



# Oregon

Tina Kotek, Governor

## HPAC Work Group Recommendation Template

*Last Update: June 21, 2023*

### Work Group

- Availability of land
- Land development permit applications
- Codes and design
- Workforce shortages
- Financing

### Recommendation

In order to promote visitability and access to accessible living units:

- Provide incentives to single family/middle housing developments that provide visitability:
  - One time tax benefit/credit to the homeowner
  - Reductions in rear and front yard setbacks
  - Increase in lot coverage/FAR allowance
- For multi-family development:
  - Increase the required percentage of Type A units to 5%
- Cities to report as part of their OHNA reporting the location and number of accessible units in each housing development. Cities also to keep track of new builds that would meet the visitability requirements. State to provide database of accessible units based on location and unit type (not availability).
- State database to provide connection between those with accessibility needs and landlords with accessible units. Examples of this might be providing a database people with accessibility needs can apply to that landlords can access when an accessible unit is available.
- Amend the building code to require backing be installed in all bathrooms on the ground floor of housing units for future installation of grab bars.

\*Visitability is defined by having a zero-step entry, accessible route to the front door, doors with 36" opening, and a maneuverable bathroom on the first floor.

### **Related Work Plan Topics**

In future building code amendment process conducted by the Building Codes Division, incorporate provisions that increase and incentive accessibility features of new housing construction at different levels of accessibility (e.g., Type A, Type B, or Accessible Units).

Increase and incentive the provision of accessibility features suitable for people living with different types of disabilities.

### **Adoption of Recommendation**

Approved during Work Group meeting.

## Co-chairs Guidance: Standards for Analysis

1. Clearly describe the housing production issue that the recommended action(s) will address.

Oregonians with accessibility needs are struggling to find accessible places to live. While large multi-family developments are required to build a certain percentage of accessible units, the vacancy rate is low enough that they are full. In addition, it is hard to know where these units are, how many bedrooms they may be, and how many of them there are.

Increasing visitability allows for people with accessibility issues to easily visit other peoples' homes.

2. Provide an overview of the housing production issue, including quantitative/qualitative context if available.

While larger multi-family projects are required to provide a certain percentage of Type A accessible units, accessibility advocates say the number is too low. Currently, Fair Housing Laws require 2% of ground floor units be fully accessible (and the units must be equally distributed amongst unit types).

Even though these units are built, it is hard for those with accessibility needs to know where these units are being built, what kind of unit they are, and how many are available. Having cities report the number of accessible/visitable units being built as a part of the OHNA report will allow for a database to be established for the state for those with accessibility needs to see where the units are and the number of bedrooms. Some accessibility advocates are working on this in larger cities like Portland, but a state-wide database would help those with accessibility needs who live in smaller cities throughout the state.

Along with reporting the location of the accessible units, the recommendation proposes that the State provide a connection point between landlords with available units and renters with accessibility needs. This way, when a landlord has an accessible unit available, they have a way to match with a person in need, rather than the next available renter.

Increasing visitability will help allow those with accessibility needs to be able to visit other people's homes. In addition, it may result in the construction of homes which would meet the needs of those with accessibility needs. Requiring visitability features be built into homes is problematic, however, given the unique nature of lots. Visitability requires a zero step entry and accessible route to the front door as well as an accessible bathroom be built on the ground floor. Lots which have great slope requirements would not be able to affordably be able to meet the zero entry and accessible path the entry without the construction of retaining walls or switch back paths to the front door. Narrow lots may not be able to provide the accessible bathroom due to the turning radius required. However, allowing for a builder to get increased lot coverage or FAR allowance might give the needed space for the bathroom requirements. Reducing the setback on a narrow lot may give the extra couple of feet needed to make the bathroom maneuverable.

