

**HB 2953 B STAFF MEASURE SUMMARY**

**Carrier:** Sen. Frederick

**Senate Committee On Human Services, Mental Health and Recovery**

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**Action Date:** 05/18/21

**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

**Vote:** 4-1-0-0

**Yeas:** 4 - Anderson, Gelser, Lieber, Taylor

**Nays:** 1 - Robinson

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** C. Ross, Counsel

**Meeting Dates:** 5/11, 5/18

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**WHAT THE MEASURE DOES:**

Clarifies the definition of "community-based structured housing" to distinguish it from residential care and publicly supported housing. Makes Oregon Health Authority (OHA) solely responsible for regulation by removing references to the Department of Human Services (DHS). Increases maximum possible financial penalty for regulatory violations.

**ISSUES DISCUSSED:**

- Previous legislation, House Bill 3230 (2015), designed to capture all facilities under regulatory umbrella; difficulty with implementation; facilities that have not yet registered
- Collaboration with regulating agencies; providing better direction
- Degrees of support; variety of wraparound services provided by facilities
- Vulnerable populations; need for regulation and accountability
- Increasing potential penalty to encourage compliance

**EFFECT OF AMENDMENT:**

Increases maximum possible civil penalty that OHA may impose for regulatory violations from \$200 to \$5,000.

**BACKGROUND:**

In 2015, the Legislative Assembly enacted House Bill 3230 to require registration and regulation of community-based structured housing, which the measure defined as congregate settings where staff provide support for residents with emotional, mental, behavioral or substance use disorders, but do not provide residential care or treatment. Residential care and treatment are both defined terms; House Bill 3230 only incorporated the definition of treatment. (Residential care may include providing supervision or protection, managing money, or assisting with personal hygiene and grooming, among other supports; and treatment includes individualized rehabilitative, medical, or psychological programs.) House Bill 3230 also identified both the Department of Human Services (DHS) and the Oregon Health Authority (OHA) as regulating entities.

House Bill 2953 B clarifies the definition of community-based structured housing to make it very explicit that staff do not provide residential care, and distinguishes such housing from publicly supported housing. (Publicly supported housing is defined as multifamily developments of at least five units that are subject to affordability restrictions and that benefit from or receive public assistance.) The measure incorporates the statutory definitions of both and excludes them, then expressly defines staff support and services to include things like housekeeping, laundry, providing transportation, and organizing recreational opportunities. The measure also removes references to DHS, leaving OHA as the only regulatory entity, and increases the maximum possible financial penalty that may be imposed for noncompliance.