

HOUSE COMMITTEE ON GOVERNMENT EFFICIENCY

March 29, 2001
8:30 AM

Hearing Room D
Tapes 41 - 43

MEMBERS PRESENT: **Rep. Jerry Krummel, Chair**
 Rep. Chris Beck, Vice-Chair
 Rep. Patti Smith, Vice-Chair
 Rep. Alan Brown
 Rep. Bill Garrard
 Rep. Jim Hill
 Rep. Deborah Kafoury
 Rep. Jeff Kruse
 Rep. Steve March
 Rep. Carolyn Tomei
 Rep. Kelley Wirth

STAFF PRESENT: **Matt Wingard, Committee Administrator**
 Patrick Brennan, Committee Assistant

MEASURE/ISSUES HEARD: **SCR 3 Public Hearing and Work Session**
 HB 2172 Public Hearing
 HB 3386 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 41, A		
003	Chair Krummel	Calls the meeting to order at 8:48 a.m. Opens a public hearing on SCR 3.
<u>SCR 3 PUBLIC HEARING</u>		
017	Dave Frohnmayr	President, University of Oregon (UO). Testifies in support of SCR 3. States that 2001 is the 125 th anniversary of UO. Describes the campus and student population of the university. Asserts that the university has had a positive impact on the state and on the world. Indicates that the anniversary celebration begins Homecoming 2001 and ends with Commencement in 2002.
058	Gordon Hanna	Incoming President, University of Oregon Alumni Association. Testifies in support of SCR 3. Comments that the state has done its part to help UO provide affordable education to its residents. Remarks that education is a key to positive change in both people and society.
080	Chair Krummel	Mentions that he worked previously at Western Oregon University (WOU), which is older than UO. Presumes that WOU was a private institution for part of its existence.
089	Frohnmayr	Confirms that WOU began as a private institution, whereas UO was chartered 125 years ago as a public university.
097	Chair Krummel	Asks whether the property in Washington state held by UO was ceded prior to Washington's statehood.
100	Frohnmayr	Replies that the land in question is near the Willamette River and was ceded to the university a few years ago.

118	Chair Krummel	Closes the public hearing and opens a work session on SCR 3.
SCR 3 WORK SESSION		
123	Rep. Beck	MOTION: Moves SCR 3 be sent to the floor with a BE ADOPTED recommendation.
135		VOTE: 10-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Kruse
	Chair Krummel	The motion CARRIES.
		REPS. BARNHART, WIRTH will lead discussion on the floor.
150	Chair Krummel	Declares the meeting to be in recess.
----- RECESS -----		
159	Chair Krummel	Reconvenes the meeting at 9:05 a.m. Opens a public hearing on HB 2172.
HB 2172 PUBLIC HEARING		
163	Matt Wingard	Committee Administrator. Gives a brief description of the bill. States that the measure requires that construction of new affordable housing incorporate design features for handicapped individuals if housing has fewer than three units and receives certain forms of state or local government financial assistance. Notes that the measure creates a civil penalty for non-compliance, not to exceed \$2,500 per unit.
170	Chair Krummel	Mentions that the –1 amendments (EXHIBIT A) have been submitted for the committee’s consideration.
173	Rep. Vicki Walker	House District 41. Testifies in support of the –1 amendments to HB 2172 (EXHIBIT B). Explains that the –1 amendments replace the entire bill. Acknowledges that other changes may need to be made but that there is general agreement that the bill should be moved to the Senate before further work is performed.
200	VIDEO:	
		Discusses the access problems associated with most housing architecture. Indicates most houses have stairway access, narrow hallways, narrow doorways, high cabinets, and high outlets. Describes accessible housing as that which has doors a minimum 32 inches wide and at least one non-stairway entrance. Defines “visitability” as universal, basic access in every home. States lack of access to homes impacts not only those who live in the home, but all those who may visit the home. Describes locations where no-step access may not be feasible.
TAPE 42, A		
030	Rep. Walker	Asserts that promoting visitability is a matter of common sense. Opines that private developers should take visitability into account when constructing private homes, but concedes that HB 2172 applies only to affordable housing construction that receives public assistance funding. Says the cost of the changes is not prohibitive. Comments that even those who have no mobility problems may experience periods of disability in the future.
076	Bob Repine	Director, Oregon Housing and Community Services (HCS). Testifies in support of HB 2172. Provides a brief explanation of the –1 amendments.

