



RECOVERY HOUSING BEST PRACTICES

# HOW TO PREVENT MAT-RELATED DISCRIMINATION

HELPFUL TIPS FROM THE FLETCHER GROUP RCOE

## THE LAW AND YOU

Two far-reaching federal acts—the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA)—protect people with disabilities from discrimination. The ADA may apply to Recovery Houses that receive governmental funding and the FHA may apply to all forms of Recovery Housing. Both the ADA and the FHA consider Alcohol or Substance Use Disorder to be a disability.

Violating these Acts may subject Recovery Housing owners and operators to investigations of discrimination and legal action.

The information in this document is designed to help you understand and honor your legal obligations as you serve individuals in recovery, particularly those who are receiving Medication-Assisted Treatment (MAT) administered as part of a Medication-Assisted Recovery program.

### WHAT YOU NEED TO KNOW

To protect your RH  
from accusations of  
discrimination

# REQUIREMENTS

The Fair Housing Act (FHA) prohibits housing providers—such as landlords, real estate companies, municipalities, lending institutions, and homeowner insurance companies—from discrimination based on race, religion, sex, national origin, familial status, or disability. The Americans with Disabilities Act (ADA) applies to Recovery Residences receiving state, local, or federal financial assistance.

A person with a disability, as defined by the ADA and FHA, is someone with a physical or mental impairment that substantially limits one or more major life activities. This definition includes people with a Substance Use Disorder.

## *Your MAT Obligations*

The Fair Housing Act and the Americans with Disabilities Act stipulate that housing cannot be denied on the basis of MAT status and that "reasonable accommodations" must be provided for residents taking MAT. Such provisions may include provisions for secure medication storage, guidelines for safely taking the medication, and whatever additional support is needed to safeguard the individual's pathway to recovery.

## *Specific Violations*

- The housing provider cannot advertise, print, publish, or otherwise indicate a preference for those individuals *not engaged* in Medication-Assisted Treatment (42 U.S. Code § 3604(c)).



- The housing provider may not tell an individual engaged in Medication-Assisted Treatment that the dwelling is not available when it is in fact available (42 U.S. Code § 3604(d)).
- The housing provider cannot refuse to rent, or make unavailable, or deny a dwelling to someone because of a disability recognized under the ADA (42 U.S. Code § 3604(f)(1)).
- The housing provider may not discriminate against an individual residing in the dwelling in regard to terms, conditions, or privileges on the basis of a disability covered under the ADA, such as Medication-Assisted Recovery (42 U.S. Code § 3604(f)(2)).

# PENALTIES

If reasonable accommodations are not provided, your Recovery Residence may be ruled out of compliance with the FHA and/or the ADA and could be open to investigations from the Department of Justice. This could prove costly to your Recovery House.

## *Legal Advice*

The Fletcher Group Rural Center Of Excellence is dedicated to providing accurate, up-to-date information on all topics affecting Recovery Housing. Laws change frequently, however, at the local, state, and federal levels so it is wise to consult your attorney or other appropriate professionals for specific legal advice.

## *Resources*

Below is a list of resources for Recovery Housing Operators who need additional help or advice to avoid discriminative practices.

For Mental and Substance Use Disorder Treatment for People With Physical and Cognitive Disabilities:  
[https://store.samhsa.gov/sites/default/files/d7/priv/pep19-02-00-002\\_508\\_022620.pdf](https://store.samhsa.gov/sites/default/files/d7/priv/pep19-02-00-002_508_022620.pdf)

To See NARR's Guidelines for Handling Medication-Assisted Recovery:  
[https://www.thenationalcouncil.org/wp-content/uploads/2013/05/3.18.19NARR-C4-NCBH\\_MAR-RH-Brief.pdf?daf=375ateTbd56](https://www.thenationalcouncil.org/wp-content/uploads/2013/05/3.18.19NARR-C4-NCBH_MAR-RH-Brief.pdf?daf=375ateTbd56)



To Contact Your Local State or National NARR Affiliate: <https://narronline.org>.

To Get Legal Assistance from HUD's Office of General Counsel:  
[https://www.hud.gov/program\\_offices/general\\_counsel](https://www.hud.gov/program_offices/general_counsel)

To Learn More About the Complaint and Investigation Process:  
[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/complaint-process](https://www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process)

To Learn More about the Fletcher Group Rural Center Of Excellence:  
<https://www.fletchergroup.org>