

Planning Commission Staff Report

File #3SI24- SI-RA-000498-2024

**Consideration of a Reasonable Accommodation
Request for a Recovery Residence at 5257 S. 3600
W., in Taylorsville, Utah.**



Department of Community Development

Meeting Date:	January 14, 2025
Agenda Item:	Consideration of a Reasonable Accommodation Request for a Recovery Residence at 5257 S. 3600 W., in Taylorsville, Utah.
Subject Property Address:	5257 S. 3600 W.
Applicant:	Cold Spring Real Estate Holding, LLC
Applicant Agent:	Cate Ockey
Author:	Terryne Bergeson, Planner I
Zoning Designation:	R-1-8
General Plan Designation:	Low Density Residential
Parcel #:	21084510060000
Applicable Ordinances:	13.03.030, 13.11.070, 13.20.050, 13.36.190
Agenda item #:	7

Attachments:

Exhibit A: Zoning Map
Exhibit B: General Plan Map
Exhibit C: Site Map
Exhibit D: Vicinity Map
Exhibit E: Owner Affidavit

Exhibit F: Letter of Intent
Exhibit G: Review Requirements Response
Exhibit H: Floor Plans
Exhibit I: Reasonable Accommodation Request
Exhibit J: Recovery Residence Rule

Summary:

Cate Ockey has power of attorney for and has submitted applications on behalf of Cold Spring Real Estate Holding LLC, property owner of the single-family property located at 5257 S. 3600 W. A single-family rental license was issued for the home in June 2023. At that time the applicant was informed that a single-family home may house one family of related individuals, or up to four (4) unrelated adults. The applicant informed staff that she was working with the Department of Health and Human services to certify the residence as a recovery residence in order to provide support and housing to persons recovering from substance use disorder. Substance use disorder is recognized as a disability and therefore subject to standards for residential facilities for persons with a disability in Taylorsville Municipal Code [§13.11.070](#). The applicant has submitted the required documents with a reasonable accommodation request that the limit of unrelated individuals residing in the home be increased from four (4) to nine (9).

Adjacent Land Uses

North	South	East	West
R-1-8 Single-family rental	R-1-8 Single-family residence	R-1-8 Single-family residence	R-1-7 Single-family residence

Public Comment

This application does not have any requirements for public noticing or a public hearing.

Analysis

Land Development Code

A rental license was issued for the property so that the home could be occupied as a single-family rental unit while the owners worked through the process of obtaining a state-issued recovery residence certificate. A single-family rental license allows a home to be rented to one family or up to four unrelated adults, per the definition of family in [§13.36.070](#):

FAMILY:

A. Groupings: A person living alone or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities...

2. Three (3) or fewer unrelated people; or¹...

B. Exceptions...

2. Any reasonable accommodation granted by the Taylorsville planning commission pertaining to a residential facility for elderly persons or persons with a disability.

The applicant is still working with the state to obtain the recovery residence certification. The governing section from Utah State Code, including housing accommodation ratios and administrative requirements are provided in Exhibit J. Recovery residences are certified by the Department of Health and Human Services, defined in Utah State Code [§ 26B-2-101](#) as follows:

¹ Preempted by Utah State Code [§10-9a-505.5](#) which states that a municipality without a university may not limit occupancy to less than four.

(38) (a) *"Recovery residence" means a home, residence, or facility that meets at least two of the following requirements:*

(i) provides a supervised living environment for individuals recovering from a substance use disorder;

(ii) provides a living environment in which more than half of the individuals in the residence are recovering from a substance use disorder;

(iii) provides or arranges for residents to receive services related to the resident's recovery from a substance use disorder, either on or off site;

(iv) is held out as a living environment in which individuals recovering from substance abuse disorders live together to encourage continued sobriety; or

(v) (A) receives public funding; or

(B) is run as a business venture, either for-profit or not-for-profit.

(b) "Recovery residence" does not mean:

(i) a residential treatment program;

(ii) residential support program; or

(iii) a home, residence, or facility, in which:

(A) residents, by a majority vote of the residents, establish, implement, and enforce policies governing the living environment, including the manner in which applications for residence are approved and the manner in which residents are expelled;

(B) residents equitably share rent and housing-related expenses; and

(C) a landlord, owner, or operator does not receive compensation, other than fair market rental income, for establishing, implementing, or enforcing policies governing the living environment.

As mentioned, city-specific standards for a recovery residence are outlined in the [§13.11.070](#) Residential Facilities for People with a Disability. Exhibits include required documents and information listed in §13.11.070(E). The property is not used for a treatment program but allows recent graduates of substance abuse treatment programs to live at the home so long as they comply with house rules. In Exhibit G the applicant states that residents live at the property for approximately 90 days where they have positive peer support to practice social, housekeeping and daily living habits while building a sober life. The business employs three off-site employees who do not reside at the home.

Development standards in §13.11.070(F) state that the facility is subject to the same parking requirements as similar structures in that zone. The property currently has two off-street spaces and two-car garage- the minimum requirement for a single-family home in this single-family residential zone. Residents' situations vary as they move in, and some may have a personal vehicle while others may not. There are plans to add additional pavement according to the limits in city code to accommodate more off-street spaces. Staff has analyzed the property with the applicant and determined that the south side yard is large enough to provide access to the rear yard which could be up to 1,800 SF of pavement and still comply with paved surface limits in city code.

For the interior, there are not resident to bedroom area ratios, but the property does provide the state-required bathroom ratio (Exhibit H, J). §13.11.070(F) also states that a number of residents exceeding family definition may occupy the property with the approval of a reasonable accommodation. The applicant states that more than four residents need to live in the home to share expenses, duties, and provide peer support. The applicable section in city code states that an increase in occupants requires the Planning Commission consider a request for a reasonable accommodation. The following statement was provided as the basis for request:

With the good neighbor act it has become increasing harder for people with addictions as well as felonies to find affordable housing. Affordable housing is hard for people who don't have a felony. The 9 beds not only make the rents low enough that people under the median income level can afford it. But it also allows for better distribution of household responsibilities. In a group home setting each individual is responsible for a weekly chore whether it is cooking dinner or cleaning up after. Everyone has a different job. They live as 1 unit. They learn these homemaking skills and share them all with their family house mates. Connection and peer support are big components to long term recovery and the family home setting provides this for needed support...

