



Ohio Administrative Code

Rule 5122-31-04 Issuance and conditions on certifications; denial, revocation, and termination of certification.

Effective: August 10, 2026

(A) Issuance of full certification

The department may issue full certification to a recovery housing residence only if the department determines to its satisfaction that the residence complies with certification standards. The certification is to specify the maximum number of residents and, if applicable, household members for the residence in accordance with rule 5122-31-07 of the Administrative Code.

Full certification is valid for two years from the date of issuance.

(B) Issuance of emergency certification

The department may issue emergency certification to a recovery housing residence only in emergency situations as the department determines appropriate. A perceived need for emergency certification is to be reported immediately to the department by telephone or electronic means specified by the department.

The department is to be provided such information concerning the nature and extent of the emergency as is relevant and necessary to determine the need for emergency certification. In the event the department determines that an emergency need exists, the department may authorize, by telephone, the immediate placement of residents in the recovery housing residence to be certified. The department may conduct an on-site inspection to determine a residence's compliance with this chapter.

In the event of deficiencies, the department may do any of the following:

- (1) Authorize a variance, with regard to necessary square footage standards, or require the relocation of one or more residents to reduce the degree of non-compliance with square footage standards;
- (2) Mandate the immediate correction of deficiencies which are amenable to such immediate correction; and/or
- (3) Mandate the immediate relocation of one or more residents if there are deficiencies that cannot be immediately corrected and which constitute a threat to the health or safety of one or more residents.

(C) Conditions on all certifications

All of the following conditions apply to full and emergency certification:

- (1) A certification is not transferable to any other residence or structure;



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- (2) A certification is valid only for the applicant specified in the application and is not transferable or assumable by any other person or government entity;
- (3) A certification is to be posted in an area visible to residents and visitors of the recovery housing residence at all times and is to be made available for inspection to any person or government entity that requests it;
- (4) A certification is not to be altered, modified, or defaced in any way;
- (5) The department may conduct surveys or inspections of certified recovery housing residences, as it deems necessary and appropriate, to determine initial or continued compliance with certification standards, whether deficiencies have been corrected, or upon a complaint or allegation of certification violations by any person or government entity. Inspections or surveys may be unscheduled and unannounced and may include all areas of a residence regardless of resident access. Acknowledging landlord-tenant law, the department will ensure that owners and operators are aware that failure to grant access to a recovery housing residence will result in delays to investigations or surveys and/or certification.
- (6) The department will have access to all of the following pertaining to a recovery housing residence, as the department determines necessary and appropriate:
 - (a) The records, accounts, and other documents relating to the operation of the residence;
 - (b) All areas of the residence; and
 - (c) The operator, staff, and residents.
- (7) The owner or operator is responsible for notifying the department of any of the following:
 - (a) Changes or proposed changes concerning the information submitted and attested to in any application for initial or renewal certification;
 - (b) Changes or proposed changes concerning operation of the residence that would affect the residence's certification status or continued compliance with certification standards; and
 - (c) Loss of accreditation from an organization specified in division (A)(2) of section 5119.39 of the Revised Code.

(D) Denial and revocation of certification



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- (1) The department may revoke certification or deny the issuance of any initial or renewal certification of a recovery housing residence, as applicable, if any of the following is the case:

 - (a) The residence is not in compliance with the standards for certification in this chapter;
 - (b) The residence has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the current period of certification or previous certification periods;
 - (c) The owner, operator, or manager of the residence submits false or misleading information as part of any certification application or investigation;
 - (d) The owner, operator, or manager of the residence is or has been the owner, operator, or manager of any recovery housing residence in this state, or an individual with a financial interest in any recovery housing residence in this state, that has had a certification revoked or denied for any reason other than nonpayment of the certification fee unless any of the following is true:

 - (i) A minimum period of twenty-four months has passed from the date of the director's order revoking or denying renewal of the certification; and
 - (ii) The revocation or non-renewal was not due to any act or omission that violated the resident's right to be free from abuse, neglect, exploitation, or inducement.
- (2) The denial of an application for renewal certification or the revocation of full certification is subject to proceedings under Chapter 119. of the Revised Code. The denial of initial certification or revocation of emergency certification, however, is not subject to proceedings under Chapter 119. of the Revised Code and is solely at the discretion of the department.
- (3) All residents of a recovery housing residence are to be immediately notified in writing by the residence's operator if the residence loses certification and/or the residents are to be moved to another recovery housing residence. If a resident receiving such notice is receiving certifiable services or supports, the operator is to notify the resident's community behavioral health services providers and the appropriate board about the loss of certification and/or movement. If a resident receiving such notice is involved in the criminal justice system, the



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operator is also to notify the appropriate court about the loss of certification or movement. Any treatment provider, local ombudsperson, or other entity may assist with finding another certified recovery housing residence or other appropriate placement for a resident.

(4) A recovery housing residence that is in the process of the denial or revocation of certification remains subject to all standards and conditions of certification except that the residence may not receive any new residents during the Chapter 119. proceeding.

(5) In proceedings to deny, refuse to renew, or revoke certification, the department may deny, refuse to renew, or revoke a certification regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time.

(E) Submission of incomplete items for an application

The submission of incomplete items for any application for certification is considered a failure to submit an application for certification. The non-issuance of an initial or renewal certification due to an incomplete application is not considered the denial of a certification as described in paragraph (E) of rule 5122-31-03 of the Administrative Code or the revocation of certification. Any application that remains incomplete after six months will be considered abandoned and will no longer be able to be completed.

(F) Termination of certification

(1) A recovery housing residence certification is considered terminated and invalid in all of the following circumstances:

(a) The operator has discontinued involvement as an operator;

(b) The structure to which the certification attached no longer operates as a recovery housing residence, as in situations resulting from change of use, relocation, destruction, or loss of the facility, etc.; and

(c) An application for renewal has not been received by the department prior to the expiration of the certification.

(2) The termination of a certification, as specified in paragraph (F)(1) of this rule, is not considered a denial or revocation of a certification and is not subject to proceedings governed by Chapter 119. of the Revised Code. If the department determines that circumstances exist as specified in paragraph (F)(1) of this rule, the department will issue a letter to the operator and appropriate board specifying the date of termination of the certification.