

# Enrolled House Bill 3309

Sponsored by Representative VALDERRAMA; Representatives CHAICHI, DEXTER, GAMBA,  
HUDSON, WALTERS, Senator JAMA

CHAPTER .....

AN ACT

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

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

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

**SECTION 2. On or before September 15 of each year, the Housing and Community Services Department shall provide a report to an appropriate interim committee of the Legislative Assembly in the manner provided in ORS 192.245 that includes, of the dwelling units that the department provided loans, grants or other funding awards to, the number and percentage that include accessibility features of an accessibility category recognized under a state building code established under ORS 455.030, disaggregated by category.**

**SECTION 3. ORS 456.515 is amended to read:**

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

**(1) “Accessible unit” means a dwelling unit designed and constructed for accessibility as defined by the Housing and Community Services Department by rule in consultation with the Department of Consumer and Business Services.**

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

~~[(2)]~~ **(3) “Construction” includes, but is not limited to, new construction or moderate or substantial rehabilitation of existing structures or facilities.**

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

~~[(4)]~~ **(5) “Department” means the Housing and Community Services Department established under ORS 456.555.**

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

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

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

~~[(8)(a)]~~ **(9)(a) “Multifamily housing” means a structure or facility established primarily to provide housing that provides more than one living unit, and may also provide facilities that are func-**

tionally related and subordinate to the living units for use by the occupants in social, health, educational or recreational activities:

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

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

(b) "Multifamily housing" does not include nursing homes, hospitals, places primarily engaged in recreational activities and single-family, detached dwellings, except manufactured dwellings situated in a mobile home and manufactured dwelling park.

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

[(10)] (11) "Target population" means:

(a) Elderly households; or

(b) Persons with disabilities.

**SECTION 4.** ORS 456.555, as amended by section 3, chapter 193, Oregon Laws 2023 (Enrolled Senate Bill 892), is amended to read:

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

(2) The department is supervised and controlled by a director who is responsible for the performance of the duties imposed upon the department. The Governor shall appoint the Director of the Housing and Community Services Department. The director shall hold office at the pleasure of the Governor. The person appointed as director must be a person who, by training and experience, is well qualified to perform the duties of the office.

(3) The director shall receive such salary as may be provided by law, or, if not so provided, as may be fixed by the Governor. In addition to the salary of the director, the director shall, subject to the limitations otherwise provided by law, be reimbursed for all expenses actually and necessarily incurred by the director in the performance of official duties.

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

(5) The department shall consider advice on housing and community service programs from:

(a) Persons who have experienced housing instability;

(b) Tribes;

(c) The Community Action Partnership of Oregon;

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

(e) Local governments;

(f) Nonprofit organizations;

(g) Homeless services providers;

(h) Culturally specific organizations;

(i) Housing providers;

(j) Veterans' services organizations; [and]

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

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

(6) The director shall report regularly to the Oregon Housing Stability Council to keep the council informed on progress made by the department in carrying out the department's responsibilities for housing programs.

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

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

(a) Administration and enforcement.

- (b) Criteria for the granting of benefits.
- (c) The establishment of fees and charges.
- (d) The identification of housing programs and community services programs.
- (e) The distinguishing of housing programs from community services programs.

(9) When a statute authorizes or requires that the department or the director adopt rules or policies or administer programs, the director may, at any stage in the process, consult with or seek the approval of the council.

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

(11) The department shall establish by rule one or more threshold amounts above which a housing grant or other housing funding award proposal requires council review and approval under ORS 456.561.

**SECTION 5.** ORS 456.571, as amended by section 5, chapter 193, Oregon Laws 2023 (Enrolled Senate Bill 892), is amended to read:

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

- (a) Aid in stimulating and increasing the supply of housing for persons and families of lower income;
- (b) Address geographic and racial disparities; and
- (c) Ensure funds distributed by the Housing and Community Services Department contribute to addressing other state priorities.

(2) The council shall make special effort to respond to both private and public actions that may raise the cost of the housing supply in the open market, as the open market is the source of housing for the preponderance of lower income households.

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

- (a) Provide financing for the construction or rehabilitation of housing;
- (b) Subsidize new or existing housing costs for lower income households by income support, tax credit, or support service methods;
- (c) Regulate the division of land;
- (d) Regulate the use of land;
- (e) Regulate building construction standards;
- (f) Regulate fees and charges for inspection services, permits, or professional services related to housing;
- (g) Encourage alternatives that increase housing choices;

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

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

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

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

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

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

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

(7) The council shall advise and assist the department, at the director's request, with rules, policies and programs under ORS 456.555 (9). In providing advice and assistance, the council shall consider advice on housing and community service programs from entities listed under ORS 456.555 (5) and other entities identified by the department by rule.

(8) The council shall approve or disapprove loans, grants and other funding award proposals under ORS 456.561.

**(9) The council shall incorporate incentives designed to increase the quantity and quality of accessible units wherever possible in housing development funding offerings.**

[9] (10) The council, in conjunction with the Community Action Partnership of Oregon, shall ensure the coordination of state agency homelessness relief efforts.

**SECTION 6. The Housing and Community Services Department shall provide the first report under section 2 of this 2023 Act no later than September 15, 2024.**

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

Passed by House April 14, 2023

Received by Governor:

Repassed by House June 25, 2023

.....M.,....., 2023

Approved:

.....  
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2023

.....  
Dan Rayfield, Speaker of House

.....  
Tina Kotek, Governor

Passed by Senate June 24, 2023

Filed in Office of Secretary of State:

.....M.,....., 2023

.....  
Rob Wagner, President of Senate

.....  
Secretary of State