

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2294

By: Hilbert

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5
6 AS INTRODUCED

7 An Act relating to group homes; amending 60 O.S.
8 2021, Section 863, which relates to group home
9 procedure and affected real property owners; removing
10 a mandate; and providing an effective date.

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

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

15 Section 863.

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

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

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

22 2. After the initial approval process, the political
23 subdivision shall have the right to require a rezoning application,
24 special exception, or variance filing and a public hearing, if such

1 procedures are normally required for any other similar use in the
2 zoning district.

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

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

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

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

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

13 ~~b.~~

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

19 ~~e.~~

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

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

12 ~~d.~~

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

22 ~~e.~~

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

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

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

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