

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
FOR
5 HOUSE BILL NO. 2294

By: Hilbert of the House

6 and

7 **Haste** of the Senate

10 COMMITTEE SUBSTITUTE

11 An Act relating to group homes; amending 60 O.S.
12 2021, Section 863, which relates to group home
13 procedure and affected real property owners; removing
14 a mandate; and providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 60 O.S. 2021, Section 863, is
17 amended to read as follows:

18 Section 863.

19 A. 1. a. A group home is a residential use of property for the
20 purposes of zoning and shall be treated as a permitted
21 use in all residential zones or districts, including
22 all single-family residential zones or districts of
23 all political subdivisions of this state. No
24 political subdivision may require that a group home,

1 its owner, or operator obtain a conditional use
2 permit, special use permit, special exception, or
3 variance different from those required for other
4 dwellings of similar density in the same zone;
5 provided, however, prior to the establishment of a
6 group home in any residential area within a political
7 subdivision, the owner of such home shall file with
8 the political subdivision an application for the
9 establishment of such group home in such residential
10 area. The political subdivision shall provide for
11 notice to be given to all affected real property
12 owners. The notice shall contain a legal description
13 of the property and the street address or approximate
14 location of the group home.

- 15 b. For the purposes of this section, the term "affected
16 real property owners" shall mean all owners of real
17 property which is located within three hundred (300)
18 feet of the exterior boundary of the property on which
19 the group home is to be located. The political
20 subdivision may deny the application if the owner of
21 the group home fails to obtain a license from the
22 Department of Human Services or if the group home
23 fails to comply with the spacing requirements of
24 subsection B of this section.

1 2. After the initial approval process, the political
2 subdivision shall have the right to require a rezoning application,
3 special exception, or variance filing and a public hearing, if such
4 procedures are normally required for any other similar use in the
5 zoning district.

6 B. 1. Any rules promulgated by the State Board of Health for
7 purposes of implementing the Community Residential Living for
8 Persons with Developmental or Physical Disabilities Act shall remain
9 in effect until such rules are superseded by rules promulgated by
10 the ~~Commission for~~ Department of Human Services, pursuant to this
11 section. At such time, rules promulgated by the State Board of
12 Health shall terminate.

13 2. For the purposes of safeguarding the health and safety of
14 persons with developmental or physical disabilities and avoiding an
15 over-concentration of group homes, either along or in conjunction
16 with similar community-based residences, within one hundred eighty
17 (180) days of the effective date of the Community Residential Living
18 for Persons with Developmental or Physical Disabilities Act, the
19 ~~Commission for~~ Department of Human Services shall promulgate rules
20 which ~~shall~~ may encompass the ~~following~~ matters:

- 21 a. limitations on the number of new group homes to be
22 permitted on blocks, block faces, and other
23 appropriate geographic areas, to one thousand two
24 hundred (1,200) feet between group homes, or similar

1 community residential facilities serving persons in
2 drug, alcohol, juvenile, child, parole, and other
3 programs of treatment, care, supervision, or
4 rehabilitation in a community setting; provided,
5 however, this provision shall not apply to group homes
6 located outside of the corporate limits of a
7 municipality.r.

8 3. For the purposes of safeguarding the health and safety of
9 persons with developmental or physical disabilities and avoiding an
10 over-concentration of group homes, either along or in conjunction
11 with similar community-based residences, within one hundred eighty
12 (180) days of the effective date of the Community Residential Living
13 for Persons with Developmental or Physical Disabilities Act, the
14 Department of Human Services shall promulgate rules which shall
15 encompass the following matters:

16 b.

17 a. assurance that adequate arrangements are made for the
18 residents of group homes to receive such care and
19 habilitation as is necessary and appropriate to their
20 needs and to further their progress towards
21 independent living,

22 c.

23 b. protection of the health and safety of the residents
24 of group homes. Compliance with these rules shall not

1 relieve the operator of any group home of the
2 obligation to comply with the requirements or
3 standards of a political subdivision pertaining to
4 building, housing, health, fire, safety, and motor
5 vehicle parking space that generally apply to single-
6 family residences in the zoning district. No
7 requirements for business licenses, gross receipt
8 taxes, environmental impact studies, or clearances may
9 be imposed on such homes if such fees, taxes, or
10 clearances are not imposed on all structures in the
11 zoning district housing a like number of persons. A
12 group home shall not be excluded from a single family
13 zone as a result of requirements promulgated by the
14 Commission Department,

15 d.

16 c. procedures by which a resident of a residential zoning
17 district or the governing body of a political
18 subdivision in which a group home is, or is to be,
19 located may petition the Department of Human Services
20 to deny an application for a license to operate a
21 group home on the grounds that the operation of such a
22 home would be in violation of the limits established
23 pursuant to the provisions ~~of subparagraph a~~ of
24 paragraph 2 of subsection B of this section, and

1

d. fees for licenses or renewal of licenses required by this section.

C. In order to facilitate the implementation of subparagraph a paragraph 2 of subsection B of this section, the Department shall contain a list of the location, capacity, and current occupancy of group homes. The Department shall ensure that this list shall contain the names or other identifiable information about any residents of such home and that copies of this list shall be available upon request to any resident of this state and any state agency or political subdivision.

SECTION 2. This act shall become effective November 1, 2025.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
OVERSIGHT, dated 03/04/2025 - DO PASS, As Amended and Coauthored.