

Senate Bill 1101

Sponsored by Senator MEEK, Representatives NELSON, NOSSE; Senators GOLDEN, HANSELL, WOODS, Representatives BOICE, GOMBERG, HARTMAN, HUDSON, LIVELY, MANNIX, SMITH G, WALTERS

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 **as introduced**.

Authorizes adult foster home provider to provide residential care for up to six residents who are not related to provider.

A BILL FOR AN ACT

1
2 Relating to residential care; creating new provisions; and amending ORS 197.660, 443.422 and
3 443.705.

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

5 **SECTION 1.** ORS 443.705 is amended to read:

6 443.705. As used in ORS 443.705 to 443.825:

7 (1) "Adult foster home" means any family home or facility in which residential care is provided
8 in a homelike environment for [*five*] **six** or fewer adults who are not related to the provider by blood
9 or marriage.

10 (2) "Licensed adult foster home" means a home which has been investigated and approved by
11 the licensing agency. This includes an in-person site inspection of the facility.

12 (3) "Licensing agency" means:

13 (a) The Department of Human Services for adult foster homes licensed by the department.

14 (b) The Oregon Health Authority for adult foster homes licensed by the authority.

15 (4) "Provider" means any person operating an adult foster home and includes a resident man-
16 ager. "Provider" does not include the owner or lessor of the building in which the adult foster home
17 is located or the owner or lessor of the land on which the adult foster home is situated unless the
18 owner or lessor is also the operator of the adult foster home.

19 (5) "Residential care" means the provision of room and board and services that assist the resi-
20 dent in activities of daily living, such as assistance with bathing, dressing, grooming, eating,
21 medication management, money management or recreation.

22 (6) "Substitute caregiver" means any person who provides care and services in an adult foster
23 home under the jurisdiction of the licensing agency in the absence of the provider or resident
24 manager.

25 **SECTION 2.** ORS 197.660 is amended to read:

26 197.660. As used in ORS 197.660 to 197.670, 215.213, 215.263, 215.283[,] **and** 215.284 [*and*
27 *443.422*]:

28 (1) "Residential facility" means a residential care, residential training or residential treatment
29 facility, as those terms are defined in ORS 443.400, that provides residential care alone or in con-
30 junction with treatment or training or a combination thereof for six to fifteen individuals who need
31 not be related[.], **excluding** staff persons required to meet licensing requirements [*shall not be*

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 *counted in the number of facility residents, and need not be related to each other or to any resident*
 2 *of the residential facility].*

3 (2) “Residential home” means:

4 (a) A residential treatment or training home, as defined in ORS 443.400[,] **or** a residential fa-
 5 cility registered under ORS 443.480 to 443.500 [*or an adult foster home licensed under ORS 443.705*
 6 *to 443.825*] that provides residential care alone or in conjunction with treatment or training or a
 7 combination thereof for five or fewer individuals who need not be related [.,] **excluding** staff persons
 8 required to meet licensing requirements [*shall not be counted in the number of facility residents, and*
 9 *need not be related to each other or to any resident of the residential home*]; **or**

10 (b) **An adult foster home licensed under ORS 443.705 to 443.825 that provides residential**
 11 **care alone or in conjunction with treatment or training or a combination thereof for six or**
 12 **fewer individuals who need not be related, excluding staff persons required to meet licensing**
 13 **requirements.**

14 (3) “Zoning requirement” means any standard, criteria, condition, review procedure, permit re-
 15 quirement or other requirement adopted by a city or county under the authority of ORS chapter 215
 16 or 227 that applies to the approval or siting of a residential facility or residential home. A zoning
 17 requirement does not include a state or local health, safety, building, occupancy or fire code re-
 18 quirement.

19 **SECTION 3.** ORS 443.422 is amended to read:

20 443.422. (1) To prevent the perpetuation of segregated housing patterns, the Department of Hu-
 21 man Services, in consultation with the Oregon Health Authority, shall determine the location and
 22 type of licensed residential facilities and the location of facilities subject to the provisions of ORS
 23 169.690.

24 (2) Before a license is issued for a residential facility [*as defined in ORS 443.400*], the issuing
 25 agency shall determine the number and type of any other licensed residential facilities and the
 26 number and type of facilities subject to the provisions of ORS 169.690 within a 1,200 foot radius.

27 (3) None of the data collected under this section shall be used in a manner that violates the Fair
 28 Housing Amendments Act of 1988.

29 **SECTION 4.** ORS 443.422 is added to and made a part of ORS 443.400 to 443.455.

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