

**HB 4023 A STAFF MEASURE SUMMARY****Carrier:** Rep. Helfrich**House Committee On Rules****Action Date:** 02/22/24**Action:** Do pass with amendments and rescind subsequent referral to Ways and Means. (Printed A-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Fahey, Helfrich, Kropf, Nosse, Scharf, Valderrama, Wallan**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Claire Adamsick**Meeting Dates:** 2/15, 2/22**WHAT THE MEASURE DOES:**

The measure requires local governments to allow siting of a residential treatment facility, as defined in ORS 443.400, within an urban growth boundary without requiring a zone change or conditional use permit, subject to certain conditions.

Detailed Summary:

Requires local governments to allow siting of a residential treatment facility, as defined in ORS 443.400, without requiring a zone change or conditional use permit, if the property is within the urban growth boundary and is owned by a public body. Clarifies that the land on which the property is located must be zoned for either: commercial use; as public lands, excluding park land; or for industrial use if the property is adjacent to residentially-zoned lands and not specifically designated for heavy industrial uses. Exempts from provisions the lands where a local government determines the facility will not be adequately served by water, sewer or stormwater, or that the property is located in a 100-year floodplain, or development of the property is constrained by land use regulations related to natural disasters, hazards, or other specified natural resources. Clarifies that the measure's provisions do not trigger an economic development analysis by the local government.

**ISSUES DISCUSSED:**

- Provisions of amendment
- Senate Bill 8 (2021) allowances for affordable housing siting without requiring a zone change or conditional use review
- Comparing provisions with proposed House Bill 2506 (2023), which was not enacted
- Compliance with Federal Fair Housing Laws in local land use decisions, and legal pathways to address Fair Housing violations
- Utilizing definition of "residential treatment facility" in ORS 443.400 to align with scope of behavioral health treatment facility siting

**EFFECT OF AMENDMENT:**

The amendment replaces the measure.

**BACKGROUND:**

ORS 443.400 defines a "residential treatment facility" as a facility that provides residential care and treatment for six or more individuals with mental, emotional, or behavioral issues or alcohol or drug dependence, in one or more buildings on contiguous properties. Oregon Land Use Law regarding residential facility siting (ORS 197.663) 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."

## **HB 4023 A STAFF MEASURE SUMMARY**

Residential facilities are currently allowed by right in zones where multifamily residential use is permitted; these facilities are allowed as a conditional use in zones where multifamily residential use is also a conditional use. Current law allows, but does not require, a city or county to allow a residential facility in a residential zone, including single-family dwelling zones. In 2021, the Legislative Assembly enacted Senate Bill 8, which prohibited local governments from requiring a zone change or conditional use permit on a development application for affordable housing within an urban growth boundary, subject to certain zoning and property ownership conditions.