The applicable sections provides the following criteria for reasonable accommodation requests:

13.11.070(G)(4) *Prohibited Accommodations: The requested accommodation must relate to the use of the property so that it may be enjoyed as other similarly situated properties... An accommodation cannot be granted to... increase the profitability of the facility, or increase the maximum number of unrelated occupants above eight (8) plus two (2) additional persons acting as house parents or guardians.*

13.39.190 *REASONABLE ACCOMMODATION: A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition:*

A. "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.

B. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.

C. "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.

Planning Commission should review the letter of intent, business operation descriptions, floor plans, and state requirements to make a determination for the request to increase the number of unrelated adults from four (4) to nine (9). Upon a determination by the Planning Commission, the applicant will continue working with the state to receive the recovery residence certificate by showing compliance with all standards in Exhibit J. The approved number of residents exceeding four (4) may not occupy the home until it is certified as a recovery residence by the Department of Health and Human Services. A valid certificate will be a required document with each annual renewal.

Findings

1. The subject property is located at 5257 S. 3600 W.
2. The property is in the R-1-8 zone.
3. A rental license was issued to Cold Spring Real Estate LLC in June 2023.

4. A single-family rental license allows a single-family home to be rented to one family or up to four (4) unrelated adults.
5. The applicant informed staff that the owners are in the process of obtaining certification for the home to be used as a recovery residence.
6. A recovery residence is considered a residential facility for persons with a disability and subject to standards for such listed in §13.11.070.
7. The State of Utah identifies specific requirements for recovery residences and issues certification through the Department of Health and Human Services.
8. A residential facility for persons with a disability may house more than four (4) unrelated adults upon approval of a reasonable accommodation.
9. A reasonable accommodation request and supporting documentation has been submitted, requesting that the number of unrelated adults be increased to nine (9).
10. Section 13.11.070(G)(4) lists prohibited accommodations and states that no more than eight (8) unrelated individuals and two (2) staff members may occupy a residence.
11. The Planning Commission is the deciding body for such requests.

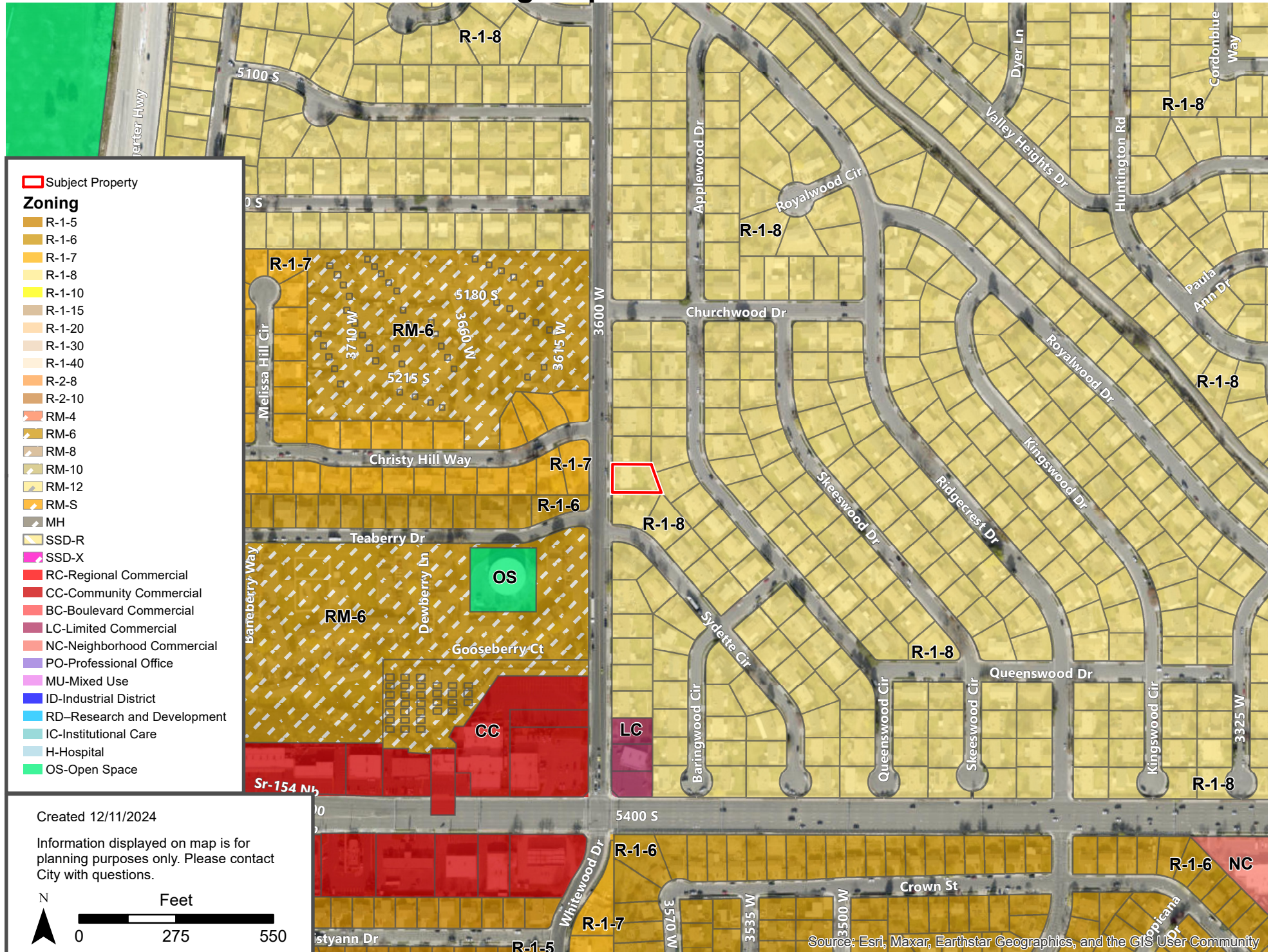
Staff Recommendation

Staff recommends that the Planning Commission approve the request for a reasonable accommodation and allow additional residents to occupy the residential facility. Staff recommends that up to eight (8) unrelated adults, the maximum per Taylorsville Municipal Code §13.11.070(G)(4), be permitted to occupy the residence.

