

## A-Engrossed Senate Bill 444

Ordered by the Senate May 7  
Including Senate Amendments dated May 7

Sponsored by Senator PATTERSON, Representative NERON; Senators CAMPOS, MANNING JR, PHAM K, Representative HUDSON (Presession filed.)

### 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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Tells two state agencies to set rules for making housing easier to access and use for people with disabilities. Takes effect 91 days after the session ends. (Flesch Readability Score: 61.5).

Requires the Director of the Department of Consumer and Business Services to adopt rules to conform the state building code to accessibility requirements under the Fair Housing Act and to certain American National Standards Institute standards for housing accessibility.

Prohibits the Housing and Community Services Department from funding new rental housing that is a subsidized development unless the housing meets specified accessibility standards.

Takes effect on the 91st day following adjournment sine die.

### A BILL FOR AN ACT

Relating to accessibility standards for housing; creating new provisions; amending ORS 447.220, 456.508 and 456.510; and prescribing an effective date.

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

**SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 447.210 to 447.280.**

**SECTION 2. The Director of the Department of Consumer and Business Services shall adopt rules to implement in the structural code a requirement that at least 10 percent of the dwelling units or sleeping units in newly constructed Group R-2 buildings, or at least one dwelling unit or sleeping unit in a newly constructed building with more than 15 dwelling units or sleeping units, must be Type A dwelling units or sleeping units, as described in the current version of American National Standards Institute standard A117.1.**

**SECTION 3. ORS 447.220 is amended to read:**

447.220. *[It is]* The purpose of ORS 447.210 to 447.280 is to make affected buildings, including but not limited to commercial facilities, public accommodations, private entities, private membership clubs and churches, in the state accessible to and usable by persons with disabilities, as provided in the Americans with Disabilities Act, and to make covered multifamily dwellings in the state accessible to and usable by all persons with disabilities, as provided in the Fair Housing Act. In requiring that buildings and facilities be usable by persons with disabilities, *[it is not the intention of]* the Legislative Assembly **does not intend** to require that items of personal convenience such as rest rooms, telephones and drinking fountains be provided for members of the public who have disabilities if *[they]* **the items of personal convenience** are not otherwise provided for members of the public who do not have disabilities. *[However, pursuant to]* **Under** the Americans with Disabilities Act **and the Fair Housing Act**, the Director of the Department of Consumer and Business Services

**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.

may, **however**, provide greater protection to individuals with disabilities by adopting more stringent standards than prescribed by the Americans with Disabilities Act **or, for the purpose of making covered multifamily dwellings and other types of dwellings in this state accessible to and usable by all persons with disabilities, the Fair Housing Act.**

**SECTION 4.** ORS 456.508 is amended to read:

456.508. As used in ORS 456.510 and 456.513:

(1) "Accessible" means that housing complies with federal accessibility guidelines implementing the Fair Housing Amendments Act of 1988, 42 U.S.C. 3601 et seq., **or the Uniform Federal Accessibility Standards, both** as amended and in effect on *[January 1, 2004]* **the effective date of this 2025 Act.**

(2) "Common living space" means a living room, family room, dining room or kitchen.

(3) "Contiguous units" means units that are on the same tax lot or on contiguous tax lots that have a common boundary[.], **including** tax lots that are separated by a public road *[are contiguous tax lots for purposes of this subsection].*

(4)(a) "New" means that the housing being constructed did not previously exist in residential or nonresidential form.

(b) "New" does not include the acquisition, alteration, renovation or remodeling of an existing structure.

(5) "Powder room" means a room containing at least a toilet and sink.

(6) "Rental housing" means a dwelling unit designed for nonowner occupancy under a tenancy typically lasting six months or longer.

