

# House Bill 3230

Sponsored by Representative GALLEGOS

## 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 **as introduced**.

Modifies registration requirements for certain residential facilities. Prohibits retaliation by owner or operator of facility associated with complaint.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to registered residential facilities; amending ORS 443.405, 443.480, 443.485, 443.490 and  
3 443.500; and declaring an emergency.

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

5 **SECTION 1.** ORS 443.405 is amended to read:

6 443.405. For purposes of ORS 443.400 to 443.455 and 443.991, "residential facility" does not in-  
7 clude:

8 (1) A residential school;

9 (2) A state or local correctional facility;

10 (3) A youth correction facility as defined in ORS 420.005;

11 (4) A youth care center operated by a county juvenile department under administrative control  
12 of a juvenile court pursuant to ORS 420.855 to 420.885;

13 (5) A juvenile detention facility as defined in ORS 419A.004;

14 (6) A nursing home;

15 (7) A hospital;

16 (8) A place primarily engaged in recreational activities;

17 (9) A foster home; [or]

18 (10) A place providing care and treatment on less than a 24-hour basis; **or**

19 **(11) A residential facility registered under ORS 443.485.**

20 **SECTION 2.** ORS 443.480 is amended to read:

21 443.480. As used in ORS 443.480 to 443.500:

22 (1) **"Community-based structured housing" means housing services and support provided**  
23 **to individuals with mental, emotional or behavioral disorders, or substance use disorders,**  
24 **excluding residential care or treatment.**

25 [(1)] (2) "Elderly" means an individual who is 62 years of age or older.

26 [(2)] (3) "Disability" means a physical or mental impairment which for the individual constitutes  
27 or results in a functional limitation to one or more major life activities.

28 (4) **"Residential care" has the meaning given that term in ORS 443.400.**

29 (5) **"Treatment" has the meaning given that term in ORS 443.400.**

30 **SECTION 3.** ORS 443.485 is amended to read:

31 443.485. (1) Subject to ORS 443.490, any person who offers to the general public [*residential fa-*

**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 *cilities and*] **a facility that provides housing and** meals for compensation **shall register the**  
 2 **person's name and address with the Department of Human Services or the Oregon Health**  
 3 **Authority if the facility:**

4 (a) **Provides housing and meals** to two or more adults who are elderly or have disabilities,  
 5 as defined in ORS 443.480, **and who are** not related to the person by blood or marriage[, *and*];

6 (b) **Provides community-based structured housing; and**

7 (c) Is not licensed or registered under any other law of this state or city or county ordinance  
 8 or regulation [*shall register the person's name and address with the Department of Human Services*].

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

10 (3) The department **and the authority** shall establish by rule reasonable and appropriate stan-  
 11 dards for the operation of facilities subject to ORS 443.480 to 443.500[,] **that fall within their re-**  
 12 **spective jurisdictions. The standards must be** consistent with [*their*] **the residential nature of**  
 13 **the facilities and must address, at a minimum, the:**

14 (a) **Physical properties of the facility;**

15 (b) **Storage, preparation and serving of food at the facility;**

16 (c) **Storage, preparation and dispensing of medications and the assistance provided by**  
 17 **staff to residents in taking medications; and**

18 (d) **Number, experience and training of the staff of the facility.**

19 [(2)] (4) The department [*of Human Services*] **or the authority** shall provide evidence of the  
 20 registration to the person. The evidence shall be posted in the [*residence*] **facility.**

21 [(3)] (5) The department [*of Human Services*] **or the authority** may impose a civil penalty not  
 22 to exceed \$200 for:

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

24 (b) A violation of ORS 443.880 or 443.881.

25 [(4)] (6) The department **or the authority** may suspend or revoke registration or deny the is-  
 26 suance of registration for violation of any statute, rule, ordinance or regulation relating to the  
 27 [*safety of occupants of the residential*] facility.

28 (7) **A facility may not be required to register with both the department and the authority**  
 29 **under this section. If a facility falls within the jurisdiction of both the department and the**  
 30 **authority, the Director of Human Services and the Director of the Oregon Health Authority**  
 31 **shall determine the agency responsible for registering the facility.**

32 **SECTION 4.** ORS 443.490 is amended to read:

33 443.490. Any county or city that requires registration or licensure in the manner described in  
 34 ORS 443.485, whether or not a fee is required, may request a waiver of the requirements of ORS  
 35 443.485. If the Department of Human Services **or the Oregon Health Authority** finds that the  
 36 county or city registration or licensure requirement is substantially similar or superior, [*it*] **the**  
 37 **department or the authority** may waive the requirements of ORS 443.485.

38 **SECTION 5.** ORS 443.500 is amended to read:

39 443.500. (1) The Department of Human Services **or Oregon Health Authority** staff shall be  
 40 permitted access to enter and investigate complaints of abuse in all facilities registered under ORS  
 41 443.480 to 443.500 [*for purposes of ascertaining*] **and to ascertain the facility's** compliance with  
 42 applicable rules, statutes, ordinances and regulations. If the department **or the authority** has rea-  
 43 sonable cause to believe any facility is operating without registration **or is** in violation of ORS  
 44 443.480 to 443.500, [*it*] **the department or the authority** may apply to the circuit court for a search  
 45 warrant.

1 (2) Upon complaint of any person:

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

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

6 **(3) The owner or operator of a facility may not retaliate against any individual who files**  
7 **a complaint or any witness or employee of a facility interviewed about the complaint, in-**  
8 **cluding but not limited to retaliation by restriction of a resident's otherwise lawful access**  
9 **to the facility and, with respect to an employee, retaliation by dismissal or harassment.**

10 **SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**  
11 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
12 **on its passage.**

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