

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2294

By: Hilbert

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7
8 COMMITTEE SUBSTITUTE

9 An Act relating to group homes; amending 60 O.S.
10 2021, Section 863, which relates to group home
11 procedure and affected real property owners; removing
12 a mandate; and providing an effective date.

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

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

16 Section 863.

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

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

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

23 2. After the initial approval process, the political
24 subdivision shall have the right to require a rezoning application,

1 special exception, or variance filing and a public hearing, if such
2 procedures are normally required for any other similar use in the
3 zoning district.

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

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

19 a. limitations on the number of new group homes to be
20 permitted on blocks, block faces, and other
21 appropriate geographic areas, to one thousand two
22 hundred (1,200) feet between group homes, or similar
23 community residential facilities serving persons in
24 drug, alcohol, juvenile, child, parole, and other

1 programs of treatment, care, supervision, or
2 rehabilitation in a community setting; provided,
3 however, this provision shall not apply to group homes
4 located outside of the corporate limits of a
5 municipality.

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

14 ~~b.~~

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

20 ~~e.~~

21 b. protection of the health and safety of the residents
22 of group homes. Compliance with these rules shall not
23 relieve the operator of any group home of the
24 obligation to comply with the requirements or

standards of a political subdivision pertaining to building, housing, health, fire, safety, and motor vehicle parking space that generally apply to single-family residences in the zoning district. No requirements for business licenses, gross receipt taxes, environmental impact studies, or clearances may be imposed on such homes if such fees, taxes, or clearances are not imposed on all structures in the zoning district housing a like number of persons. A group home shall not be excluded from a single family zone as a result of requirements promulgated by the ~~Commission~~ Department,

~~d.~~

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

~~e.~~

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

3 C. In order to facilitate the implementation ~~of subparagraph a~~
4 of paragraph 2 of subsection B of this section, the Department shall
5 maintain a list of the location, capacity, and current occupancy of
6 all group homes. The Department shall ensure that this list shall
7 not contain the names or other identifiable information about any
8 residents of such home and that copies of this list shall be
9 available upon request to any resident of this state and any state
10 agency or political subdivision.

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

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13 60-1-13118 JBH 03/04/25