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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILED: 10/30/2026 10:08 AM
ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Implements SB 1576 (2026) accessibility requirements into rule.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/30/2026 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Greg Current
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/17/2026
TIME: 1:30 PM
OFFICER: Olivia Mol

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 503-446-4951
SPECIAL INSTRUCTIONS:
Join by Phone: 503-446-4951
Conference ID: 464 243 463#

NEED FOR THE RULE(S):

SB 1576 (2026) introduced new accessibility requirements for new construction Affordable Rental Housing developments. OHCS wants to use the rules to reiterate the requirements of the new law and to provide additional detail regarding the specific accessible standard that must be used.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Senate Bill 1576 (2026):
https://olis.oregonlegislature.gov/liz/2026R1/Downloads/MeasureDocument/SB1576/Enrolled

2. OHCS Architectural Standards (OAS): https://www.oregon.gov/ohcs/rental-housing/housing-development/oregon-centralized-application-orca/Documents/architecture/architectural-standards-forms-july-2026.pdf

3. Architectural Index: https://www.oregon.gov/ohcs/rental-housing/housing-development/oregon-centralized-application-orca/Documents/architecture/architectural-index-july-2026.pdf

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STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

Adoption of these rules is intended to promote more equitable access to affordable rental housing by establishing consistent accessibility requirements. Because people of color may also experience barriers to accessing affordable housing, establishing clear and consistent accessibility standards contribute to more equitable housing opportunities. These rules do not directly address racial disparities, but they support broader efforts to promote equitable access to safe, accessible, affordable housing throughout Oregon.

FISCAL AND ECONOMIC IMPACT:

Adoption of these rules may result in additional costs for projects in order to meet the established accessibility requirements. These costs may vary depending on project design and complexity. These rules are intended to provide clear and consistent standards for new construction projects. No direct fiscal impact to the state is anticipated beyond OHCS staff time needed to implement and administer the rules.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Passage of SB 1576 (2026) may result in additional construction costs for OHCS funded projects in order to meet the accessibility requirements set forth therein. These costs may vary depending on project design and complexity.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:

These rules do not impact the development of single-family homes because they only apply to rental housing.

RULES PROPOSED:
813-315-0005, 813-315-0010, 813-315-0015, 813-315-0020, 813-315-0025, 813-315-0030

ADOPT: 813-315-0005

RULE SUMMARY: Adopting purpose and objective for Subsidized Development Accessibility.

CHANGES TO RULE:

813-315-0005
Purpose and Objectives
OAR 813, division 315 is promulgated to implement accessibility requirements applicable to subsidized developments as this term is defined in ORS 456.508.
Statutory/Other Authority: ORS 456.508 - 456.514, ORS 456.555
Statutes/Other Implemented: SB 1576 (2026)

ADOPT: 813-315-0010

RULE SUMMARY: Adopting definitions for Subsidized Development Accessibility.

CHANGES TO RULE:

813-315-0010
Definitions
(1) "ADA Standards" means the 2010 ADA Standards for Accessible Design or more recent version as adopted by the United States Department of Justice pursuant to the Americans with Disabilities Act of 1990. ¶
(2) "Accessible" for the purposes of this division means, a given space complies with one or more widely recognized industry standards for accessible design. ¶
(3) "Covered Housing" means rental housing subject to the requirements of this division pursuant to OAR 813-315-0015.¶
(4) "Department" or "OHCS" means the Oregon Housing and Community Services Department.¶
(5) "Federal accessibility requirements" means the accessibility requirements established under applicable federal law. ¶
(6) "Group home" means a single-family residence intended to house eight or fewer unrelated people as determined by the Department on a case-by-case basis. For purposes of this division, a group home is defined as a single dwelling unit. ¶
(7) "New" means, as defined in ORS 456.508(4), that the housing being constructed did not previously exist in residential or nonresidential form. "New" does not include the acquisition, alteration, renovation or remodeling of an existing structure. ¶
(8) "OHCS Baseline Accessibility" refers to "Subsidized Development Accessibility". The two terms are used interchangeably and share the definitions and requirements of this division. ¶
(9) "OHCS Baseline Accessible Unit" means a dwelling unit that is designed, constructed, and equipped to meet OHCS Baseline Accessibility requirements. ¶
(10) "Rental housing" means, as defined in ORS 456.508(6), a dwelling unit designed for non-owner occupancy under a tenancy typically lasting six months or longer. For purposes of this division, rental housing also means month to month and fixed-term tenancies and transitional housing, but not emergency housing. ¶
(11) "Section 504" refers to Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, and the implementing regulations at 24 CFR Part 8, as applicable to programs or activities receiving federal financial assistance. ¶
(12) "Subsidized development" means, as defined in ORS 456.508, a development that receives development subsidies from the Department.¶
(13) "Subsidized Development Accessibility" refers to the definition given for "OHCS Baseline Accessibility".¶
(14) "Uniform Federal Accessibility Standards" or "UFAS" means the federal accessibility standards applicable under Section 504 of the Rehabilitation Act of 1973. ¶
(15) "Visitable" means, as defined by ORS 456.508(8), capable of being approached, entered and used by individuals with mobility impairments, including but not limited to individuals using wheelchairs.
Statutory/Other Authority: ORS 456.508 - 456.514, ORS 456.555
Statutes/Other Implemented: SB 1576 (2026)

