

Enrolled
House Bill 2953

Sponsored by Representative MCLAIN; Senators FREDERICK, RILEY

CHAPTER

AN ACT

Relating to community-based structured housing; amending ORS 443.480, 443.485, 443.490 and 443.500.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 443.480 is amended to read:

443.480. As used in ORS 443.480 to 443.500:

(1)(a) “Community-based structured housing” means congregate housing[, *excluding residential care or treatment,*] where services and support are provided by the owner or operator of the facility **or staff of the facility** to assist residents who have mental, emotional, behavioral or substance use disorders.

(b) “Community-based structured housing” does not include:

(A) Residential care as defined in ORS 443.400; or

(B) Publicly supported housing as defined in ORS 456.250.

(2) “Congregate housing” means housing in which each **adult** resident has a private or shared bedroom or living quarters and shares with other **adult** residents a dining room, recreational room and other common areas.

[3] “Elderly” means an individual who is 62 years of age or older.]

[4] “Disability” means a physical or mental impairment which for the individual constitutes or results in a functional limitation to one or more major life activities.]

[5] “Residential care” has the meaning given that term in ORS 443.400.]

(3) “Services and support” means living accommodations and services, other than treatment, such as housekeeping, laundry, medication monitoring, transportation or recreational opportunities.

[6] (4) “Treatment” has the meaning given that term in ORS 443.400.

SECTION 2. ORS 443.485 is amended to read:

443.485. (1) Subject to ORS 443.490, [*the owner or operator of*] **a person that owns or operates** a community-based structured housing facility offered to the general public shall register with the [*Department of Human Services or the*] Oregon Health Authority[, *as appropriate,*] the name and address of the owner or operator if the facility:

(a) Provides [*housing and meals*] **services and support** to two or more [*adults who are elderly or have disabilities, as defined in ORS 443.480, and who are*] **adult residents**, not related to the person by blood or marriage, **who have mental, emotional, behavioral or substance use disorders**; and

(b) Is not licensed or registered under any other law of this state or city or county ordinance or regulation.

(2) The registration fee is \$20 annually.

(3) The *[department and the]* authority shall establish by rule reasonable and appropriate standards for the operation of facilities subject to ORS 443.480 to 443.500 *[that fall within their respective jurisdictions]*. The standards must be consistent with the residential nature of the facilities and must address, at a minimum, the:

(a) Physical properties of *[the]* a facility;

(b) Storage, preparation and serving of food at *[the]* a facility **that provides prepared meals**;

(c) Storage, preparation and dispensing of medications and the assistance provided by staff to **adult** residents in taking medications; and

(d) Number, experience and training of the staff of *[the]* a facility.

(4) The *[department or the]* authority shall provide evidence of the registration to the person. The evidence shall be posted in *[the]* a facility.

(5) The *[department or the]* authority may impose a civil penalty not to exceed ~~[\$200]~~ **\$5,000** for:

(a) Operating without registration as required under this section; or

(b) A violation of ORS 443.880 or 443.881.

(6) The *[department or the]* authority may suspend or revoke registration or deny the issuance of registration for violation of any statute, rule, ordinance or regulation relating to the facility.

[(7) A facility may not be required to register with both the department and the authority under this section. If a facility falls within the jurisdiction of both the department and the authority, the Director of Human Services and the Director of the Oregon Health Authority shall determine the agency responsible for registering the facility.]

~~[(8)]~~ (7) Rules adopted under subsection (3) of this section must avoid imposing on facilities regulated by federal agencies any reporting requirements or review processes that duplicate the reporting requirements or review processes imposed by the federal agency.

SECTION 3. ORS 443.490 is amended to read:

443.490. If the *[Department of Human Services or the]* Oregon Health Authority finds that another governmental entity's standards for the operation of a facility subject to ORS 443.480 to 443.500 are substantially similar or superior to those under ORS 443.485 (3), the *[department or the]* authority may waive the requirements of ORS 443.485.

SECTION 4. ORS 443.500 is amended to read:

443.500. (1) The *[Department of Human Services or]* Oregon Health Authority staff shall be permitted access to enter and investigate complaints of abuse in all facilities registered under ORS 443.480 to 443.500 and to ascertain *[the]* a facility's compliance with applicable rules, statutes, ordinances and regulations. If the *[department or the]* authority has reasonable cause to believe any facility is operating without registration or is in violation of ORS 443.480 to 443.500, the *[department or the]* authority may apply to the circuit court for a search warrant.

(2) Upon complaint of any person:

(a) The state or local fire inspectors shall be permitted access to enter and inspect facilities registered under ORS 443.480 to 443.500 regarding fire safety.

(b) The state or local health officers shall be permitted access to enter and inspect facilities registered under ORS 443.480 to 443.500 regarding health and sanitation.

(3) The owner or operator of a facility may not retaliate against any individual who files a complaint or any witness or employee of a facility interviewed about the complaint, including but not limited to retaliation by restriction of a resident's otherwise lawful access to the facility and, with respect to an employee, retaliation by dismissal or harassment.

Passed by House April 12, 2021

Repassed by House June 2, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 1, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State