

Senate Bill 506

Sponsored by Senator CLOSE (at the request of Linn County Commissioner John Lindsey)

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**.

Excludes secure residential treatment homes and facilities as permitted use under zoning requirements. Requires secure residential homes and facilities to notify county mental health authority of names of residents placed in county who are under jurisdiction of Psychiatric Security Review Board. Requires Oregon Health Authority to notify local law enforcement of licensing of secure residential home or facility.

A BILL FOR AN ACT

1
2 Relating to secure residential facilities; amending ORS 197.660 and 443.465.

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

4 **SECTION 1.** ORS 197.660 is amended to read:

5 197.660. As used in ORS 197.660 to 197.670, 215.213, 215.263, 215.283, 215.284 and 443.422:

6 (1)(a) "Residential facility" means a residential care, residential training or residential treat-
7 ment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in
8 conjunction with treatment or training or a combination thereof for six to fifteen individuals who
9 need not be related. Staff persons required to meet licensing requirements shall not be counted in
10 the number of facility residents, and need not be related to each other or to any resident of the
11 residential facility.

12 **(b) "Residential facility" does not include a secure residential treatment facility that is**
13 **subject to rules adopted by the Oregon Health Authority under ORS 443.465.**

14 (2)(a) "Residential home" means a residential treatment or training home, as defined in ORS
15 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home li-
16 censed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with
17 treatment or training or a combination thereof for five or fewer individuals who need not be related.
18 Staff persons required to meet licensing requirements shall not be counted in the number of facility
19 residents, and need not be related to each other or to any resident of the residential home.

20 **(b) "Residential home" does not include a secure residential treatment home that is**
21 **subject to rules adopted by the authority under ORS 443.465.**

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

27 **SECTION 2.** ORS 443.465 is amended to read:

28 443.465. (1) **As used in this section, a residential treatment home or facility is "secure"**
29 **if all resident exits from the home, facility or grounds of the home or facility are restricted**
30 **through the use of locking devices on resident exit doors, gates or other closures.**

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 [(1)] (2) The Oregon Health Authority shall adopt rules applicable to secure residential treat-
2 ment homes and facilities as defined in ORS 443.400 that house persons who, as a condition of re-
3 lease under ORS 161.315 to 161.351, are required to live in a secure home or facility. The rules must:

4 (a) [Provide] **Set** minimum security, health and safety standards;

5 (b) Require the home or facility to have an emergency preparedness plan;

6 (c) Set minimum training standards for the staff of the home or facility; [and]

7 (d) Ensure compliance with any orders of the court or the Psychiatric Security Review
8 Board[.]; **and**

9 **(e) Notwithstanding ORS 179.505, require secure residential treatment homes and facili-**
10 **ties that contract with the Psychiatric Security Review Board to notify the county mental**
11 **health authority of the names of residents placed in that county who are under the juris-**
12 **isdiction of the board.**

13 [(2) *As used in this section, a residential treatment home or facility is “secure” if a resident exit*
14 *from the home, facility or grounds of the home or facility is restricted through the use of locking devices*
15 *on resident exit doors, gates or other closures.*]

16 **(3) The authority shall notify local law enforcement of the licensing of a secure residen-**
17 **tial treatment home or facility within the jurisdiction of the law enforcement agency.**

18