Recommended Motion

I move that we approve File #3SI24 – SI-RA-000498-2024, request for a reasonable accommodation for a recovery residence at 5257 S. 3600 W. to increase the number of unrelated adults allowed to occupy a residence from four (4) to eight (8) unrelated adults.

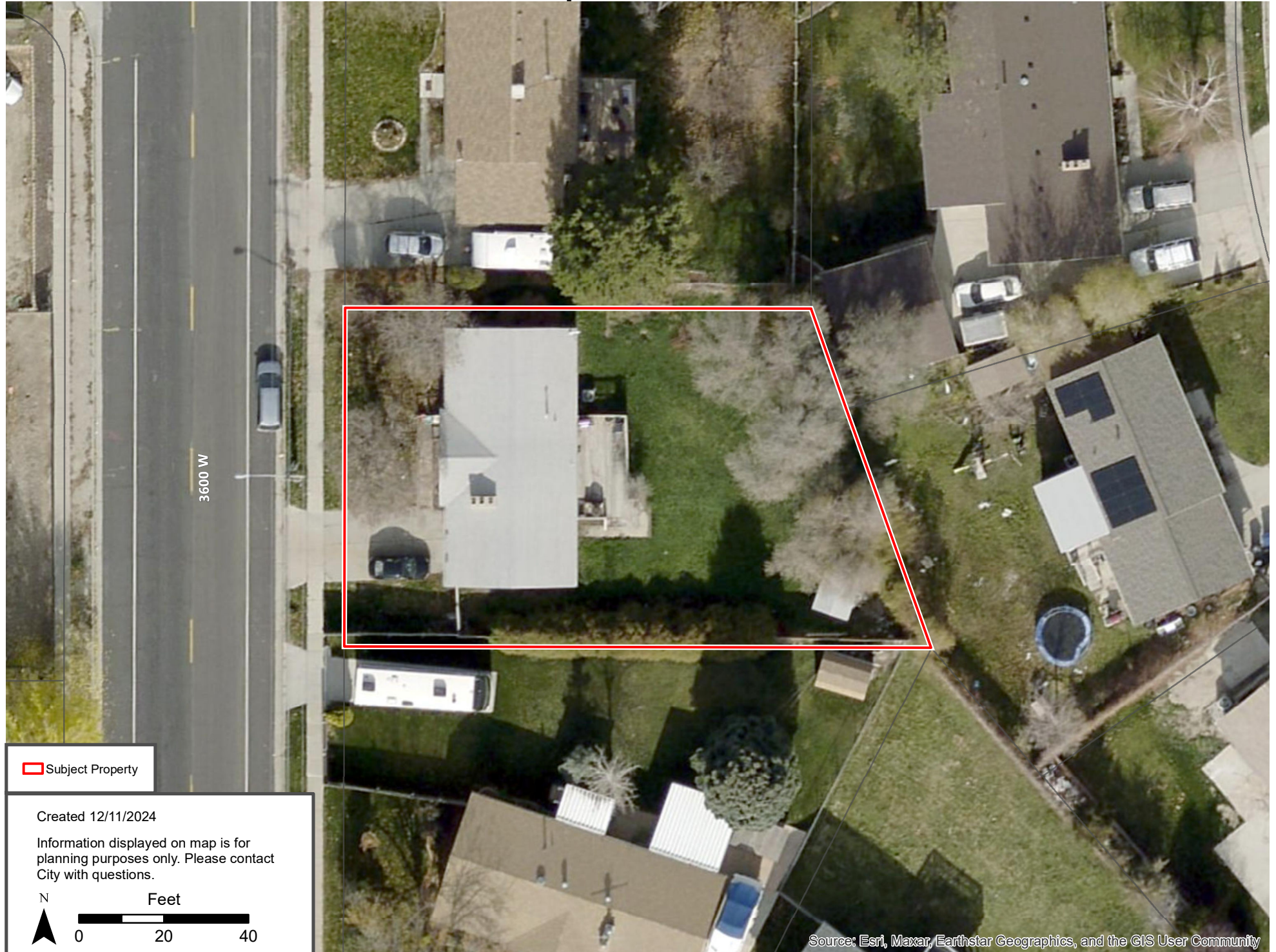
Zoning Map: 5257 S 3600 W



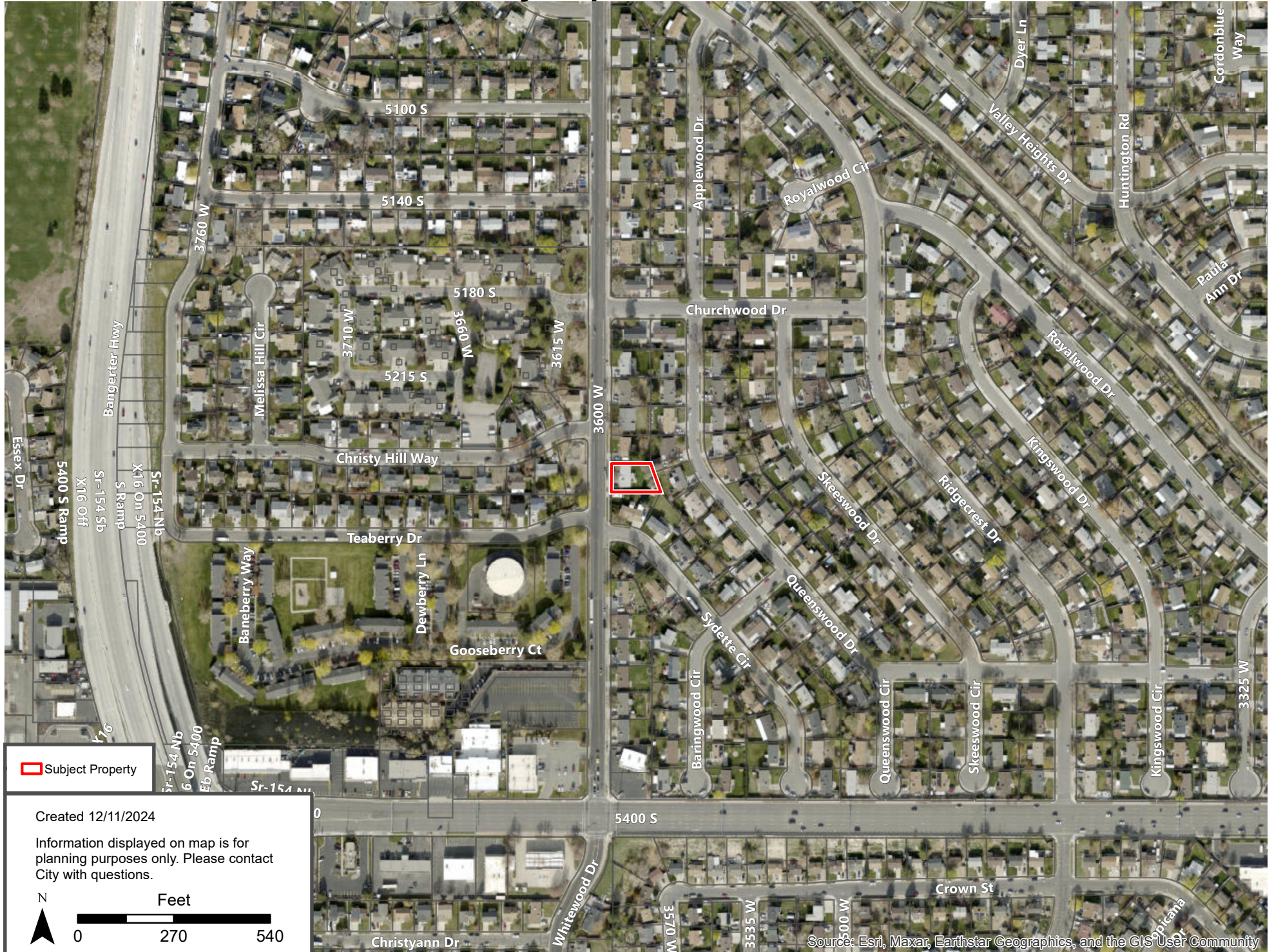
General Plan Map: 5257 S 3600 W



Site Map: 5257 S 3600 W



Vicinity Map: 5257 S 3600 W



Property Owner's Affidavit

I (we) Cold Spring Real Estate holding, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Owner's Signature

Owner's Signature (co-owner if applicable)

Subscribed and sworn to before me this 20th day of November, 2024.



Brittany Kempff-Quispe Notary Public

Residing in Salt Lake County

My commission expires: 10/24/2026

Agent Authorization

I (we), _____, the owner(s) of the real property located at _____, Taylorsville, Utah, do hereby appoint _____ as my (our) agent to represent me (us) with regard to this application affecting the above described real property located in the City of Taylorsville, and authorize _____ to appear on my (our) behalf before any City Board or Commission considering this application.

Owner's Signature

Owner's Signature (co-owner if applicable)

On the _____ day of _____, 20_____, personally appeared before me _____ the signer(s) of the above *Agent Authorization* who duly acknowledged to me that they executed the same.

Notary Public

Residing in _____

My commission expires: _____

Cate Ockey

Director, Manager

Cold Spring Real Estate Holding, LLC

Taylorsville Transition home

5257 South 3600 West

Taylorsville, Utah 84129

Coldspringrealestateholding@gmail.com

O: 801-816-4977

C: 385-371-4515

City of Taylorsville Planning & Zoning

2600 West Taylorsville Blvd.

Taylorsville, UT 84129

Dear Terryne et al,

We are submitting this letter to inform you of our intent to establish a group home for male individuals recovering from substance use disorders at **5257 S 3600 W, Taylorsville, UT.**

This residence will serve as a transitional housing solution for clients who have completed formal substance abuse treatment and are actively working to reintegrate into society. The goal of this facility is to provide a stable, supportive environment where residents can focus on securing permanent housing, employment, and life skills.

Please note that this group home will not serve as a treatment center. No treatment or counseling will be conducted on-site. Instead, all case management services, and support needs will be provided at our outpatient center located in West Jordan. The Taylorsville residence will strictly serve as a middle point, focusing on housing stability and preparing residents for their transition to full independence.

