

Requested by Representative MCLAIN

**PROPOSED AMENDMENTS TO
HOUSE BILL 2953**

1 On page 1 of the printed bill, line 2, delete “and 443.485” and insert “,
2 443.485, 443.490 and 443.500.”.

3 Delete lines 4 through 32 and delete page 2 and insert:

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

5 “443.480. As used in ORS 443.480 to 443.500:

6 “(1)(a) ‘Community-based structured housing’ means congregate housing[,
7 *excluding residential care or treatment,*] where services and support are pro-
8 vided by the owner or operator of the facility **or staff of the facility** to
9 assist residents who have mental, emotional, behavioral or substance use
10 disorders.

11 **“(b) ‘Community-based structured housing’ does not include:**

12 **“(A) Residential care as defined in ORS 443.400; or**

13 **“(B) Publicly supported housing as defined in ORS 456.250.**

14 “(2) ‘Congregate housing’ means housing in which each **adult** resident has
15 a private or shared bedroom or living quarters and shares with other **adult**
16 residents a dining room, recreational room and other common areas.

17 “[3] ‘Elderly’ means an individual who is 62 years of age or older.]

18 “[4] ‘Disability’ means a physical or mental impairment which for the in-
19 dividual constitutes or results in a functional limitation to one or more major
20 life activities.]

21 “[5] ‘Residential care’ has the meaning given that term in ORS 443.400.]

1 “(3) ‘Services and support’ means living accommodations and ser-
2 vices, other than treatment, such as housekeeping, laundry,
3 medication monitoring, transportation or recreational opportunities.

4 “[(6)] (4) ‘Treatment’ has the meaning given that term in ORS 443.400.

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

6 “443.485. (1) Subject to ORS 443.490, [*the owner or operator of*] **a person**
7 **that owns or operates** a community-based structured housing facility of-
8 fered to the general public shall register with the [*Department of Human*
9 *Services or the*] Oregon Health Authority[, *as appropriate,*] the name and
10 address of the owner or operator if the facility:

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

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

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

19 “(3) The [*department and the*] authority shall establish by rule reasonable
20 and appropriate standards for the operation of facilities subject to ORS
21 443.480 to 443.500 [*that fall within their respective jurisdictions*]. The stan-
22 dards must be consistent with the residential nature of the facilities and
23 must address, at a minimum, the:

24 “(a) Physical properties of [*the*] **a facility**;

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

27 “(c) Storage, preparation and dispensing of medications and the assistance
28 provided by staff to **adult** residents in taking medications; and

29 “(d) Number, experience and training of the staff of [*the*] **a facility**.

30 “(4) The [*department or the*] authority shall provide evidence of the reg-

1 istration to the person. The evidence shall be posted in *[the]* a facility.

2 “(5) The *[department or the]* authority may impose a civil penalty not to
3 exceed \$200 for:

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

5 “(b) A violation of ORS 443.880 or 443.881.

6 “(6) The *[department or the]* authority may suspend or revoke registration
7 or deny the issuance of registration for violation of any statute, rule, ordi-
8 nance or regulation relating to the facility.

9 “[~~(7)~~ A facility may not be required to register with both the department
10 and the authority under this section. If a facility falls within the jurisdiction
11 of both the department and the authority, the Director of Human Services and
12 the Director of the Oregon Health Authority shall determine the agency re-
13 sponsible for registering the facility.]

14 “[~~(8)~~ (7) Rules adopted under subsection (3) of this section must avoid
15 imposing on facilities regulated by federal agencies any reporting require-
16 ments or review processes that duplicate the reporting requirements or re-
17 view processes imposed by the federal agency.

18 “**SECTION 3.** ORS 443.490 is amended to read:

19 “443.490. If the *[Department of Human Services or the]* Oregon Health
20 Authority finds that another governmental entity’s standards for the opera-
21 tion of a facility subject to ORS 443.480 to 443.500 are substantially similar
22 or superior to those under ORS 443.485 (3), the *[department or the]* authority
23 may waive the requirements of ORS 443.485.

24 “**SECTION 4.** ORS 443.500 is amended to read:

25 “443.500. (1) The *[Department of Human Services or]* Oregon Health Au-
26 thority staff shall be permitted access to enter and investigate complaints
27 of abuse in all facilities registered under ORS 443.480 to 443.500 and to as-
28 certain *[the]* a facility’s compliance with applicable rules, statutes, ordi-
29 nances and regulations. If the *[department or the]* authority has reasonable
30 cause to believe any facility is operating without registration or is in vio-

1 lation of ORS 443.480 to 443.500, the [*department or the*] authority may apply
2 to the circuit court for a search warrant.

3 “(2) Upon complaint of any person:

4 “(a) The state or local fire inspectors shall be permitted access to enter
5 and inspect facilities registered under ORS 443.480 to 443.500 regarding fire
6 safety.

7 “(b) The state or local health officers shall be permitted access to enter
8 and inspect facilities registered under ORS 443.480 to 443.500 regarding
9 health and sanitation.

10 “(3) The owner or operator of a facility may not retaliate against any
11 individual who files a complaint or any witness or employee of a facility
12 interviewed about the complaint, including but not limited to retaliation by
13 restriction of a resident’s otherwise lawful access to the facility and, with
14 respect to an employee, retaliation by dismissal or harassment.”.

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