



AB 1339 – Preventing Housing Discrimination

SUMMARY

Individuals are being denied housing opportunities because they are on medication-assisted treatment (MAT). While federal law prohibits this action, individuals only recourse is litigation. AB 1339 revises the definition of disability, and clarifies existing Federal law, to include a person receiving Medication-assisted treatment (MAT) or taking authorized medications as part of a narcotic treatment program and prohibits housing providers who accept state funding from discriminating against individuals on MAT.

BACKGROUND

Medication Assisted Treatment (MAT) is the use of FDA-approved medications to assist in treating opioid addiction by restoring dopamine levels to a normal range. By restoring dopamine levels, motivation is increased, cravings are decreased, and treatment success is increased. MAT medications are most successful when combined with other treatments and supports.

As of February, 2023, CDCR had over 15,500 individuals on MAT treatment. Those individuals, upon release, will move into the community, with many of them needing reentry and recovery housing assistance.

As of June, 2022, approximately 41% of individuals

released in the prior year from State Prison were identified as having moderate to high residential reentry instability. These individuals are often discriminated against, even with the Federal protections outlined above.

Creating living spaces that foster recovery success are a vital part of the care delivery model, yet individuals in MAT often face discrimination despite laws that plainly prohibit it.

EXISTING LAW

Federal civil rights laws protect qualified “individuals with disabilities” from discrimination. People in recovery from drug addiction – including those in MAT – generally are protected from discrimination by the following statutes:

- Americans with Disabilities Act (ADA)
- Rehabilitation Act of 1973
- Fair Housing Act (FHA)
- Workforce Investment Act (WIA)

Housing discrimination related to MAT arises in the context of residences for individuals in recovery. Individuals who live or want to live in reentry and recovery housing, homes, or other residences for individuals in recovery are sometimes excluded because of their participation in MAT. Individuals are protected under the Federal FHA applies to these residences because they fall under the definition of “dwelling” and are further protected under the

Federal ADA if they receive State or local government funding. Individuals are further protected under the Federal Rehabilitation Act of 1973 if housing providers receive Federal Financial assistance. California Law is not currently clear that MAT treatment falls under these Federal definitions.

PROBLEM

Individuals on MAT are being denied housing services because of their decision to pursue treatment for their opioid addiction.

SOLUTION

Clarify existing law that providers accepting State funding cannot discriminate against individuals on MAT treatment because it is directly tied to a protected disability. For contractors that violate the law, it both provides and requires contract administrators to place contracts in breach, including cancelling their contracts.

SUPPORT

California Association of Alcohol and Drug Program Executives (CAADPE)

HealthRight 360

FOR MORE INFORMATION

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