

**SB 444 -1, -5 STAFF MEASURE SUMMARY**  
**Senate Committee On Housing and Development**

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**Meeting Dates:** 2/5, 4/9

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**WHAT THE MEASURE DOES:**

The measure requires the Director of the Department of Business and Consumer Services to adopt rules to conform the state building code to accessibility requirements under the National Fair Housing Act and to certain standards of the American National Standards Institute. The measure prohibits the Housing and Community Services Department from funding new subsidized rental housing developments unless the development meets specified accessibility standards.

Detailed Summary:

Requires the Director of the Department of Consumer and Business Services (DCBS) to adopt rules to conform the structural code to accessibility requirements. Mandates that these rules include the following numbers of units, depending on building type, be Type A accessible dwelling units as described by the American National Standards Institute A117.1 (ANSI A117.1):

- At least 10 percent of the dwelling units in Group R-2 buildings (ANSI A117.1);
- At least one unit must in a building with more than 10 dwelling units that is not a Group R-2 building.

Requires the DCBS Director to adopt rules to require that all units in multifamily housing with three or more dwelling units be Type B dwelling units (ANSI A117.1) and be subject to accessibility requirements under the Fair Housing Act.

Requires that any subsidized rental development for which the Housing and Community Services Department provides funding complies with the Uniform Federal Accessibility Standards, except if the development falls within the multifamily housing occupancy classification. Requires that if the development falls within the multifamily housing occupancy classification, the building makes visitable the greater of:

- The common areas of the subsidized development and at least 10 percent of the total number of dwelling units; or
- The common areas of the development and at least two dwelling units if the development has 15 or more dwelling units.

Allows the DCBS Director and the Housing and Community Services Department to adopt rules and take any other action before the operative date that may be necessary to enable the Director and the Department to undertake and exercise the duties mandated by the bill. Takes effect on the 91st day following adjournment sine die.

*Fiscal impact: Has minimal fiscal impact*

*Revenue impact: No revenue impact*

**ISSUES DISCUSSED:**

- Current accessibility standards insufficient for the demand
- Question of difference in building costs between increased accessibility standards and current regulation
- Alleviation of housing scarcity and social isolation for people with disabilities and seniors
- Planning for an aging population, and the ability for them to age in place

## SB 444 -1, -5 STAFF MEASURE SUMMARY

- Issues facing the disabled community: affordability, accessibility and discrimination
- Lack of reliable housing data on how much accessible housing is available, and which units are accessible at what level of accessibility
- Relative expense of retrofitting housing versus building accessibility into new developments
- Adequate supply of accessible housing aligns with Oregon Land Use Goal 10

### EFFECT OF AMENDMENT:

-1 Standardizes language to align with legislative council style guide. Adds the Fair Housing Act to standards that the Director of Consumer and Business Standards (DCBS) may adopt more stringent standards than to provide greater protection to individuals with disabilities. Adds housing that complies with the definition of the Uniform Federal Accessibility Standards to the definition of accessible. Replaces "visitable" with "Enabling, in a manner that is consistent with the Uniform Federal Accessibility Standards, mobility for individuals who use wheelchairs or other mobility devices." Clarifies that enabling communication means in a manner that is consistent with the Uniform Federal Accessibility Standards. Provides that if Uniform Federal Accessibility Standards apply to a dwelling or a public area within a subsidized development, such as a powder room or a common area, and that these standards are more stringent than standards of accessibility outlined in statute, then that subsidized development must comply with Uniform Federal Accessibility Standards.

-5 **Removes** from the base bill the requirement that multifamily housing with three or more dwelling units be subject to accessibility requirements under the Fair Housing Act and must be Type B dwelling units, as described by the American National Standards Institute A117.1 (ANSI A117.1).

**Updates** the base bill to require at least one unit be Type A accessible, as described by the American National Standards Institute A117.1 (ANSI A117.1), in a building with more than **15 dwelling units** that is not a Group R-2 building.

Standardizes language to align with legislative council style guide. Adds the Fair Housing Act to standards that the Director of Consumer and Business Standards (DCBS) may adopt more stringent standards than to provide greater protection to individuals with disabilities. Adds housing that complies with the definition of the Uniform Federal Accessibility Standards to the definition of accessible. Replaces "visitable" with "Enabling, in a manner that is consistent with the Uniform Federal Accessibility Standards, mobility for individuals who use wheelchairs or other mobility devices." Clarifies that enabling communication means in a manner that is consistent with the Uniform Federal Accessibility Standards. Provides that if Uniform Federal Accessibility Standards apply to a dwelling or a public area within a subsidized development, such as a powder room or a common area, and that these standards are more stringent than standards of accessibility outlined in statute, then that subsidized development must comply with Uniform Federal Accessibility Standards.

### BACKGROUND:

Uniform Federal Accessibility Standards (UFAS) were adopted by four major federal agencies, the Department of Defense, the United States Postal Service, the Department of Housing and Urban Development (HUD), and the General Services Administration to standardize federal accessibility standards in 1984. They are still in use as the minimum accessibility standard in use for HUD-funded projects.

The [Americans with Disabilities Act \(ADA\)](#) is federal civil rights legislation, passed in 1990, that prohibits discrimination against people with disabilities in areas including employment, transportation, public accommodations, communications, and access to state and local government programs and services. In 2010, the United States Justice Department released revised standards of accessibility for public accommodations and commercial facilities. The revised ADA standards of accessibility are more comprehensive than UFAS standards.

The American National Standards Institute (ANSI) is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system. ANSI is the official U.S. representative to the International Organization for Standardization (ISO) and, via the U.S. National Committee, the International Electrotechnical Commission (IEC). “ANSI A117.1” in relation to accessibility guidelines refers to building standards *ICC A117.1-2017: Accessible and Usable Buildings And Facilities*. This American National Standard, also referred to as ANSI A117.1, is consistent with both Americans with Disabilities Act (ADA) regulations and U.S. Department of Housing and Urban Development (HUD) Fair Housing Accessibility Guidelines and is compatible with the International Building Code.

Type A and Type B Dwelling Units are accessible units defined in ANSI A117.1; Type A being the highest standard of accessibility, and Type B having fewer requirements. The basic features, according to the [International Code Council](#) (ICC, on which ANSI A117.1 is based) for Type A units are turning radiuses to accommodate wheelchairs, lower shelving, lever-type door hardware, accessible thresholds throughout, lower kitchen workstations and lavatories. Type B units must include parallel approach at sinks and bathroom vanities, removable base cabinets, and blocking for future grab bars.

Group R-2 Buildings are defined by ANSI A117.1 as those occupancies containing more than two dwelling units where the occupants are primarily permanent in nature (as opposed to transient, such as hotels or boarding houses). These are multifamily developments and other shared sleeping spaces, such as dormitories or congregant living arrangements housing more than 16 people.

According to the [National Council on Independent Living](#), “visitability” refers to a dwelling unit that is designed in such a way that it can be lived in or visited by people who have trouble with steps or who use wheelchairs or walkers.