

B-Engrossed House Bill 2953

Ordered by the Senate May 26
Including House Amendments dated March 29 and Senate Amendments
dated May 26

Sponsored by Representative MCLAIN; Senators FREDERICK, RILEY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies definition of "community-based structured housing." Specifies that Oregon Health Authority has regulatory authority over community-based structured housing.

A BILL FOR AN ACT

1
2 Relating to community-based structured housing; amending ORS 443.480, 443.485, 443.490 and
3 443.500.

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

5 **SECTION 1.** ORS 443.480 is amended to read:

6 443.480. As used in ORS 443.480 to 443.500:

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

11 **(b) "Community-based structured housing" does not include:**

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

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

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

17 [(3) "*Elderly*" means an individual who is 62 years of age or older.]

18 [(4) "*Disability*" means a physical or mental impairment which for the individual constitutes or
19 results in a functional limitation to one or more major life activities.]

20 [(5) "*Residential care*" has the meaning given that term in ORS 443.400.]

21 **(3) "Services and support" means living accommodations and services, other than treat-**
22 **ment, such as housekeeping, laundry, medication monitoring, transportation or recreational**
23 **opportunities.**

24 [(6)] **(4) "Treatment"** has the meaning given that term in ORS 443.400.

25 **SECTION 2.** ORS 443.485 is amended to read:

26 443.485. (1) Subject to ORS 443.490, [*the owner or operator of*] **a person that owns or operates**
27 a community-based structured housing facility offered to the general public shall register with the
28 [*Department of Human Services or the*] Oregon Health Authority[, *as appropriate,*] the name and ad-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 dress of the owner or operator if the facility:

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

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

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

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

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

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

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

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

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

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

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

22 (b) A violation of ORS 443.880 or 443.881.

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

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

29 [(8) (7) Rules adopted under subsection (3) of this section must avoid imposing on facilities
30 regulated by federal agencies any reporting requirements or review processes that duplicate the
31 reporting requirements or review processes imposed by the federal agency.

32 **SECTION 3.** ORS 443.490 is amended to read:

33 443.490. If the [*Department of Human Services or the*] Oregon Health Authority finds that an-
34 other governmental entity's standards for the operation of a facility subject to ORS 443.480 to
35 443.500 are substantially similar or superior to those under ORS 443.485 (3), the [*department or the*]
36 authority may waive the requirements of ORS 443.485.

37 **SECTION 4.** ORS 443.500 is amended to read:

38 443.500. (1) The [*Department of Human Services or*] Oregon Health Authority staff shall be per-
39 mitted access to enter and investigate complaints of abuse in all facilities registered under ORS
40 443.480 to 443.500 and to ascertain [*the*] **a** facility's compliance with applicable rules, statutes, ordi-
41 nances and regulations. If the [*department or the*] authority has reasonable cause to believe any fa-
42 cility is operating without registration or is in violation of ORS 443.480 to 443.500, the [*department*
43 *or the*] authority may apply to the circuit court for a search warrant.

44 (2) Upon complaint of any person:

45 (a) The state or local fire inspectors shall be permitted access to enter and inspect facilities

1 registered under ORS 443.480 to 443.500 regarding fire safety.

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

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

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