Requiring grab bar backing be installed into bathrooms will give homeowners the ability to install them, should they need to in the future. Accessibility SME's mentioned that these can be helpful for those with mobility needs who aren't necessarily in a wheelchair

3. To assess the issue and potential action(s), include subject matter experts representing all sides of the issue in work group meetings, including major government, industry, and stakeholder associations.

Kathy Wilde with Disability Rights Oregon attended on August 22<sup>nd</sup> and September 19<sup>th</sup>.

Jennifer Knapp from Community Vision attended on September 19<sup>th</sup>.

Accessibility advocates attended the Codes and Design Work Group meeting on August 22<sup>nd</sup> and September 19<sup>th</sup>. They listed several issues such as:

- Needing training for local officials of a truly accessible unit for someone in a wheelchair
- The problem with townhomes and accessibility
- The need for contractors to build beyond the requirements
- The need for accessible units to be reported and ensure they are available for those with needs to rent.
- The need for accessible units for those with mental health disabilities and the need for group homes to be outright allowed in single family zones

They also mentioned they would like the minimum percent of Type A units be increased from 2% to 7.5%.

4. Provide an overview of the expected outcome of the recommended action(s), including quantitative/qualitative context if available.

This recommendation would increase the number of Type A units required to be built for multi-family projects which are under the Fair Housing Act. In addition, requiring that accessible units be made available to those with accessibility needs when possible will allow those with accessibility needs to get into living spaces that meet their needs better.

Providing a state-wide database will help Oregonians throughout the state know where accessible units are, making it easier for them to find a place to live.

Incentivizing visitability will provide an avenue for builders to work around site constraints in order to meet accessible entry and bathroom requirements.

5. Estimate of the time frame (*immediate, short, medium, long-term*), feasibility (*low, medium, high*), and cost (*low, medium, high*) for implementation of the recommended action(s).

<b>Time Frame</b>	<b>Feasibility</b>	<b>Cost</b>
<input type="checkbox"/> Long-term	X_ High	<input type="checkbox"/> High
X_ Medium-term	<input type="checkbox"/> Medium	X_ Medium
<input type="checkbox"/> Short-term	<input type="checkbox"/> Low	<input type="checkbox"/> Low
<input type="checkbox"/> Immediate		

Portions of this recommendation can be more quickly implemented than others. Developing a database of units will take time as the recommendation assumes it will be reported with OHNA reporting. Then the database would need to be developed. This will come with some cost to both state and local governments, as they will need to keep track of the accessible and visitable units being built, both for multi-family and single family/middle housing homes.

Incentivizing visitability means that increasing visitable units will take more time to see, as builders will need to find out about these provisions and then build the units.

Increasing the required number of accessible units and grab bar backing can be made quickly. These requirements will come with some extra cost.

6. Provide a general overview of implementation, the who and how for the recommended action(s).

This recommendation requires implementation at the local and state level. Local jurisdictions will need to collect data for the accessible units being built (both multi-family and single family/middle housing). The state will need to collect that information and organize a database.

The number of accessible units and grab bar back requirements will need to be incorporated in the building code.

Local governments would need to implement most of the visitability incentives such as FAR/setbacks reductions.

7. Outline the data and information needed for reporting to track the impact and implementation of the recommended action(s).

The number of accessible units being built will reported as part of the OHNA reporting.

8. Identify any major externalities, unknowns, tradeoffs, or potential unintended consequences.

It is possible that increasing the number of Type A units required for multi-family projects will result in fewer units being built, as Type A units often take a slightly greater square footage to make the units fully accessible. And there are some increased costs for these units as well.

In addition, the requirement that tenants in accessible units be relocated will have some increased costs and will likely not be favorable amongst landlords and tenants who are affected.

Increasing visitability could have the unintended consequence of increasing the amount of hard surface on a lot, as additional walkway length or roof area will be needed. This would increase the amount of stormwater and decrease the amount of landscaping.

*Please include any relevant reports, data analyses, presentations, or other documents that would be informative and useful for the full HPAC as the recommendation is discussed and considered.*