

House Bill 2634

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

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**.

Makes covered multifamily dwelling constructed prior to adoption of accessibility and usability standards for persons with disabilities subject to standards if dwelling undergoes alteration, renovation or modification. Adjusts Fair Housing Act definition.

A BILL FOR AN ACT

1
2 Relating to the elimination of architectural barriers in multifamily dwellings; creating new provisions; and amending ORS 447.210 and 447.220.

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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]* **means:**

8 (a) Any place of public accommodations and commercial facilities designed, constructed and altered in compliance with the accessibility standards established by the Americans with Disabilities Act. *"Affected buildings" also includes;*

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10 (b) **Any place of public accommodations that:**

11 (A) **Is a covered multifamily dwelling not subject to paragraph (a) of this subsection; and**

12 (B) **Undergoes an alteration, renovation or modification that requires a building permit;**

13 (c) Any government building that is subject to Title II of the Americans with Disabilities Act. *"Affected buildings" also includes;* **and**

14 (d) Private entities, private membership clubs and churches that have more than one floor level and more than 4,000 square feet in ground area or that are more than 20 feet in height, measured from the top surface of the lowest flooring to the highest interior overhead finish of the building.

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

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

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

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

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

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

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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 (8) “Fair Housing Act” means the Fair Housing Act of 1968, as amended in 1988, found at 42
 2 U.S.C. [section 3604] 3601 et seq.

3 (9) “Municipality” means a city, county or other unit of local government otherwise authorized
 4 by law to enact building codes.

5 (10) “Private entities” means privately owned entities offering examinations or courses related
 6 to applications, licensing, certification or credentials for secondary or post-secondary education,
 7 professional or trade purposes.

8 (11) “Public accommodations” means a facility whose operations affect commerce and fall within
 9 at least one of the following categories:

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

22 (12) “Related facilities” means building site improvements including, but not limited to, parking
 23 lots, passageways, roads, clustered mailboxes located either on the site or in an adjacent public
 24 right of way or any other real or personal property located on the site.

25 (13) “Structural code” means the specialty code defined in ORS 455.010.

26 **SECTION 2.** ORS 447.220 is amended to read:

27 447.220. (1) It is the purpose of ORS 447.210 to 447.280:

28 (a) To make affected buildings, including but not limited to commercial facilities, public ac-
 29 commodated, private entities, private membership clubs and churches, in the state accessible to
 30 and usable by persons with disabilities, as provided in the Americans with Disabilities Act[.]; and

31 (b) To make **all** covered multifamily dwellings in the state accessible to and usable by all per-
 32 sons with disabilities, as [provided] **described** in the Fair Housing Act. **This paragraph does not**
 33 **limit any provision of ORS 447.210 to 447.280 that makes the accessibility and usability re-**
 34 **quirements applicable to covered multifamily dwellings that are not subject to the Americans**
 35 **with Disabilities Act or the Fair Housing Act.**

36 (2) In requiring that buildings and facilities be usable by persons with disabilities, it is not the
 37 intention of the Legislative Assembly to require that items of personal convenience such as rest
 38 rooms, telephones and drinking fountains be provided for members of the public who have disabili-
 39 ties if they are not otherwise provided for members of the public who do not have disabilities.
 40 However, pursuant to the Americans with Disabilities Act, the Director of the Department of Con-
 41 sumer and Business Services may provide greater protection to individuals with disabilities by
 42 adopting more stringent standards than prescribed by the Americans with Disabilities Act.

43 **SECTION 3. The Director of the Department of Consumer and Business Services shall**
 44 **adopt rules to carry out the amendments to ORS 447.210 and 447.220 by sections 1 and 2 of**
 45 **this 2015 Act in time for the rules to take effect on July 1, 2016. The director shall make the**

1 **rules applicable to alterations, renovations and modifications for which a building permit is**
2 **first issued on or after July 1, 2016.**

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