This transition home will serve as a safe and structured setting that aligns with the values of Taylorsville, aiming to empower individuals on their journey to reestablishing productive and meaningful lives within the community. We are committed to maintaining open communication with the city and community members and will ensure compliance with all local regulations and requirements.

Exhibit F- Letter of Intent (Required §13.11.070(C))

Thank you for your consideration of this important resource for our community. We look forward to your support and welcome any questions or requests for additional information.

Sincerely,

Cate Ockey

Cold Spring REH, LLC

385-371-4515

Exhibit G- Review Requirements (Required §13.11.070(E))

Section 13.11.070(E.) Review Process: In order to evaluate the impact of the proposed facility and its similarity to the impact of a single-family dwelling occupied by a family or, where applicable, in multiple-family zones or a multiple-family dwelling, the following information must be submitted with the notice of intent application. Additional information may be requested to aid in that review.

1. Sufficiently detailed site plans, building plans, and other information necessary to determine compliance with building, safety, and health regulations and standards applicable to similar residential dwellings permitted in that zone.

Please see attached floor plans.

2. Drawings or photographs depicting the elevations of all sides of all buildings.

Also see attached

3. Specific type of facility (as defined by State regulations) and by which agency it is regulated.

Recovery Residence and HHS. But we are a group transition home for people with disabilities. (The Federal Government defines a group home as a family) as does ADA. Definition; 3-By extension a group of people who live together and have a shared commitment to a domestic relationship. See also Supreme court family definition (1995) City of Edmonds v. Oxford House.

4. Number of residents, resident and nonresident staff, and expected/typical number of visitors per day.

9 residents 2 off site case managers 1 off site manager/director and resident's family member limited to 3 members at a time unless they have more than 3 children. Then they will be allowed to all visit together.

5. Location and number of similar facilities in the vicinity of the proposed facility.

I do not know of any.

6. Type of operation - business, family, eleemosynary, charitable, or beneficial organization.

Beneficial organization.

7. Supervision - hours and degree of supervision to be provided.

Cate Ockey is on call 24 hours for emergencies. Handles all move in and move outs, over sees UA's and house meetings all other activities are handled off site.

8. Typical or average length of stay of the residents.

90 days all though we do not force them to move if they are in good standing.

9. Special accommodation(s), waivers, or exceptions requested or necessary, to extent thereof, and basis for need for the same.

None

10. Location of residences within one thousand feet (1,000') of the proposed site that are similar in scope to the accommodation request.

