

Mental Health Alliance

March 3, 2023

Chair Maxine Dexter and all members of the House Committee on Housing and Homelessness,

We write in support of House Bill 2506, which would materially improve access to housing and care outlook for people with disabilities and mental illnesses in Oregon.

Access to housing and sub-acute care is critical for keeping these vulnerable populations' conditions from worsening. Failure to care for individuals' basic needs leads to acute crisis, which is treated at great state expense and personal trauma at private hospitals, county jails, and at the overburdened OSH. Residential homes and facilities are well-understood to provide preventive care that keeps vulnerable people well and reduces pressure on state institutions.

Too often, local governments use zoning codes to block this critical housing from being constructed. These codes constitute unlawful housing discrimination under the federal Fair Housing Act (FHA), and consistently fail on legal appeal. But the appeals process is a lengthy and expensive burden on nonprofit housing developers, who all too often give up on projects in the face of adamant, if legally baseless, resistance.

Therefore, the Mental Health Alliance supports every effort to bring the relevant section of ORS 197 into explicit and plain agreement with the FHA. We support HB2506 as it would clarify that *all* types of residential housing intended for persons experiencing poverty, disability, and/or mental illness defined in Oregon law are subject to protection from discriminatory exclusion.

Further, we ask the sponsors and committee to consider an additional technical fix to ORS 197.

As currently written, ORS 197.667(3) appears to allow localities to ban siting of residential facilities in single-family zones. Per the Oregon Attorney General's guidance in 1991, such a ban is not legal under the FHA [Or. Op. Atty. Gen. OP-6377 (Or.A.G.), 1991 WL 543948]. The statute is clear on this point in the case of residential homes [ORS 197.665(3)(b)] but lacks such clarity concerning residential facilities. Unfortunately, this technical issue has historically had negative impacts on the siting of residential facilities in Oregon.

We suggest an amendment to ORS 197.667 clarifying that a local government may not impose any zoning requirement on the establishment and maintenance of a residential facility that is more restrictive than a zoning requirement imposed on other dwellings in the same zone.

If the Committee has questions on this issue, the members of the Alliance would be happy to advise further.

Members of the Mental Health Alliance legislative work group include ~

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More information about the Mental Health Alliance is available at its website -
www.mentalhealthalliance.org