

**TOWN COUNCIL MINUTES
PUBLIC SAFETY COMMITTEE
Town Hall Council Chambers
October 3, 2016, Monday**

Present: Thomas J. Lacey, Chairman
Arthur Mathews, Vice Chairman
Michael Smart, Councilor
Patrick O'Connor, Councilor
Ed Harrington, Councilor

Also Present: Brian Connolly, Chief Financial Officer
Joseph Callanan, Town Solicitor
Richard Grimes, Chief, Police Dept.
Keith Stark, Chief, Fire Dept.
Robert Luongo, Director, Planning Dept.
Dan McCormack, Director, Health Dept.
Paul Williams, Drug-Free Grant Coordinator, Health Dept.
Jeff Richards, Director, Building Dept.

Recording Secretary: Mary Barker

Chairman Lacey called the meeting to order at 6:00 PM.

**Issue-Discussion and Update from Mayor Hedlund's Administration on
Rehabilitation/Residential Homes in Weymouth-Cathy Torrey**

Chairman Lacey reported that this matter was referred to the Public Safety Committee on September 19, 2016. Resident Cathy Torrey brought her concerns forward and she is present to update her information. Representatives from the Administration are also present and then he will open the discussion up for dialogue. It is a new situation but is growing quickly. Ms. Torrey was invited to the table to recap the presentation she brought before the Council. Ms. Torrey reiterated her concern with the ease in which sober houses are able to be created. The homeowner can declare it a sober house and it is not subject to multi-unit housing zoning or parking. She attended a meeting in June at the State House and she noted that monitoring laws have not been passed. She spoke with public safety officials. They are not aware of the locations, and their response to a call to one of these homes might have a different response protocol than to a single family home. It may not be safe for residents or the first responders.

One concern that was raised is that certification is voluntary. The State only requires that a home be certified for court referral. The state allows ten men per one bathroom in a sober home or eight women and one bathroom. If each resident has a car, the parking becomes an issue. The bigger issue is that they do not have to be monitored. Group homes in Weymouth do not need to be monitored by educational or health officials. A

resident is required to remain clean and sober to stay in the home, but there is no real way to monitor this.

Chairman Lacey noted the attendance by public safety officials. Each of the committee members has researched the item. There is currently an overwhelming need for space and beds for those seeking rehabilitation. The council's role is to make sure as leaders that they are educated about the laws and the rights of the neighbors and residents of these homes. Ms. Torrey responded that as an individual, it is difficult to approach the state. She is hoping that as a community, they can have some control over the situation; not to keep them out, but to monitor for everyone's benefit. Chairman Lacey noted that they are aware there are different situations and different levels of support in the homes.

Councilor O'Connor thanked Ms. Torrey for the time she has put into this. His office at the state house has been working on this item. The only incentive to being licensed is that they get referrals. If they fail inspection, they don't get referrals. Ms. Torrey responded that this doesn't preclude them from taking in clients; it just means they aren't certified and would not get them as court referrals. Councilor O'Connor noted that there is no penalty for not having or failing a DPH inspection. There is one home in North Weymouth and one pending licensing. There are 35 unlicensed, and 76 certified across the state. No sober home in Massachusetts receives direct funding from the state; they could get insurance reimbursement as it is a private business.

Councilor Mathews requested further clarification on statistics. He asked if bathroom ratio is the only qualification or if square footage matters. Ms. Torrey noted that it's a business model; not a medical model.

Paul Williams, Drug Free Grant Coordinator in the Health Department, and Solicitor Callanan were invited to the table to provide an update. Mr. Williams provided an overview of the certification process. A sober living requires alcohol and drug free living. There is no formal treatment but clients are strongly encouraged to follow a 12-step program. There is a state-wide move and many of the coalitions are pushing for certification, but it is voluntary. State agencies and vendors can only refer to certified programs. Application, mandatory training and inspection for certification for interested parties are referred to MashSoberhousing.org

Chairman Lacey asked about the financial model; he asked if there is significant opportunity to make money off of it. Mr. Williams responded that it is like other substance abuse treatment models; if it is reimbursed by insurance, it's very limited and is up to 90-days.

Councilor Smart asked if the treatment curriculum would need to be approved by the town? Mr. Williams responded that there are state approvals but none with the town. They are not required to submit their program guidelines to the state.

Councilor O'Connor noted that although it is not a requirement, they are strongly encouraged to provide service to the residents. They can push to get as many certified as

possible, but it's just for referrals. It has nothing to do with regulating. Mr. Williams responded that if a sober home wants referrals, it would get certified. If it is not certified, they are free to do what they want.

