

HB 2506 -3 STAFF MEASURE SUMMARY

House Committee On Housing and Homelessness

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Meeting Dates: 3/7

WHAT THE MEASURE DOES:

Expands definition of residential home and residential facilities that local governments must approve using same standards as other residential uses. Defines “residential facility” to include secure residential treatment homes; community housing; community-based structured housing; continuing care retirement community; independent residence facility; or community-based housing. Allows applicants for supportive housing development to obtain attorney fees in prevailing appeals before the Land Use Board of Appeals.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 Clarifies that a "residential treatment facility" provides care, treatment or training and serves up to 16 individuals. Clarifies a "residential home" means a building for residential use that provides residential care alone or in conjunction with training for five or fewer individuals. Requires residential facilities to be a permitted use in zones where multifamily residential uses are allowed as a conditional use. Requires a local government to allow a residential facility in residential zones, including single-family dwelling zones.

BACKGROUND:

Residential facilities and residential homes are allowed by right in zones allowing single-family and multifamily residential use. Local governments may allow a residential home in an existing dwelling in an area zoned for farm use, subject to certain conditions. The current definition of “residential facility” includes residential care for between six and fifteen individuals, while a “residential home” is limited to residential care for five or fewer individuals. These definitions are not inclusive of other types of behavioral health housing. Oregon Land Use Law (ORS Chapter 197) states “it is the policy of this state that persons with disabilities and elderly persons are entitled to live as normally as possible within communities and should not be excluded from communities because their disability or age requires them to live in groups.”

In 2021, the Legislative Assembly enacted Senate Bill 8, which restricted local governments from denying or limiting the approval of affordable housing applications, subject to certain zoning and property ownership conditions. The measure allowed affordable housing developer applicants to obtain attorney fees in prevailing appeals before Land Use Board of Appeals (LUBA).

House Bill 2506 expands the definition of “residential facilities” and “residential home” to incorporate other forms of behavioral health housing into approval required of local governments for such facilities under the same standards as residential uses. The measure also allows applicants for a supportive housing development to obtain attorney fees in a prevailing appeal before LUBA.