

Half-way Houses

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What is a half-way House?

‘Half-way house’ is an umbrella term that can refer to a number of different types of facilities:

Re-entry after prison/jail

- *Residential Reentry Centers*
- *Transitional Centers*
- *Reentry Centers*
- *Community Recovery Centers*

A residential facility where people leaving prison or jail (or, sometimes, completing a condition of probation) are required to live before being fully released into their communities. In these facilities, people live with others in a group setting and must follow specific rules. These rules usually include attending programs, following curfews, and having a job. Most residential facilities are run by nonprofits or private companies through contracts with state correction departments, probation/parole offices, or the Federal Bureau of Prisons (BOP). These contracts are the primary means through which halfway houses receive funding.

Re-entry after drug/alcohol rehabilitation

- *Sober living homes*

Sober living homes are for people with substance use disorders, and they’re sometimes called “halfway houses” because they often act as transitional housing

for people leaving drug and alcohol rehabilitation programs. There are rules that residents are expected to follow during their time at a sober living home, one of the most important being that they are sober and commit to remaining sober while there. Most sober living homes are privately owned, and residents pay rent.

Alternative to prison/jail

- *Restitution Centers*
- *Community Based Correctional Facilities*
- *Residential Correctional Facilities*

Restitution centers and community based/residential correctional facilities are alternatives to prison or jail, where individuals can go to serve their entire sentence. In restitution centers, people work and surrender their paychecks to be used for court-ordered fines, restitution fees, room and board, and other debts. Community based/residential correctional facilities often include a work-release, but they function more as minimum-security prisons than reentry services.

Are residents of half-way houses protected by Wisconsin landlord-tenant laws?

It depends.

The landlord/tenant statute, Chapter 704, would likely not apply to residents of a Residential Reentry Center or Restitution Center, but likely would apply to residents of a Sober Living Home. This means that if you are living in a Sober Living Home, you may have the right to the legal eviction process, including a hearing in court.

Chapter ATCP 134, which contains the Wisconsin regulations that apply to residential rental practices, clearly states that it does not apply to places that are owned and operated by the government. So Chapter 134 would likely not apply to Reentry Centers or Restitution Centers.

Chapter 134 also does not apply to a place if someone is living there in order to receive medical, counseling, religious, or similar services. Whether Chapter 134 would apply to residents at a sober living home may depend on what level of medical and counseling services, if any, they are receiving through the home. In

many instances, you will sign a lease or rental agreement that lets you know if a resident is considered a “tenant” under Chapter 704, and explains your rights as a tenant. Review the agreement - it may help you understand what laws and regulations cover you.

Are residents of half-way houses protected by the Fair Housing Act?

The Fair Housing Act (FHA) protects people with disabilities from unfair treatment in almost all housing situations. ‘Individuals with disabilities’ includes individuals in recovery from drug or alcohol abuse. However, current users of illegal controlled substances are not protected under the law, unless they have a separate disability. Sober living homes, the people who run them, and the people who live in them are protected by this.

Residents of sober housing have the right to request reasonable accommodations or modifications to allow them equal access and opportunities. For example, a person who is in a medication-assisted treatment plan wants to live in a sober home that has a rule against using any medications during recovery. Since the medication prescribed to the resident is necessary for their disability, that resident could request a reasonable accommodation in order to receive permission from the housing provider to continue with their treatment plan, while living at the property.

Prisons and jails are not considered ‘dwellings’ under the FHA because they are meant for punishment, not as a place to live long-term. The FHA does not say whether it covers residential reentry centers or restitution centers. Because these places are used for correctional purposes and people stay there for only a short time, they probably don’t fall under FHA rules like regular rental housing does.

Are residents of half-way houses protected by the Americans with Disabilities Act?

The Americans with Disabilities Act (ADA) makes sure that people with disabilities have the same rights and opportunities as everyone else. This includes people with an addiction to alcohol and people in recovery from opioids and other drugs.

Title II of the ADA applies to all state and local government agencies. This includes the criminal justice system, like jails, prisons, probation offices, and courts, as well

as government-run recovery homes. So, Residential Reentry Centers and Restitution Centers would be covered under Title II if they are owned or run by the government.

Title III of the ADA applies to private businesses, nonprofits, and businesses that are open to the public. This includes hotels, restaurants, stores, doctor's offices, golf courses, private schools, day care centers, health clubs, sports stadiums, movie theaters, and so on. A privately owned sober living facility would likely be covered under Title III of the ADA.

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