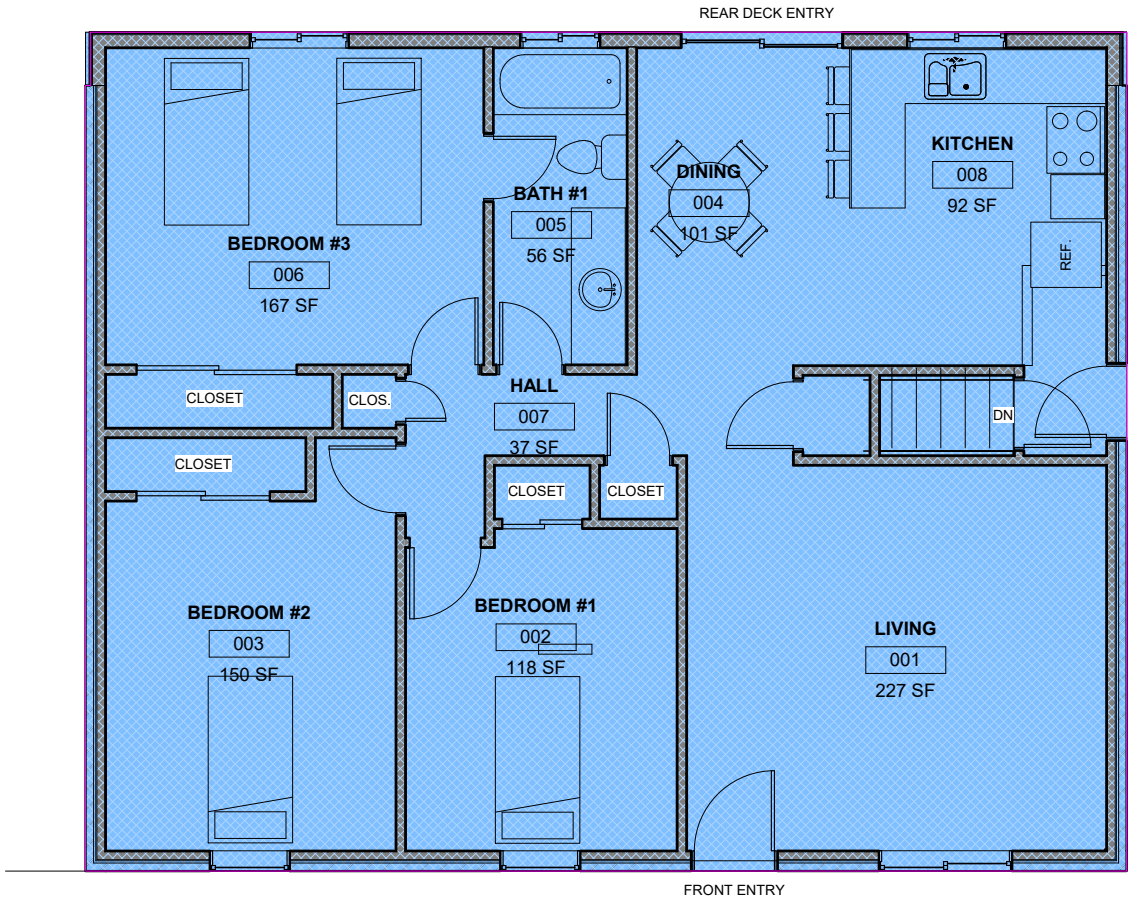
I am not aware of any.

11. Location of any schools within five hundred feet (500') of the property line of the proposed site.

I am not aware of any.

12. Dedicated off street parking to accommodate staff.

Staff parks in the driveway.



MAIN FLOOR OCCUPANT LOADING			
Room #	Room Name	Area	LOAD
001	LIVING	227 SF	
002	BEDROOM #1	118 SF	1 OCC.
003	BEDROOM #2	150 SF	1 OCC.
004	DINING	101 SF	
005	BATH #1	56 SF	
006	BEDROOM #3	167 SF	2 OCC.
007	HALL	37 SF	
008	KITCHEN	92 SF	
B001	BEDROOM #4	239 SF	2 OCC.
B002	BEDROOM #5	237 SF	2 OCC.
B003	BATH #2	54 SF	
B004	BEDROOM #6	110 SF	1 OCC.
B005	LAUNDRY/ MECHANICAL	165 SF	
B006	HALL	97 SF	

AVL

group

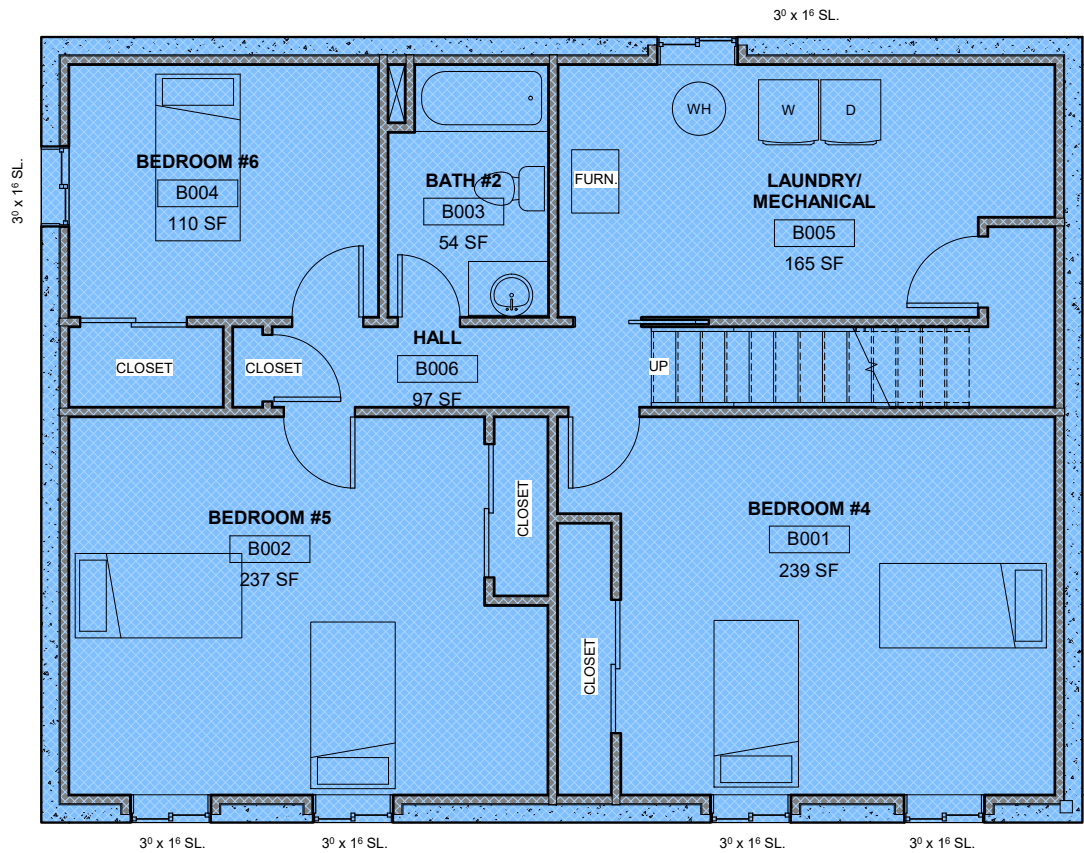
460 S. 200 E.
LAKETOWN, UT 84038
cell: (801)725-8085
email: vica.theavgroup@gmail.com

