

House Bill 3309

Sponsored by Representative VALDERRAMA; Representative HUDSON

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**.

Requires minimum percentages of certain accessible units in multifamily housing developed under Housing and Community Services Department programs. Requires department to include accessible units and accessibility considerations in programs and plans.

Directs department to study issues relating to accessible housing and to submit findings to interim committees of Legislative Assembly no later than September 15, 2024.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to housing accessibility; creating new provisions; amending ORS 456.515, 456.555 and
3 456.571; and prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 456.515 to**
6 **456.725.**

7 **SECTION 2. Except as limited by federal law or program requirement, all grants, loans**
8 **or housing programs administered by the Housing and Community Services Department un-**
9 **der ORS 456.515 to 456.725 or ORS chapter 458 that would create new multifamily housing**
10 **must require that at least three percent of the units contain communication features and**
11 **at least 7.5 percent of the units contain mobility features, as those terms are used in the**
12 **United States Department of Justice's "2010 ADA Standards for Accessible Design."**

13 **SECTION 3. (1) The Housing and Community Services Department shall conduct a study**
14 **relating to the provision of state-funded accessible units, as defined in ORS 456.515. The**
15 **study must include:**

16 (a) **The proportions of housing developed with money from programs of the department**
17 **with accessible units, divided by type;**

18 (b) **An estimate of the amount of unmet accessible units in the state; and**

19 (c) **A review of rules of the department and state land use and building code standards**
20 **that are applicable to accessible units.**

21 (2) **The Department of State Lands and Department of Consumer and Business Services**
22 **shall assist the Housing and Community Services Department with the study.**

23 (3) **The department shall submit a report in the manner provided by ORS 192.245, and**
24 **may include recommendations for legislation, to the appropriate interim committees of the**
25 **Legislative Assembly no later than September 15, 2024.**

26 **SECTION 4. ORS 456.515 is amended to read:**

27 456.515. As used in ORS 456.515 to 456.725 and ORS chapter 458 unless the context requires
28 otherwise:

29 (1) **"Accessible unit" includes dwelling units:**

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 (a) **Designed and constructed for accessibility in accordance with section 1102 or 1103 of**
2 **the International Code Council Standard for Accessible and Usable Buildings and Facilities**
3 **as last updated April 2022; or**

4 (b) **That contain mobility features or communication features as described in the United**
5 **States Department of Justice’s “2010 ADA Standards for Accessible Design.”**

6 [(1)] (2) “Community Action Partnership of Oregon” means an organization described in ORS
7 458.505.

8 [(2)] (3) “Construction” includes, but is not limited to, new construction or moderate or sub-
9 stantial rehabilitation of existing structures or facilities.

10 [(3)] (4) “Council” means the Oregon Housing Stability Council established under ORS 456.567.

11 [(4)] (5) “Department” means the Housing and Community Services Department established un-
12 der ORS 456.555.

13 [(5)] (6) “Director” means the Director of the Housing and Community Services Department.

14 [(6)] (7) “Elderly household” means a household whose head is over the age of 55, residing in
15 this state.

16 [(7)] (8) “Major life activity” includes but is not limited to self-care, ambulation, communication,
17 transportation, education, socialization, employment and ability to acquire, rent or maintain prop-
18 erty.

19 [(8)(a)] (9)(a) “Multifamily housing” means a structure or facility established primarily to pro-
20 vide housing that provides more than one living unit, and may also provide facilities that are func-
21 tionally related and subordinate to the living units for use by the occupants in social, health,
22 educational or recreational activities:

23 (A) For the elderly, including but not limited to individual living units within such structures,
24 mobile home and manufactured dwelling parks and residential facilities licensed under ORS 443.400
25 to 443.455 and other congregate care facilities with or without domiciliary care.

26 (B) For persons with disabilities, including, but not limited to, individual living units within such
27 structures, mobile home and manufactured dwelling parks and residential facilities licensed under
28 ORS 443.400 to 443.455 and other congregate care facilities with or without domiciliary care.

29 (b) “Multifamily housing” does not include nursing homes, hospitals, places primarily engaged
30 in recreational activities and single-family, detached dwellings, except manufactured dwellings situ-
31 ated in a mobile home and manufactured dwelling park.

32 [(9)] (10) “Person with a disability” means a person who has a physical or mental impairment
33 that substantially limits one or more major life activities.

34 [(10)] (11) “Target population” means:

35 (a) Elderly households; or

36 (b) Persons with disabilities.

37 **SECTION 5.** ORS 456.555 is amended to read:

38 456.555. (1) The Housing and Community Services Department is established.

39 (2) The department shall be under the supervision and control of a director who is responsible
40 for the performance of the duties imposed upon the department. The Governor shall appoint the
41 Director of the Housing and Community Services Department. The director shall hold office at the
42 pleasure of the Governor. The person appointed as director shall be a person who, by training and
43 experience, is well qualified to perform the duties of the office.

44 (3) The director shall receive such salary as may be provided by law, or, if not so provided, as
45 may be fixed by the Governor. In addition to the salary of the director, the director shall, subject

1 to the limitations otherwise provided by law, be reimbursed for all expenses actually and necessarily
 2 incurred by the director in the performance of official duties.

3 (4) The director may establish department divisions including but not limited to divisions for
 4 administration, housing programs and community services programs.

