



LOC Support for HB 4023A with the -A3 or -A6 Amendment

March 5, 2024

Dear Chair Leiber, Vice Chair Knopp, and Members of the Committee:

The League of Oregon Cities (LOC) urges your support for HB 4023A with either the -A3 or -A6 amendment. The LOC opposes HB 4023A unless it is amended. Both amendments provide a “supersiting” tool needed to quickly site critically needed community-based residential treatment facilities in Oregon.

Current state law needs to be updated to be consistent with the federal Fair Housing Act (FHA), which requires local jurisdictions to approve residential facilities in single-family dwelling zones, at least to the extent that those facilities are similar in the number of residents to single-family dwellings permitted in those zones. In other words, residential treatment facilities cannot be treated differently than other types of housing.

ORS 197.667 states that a local government “may” allow a residential facility in a residential zone where a single-family dwelling is allowed. In actuality, local governments “must” allow residential facilities in a single-family dwelling zone in most circumstances under the FHA.

HB 4023A applies a “supersiting” tool that would prohibit local governments from denying or conditioning approval of a residential treatment facility, as defined in ORS 443.400, but only in land zoned for commercial use, light industrial use, and publicly owned lands. HB 4023A does not apply to residential zones and therefore does not correct the FHA violations in ORS 197.667. HB 4023A will also make it easier to site residential facilities outside of neighborhoods, which in effect, will treat these facilities and their residents differently than other residential development, thus violating the FHA and creating legal confusion and costly litigation for cities. For these reasons, the LOC opposes HB 4023A.

Adoption of either the -A3 or -A6 amendments would extend the “supersiting” tool to residential neighborhoods, comply with the FHA, quickly deploy state investments, and allow cities to do their part in increasing critically needed community-based treatment facilities across Oregon. The LOC urges you to amend HB 4023A.

Sincerely,

Ariel Nelson, Lobbyist
League of Oregon Cities