

Senate Bill 1591

Sponsored by Senator MEEK, Representatives NOSSE, NELSON; Senators DEMBROW, FREDERICK, GOLDEN, GORSEK, HANSELL, JAMA, LIEBER, MANNING JR, PROZANSKI, TAYLOR, WOODS, Representatives BOICE, GOMBERG, HUDSON, SMITH G (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act allows DHS to license adult foster homes with up to seven residents. The Act sets out the requirements for licensing an adult foster home with six or seven residents. (Flesch Readability Score: 60.1).

Authorizes the Department of Human Services to license adult foster homes serving up to seven residents if the home meets specified criteria and pays the appropriate fee.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to adult foster homes; creating new provisions; amending ORS 197.660, 443.400, 443.422,
3 443.705 and 443.734; and prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2024 Act is added to and made a part of ORS 443.705 to**
6 **443.825.**

7 **SECTION 2. (1) An adult foster home may not serve more than five older adults unless**
8 **the home meets the following criteria as prescribed by the Department of Human Services**
9 **by rule:**

10 (a) **The adult foster home provider received an initial license to operate an adult foster**
11 **home at least 24 months prior to applying for a license to serve additional residents;**

12 (b) **The provider has been licensed to provide adult foster care to five residents for at**
13 **least 12 months prior to applying for a license to serve additional residents;**

14 (c) **There have been at least two full inspections of the home without any enforcement**
15 **actions by the department;**

16 (d) **The provider attests that the increase in the number of residents will not adversely**
17 **affect the health, safety or quality of life of the home's current residents;**

18 (e) **The home is in compliance with all department rules regarding emergency evacu-**
19 **ations;**

20 (f) **The provider has filed a new evacuation plan to address how the provider will evacuate**
21 **the increased number of residents;**

22 (g) **The home has a residential sprinkler system in place and the home is in compliance**
23 **with all fire and safety regulations adopted by the department by rule, including any rules**
24 **adopted in accordance with subsection (2) of this section; and**

25 (h) **The provider has paid fees established by the department by rule.**

26 (2) **The department shall adopt rules necessary to ensure the safety of residents in adult**
27 **foster homes licensed under this section.**

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.

SECTION 3. ORS 443.705 is amended to read:

443.705. As used in ORS 443.705 to 443.825:

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

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

(3) “Licensing agency” means:

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

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

(4) “Provider” means any person operating an adult foster home and includes a resident manager. “Provider” does not include the owner or lessor of the building in which the adult foster home is located or the owner or lessor of the land on which the adult foster home is situated unless the owner or lessor is also the operator of the adult foster home.

(5) “Residential care” means the provision of room and board and services that assist the resident in activities of daily living, such as assistance with bathing, dressing, grooming, eating, medication management, money management or recreation.

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

SECTION 4. ORS 443.734 is amended to read:

443.734. Consistent with the requirements of ORS 443.705 to 443.825:

(1) The Department of Human Services shall adopt:

(a) Rules for the licensing of adult foster homes that provide residential care to:

(A) Five or fewer older adults; and

(B) Six or seven older adults in accordance with section 2 of this 2024 Act;

(b) Rules for the licensing of adult foster homes that provide residential care to individuals with physical disabilities; and

(c) Rules for the licensing of adult foster homes that provide residential care to individuals with intellectual or developmental disabilities.

(2) The Oregon Health Authority shall adopt rules for the licensing of adult foster homes that provide residential care to individuals with mental illness.

SECTION 5. ORS 443.400 is amended to read:

443.400. As used in ORS 443.400 to 443.455 and 443.991, unless the context requires otherwise:

(1) “Behavioral health needs” means mental, emotional or behavioral disturbances.

(2) “Conversion facility” means a facility that has applied for, or been issued, a conversion facility license as described in ORS 443.431.

