

B-Engrossed
House Bill 4023

Ordered by the Senate March 6
Including House Amendments dated February 23 and Senate Amendments
dated March 6

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Rules for Representative Julie Fahey)

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act forbids local governing bodies from limiting in certain ways where some places can be built. The Act applies to places that provide housing and care to people who have mental health needs or who need substance use treatment. (Flesch Readability Score: 70.2).

Prohibits local governments from imposing certain restrictions on the siting of residential treatment facilities in certain areas.

A BILL FOR AN ACT

1
2 Relating to behavioral health.

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

4 **SECTION 1. Section 2 of this 2024 Act is added to and made a part of ORS chapter 197A.**

5 **SECTION 2. (1) Within an urban growth boundary, a local government shall allow a res-**
6 **idential treatment facility, as defined in ORS 443.400, and may not require a zone change or**
7 **conditional use permit for the property on which the facility is sited if the property:**

8 (a) **Is owned by a public body, as defined in ORS 174.109; or**

9 (b) **Is zoned:**

10 (A) **For commercial uses;**

11 (B) **As public lands, not including lands for park land;**

12 (C) **For industrial uses, provided that the property is:**

13 (i) **Publicly owned;**

14 (ii) **Adjacent to lands zoned for residential uses; and**

15 (iii) **Not specifically designated for heavy industrial uses; or**

16 (D) **For residential uses.**

17 (2) **This section does not apply on lands where the local government determines that:**

18 (a) **The residential facility cannot be adequately served by water, sewer, storm water**
19 **drainage or streets, or will not be adequately served at the time that development on the**
20 **property is complete;**

21 (b) **The property is within a 100-year floodplain; or**

22 (c) **The development of the property is constrained by land use regulations based on**
23 **statewide land use planning goals relating to:**

24 (A) **Natural disasters and hazards; or**

25 (B) **Natural resources, including air, water, land or natural areas, but not including open**

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 **spaces or historic resources.**

2 **(3) This section does not trigger any requirement that a local government consider or**
3 **update an analysis as required by a statewide land use planning goal relating to economic**
4 **development.**

5
