACILITIES AS A**  
2 **CONDITION FOR CERTAIN FEDERAL FUND-**  
3 **ING.**

4 (a) IN GENERAL.—A recovery facility in a residential  
5 zone may not receive direct or indirect payments or reim-  
6 bursements or other remunerations from a Federal health  
7 care program unless—

8 (1) the recovery facility is in compliance with  
9 State and local laws, regulations, or ordinances that  
10 apply within the zone where the recovery facility is  
11 located; and

12 (2) the local government with jurisdiction over  
13 the zone in which the recovery facility is located cer-  
14 tifies to the Secretary of Health and Human Serv-  
15 ices that the recovery facility is in compliance with  
16 State and local laws, regulations, or ordinances that  
17 apply within the zone where the recovery facility is  
18 located.

19 (b) DEFINITIONS.—In this section:

20 (1) FEDERAL HEALTH CARE PROGRAM.—The  
21 term “Federal health care program” has the mean-  
22 ing given such term in section 1128B(f) of the So-  
23 cial Security Act (42 U.S.C. 1320a7b(f)).

24 (2) RECOVERY FACILITY.—The term “recovery  
25 facility” has the meaning given such term in section

1 802 of the Fair Housing Act (42 U.S.C. 3602), as  
2 amended by section 3.

3 **SEC. 5. REMOVING SUBSTANCE USE DISORDER SERVICES**  
4 **AS AN ESSENTIAL HEALTH BENEFIT.**

5 Section 1302(b)(1)(E) of the Patient Protection and  
6 Affordable Care Act (42 U.S.C. 18022(b)(1)(E)) is  
7 amended by striking “and substance use disorder”.

8 **SEC. 6. EFFECTIVE DATE.**

9 This Act, and the amendments made by this Act,  
10 shall take effect on the date that is 90 days after the date  
11 of the enactment of this Act.

○