

## HB 2506 STAFF MEASURE SUMMARY

### House Committee On Housing and Homelessness

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**Action Date:** 04/04/23

**Action:** Without recommendation as to passage and be referred to Rules.

**Vote:** 7-3-1-0

**Yeas:** 7 - Dexter, Fahey, Gamba, Hartman, Helm, Javadi, Levy E

**Nays:** 3 - Cate, Helfrich, Wright

**Exc:** 1 - Boice

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Claire Adamsick, LPRO Analyst

**Meeting Dates:** 3/7, 4/4

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#### 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.

#### ISSUES DISCUSSED:

- Proximity of residential facilities to schools
- Public concern regarding siting of behavioral health facilities compared with actual experience with facility in community
- 24-hour staffing requirement for secure residential facilities
- Provisions in measure regarding attorney fees in prevailing Land Use Board of Appeals case
- Criminal background screening of residents in residential facilities
- Applicability of parking requirements in residential zones
- Allowance of residential facilities in exclusive farm use zones and correlation with increased property values

#### EFFECT OF AMENDMENT:

No amendment.

#### 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).

**HB 2506 STAFF MEASURE SUMMARY**

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.