

HB 2506 -9 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 5/4

WHAT THE MEASURE DOES:

Expands definition of residential home and residential facilities that local governments must approve using same standards as other residential uses. Defines “residential facility” to include secure residential treatment homes; community housing; community-based structured housing; continuing care retirement community; independent residence facility; or community-based housing. Allows applicants for supportive housing development to obtain attorney fees in prevailing appeals before the Land Use Board of Appeals.

FISCAL: Fiscal impact issued

REVENUE: No revenue impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-9 Removes specified number of individuals served by a residential facility as defined by the measure. Requires residential facilities to be a permitted use in zones where multifamily residential uses are allowed as a conditional use. Requires a local government to allow a residential facility in residential zones, including single-family dwelling zones. Incorporates definition of “residential home” into ORS 215 related to county planning on lands zoned for farm use and exclusive farm use. Clarifies county may allow a residential home in an existing dwelling on lands zoned for farm use or exclusive farm use or allow a land division for a residential home in an exclusive farm use zone, subject to certain approval criteria. Allows county to impose zoning requirements on the establishment of a residential home that are no more restrictive than those imposed on other nonfarm single-family dwellings in the same zone.

BACKGROUND:

Residential facilities and residential homes are allowed by right in zones allowing single-family and multifamily residential use. Local governments may allow a residential home in an existing dwelling in an area zoned for farm use, subject to certain conditions. The current definition of “residential facility” includes residential care for between six and fifteen individuals, while a “residential home” is limited to residential care for five or fewer individuals. These definitions are not inclusive of other types of behavioral health housing. Oregon Land Use Law (ORS chapter 197) 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.”

In 2021, the Legislative Assembly enacted Senate Bill 8, which restricted local governments from denying or limiting the approval of affordable housing applications, subject to certain zoning and property ownership conditions. The measure allowed affordable housing developer applicants to obtain attorney fees in prevailing appeals before the Land Use Board of Appeals (LUBA).

House Bill 2506 expands the definition of “residential facility” and “residential home” to incorporate other forms of behavioral health housing into approval required of local governments for such facilities under the same standards as residential uses. The measure also allows applicants for a supportive housing development to obtain attorney fees in a prevailing appeal before LUBA.