

Senate Bill 739 (SB 739) Changes for Adult Foster Homes

March 2026

This document explains how you can share feedback on new administrative rules for adult foster homes as part of implementing SB 739 (2025). After you read this information, you can use the SB 739 changes for adult foster homes [feedback form](#) to share your comments and/or questions with the department for consideration.

SB 739 background

This new law changes how adult foster homes, residential care and assisted living facilities, including those with memory care, are regulated.

SB 739 rulemaking

The rulemaking process for SB 739 is divided into three groups:

1. Adult foster homes
2. Residential care and assisted living facilities
3. Memory care communities

The department will hold Rule Advisory Committee (RAC) meetings for each group. These meetings provide an opportunity for those affected by the legislation to share their input on draft language before the rules are finalized.

How to share input

There are a few ways you can get involved and share input. You can:

- Submit comments using the [feedback form](#)
- Submit comments by sending an email to: apd.afhteam@odhs.oregon.gov
- Attend a RAC meeting and share your thoughts. The information for upcoming RAC meetings and how to become a RAC member is posted on our [APD Rules Advisory Committees](#) webpage.

The first adult foster homes RAC meeting will be held on March 18, 2026, from 8 a.m. to noon, Pacific. All comments received, whether verbal or written, will be posted on the department website.

- You can also [sign up to receive information](#) about RAC meetings and other updates.

What provider types are affected by SB 739?

SB 739 applies to adult foster homes, residential care facilities, assisted living facilities and memory care communities.

Does SB 739 create new fees for AFH providers?

No. The bill does not create new fees. However, the fee a provider currently pays to secure and maintain an operating license may be adjusted based on the licensee's renewal duration.

Does the bill require new policies for AFH providers?

Yes. Providers must create written policies for:

- Staff and administrator training
- Service planning
- Medication administration
- Food preparation and distribution
- Safety

- Emergency response
- Succession planning and facility closure

Are AFH providers required to create their own policies or has the department created templates for these policies?

AFH providers may choose to create their own policies as long as they meet Oregon Revised Statute (ORS) and Oregon Administrative Rule (OAR) requirements. The department has created templates that meet ORS and OAR requirements. The [templates](#) are available on our website. To find each policy available for download, enter the term “policy” in the search bar under the forms section of the webpage.

If an AFH provider uses the department created templates for their policies, do they still have to be reviewed by the Local Licensing Authority (LLA)?

Yes. The LLA must review all policies to make sure they have been implemented and are in the facility records. Policies written by providers will need to be reviewed to ensure they do not conflict with Oregon laws and rules.

What will licensors focus on during the initial inspection for new providers and when will that occur?

A new adult foster home, assisted living or residential care facility will receive an inspection within 90 to 120 days of opening. The purpose of these inspections is to make sure providers are meeting regulatory requirements. The term the licensing team uses for this is being in “substantial compliance.” Substantial compliance means that any identified violations pose a risk of no more than negligible harm to the health, safety, or wellbeing of the residents.

If a facility or home is not in compliance as defined, licensors will provide guidance by offering technical assistance. This period is a time for new providers to ask questions and receive support on topics such as care, treatment, training, records, housing and equipment. The goal is to help providers identify and fix minor errors so they can be successful moving forward.

Does the new two-year license renewal duration apply to all adult foster homes, even those already in operation?

Two-year licenses are for adult foster homes with a history of being in substantial compliance with regulations after having been licensed for a period of three (3) years. Not every licensed provider will meet the criteria to move to the two-year license duration. As such, it is not mandatory. A provider may choose to stay on a one-year license or move to a two-year license if they meet the criteria.

Can the AFH licensee schedule the renewal visit if they choose a two-year renewal?

Yes. The Collective Bargaining Agreement allows a provider to request an appointment for a renewal visit.

How is substantial compliance used to qualify for a two-year renewal duration?

The department has developed metrics that align with the requirements of SB 739. This includes:

- Reviewing compliance history to determine whether the provider has maintained substantial compliance; and
- Checking for violations that caused anything greater than negligible harm.

These metrics and the term definitions will be outlined in adult foster home OARs.

Will there be an annual AFH inspection regardless of a two-year renewal duration?

Yes. SB 739 requires an annual inspection, even if a provider has a two-year license. During the annual visit, the licensor will conduct a thorough review of all licensing standards.

How does ODHS ensure consistent enforcement with terms like “negligible harm” and “substantial compliance?”

The department created definitions for “negligible harm” and “substantial compliance” consistent with state statute.

- Negligible harm means a risk of no more than minimal, temporary physical, mental, or emotional discomfort, or very minor financial loss, to a resident.
- Substantial compliance means that any identified violations pose a risk of no more than negligible harm to the health, safety, or well-being of the residents.

The policy and training team is working to ensure LLAs across Oregon implement SB 739 in a way that is fair and equitable. This includes creating training, education opportunities, and providing resources for licensors and providers.

Will there be ongoing communication and support concerning SB 739 changes for adult foster homes?

Yes. The department will ensure continued communications and support on SB 739 with regular updates through:

- [Provider Alerts](#) for APD adult foster homes
- Provider calls
- Implementation Table meetings
- Periodic direct communications

Can providers and community members offer feedback on the proposed Oregon Administrative Rules (OARs)?

Yes. The Safety, Oversight and Quality unit will hold RAC(s) to discuss the adult foster home rules. This will be an opportunity for providers and community members to offer suggestions and feedback on the proposed rule language.

All comments will be recorded for the public record and considered for final amendments to the permanent rule language.

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You must register as a RAC member to give feedback during the meeting; however, verbal and written feedback will be accepted by anyone during the public comment period. The information for upcoming RAC meetings and how to become a RAC member is posted on our [APD Rules Advisory Committees](#) webpage.

While all feedback is welcome and taken into consideration, the final rules must follow state law.

You can get this document in other languages, large print, braille or a format you prefer free of charge. Contact the Adult Foster Home Policy Team at apd.afhteam@odhs.oregon.gov or 503-934-1461. We accept all relay calls.



OREGON DEPARTMENT OF
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Adult Foster Home Program

Aging and People with Disabilities

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oregon.gov/odhs/licensing/adult-foster-homes