

# House Bill 2953

Sponsored by Representative MCLAIN; Senators FREDERICK, RILEY

## 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**.

Modifies definition of "community-based structured housing."

### A BILL FOR AN ACT

Relating to community-based structured housing; amending ORS 443.480 and 443.485.

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

**SECTION 1.** ORS 443.480 is amended to read:

443.480. As used in ORS 443.480 to 443.500:

(1) "Community-based structured housing" means congregate housing, excluding residential care [or treatment], **as defined in ORS 443.400**, where services and support are provided by the owner or operator of the facility **or staff of the facility** to assist residents who have mental, emotional, behavioral or substance use disorders.

(2) "Congregate housing" means housing in which each resident has a private or shared bedroom or living quarters and shares with other residents a dining room, recreational room and other common areas.

*[(3) "Elderly" means an individual who is 62 years of age or older.]*

*[(4) "Disability" means a physical or mental impairment which for the individual constitutes or results in a functional limitation to one or more major life activities.]*

*[(5) "Residential care" has the meaning given that term in ORS 443.400.]*

**(3) "Services and support" means living accommodations, meals and tasks that are not related to care such as housekeeping, laundry, medication monitoring, transportation or recreational activities provided for the benefit of a resident.**

*[(6)] (4) "Treatment" has the meaning given that term in ORS 443.400.*

**SECTION 2.** ORS 443.485 is amended to read:

443.485. (1) Subject to ORS 443.490, the owner or operator of a community-based structured housing facility offered to the general public shall register with the Department of Human Services or the Oregon Health Authority, as appropriate, the name and address of the owner or operator if the facility:

(a) Provides housing and [meals] **services and support** to two or more adults who [are elderly or have disabilities, as defined in ORS 443.480,] **have mental, emotional, behavioral or substance use disorders** and who are not related to the person by blood or marriage; and

(b) Is not licensed or registered under any other law of this state or city or county ordinance or regulation.

(2) The registration fee is \$20 annually.

(3) The department and the authority shall establish by rule reasonable and appropriate stan-

**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 dards for the operation of facilities subject to ORS 443.480 to 443.500 that fall within their respec-  
2 tive jurisdictions. The standards must be consistent with the residential nature of the facilities and  
3 must address, at a minimum, the:

4 (a) Physical properties of the facility;

5 (b) Storage, preparation and serving of food at *[the]* a facility **that provides prepared meals**;

6 (c) Storage, preparation and dispensing of medications and the assistance provided by staff to  
7 residents in taking medications; and

8 (d) Number, experience and training of the staff of the facility.

9 (4) The department or the authority shall provide evidence of the registration to the person. The  
10 evidence shall be posted in the facility.

11 (5) The department or the authority may impose a civil penalty not to exceed \$200 for:

12 (a) Operating without registration as required under this section; or

13 (b) A violation of ORS 443.880 or 443.881.

14 (6) The department or the authority may suspend or revoke registration or deny the issuance  
15 of registration for violation of any statute, rule, ordinance or regulation relating to the facility.

16 (7) A facility may not be required to register with both the department and the authority under  
17 this section. If a facility falls within the jurisdiction of both the department and the authority, the  
18 Director of Human Services and the Director of the Oregon Health Authority shall determine the  
19 agency responsible for registering the facility.

20 (8) Rules adopted under subsection (3) of this section must avoid imposing on facilities regulated  
21 by federal agencies any reporting requirements or review processes that duplicate the reporting  
22 requirements or review processes imposed by the federal agency.

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