THE DESIGNS SHOWN AND DESCRIBED HEREIN INCLUDING ALL TECHNICAL DRAWINGS, GRAPHIC REPRESENTATION AND MODELS THEREOF, ARE PROPRIETARY AND CAN NOT BE COPIED, DUPLICATED OR COMMERCIALY EXPLOITED IN WHOLE OR IN PART WITHOUT THE SOLE AND EXPRSS WRITTEN PERMISSION FROM THE AVL GROUP, LLC.

project:
TAYLORSVILLE TRANSITION
5257 S. 3600 W.
TAYLORSVILLE, UT 84129

MAIN FLOOR PLAN
A1.1

PRELIMINARY - NOT FOR CONSTRUCTION



1 BASEMENT FLOOR
1/4" = 1'-0" SQUARE FOOTAGE:
BASEMENT - 1,014

BASEMENT OCCUPANT LOADING			
Room #	Room Name	Area	LOAD

001	LIVING	227 SF	
002	BEDROOM #1	118 SF	1 OCC.
003	BEDROOM #2	150 SF	1 OCC.
004	DINING	101 SF	
005	BATH #1	56 SF	
006	BEDROOM #3	167 SF	2 OCC.
007	HALL	37 SF	
008	KITCHEN	92 SF	
B001	BEDROOM #4	239 SF	2 OCC.
B002	BEDROOM #5	237 SF	2 OCC.
B003	BATH #2	54 SF	
B004	BEDROOM #6	110 SF	1 OCC.
B005	LAUNDRY/ MECHANICAL	165 SF	
B006	HALL	97 SF	



460 S. 200 E.
LAKETOWN, UT 84038
cell: (801)725-8085
email: vica.theavgroup@gmail.com

THE DESIGNS SHOWN AND DESCRIBED HEREIN INCLUDING ALL TECHNICAL DRAWINGS, GRAPHIC REPRESENTATION AND MODELS THEREOF, ARE PROPRIETARY AND CAN NOT BE COPIED, DUPLICATED OR COMMERCIALY EXPLOITED IN WHOLE OR IN PART WITHOUT THE SOLE AND EXPRSS WRITTEN PERMISSION FROM THE AVL GROUP, LLC.

project:
TAYLORSVILLE TRANSITION
5257 S. 3600 W.
TAYLORSVILLE, UT 84129

BASEMENT FLOOR PLAN

A1.2

PRELIMINARY - NOT FOR CONSTRUCTION

Exhibit I- Reasonable Accommodation Request

Cate Ockey

Director, Manager
Cold Spring Real Estate Holding, LLC

Taylorsville Transition home
5257 South 3600 West
Taylorsville, Utah 84129
Coldspringrealestateholding@gmail.com
O: 801-816-4977
C: 385-371-4515

10/22/24

Taylorsville City

Subject: Request for Reasonable Accommodation for Unlicensed Group Home

Dear Terryne et al,

I am writing to formally request a reasonable accommodation for Taylorsville Transition Home, a residential facility located at 5257 South 3600 W, that serves individuals in recovery from substance use disorders. Our residents have maintained at least six months of sobriety, are employed, and are dedicated to rebuilding their lives. We provide a safe, supportive, and structured environment where they can acquire essential life skills, prepare for independent living, and successfully reintegrate into society.

I have worked in the drug and alcohol treatment field for several years, and over time, I have witnessed a broken system that continues to fail those it is meant to serve. After years of watching individuals go through residential treatment programs and sober living centers, only to be sent out into the world with a certificate and a “good luck” without sufficient preparation for the challenges of life after recovery, I realized that a crucial gap existed. I believe I have created a viable solution to this problem. If I may explain,

Traditional treatment centers and sober living environments often do a disservice to this population by teaching people how to get sober but not how to live soberly. These programs focus on sobriety, teaching individuals to recognize triggers and coping mechanisms to deal with addiction. However, once treatment ends, many are sent into the world without the needed tools to navigate life without drugs or alcohol. The reality is that

Exhibit I- Reasonable Accommodation Request

when they inevitably encounter struggles—like the financial pressures of daily life, finding housing, a job with a livable wage, or family conflict—many individuals return to what they know, what feels safe and normal: drugs and the streets. We teach them how to get sober but not how to live sober, and that is where we see the cycle of relapse.

This is especially true for individuals who grew up in environments marked by addiction. When you start using at a young age, or grow up with parents who are addicts, your daily concerns are about survival. How do you stay safe and warm when your parent spends the rent money on drugs? How do you feed your younger siblings when your father hasn't been home for days and there is no food in the house? When you grow up in survival mode, things like school dances, grades, or SAT scores are far from your mind. Your priorities are simply about survival.

When people from this background are sent into a world of "success" without the foundational skills to handle life's challenges, it's no surprise that many fail. Taylorsville Transition home is one of the key pieces to a much bigger puzzle. We bridge this gap by providing the life skills, support, and structure that are crucial for success in sobriety. Our residents are required to complete six hours of community service each month, because I believe that connection to the community is vital for long-term sobriety. Giving back to the community strengthens their sense of purpose, accountability, and self-worth, which are essential in maintaining recovery.