ADOPT: 813-315-0015

RULE SUMMARY: Adopting section OAR 813-315-0015 on Applicability of Subsidized Development Accessibility.

CHANGES TO RULE:

813-315-0015
Applicability
Except as otherwise provided by law, these rules apply to the new construction of one or more rental housing units receiving development subsidies from the Department as described in ORS 456.508(7). Covered housing units include Department subsidized townhouses as well as other forms of rental housing, including group homes. These rules do not apply to homeownership housing, to agricultural labor housing, or to the acquisition, alteration, renovation or remodeling of existing structures. Nothing in this division relieves a subsidized development from compliance with any other applicable federal, state, or local accessibility requirement.
Statutory/Other Authority: ORS 456.508 - 456.514, ORS 456.555
Statutes/Other Implemented: SB 1576 (2026)

ADOPT: 813-315-0020

RULE SUMMARY: Adopting Accessible Requirements for Subsidized Development Accessibility.

CHANGES TO RULE:

813-315-0020
Accessibility Requirements
Except as otherwise provided by law, the department may not provide funding for the development of new rental housing that is a Subsidized development unless the development complies with the applicable OHCS Baseline Accessibility requirements of this division. For the purposes of this section, the point of "providing funding" is defined by the point in time at which the Housing Stability Council formally approves a project for funding. A Subsidized development subject to this division must comply with the Applicable Accessibility Standard as defined under Section 813-315-0025 of this division.
Statutory/Other Authority: ORS 456.508 - 456.514, ORS 456.555
Statutes/Other Implemented: SB 1576 (2026)

ADOPT: 813-315-0025

RULE SUMMARY: Adopting Applicable Accessibility Standard for Subsidized Development Accessibility.

CHANGES TO RULE:

813-315-0025
OHCS Baseline Accessibility Standard
Covered Housing must comply with both the following:¶
(1) Comply with the ADA Standards for Accessible Design (ADA Standards).¶
(2) Comply with the "exceptions" listed under Section V of the HUD Notice: 24 CFR Part 8 [Docket No. FR -5784-N-01]. The subject HUD notice is commonly referred to as the "deeming notice" in which HUD has deemed the 2010 ADA Standards to be an acceptable alternate to the Uniform Federal Accessibility Standard (UFAS).
Statutory/Other Authority: ORS 456.508 - 456.514, ORS 456.555
Statutes/Other Implemented: SB 1576 (2026)

ADOPT: 813-315-0030

RULE SUMMARY: Adopting requires compliance with applicable state and federal accessibility requirements and applies the more stringent standard when requirements conflict.

CHANGES TO RULE:

813-315-0030
Federal and State Requirements Resolution
When state or federal accessibility requirements apply to a Subsidized development that differs from the requirements of this division, the more stringent requirements, as OHCS determines, shall control. Subsidized developments must comply with all applicable accessibility requirements established under state and federal law, including, when applicable, the Oregon Structural Specialty Code, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973.
Statutory/Other Authority: ORS 456.508 - 456.514, ORS 456.555
Statutes/Other Implemented: SB 1576 (2026)