

House Bill 3361

Sponsored by Representative WHISNANT; Representatives CONGER, FREEMAN, HANNA, Senator TELFER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Includes clustered mailboxes in definition of "related facilities" for purpose of ensuring access by persons with disabilities. Requires Director of Department of Consumer and Business Services to incorporate clustered mailbox accessibility standards in structural code prior to January 1, 2012. Requires cities and counties to adopt structural code standards for clustered mailbox accessibility in local street and road standards.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to clustered mailboxes; creating new provisions; amending ORS 447.210; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 447.210 is amended to read:

6 447.210. As used in ORS 447.210 to 447.280, unless the context requires otherwise:

7 (1) "Affected buildings" includes any place of public accommodations and commercial facilities
8 designed, constructed and altered in compliance with the accessibility standards established by the
9 Americans with Disabilities Act. "Affected buildings" also includes any government building that is
10 subject to Title II of the Americans with Disabilities Act. "Affected buildings" also includes private
11 entities, private membership clubs and churches that have more than one floor level and more than
12 4,000 square feet in ground area or that are more than 20 feet in height, measured from the top
13 surface of the lowest flooring to the highest interior overhead finish of the building.

14 (2) "Americans with Disabilities Act" means the Americans with Disabilities Act of 1990 found
15 at 42 U.S.C. section 12101 et seq.

16 (3) "Architectural barriers" are physical design features that restrict the full use of affected
17 buildings and their related facilities by persons with disabilities.

18 (4) "Commercial facilities" includes nonresidential facilities, such as office buildings, factories
19 and warehouses, whose operations affect commerce.

20 (5) "Covered multifamily dwellings" means buildings consisting of four or more dwelling units
21 if such buildings have one or more elevators, and ground floor dwelling units in other buildings
22 consisting of four or more dwelling units. Dwelling units within a single structure separated by
23 firewalls do not constitute separate buildings.

24 (6) "Department" means the Department of Consumer and Business Services.

25 (7) "Director" means the Director of the Department of Consumer and Business Services.

26 (8) "Fair Housing Act" means the Fair Housing Act of 1968, as amended in 1988, found at 42
27 U.S.C. section 3604 et seq.

28 (9) "Municipality" means a city, county or other unit of local government otherwise authorized
29 by law to enact building codes.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (10) "Private entities" means privately owned entities offering examinations or courses related
2 to applications, licensing, certification or credentials for secondary or post-secondary education,
3 professional or trade purposes.

4 (11) "Public accommodations" means a facility whose operations affect commerce and fall within
5 at least one of the following categories:

- 6 (a) Places of lodging not including owner-occupied establishments renting fewer than six rooms;
- 7 (b) Establishments serving food or drink;
- 8 (c) Places of exhibition or entertainment;
- 9 (d) Places of public gathering;
- 10 (e) Sales or rental establishments;
- 11 (f) Service establishments;
- 12 (g) Public transportation terminals, depots or stations;
- 13 (h) Places of public display or collection;
- 14 (i) Places of recreation;
- 15 (j) Places of education;
- 16 (k) Social service center establishments; and
- 17 (L) Places of exercise or recreation.

18 (12) "Related facilities" means building site improvements including, but not limited to, parking
19 lots, passageways, roads, **clustered mailboxes located either on the site or in an adjacent public**
20 **right of way** or any other real or personal property located on the site.

21 (13) "Structural code" means the specialty code defined in ORS 455.010.

22 **SECTION 2. Each city in this state shall adopt standards and specifications for clustered**
23 **mailboxes within the boundaries of city streets and rights-of-way that conform to the stan-**
24 **dards and specifications for such mailboxes contained in the State of Oregon Structural**
25 **Specialty Code.**

26 **SECTION 3. Each county in this state shall adopt standards and specifications for clus-**
27 **tered mailboxes within the boundaries of county roads and rights-of-way that conform to the**
28 **standards and specifications for such mailboxes contained in the State of Oregon Structural**
29 **Specialty Code.**

30 **SECTION 4. Sections 2 and 3 of this 2011 Act become operative on March 1, 2012.**

31 **SECTION 5. Prior to January 1, 2012, the Director of the Department of Consumer and**
32 **Business Services shall adopt amendments to the standards and specifications in the State**
33 **of Oregon Structural Specialty Code to incorporate standards and specifications for clustered**
34 **mailboxes that are consistent with:**

35 (1) **The provisions of the Americans with Disabilities Act and implementing federal reg-**
36 **ulations; and**

37 (2) **Existing accessibility provisions within the State of Oregon Structural Specialty Code.**

38 **SECTION 6. This 2011 Act being necessary for the immediate preservation of the public**
39 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
40 **on its passage.**