5 (5) The Oregon Housing Stability Council shall:

6 (a) With the advice of the director, set policy and approve or disapprove rules and standards for
 7 housing programs;

8 (b) Approve or disapprove loans, grants and other funding award proposals under ORS 456.561;

9 (c) Provide policy direction and oversight to the department regarding the department's financial
 10 planning and biennial budget proposal prior to its submittal to the Oregon Department of Adminis-
 11 trative Services; *[and]*

12 (d) Carry out the provisions of ORS 456.571[.]; **and**

13 **(e) Prioritize loans, grants and other funding awards based on the quantity and quality**
 14 **of accessible units that the award will generate.**

15 (6) The Housing and Community Services Department and the council shall consider advice on
 16 housing and community service programs from:

17 (a) Persons who have experienced housing instability;

18 (b) Tribes;

19 (c) The Community Action Partnership of Oregon;

20 (d) Continuums of care, as defined in 24 C.F.R. part 578;

21 (e) Local governments;

22 (f) Nonprofit organizations;

23 (g) Homeless services providers;

24 (h) Culturally specific organizations;

25 (i) Housing providers;

26 (j) Veterans' services organizations; *[and]*

27 **(k) Persons with disabilities and disability services or advocacy organizations; and**

28 *[(k)]* **(L)** Other entities identified by the department by rule.

29 (7) The director shall report regularly to the council to keep the council informed on progress
 30 made by the department in carrying out the department's responsibilities for housing programs.

31 (8) The department shall administer federal programs with advice from the council. Federal
 32 funds for housing stabilization must, to the extent consistent with federal law, be allocated statewide
 33 in a manner proportionate to a needs-based and geographically based formula.

34 (9) The department may adopt rules to carry out the programs that the department is charged
 35 with administering, including, but not limited to, rules regarding:

36 (a) Administration and enforcement.

37 (b) Criteria for the granting of benefits.

38 (c) The establishment of fees and charges.

39 (d) The identification of housing programs and community services programs.

40 (e) The distinguishing of housing programs from community services programs.

41 (10) Subject to the approval of the council, the department shall establish by rule one or more
 42 threshold property purchase prices above which a housing loan proposed by the department requires
 43 council review and approval under ORS 456.561. In establishing or modifying a threshold property
 44 purchase price under this subsection, the department shall consider any maximum acquisition cost
 45 set forth in the Internal Revenue Code or federal rules and regulations implementing the code.

1 (11) Subject to the approval of the council, the department shall establish by rule one or more
 2 threshold amounts above which a housing grant or other housing funding award proposal requires
 3 council review and approval under ORS 456.561.

4 **SECTION 6.** ORS 456.571 is amended to read:

5 456.571. (1) The Oregon Housing Stability Council shall, with the advice of the Director of the
 6 Housing and Community Services Department, develop policies to:

7 (a) Aid in stimulating and increasing the supply of housing for persons and families of lower
 8 income **and for households that include a person with a disability**;

9 (b) Address geographic and racial disparities; and

10 (c) Ensure funds distributed by the Housing and Community Services Department contribute to
 11 addressing other state priorities.

12 (2) The council shall make special effort to respond to both private and public actions that may
 13 raise the cost of the housing supply in the open market, as the open market is the source of housing
 14 for the preponderance of lower income households **and households that include a person with a**
 15 **disability**.

16 (3) The council is responsible for studying and commenting upon, and advising the department,
 17 Governor, Legislative Assembly, other state agencies and local governments concerning, local, state
 18 and federal legislation or rules that affect the cost and supply of housing, both before and after the
 19 legislation and rules are enacted. For purposes of this subsection, "legislation or rules that affect
 20 the cost and supply of housing" includes but is not limited to legislation or rules that would:

21 (a) Provide financing for the construction or rehabilitation of housing;

22 (b) Subsidize new or existing housing costs for lower income households by income support, tax
 23 credit, or support service methods;

24 (c) Regulate the division of land;

25 (d) Regulate the use of land;

26 (e) Regulate building construction standards;

27 (f) Regulate fees and charges for inspection services, permits, or professional services related
 28 to housing;

29 (g) Encourage alternatives that increase housing choices;

30 **(h) Encourage alternatives that increase the quantity and quality of accessible units;**

31 *[(h)]* (i) Create or avert overlapping jurisdictional functions and the concomitant increased costs
 32 that are reflected in housing prices;

33 *[(i)]* (j) Create or avoid conflicting state and federal regulations that deprive lower income
 34 households of assistance; and

35 *[(j)]* (k) Help or hinder compliance with the housing goals established by the Land Conservation
 36 and Development Commission under ORS 197.240.

37 (4) The council, with the approval of the Governor, may initiate legal proceedings in the name
 38 of the council to further the council's purposes under this section.

39 (5) The council shall exercise the responsibilities and powers of the council in a manner that
 40 expedites the acquisition, construction, improvement or rehabilitation of housing.

41 (6) With respect to the Community Development Incentive Project Fund established under ORS
 42 458.720, the council shall develop program guidelines, including specific project criteria and financ-
 43 ing mechanisms, review applications seeking funding from the fund and make recommendations for
 44 funding approval to the director and review proposals for cooperative agreements or joint projects
 45 between the department and other state agencies to facilitate the goals of the fund.

1 (7) The council, in conjunction with the Community Action Partnership of Oregon, shall advise
2 and assist the department with rules, policies and programs regarding low income home energy as-
3 sistance under ORS 458.515.

4 (8) The council, in conjunction with the Community Action Partnership of Oregon, shall ensure
5 the coordination of state agency homelessness relief efforts.

6 **SECTION 7. This 2023 Act takes effect on the 91st day after the date on which the 2023**
7 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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