

## HB 2506 -5, -6, -9, -10 STAFF MEASURE SUMMARY

### House Committee On Housing and Homelessness

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**Meeting Dates:** 3/7, 4/4

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#### 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: Minimal fiscal impact*

*REVENUE: No revenue impact*

#### ISSUES DISCUSSED:

##### EFFECT OF AMENDMENT:

-5 Removes provisions allowing applicants for supportive housing development to obtain attorney fees in prevailing appeals before the Land Use Board of Appeals.

-6 Allows a local government to impose conditions of approval in siting a residential facility related to 24-hour staffing; minimum security, health, safety, and training standards; emergency preparedness; and compliance with requirements of Department of Corrections and State Board of Parole regarding an individual's residency requirements or conditions of release.

-9 Removes specified number of individuals served by a residential facility as defined by this Act. 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. Incorporates definition of “residential home” into ORS 215 related to county planning on lands zoned for farm use and exclusive farm use. Clarifies county may allow a residential home in an existing dwelling on lands zoned for farm use or exclusive farm use or allow a land division for a residential home in an exclusive farm use zone, subject to certain approval criteria. Allows county to impose zoning requirements on the establishment of a residential home that are no more restrictive than those imposed on other nonfarm single-family dwellings in the same zone.

-10 Removes provisions allowing applicants for supportive housing development to obtain attorney fees in prevailing appeals before the Land Use Board of Appeals. Allows a local government to enact an ordinance prohibiting siting a residential facility or residential home within 1,000 feet of a public or private elementary school or secondary school or a child care facility; or to prohibit a residential facility or residential home from hiring or accepting an employee or resident that is required to report as a sex offender or has been convicted of a felony, or requiring that a facility or home within 1,000 feet of a school or child care facility provide adequate staff at all times if a resident meets specified criteria.

#### 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

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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 facility” 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.