



TO: House Committee on Housing and Homelessness  
FROM: Disability Rights Oregon  
DATE: February 27, 2023  
RE: HB 2506—Zoning for Supportive Housing

Chair Dexter, Vice Chairs Gamba and Helfrich, and members of the Committee,

Disability Rights Oregon supports HB 2506 with suggestions for further amendments. HB 2506 is a much-needed bill to support the governor's agenda to eliminate homelessness in Oregon. People with disabilities make up the majority of the homeless community in Oregon. At the same time, Oregon lacks the kind of affordable, supportive housing that would help people with disabilities to transition to a safe environment where their needs can be met.

For decades, one of the major barriers to adequate supportive housing for people with disabilities has been the use of zoning and land use laws to exclude homes for people with disabilities. Laws in counties and cities across Oregon treat homes for people with disabilities worse than homes for people without disabilities. They bar homes for people with disabilities entirely from some parts of town, and in other areas, they force homes for people with disabilities through an expensive "conditional use" process. Those practices are unfair and illegal under federal law. Those practices add legal barriers, costs, and uncertainty to developing housing options for people with disabilities.

If you have ever wondered why there aren't enough homes for people who are homeless, a major answer is that so many communities say "not in our backyard" whenever a new home is proposed. These illegal zoning laws give a tool to the most skeptical residents in a neighborhood to oppose homes for people with disabilities.

HB 2506 is an excellent bill that expands important protections against overbroad zoning laws to affordable and supportive housing options, as well as a wide variety of community-based housing. This bill will help people with disabilities and people who want to help them into housing. However, further amendment would allow it to address a long-standing injustice in Oregon law.

Oregon laws, including ORS 197.667, have encouraged cities and counties to exclude people with disabilities from their communities in violation of federal law. In 1991, the Oregon Attorney General declared that ORS 197.667 invited cities to violate the Fair Housing Act by wrongly suggesting in its text that cities and counties can exclude residential facilities from residential zones. Instead, the Attorney General said that ORS

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197.667 could only be saved by understanding that, where the law says a local government “may allow” a residential facility in a residential zone, Oregon law must be read to say cities and counties “must allow” the facility. Even though the Attorney General said this 32 years ago, the Oregon legislature has never corrected the statute, and cities and counties have continued to rely wrongly on a state statute whose literal terms violate the Fair Housing Act. Further amendments to Section 3 of HB 2506 would rectify a decades long problem.

### **About Disability Rights Oregon**

Since 1977 Disability Rights Oregon has been the State's Protection and Advocacy System.<sup>1</sup> We are authorized by Congress to protect, advocate, and enforce the rights of people with disabilities under the U.S. Constitution and Federal and State laws, investigate abuse and neglect of people with disabilities, and “pursue administrative, legal, and other appropriate remedies”.<sup>2</sup> We are also mandated to "educate policymakers" on matters related to people with disabilities.<sup>3</sup>

**If you have any questions regarding DRO’s position on this legislation, please call Meghan Moyer at 503-432-5777 or email her at [mmoyer@droregon.org](mailto:mmoyer@droregon.org).**

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<sup>1</sup> See ORS 192.517.

<sup>2</sup> See 42 U.S.C. § 15041 et seq; 42 U.S.C. § 10801 et seq.

<sup>3</sup> See 42 U.S. Code § 15043(a)(2)(L).