(3) “Direct care staff” means the employees of a residential facility whose primary responsibilities are to provide personal care services to residents, including but not limited to:

(a) Administering medications;

(b) Coordinating resident-focused activities;

(c) Supervising and supporting residents;

(d) Supporting activities of daily living, including but not limited to bathing, dressing, eating and transferring; and

(e) Serving but not preparing meals.

1 (4) “Licensing agency” means:

2 (a) The Department of Human Services, if the residential facility that is licensed, or that the
3 Director of Human Services determines should be licensed, is a residential care facility, residential
4 training facility or residential training home; or

5 (b) The Oregon Health Authority, if the residential facility that is licensed, or that the Director
6 of the Oregon Health Authority determines should be licensed, is a residential treatment facility or
7 residential treatment home.

8 (5) “Resident” means any individual residing in a facility who receives residential care, treat-
9 ment or training. For purposes of ORS 443.400 to 443.455, an individual is not considered to be a
10 resident if the individual is related by blood or marriage within the fourth degree as determined by
11 civil law to the person licensed to operate or maintain the facility.

12 (6) “Residential care” means services such as supervision; protection; assistance while bathing,
13 dressing, grooming or eating; management of money; transportation; recreation; and the providing
14 of room and board.

15 (7)(a) “Residential care facility” means a facility that provides residential care in one or more
16 buildings on contiguous properties:

17 [(a)] (A) For six or more socially dependent individuals or individuals with physical disabilities;
18 or

19 [(b)] (B) For fewer than six socially dependent individuals or individuals with physical disabili-
20 ties if the purpose of the facility is to serve individuals with co-occurring behavioral health needs
21 who are more appropriately served in smaller settings.

22 (b) “Residential care facility” does not include an adult foster home licensed under sec-
23 tion 2 of this 2024 Act.

24 (8) “Residential facility” means a residential care facility, residential training facility, residen-
25 tial treatment facility, residential training home, residential treatment home or conversion facility.

26 (9) “Residential training facility” means a facility that provides, for six or more individuals with
27 intellectual or developmental disabilities, residential care and training in one or more buildings on
28 contiguous properties.

29 (10) “Residential training home” means a facility that provides, for five or fewer individuals with
30 intellectual or developmental disabilities, residential care and training in one or more buildings on
31 contiguous properties, when so certified and funded by the Department of Human Services.

32 (11) “Residential treatment facility” means a facility that provides, for six or more individuals
33 with mental, emotional or behavioral disturbances or alcohol or drug dependence, residential care
34 and treatment in one or more buildings on contiguous properties.

35 (12) “Residential treatment home” means a facility that provides for five or fewer individuals
36 with mental, emotional or behavioral disturbances or alcohol or drug dependence, residential care
37 and treatment in one or more buildings on contiguous properties.

38 (13) “Training” means the systematic, planned maintenance, development or enhancement of
39 self-care skills, social skills or independent living skills, or the planned sequence of systematic
40 interactions, activities or structured learning situations designed to meet each resident’s specified
41 needs in the areas of physical, social, emotional and intellectual growth.

42 (14) “Treatment” means a planned, individualized program of medical, psychological or
43 rehabilitative procedures, experiences and activities designed to relieve or minimize mental, emo-
44 tional, physical or other symptoms or social, educational or vocational disabilities resulting from or
45 related to the mental or emotional disturbance, physical disability or alcohol or drug problem.

SECTION 6. ORS 197.660 is amended to read:

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

(1) “Residential facility” means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related[.], **excluding** staff persons required to meet licensing requirements [*shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility*].

(2) “Residential home” means:

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

(b) **An adult foster home licensed under ORS 443.705 to 443.825.**

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

SECTION 7. ORS 443.422 is amended to read:

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

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

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

SECTION 8. ORS 443.422 is added to and made a part of ORS 443.400 to 443.455.

SECTION 9. This 2024 Act takes effect on the 91st day after the date on which the 2024 regular session of the Eighty-second Legislative Assembly adjourns sine die.