In addition to community service, our program offers case management, job placement assistance, financial literacy (including helping residents catch up on back taxes and improve credit scores), personal hygiene, social skills, and adulting skills. Through motivational interviewing and life skills training, we help our residents not only stay sober but also live sober lives. Our goal is to help them successfully reintegrate into society and re-establish connections with their families, especially through reunification visits with their children.

Unlike more rigid residential treatment programs or standard sober living homes, our home provides a less restrictive environment where residents can gain autonomy, rebuild relationships with their children and family, and practice the skills they need to thrive. Without a facility like ours, individuals would be forced to remain in treatment or more structured sober living homes that do not allow them to have guests or their own children over. Family reunification visits are impossible. There is no flexibility to reintegrate into society in a meaningful way.

Exhibit I- Reasonable Accommodation Request

I strongly believe that my approach—teaching individuals not only how to stay sober, but also how to live soberly—is crucial to long-term success. It addresses the root causes of addiction and provides the necessary life skills to ensure sustainable recovery. There is currently no other facility in Utah offering this type of support, and I believe this model is a crucial addition to the community. This group home will be the middle steppingstone in a program partnering with The Next Right Thing in Recovery, an outpatient mental health and drug and alcohol treatment center opening locally here soon. Residents will start in a more restrictive sober living environment. Then as they complete their treatment, they will be given the opportunity to move to the transition home while finishing their life skills and case management. At the end of their 90 day transition, we have “pro recovery” partner landlords willing to give much needed second chances and rent to them. Some may even get the opportunity to buy their own home. Like the most recent resident to leave the Taylorsville Transition Home. Who moved out, married the love of his life and recently closed on his first home. Buying a home is an exciting and incredible accomplishment for anyone. Now imagine accomplishing this with so many cards stacked against you.

We respectfully request that the city grant us the necessary accommodation for 9 people to continue providing these essential services. We are committed to complying with all local regulations and will work closely with the city to ensure that we meet all health and safety standards, while being mindful of the needs of our neighbors and the broader community.

Thank you for your time and consideration. I would be happy to discuss this request further and provide any additional information you may need.

Sincerely,

Cate Ockey

Directing manager
Cold Spring REH, LLC
Taylorsville Transition Home
385-371-4515

Exhibit I- Reasonable Accommodation Request

From: [Cate Ockey](#)
To: [Terryne Bergeson](#)
Subject: [EXTERNAL] Re: [EXTERNAL] Re: [EXTERNAL] Re: [EXTERNAL] Re: [EXTERNAL] Re: Taylorsville City | RENTSF-34641-2023
Date: Saturday, November 16, 2024 6:31:30 AM
Attachments: [image001.png](#)
[image002.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sure.

1-Reason: With the good neighbor act it has become increasing harder for people with addictions as well as felonies to find affordable housing. Heak affordable housing is hard for people who don't have a felony. The 9 beds not only make the rents low enough that people under the median income level can afford it. But it also allows for better distribution of household responsibilities. In a group home setting each individual is responsible for a weekly chore wheather it is cooking dinner or cleaning up after. Everyone has a different job.. They live as 1 unit. They learn these homemaking skills and share them all with their family house mates. Connection and peer support are big components to long term recovery and the family home setting provides this for needed support. As for the case managers no they do not live there. Many of our people are on state supervision. So at anytime their drug court case manager or their po could show up to check on them. And I stop by a few times a week. Plus the house meetings. That is why I put 2. As for section E, I just went off the link you gave me and went in order down the list of requirements. I am responding from my phone and I'm not sure how to add the link. But if you go to the link you gave me I went in order from their. I hope this helps please let me know if there is anything else you need.

Thanks

Cate

On Tue, Nov 12, 2024 at 4:17 PM Terryne Bergeson <tbergeson@taylorsvilleut.gov> wrote:

Hi Cate-

Thank you for submitting your application and the letters describing your operations- they are very helpful. In reviewing the documents provided I have a few more questions, if you can answer them here so that I can just include your answers in my staff report. When I create the staff report we are asking the Planning Commission to grant the accommodation so that people with a disability can enjoy the property. You are asking that the city allow more than the regular 4 people to live in the home.

Can you please provide a reason for the request to allow additional unrelated adults to live at the home (for example, does this number of residents make the rent more affordable or is there a higher success rate when there are more peers?)

Exhibit I- Reasonable Accommodation Request

It looks like the plan would be to have 9 residents and 1-2 off-site case managers. Would case managers be supervising or working shifts at the home, or just stopping in for weekly house meetings?

You provided some answers named “section e” can you provide me with the questions that those were answering, just for context please?

Thank you!

Terryne Bergeson | Planner I

(385) 308-0534

Exhibit J- Recovery Residence Rule Document

R501. Health and Human Services, Administration, Administrative Services, Licensing.

R501-18. Recovery Residence Services.

R501-18-1. Authority.

Sections 26B-2-104 and 26B-2-117 authorize this rule.

R501-18-2. Purpose.

This rule establishes:

- (1) Basic health and safety standards for recovery residences; and
- (2) Minimum administration requirements.

R501-18-3. Definitions.

(1) "Currently Enrolled Client" is an individual who is a participatory resident of the sober living environment of a recovery residence and is also referred to as client in Title R501.

(2) "Provider" means the same as licensee as defined in Section 26B-2-101.

(3) "Recovery Residence" is defined in Section 26B-2-101 and is also referred to as sober living.

R501-18-4. Legal Requirements.

(1) In addition to this rule, the provider shall comply with Rules R501-1, General Provisions and R501-14, Human Service Program Background Screenings and any applicable local, state, and federal laws.

(2) The provider shall comply with Rule R501-14 for background screenings by either:

- (a) participating in the background clearances for all staff; or
- (b) obtaining an approval by the Division of Licensing and Background Checks for an exemption as outlined in Rule

R501-14.

(3) A provider that offers clinical treatment services, shall obtain a residential treatment license or applicable separate outpatient or day treatment license.

(a) Clinical treatment may not be a mandatory condition of residence.

(b) Clinical treatment may not be offered within the recovery residence.

(4) A provider that offers social detoxification services shall obtain a separate social detoxification license before offering any social detoxification services. The provider shall not provide housing or services to a client in active withdrawal.

(5) A recovery residence program shall only serve adults.