(7) "Subsidized development" means housing that receives one or more of the following development subsidies from the Housing and Community Services Department:

(a) The federal low-income housing tax credit under 26 U.S.C. 42(a), if no part of the eligible basis prior to the application of 26 U.S.C. 42(i)(2)(B) was financed with an obligation described in 26 U.S.C. 42(h)(4)(A), all as amended and in effect on *[January 1, 2004]* **the effective date of this 2025 Act;**

(b) An agriculture workforce housing tax credit, as described in ORS 315.164;

(c) A loan that qualifies the lending institution for a subsidized housing loan tax credit, as described in ORS 317.097;

(d) Funding under the federal HOME Investment Partnerships Act, 42 U.S.C. 12721 to 12839, as amended and in effect on *[January 1, 2004]* **the effective date of this 2025 Act;**

(e) Moneys from the Oregon Housing Fund created under ORS 458.620; or

(f) Moneys from other grant or tax incentive programs administered by the Housing and Community Services Department under ORS 456.559.

(8) "Visitable" means capable of being approached, entered and used by individuals with mobility impairments, including but not limited to individuals using wheelchairs.

**SECTION 5.** ORS 456.510 is amended to read:

456.510. (1) Except as provided in this section and ORS 456.513, the Housing and Community Services Department may not provide funding for the development of new rental housing that is a subsidized development unless:

(a) Each dwelling unit of the housing meets the following requirements:

(A) At least one visitable exterior route leading to a dwelling unit entrance that is stepless and has a minimum clearance of 32 inches.

(B) One or more visitable routes between the visitable dwelling unit entrance and a visitable

common living space.

(C) At least one visitable common living space.

(D) One or more visitable routes between the dwelling unit entrance and a powder room.

(E) A powder room doorway that is stepless and has a minimum clearance of 32 inches.

(F) A powder room with walls that are reinforced in a manner suitable for handrail installation.

(G) Light switches, electrical outlets and environmental controls that are at a reachable height.

(b) For a development that has a shared community room or that has 20 or more contiguous units, there is at least one powder room available for all tenants and guests that is accessible.

**(c) The subsidized development complies with the Uniform Federal Accessibility Standards, as amended and in effect on the effective date of this 2025 Act, except that a subsidized development that falls within the multifamily housing occupancy classification, as defined in the Uniform Federal Accessibility Standards, must provide features identified within the standards that are appropriate for:**

**(A) Enabling, in a manner that is consistent with the Uniform Federal Accessibility Standards, mobility for individuals who use wheelchairs or other mobility devices in the greater of:**

**(i) The common areas of the subsidized development and at least 10 percent of the total number of dwelling units in the subsidized development; or**

**(ii) The common areas of the subsidized development and at least two dwelling units, if the subsidized development has 15 or more dwelling units; and**

**(B) Enabling, in a manner that is consistent with the Uniform Federal Accessibility Standards, communication for individuals who are blind or deaf in the greater of:**

**(i) The common areas of the subsidized development and at least four percent of the total number of dwelling units within the subsidized development; or**

**(ii) The common areas of the subsidized development and at least one dwelling unit, if the subsidized development has 15 or more dwelling units.**

**(d) If the Uniform Federal Accessibility Standards apply to a dwelling unit, common area or powder room within a subsidized development and are more stringent than standards that apply to the unit, area or room under paragraphs (a) to (c) of this subsection, the subsidized development must comply with the Uniform Federal Accessibility Standards.**

(2) For a multistory structure without an elevator, this section applies only to dwelling units on the ground floor of the structure.

(3) This section does not apply to agriculture workforce housing as defined in ORS 315.163 that is located on a farm.

**SECTION 6. (1) Section 2 of this 2025 Act and the amendments to ORS 447.220, 456.508 and 456.510 by sections 3 to 5 of this 2025 Act become operative on January 1, 2026.**

**(2) The Director of the Department of Consumer and Business Services and the Housing and Community Services Department may adopt rules and take any other action before the operative date specified in subsection (1) of this section that is necessary to enable the director and the department, on and after the operative date specified in subsection (1) of this section, to undertake and exercise all of the duties, powers and functions conferred on the director and the department by section 2 of this 2025 Act and the amendments to ORS 447.220, 456.508 and 456.510 by sections 3 to 5 of this 2025 Act.**

**SECTION 7. This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.**