Chairman Lacey noted that his sense is that there is a huge gap from a local perspective, in regulatory, accountability and who owns checks and balances. Mr. Williams responded that he agreed, to a certain extent. As an advocate for recovery, they need to be cognizant of the fact that this is a disability. Chairman Lacey concurred. The seated committee was created in response to the need. He supports the efforts and are aligned with that, but it seems that there is a lot of learning as they proceed. It seems there are organizations that were created for the oversight but how close are they and it questions the accountability. Mr. Williams responded that after 15 years working in this field, this situation is at crisis level. In terms of oversight; who benefits? Chairman Lacey noted that with the haste volume in which these programs are growing; here and in other communities; there needs to be checks and balances. It is however, good to hear the organizations are well thought of.

Councilor Lacey asked Solicitor Callanan to provide a legal perspective of this issue. Atty. Callanan responded that it is hard for the town to regulate houses differently than homes and must consider discrimination laws and protections in place. Families, the disabled, and now sober houses are classified as disabled and have federal and state protection. In state, understandable standard applies. The town can't apply to disabled what it wouldn't to a family. It can't impose restrictions on a sober house that it wouldn't be able to do to a family. Vehicle parking in a driveway is protected. If it's on the street, it can be ticketed and they have done it. Enforcement is on a case-by-case basis. Number of people allowed in a dwelling is driven by the building code and the Fire code as well. They must apply the same standard as would to a private family dwelling, and can't pass an ordinance that prevents them if the building code does.

Chairman Lacey asked if the town has any additional inspectional jurisdiction in a sober house. Is there any different inspection criteria? Solicitor Callanan responded that there are certified vs. uncertified. They could treat as same size family; it doesn't matter. Mr. Williams doesn't recommend uncertified, but it is not a requirement so the town can't impose if the state doesn't. Solicitor Callanan noted the list Councilor O'Connor cited is discriminatory. There are about 30 congregate housing units in town; not all are sober housing. He is unsure if the correct number would be 30 houses or 30 beds. Councilor O'Connor responded that according to his sources at the Bureau of Substance Abuse, there are 35 houses. Solicitor Callanan responded that he is surprised the number is that high.

Councilor Smart asked about the permitting process and whether it is subject to the same water consumption restrictions as a single family home. Solicitor Callanan responded that code requirements would apply. If they are altering without permits, then it becomes an enforceability issue.

Councilor Harrington noted that residences are subject to the same code as every other resident and nothing more. Solicitor Callanan read the state law regarding discrimination. This applies to non-congregate living arrangements. Councilor Harrington asked if it is subject to the same zoning as a rooming house to a lodging house would be and with no notice to neighbors or to the town. Solicitor Callanan responded that all of these fall under the same protection under the law. Their estimates- they are not allowed to keep statistics- includes several types. Councilor Harrington noted that a group home that opened in his district had also garnered neighborhood concerns. They are residents and have the same rights as any other. Solicitor Callanan noted that it is understandable that people would be concerned, but the concerns can be addressed. They can't treat them in any discriminatory fashion.

Chairman Lacey asked about legislation. Mr. Williams responded that he believed the only thing on the books is the Acts of 2014. Councilor Lacey noted that in the state budget the only reference was to the certification.

Chairman Lacey noted that it is not certified or licensed, and there is no action or oversight to its operation. It's a transient population. Solicitor Callanan noted that Air B&B's are not regulated in Weymouth. Chairman Lacey asked if the committee would recommend advocating sending correspondence to the state around regulation of the activity by the state. Solicitor Callanan suggested they could go further and write to every health insurer to urge coverage only to certified homes. They can use the industry itself and push to get all operators in Weymouth certified. He urged public advocacy rather than ordinances. Mr. Williams echoed advocacy efforts with the state and a push for health integration.

A motion was made by Councilor Lacey to forward this issue to the full Town Council with a recommendation for favorable action; to work with administration in developing correspondence to the appropriate state agencies for support to local advocacy for licensing, regulation and was seconded by Councilor O'Connor. He thanked Ms. Torrey for bringing the matter forward and discussion participants. UNANIMOUSLY VOTED.

ADJOURNMENT

At 7:06 PM, there being no further business, a MOTION was made by Councilor Smart to adjourn and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Chairman Thomas J. Lacey/ Public Safety Committee
Voted unanimously on 17 October 2016