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# Congress of the United States

## House of Representatives

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June 28, 2016

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Attorney General Loretta Lynch  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Attorney General Lynch:

Sober homes are group homes for individuals recovering from drug and alcohol addiction. A sober home's purpose is to help addicts who have completed addiction treatment to transition back to residential life in a community environment, so that they can begin to assimilate into the community. The homes do not provide treatment.

In recent years, there has been a large increase in the number of sober homes across the country, concentrating in certain cities and neighborhoods and causing problems for sober home residents, neighbors, and local and state governments. For example, Delray Beach, Florida reports that it has approximately eight-hundred sober homes within its city limits. Similar situations exist in other South Florida cities and in cities in Utah, California, Ohio, New York, Connecticut, Minnesota, and Arizona, among various other states. This concentration of sober homes is changing the character of residential communities and undermining the benefit of recovering addicts looking to live in a neighborhood community, rather than in an institutionalized environment. The Consortium for Citizens with Disabilities wrote in January 2016 that such "clustering [of] congregate housing for people with disabilities into particular neighborhoods runs contrary to the policy of community integration."

The rapid growth of the sober home industry has also allowed predatory and unscrupulous operators to run facilities that fail to adequately serve their clients, harming those in recovery and often leading to further drug abuse, homelessness, and even death. Local newspapers in cities with a concentration of sober homes are filled with stories about overdoses, poor living conditions, and addicts being kicked out onto the streets. Furthermore, as a result of virtually no government oversight of these facilities, there are growing reports of sober home operators taking part in insurance fraud and illegal kickback schemes. This has resulted in several FBI raids of sober home facilities and even a national insurance provider, Cigna, leaving Florida's insurance exchange, specifically citing fraud in the sober home industry as its reason for ending its presence in the state.

States and local governments have attempted to address this issue, but they are hamstrung by current interpretation of federal law. The Americans with Disabilities Amendments Act (“ADAA”) and its accompanying regulations define “disability” to include alcoholism and drug addiction. The Fair Housing Amendments Act (“FHAA”) makes it unlawful for cities to pass and enforce housing laws on the basis of disability status, including addiction. Consequently, sober home operators have been able to avoid state and local regulation of their properties and successfully fight regulations in court by hiding behind the ADAA and FHAA.

With this in mind, we ask the following:

1. How does the Department of Justice (“DOJ”) define a sober home?
  - a. Under current DOJ guidance, does such a residence remain a sober home if—
    - i. Alcohol is consumed or on the property?
    - ii. Controlled substances are illegally consumed or stored on the property?
    - iii. If no, would such home be eligible to be classified as a sober home in the future?
  - b. Does a sober home provide medical treatment?
2. Under current DOJ guidance, does the FHA or ADA prohibit local, state or federal government bodies from—
  - a. Limiting by law, regulation or ordinance the number of sober homes within a particular neighborhood, if the limitation—
    - i. Is the minimum necessary to preserve the residential nature of a neighborhood?
    - ii. Allows for a reasonable number of sober homes based on a formula related to the number of residences and the size of the neighborhood?
    - iii. Prohibits a maximum limit on the number of sober homes?
  - b. Requiring that a sober home and its owner or operator —
    - i. Obtain a license or permit?  
  
Meet a set of consumer protection standards?  
  
Register with a governmental authority?

Thank you for your attention to this critically important issue. Please have your staff respond to John Coleman at (202) 225-2825 no later than July 12, 2016.

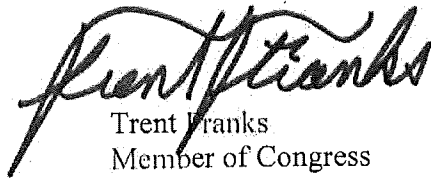
Sincerely,



Bob Goodlatte  
Chairman  
House Committee on the Judiciary



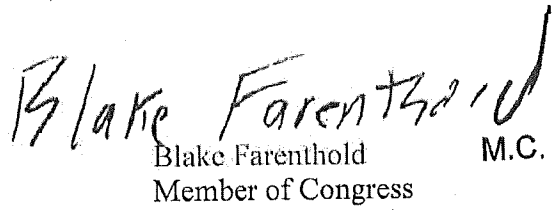
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