
March 17, 2026

To the Honorable Members of the Rhode Island General Assembly:

My name is **Brian Sylvestre**, and I am the owner of **Brisan Recovery Support Services, LLC**. I have operated recovery residences in Rhode Island since 2003 and currently manage ten homes across the state. I was a founding member of the Ocean State Coalition of Recovery Houses, assisted in creating Rhode Island's first voluntary certification standards in 2010, and later helped bring Rhode Island into the National Alliance of Recovery Residences (NARR) as its official statewide affiliate. I also served a three-year term on the NARR Board of Directors beginning in 2016.

Across 23 years of operation, none of our recovery residences have experienced property loss or injuries due to fire, and our homes maintain strong, positive relationships with their surrounding neighborhoods.

I am writing today in **strong support** of **Senate Bill HB 8040**, which clarifies that recovery residences are to be treated as residential uses of property and protected from discriminatory zoning or fire-code restrictions that do not apply to any other household in the same zoning district.

Legal and Regulatory Basis Supporting HB 8040

1. Longstanding Federal Law Treats Individuals in Recovery as a Protected Class

Federal courts have repeatedly held that individuals recovering from substance use disorders are **protected under the Fair Housing Act (FHA)** and may not be subject to discriminatory zoning, spacing, fire-code, or occupancy restrictions:

- **U.S. v. Southern Management Corp. (4th Cir. 1992)** held that refusing to rent or imposing unequal conditions on individuals in recovery is unlawful discrimination under the FHA. [vanderburghhouse.com]
- **City of Edmonds v. Oxford House, Inc.** (referenced in the same FHA legal analysis) affirmed the principle that municipalities cannot use zoning definitions of "family" to discriminate against recovery homes. [vanderburghhouse.com]

These cases confirm that sober and recovery homes must be treated the same as any other group of individuals living together as a household — exactly the principle HB 8040 codifies.

2. FHA and ADA Requirements Against Discriminatory Zoning

Federal law requires local governments to grant **reasonable accommodations** when zoning rules disproportionately burden people with disabilities, including those in recovery:

- A 2024 federal lawsuit against the City of Farmington, NM (*Oxford House v. Farmington*) alleged that forcing a recovery home to obtain special permits violated the FHA and ADA because the home's residents—recognized as individuals with disabilities—must be treated no differently than any other family unit. [relmanlaw.com]
- Courts have repeatedly stated that restrictions applied only to people in recovery, but not to other unrelated households of similar size, constitute unlawful discrimination.

3. Courts Emphasize Equal Treatment Regardless of Local “Family” Definitions

Recent case law confirms that recovery residences operate in a manner consistent with a family unit:

- In *Ronald Yocca v. Turtle Creek Zoning Hearing Board* (2025), the court held that local restrictions on unrelated individuals must comply with the FHA and cannot be used in ways that disproportionately burden people with disabilities. The ruling emphasized that municipal codes must use **neutral occupancy limits** based on space, not disability status. [impl-law.com]

Even when courts uphold local definitions, they consistently affirm that recovery homes cannot be singled out for distinct treatment.

Why HB 8040 Is Necessary in Rhode Island

1. Ensuring Consistency Across Municipalities

S2575 ensures that cities and towns cannot impose stricter requirements—such as special zoning permits, fire-code escalation, or occupancy caps—on recovery homes that would not apply to any typical household in the same zone. The bill's summary clearly states that it prevents zoning ordinances that place special restrictions on recovery residences. [webserver....lature.gov], [upriseri.com]

This is essential, as recovery home operators in many states face inconsistent local requirements, often driven by neighborhood stigma rather than safety.

2. Fire Safety Evidence Supports the Bill's Approach

Decades of data show that fire risk is determined by structure type, materials, and layout—not by the purpose or makeup of the household. Research on residential fire dynamics and prevention emphasizes that safety outcomes depend on **engineering factors**, not whether residents are related or part of a recovery program. [mdpi.com]

My 23 years of incident-free operation further demonstrate that recovery homes, when properly managed, pose no elevated fire risk.

3. Supporting Recovery as a Community-Based Public Health Model

Research demonstrates that stable, community-integrated housing is one of the strongest predictors of long-term recovery success. HB 8040 ensures Rhode Island does not inadvertently undermine access to such housing through punitive zoning or code interpretations.

4. Ending Discriminatory or Stigmatizing Local Practices

Without statewide clarity, some municipalities may attempt to impose special permits, spacing rules, group facility classifications, or enhanced fire-code burdens on recovery homes. These practices are often challenged—and overturned—under the FHA and ADA, but only after expensive litigation that strains state and local resources.

Passing HB 8040 prevents discrimination at the policy level, eliminating needless conflict.

Conclusion

For more than two decades, Rhode Island’s recovery residences have maintained strong safety records and contributed meaningfully to community well-being. Senate Bill HB 8040 simply aligns state zoning practices with longstanding federal law, case precedent, and public health best practices.

By ensuring that recovery residences are treated the same as any other residential household, you will help preserve safe, stable housing for Rhode Islanders rebuilding their lives from addiction—while also protecting municipalities from costly legal exposure under federal fair-housing statutes.

I urge you to **support HB 8040** and uphold Rhode Island’s legacy as a national leader in recovery housing standards.

Respectfully submitted,

Brian Sylvestre

Owner, Brisian Recovery Support Services, LLC