R501-18-5. Administration.

(1) The provider shall ensure that clients receive supportive services from a person associated with the licensee or from a licensed professional. Supportive services include:

- (a) vocational services;
- (b) peer support;
- (c) skills training; and
- (d) community resource referral.

(2) The provider may not offer, entice, refer, or recommend medical cannabis for residents in a recovery residence or as treatment for substance use disorder, as it is not considered a qualifying condition in Subsection 26B-4-203(2).

R501-18-6. Staffing.

(1) The provider shall contract with, or otherwise provide as needed, referral information for client access to the following:

- (a) physician;
- (b) psychiatrist;
- (c) mental health therapist (LCMHT); or
- (d) substance use disorder counselor (SUDSC).

(2) The provider shall identify a director who shall have:

(a) Utah licensure, in good standing, as a substance use disorder counselor, licensed clinical social worker or equivalent; or

(b) two years experience in one of the following:

- (i) administration of a recovery residence;
- (ii) substance use disorder treatment education; or
- (iii) recovery or support services education.

(3) The director's responsibilities that shall not be delegated include:

- (a) monitoring all aspects of the program and operation of the facility;
- (b) policy and procedure development, implementation, compliance and oversight;
- (c) clearly defining responsibilities of the director, manager, and staff of the program;
- (d) supervision, and training of staff; and
- (e) overseeing client activities.

(4) The director may manage directly or employ a manager to work under the supervision of the director.

Exhibit J- Recovery Residence Rule Document

(a) The director shall perform the manager's duties when the manager is on scheduled or unscheduled leave unless the manager designates a substitute manager.

(b) The manager or substitute manager may not be a currently enrolled client.

(5) In addition to the staff training requirements of Rule R501-1, the director shall maintain documentation of 40 hours of training covering the following topics for the director, manager and any direct care staff:

(a) recovery services in substance use disorder settings;

(b) peer support;

(c) emergency overdose reversal;

(d) recognition and response to substance-related activities;

(e) current certification in First Aid and CPR; and

(f) an employee may not work unsupervised with clients until training is completed and documented.

(6) The director or manager shall conduct daily on-site visits to ensure client safety and support clients.

(a) The director or manager shall document visits per-site, not per-client.

(b) The director or manager shall utilize its visits to assess and document the following:

(i) general safety;

(ii) general cleanliness;

(iii) verification that only admitted residents reside or stay overnight at the residence;

(iv) no presence of alcohol or substances of abuse unless lawfully prescribed; and

(v) medications are in locked storage.

(7) The director or manager shall have documented face-to-face or telephone daily contact with each admitted client.

(8) The director or manager shall ensure administrative on-call availability at all times and remain able to respond to the recovery residence staff and the Office of Licensing immediately by phone, or at the residence in-person within one hour.

(9) The provider shall ensure a director, manager, or substitute manager is on-site seven days per week to assess safety and support clients. The provider shall schedule and document daily visits.

R501-18-7. Direct Service.

(1) In addition to client record requirements of Rule R501-1, the provider shall ensure that the recovery residence client records contain:

(a) intake documentation indicating that the client meets the admission criteria, that includes the following:

(i) the client is not currently using or withdrawing from alcohol or substances of abuse; and

(ii) the client is not presenting with a current clinical assessment that contraindicates this level of care;

(b) any client medications;

(c) any client allergies;

(d) any client chronic conditions;

(e) any client communicable diseases;

(f) individual recovery plan that includes:

(i) documentation of all services provided by the program, including a disclosure that no clinical treatment services occur on-site at the recovery residence; and

(ii) documentation of all referred supportive services, not directly associated with the recovery residence site;

(g) a signed written lease agreement for the recovery residence, if required;

(h) a signed agreement indicating that the client was notified in writing before admission regarding:

(i) program and client responsibilities related to transportation to and location of off-site services;

(ii) program and client responsibilities related to the provision of toiletries, bedding and linens, laundry, and other household items;

(iii) program and client responsibilities related to shopping, provision of food and preparation of meals;

(iv) fee disclosures including Medicaid number, insurance information and identification of any other entities who may be billed for the client's services; and

(v) rules of the program.

(2) The recovery plan shall contain the signature and title of the program representative that prepared the plan and the signature of the client.

R501-18-8. Building and Grounds.

(1) In addition to the physical facility requirements of Rule R501-1, the provider shall:

(a) maintain a client to toilet ratio of 1:10;

(b) maintain a client to tub or shower ratio of 1:8;

(c) adhere to the following if a fire clearance is not required from the local fire authority:

(i) a bedroom on the ground floor shall have a minimum of one window that may be used to evacuate the room in case of fire; and

(ii) a bedroom that is not on the ground floor shall have a minimum of two exits, at least one of which shall exit directly to outside the building that may be used to evacuate the room in case of fire;

(d) provide either equipment or reasonable access to equipment for washing and drying of linens and clothing;

(e) maintain an environment free from non-prescribed substances and alcohol;

Exhibit J- Recovery Residence Rule Document

- (f) ensure client mail addressed to the program site is opened by the client in the presence of program staff to ensure that no contraband enters the program; and
- (g) ensure any unlawful items found onsite are turned over to law enforcement and a critical incident report made to the office.

R501-18-9. Medical Standards.

- (1) The provider shall not admit anyone who is currently in an intoxicated state or withdrawing from alcohol or drugs or otherwise unable to understand terms and consent to reside in the recovery residence.
- (2) A provider shall ensure that clients who manage their own medications keep all prescription and non-prescription medications in individually accessed locked storage that is not accessible to other clients.
- (3) The provider shall ensure that a non-expired opioid reversal kit is safely maintained and available onsite, and staff and clients are trained in its proper use.
- (4) Medical cannabis is permitted in a recovery residence only as follows:
 - (a) for an individual who has a medical cannabis card issued by the Department of Health and Human Services (DHHS);
 - (b) the cannabis is obtained from a DHHS licensed pharmacy with identifying information on the label; and
 - (c) the cardholder is instructed and adheres to the requirement to ensure medication is not shared and remains locked at all times when not in active use.

KEY: licensing, human services, recovery residence

Date of Last Change: August 2, 2023

Notice of Continuation: December 2, 2024

Authorizing, and Implemented or Interpreted Law: 26B-2-104; 26B-2-117