095	Chair Krummel	Asks whether the ORS citation in the amendments is relevant to federal rules.
099	Repine	Replies he is not sure, adding that there is probably a relationship with regard to section 8. Describes the accessibility requirements the amended bill will impose upon new housing units. Mentions that there are additional improvements that are mentioned in the measure and could be added optionally. Acknowledges that there are certain properties on which the cost for the improvements become prohibitive and says that problem is addressed in the amended measure.
148	Repine	Notes that section 8 of the amended measure provides a reporting mechanism to help the legislature gauge the success of the program.
156	Rep. Tomei	Mentions that some affordable housing units are townhouses and asks how the guidelines will affect those units.
161	Repine	Explains that townhouses generally are not equipped with bathrooms on the main floor and that the revised requirements under HB 2172 would require at least a ½ bath on the ground floor.
174	Rep. Wirth	Refers to section 6 in the amendments and asks for an example of “undue cost of compliance.” Inquires about the impact of water runoff.
182	Repine	Responds that most new developments are not built on flat lots, due to the unavailability of flat land. Says that large tall units are generally not seen because of the nature of the climate in most communities, meaning that the current typical format is townhouses in units of three or four. Estimates the cost of an elevator in a four-plex to be in excess of \$100,000 and says such an imposition is considered too onerous. Says that cities and municipalities have authority over water runoff issues with regard to parking lots and other paved areas and that contractors may exceed these standards by constructing certain accessibility points.
238	Rep. Wirth	Asks if the changes will result in negligible increases in runoff.
241	Repine	Explains that ramp accessibility can impede runoff or drainage, thereby conflicting with local runoff standards.
253	Rep. Tomei	Asks whether contractors will be making decisions as to how units will be built.
261	Repine	Responds that the measure should refer to the developer who is entitled to make such decisions, not the contractor.
267	Rep. Walker	States that the change can be made when the measure has moved to the Senate for consideration.
269	Repine	Remarks that detention ponds may have impact on accessibility issues.
277	Rep. Beck	Asks whether there are other types of enticements, such as tax benefits, to encourage installation of accessibility devices for existing housing or for new housing projects not involving affordable housing units.
289	Repine	Replies there are no such enticements that he is aware of at either the state or federal level.
303	Rep. Beck	Opines that the bill is a good first step to addressing disabled-accessibility problems. Asks if there are other states with broader programs than the one being proposed.
321	Rep. Walker	States that others who have passed similar legislation are Texas,

		Florida, and the United Kingdom. Asserts that the concept is growing in popularity.
330	Rep. Beck	Asks if the efforts in those three places are tailored specifically to affordable housing units.
333	Rep. Walker	Replies that is the case in Texas, as HB 2172 was patterned after a similar bill there. Asserts that affordable housing was a good starting point for broader application of the concept.
346	Repine	Suggests that once the process is started and begins to catch on there will be a larger industry movement toward accessibility and visitability.
355	Rep. Walker	Mentions that the Florida bathroom access law affected residences statewide and was the first to do so.
361	Rep. Hill	Asks if the bill would act as a detriment to efforts to construct affordable housing.
369	Repine	Replies negatively.
373	Rep. Wirth	Says she had considered an amendment that would broaden the effect of the bill. Mentions that her family recently considered similar improvements to their home, which would cost just over \$500. Asserts that the measure is clearly not a cost burden and helps make housing stock that can be inhabited by elderly persons who are age debilitated.
TAPE 41, B		
023	Ric Burger	American Disabled for Attendant Programs Today (ADAPT). Testifies in support of HB 2172 (EXHIBIT C). Relates a personal example of not being able to attend a function at an acquaintance's house due to lack of accessibility to those in wheelchairs.
058	Charles Kurtz	Association of American Retired Persons (AARP). Testifies in support of HB 2172 (EXHIBIT D). States that Oregon's senior population is one of the fastest growing constituencies in the state. Says that because of reduced incomes many seniors will someday need affordable housing. Mentions that with advanced age typically comes declining health, which can necessitate that the needed affordable housing be accessible to the disabled. Says that seniors who move into a home should be able to feel confident they will not be forced to leave if they become disabled or less mobile.
100	Beckie Child	Multnomah County. Testifies in support of HB 2172.
119	Bonnie Forbes	Testifies in support of HB 2172. Says she learned about accessibility programs by hearing about the one in Great Britain. Says her daughter can visit one of her friend's houses, as the rest are not accessible to those in wheelchairs. Opines that HB 2172 would greatly benefit disabled persons.
147	Mariah Rose	Newport. Testifies in support of HB 2172. Says it would be beneficial for all to have more housing that is wheelchair accessible.
164	Rep. Wirth	Mentions that Ms. Forbes recently told her about the opening of new neighborhood housing.
167	Forbes	States that she was disappointed to see that most of the new homes, which were supposed to be accessible to wheelchairs, were not due to the widespread use of steps.
198	Ellen Bombaro	Lane County Disability Services Advisory Council. Testifies in support of HB 2172 (EXHIBIT E). Describes the added disadvantages people with disabilities experience due to a lack of

230	Kathryn Jenness	wheelchair-accessible housing. Reminds committee members that an accident can disable anyone at any time. Lane County Disability Services Advisory Council. Testifies in support of HB 2172 (EXHIBIT F). Describes efforts she has participated in to help promote accessibility. Says that visitability provides a cost-effective alternative that will make neighborhoods friendlier to those with disabilities. Describes a particular case where access to her daughter's graduation party was problematic.
290	Edward Necker	Lane County Disability Services Advisory Council. Testifies in support of HB 2172 (EXHIBIT G). Mentions that he has dealt with situations where runoff was an issue that stood in the way of installing a wheelchair accessibility ramp.
323	Rep. Beck	Mentions that he has a close friend who sustained a spinal cord injury and became incapacitated. Indicates he has heard of many situations where wheelchair access is problematic, if not impossible. Expresses hope that a task force might be formed during the interim to look into retrofitting residences and/or commercial properties through tax breaks or other funding mechanisms.
368	Necker	Says that only those who are disabled or who care for someone who is disabled can truly understand what they face. Agrees that a project such as the one discussed by Rep. Beck would be appropriate.
385	Rep. Wirth	Extends support for Rep. Beck's suggestion. Mentions that landlords receive tax credits for installing fire safety measures and that accessibility could be handled in similar fashion.

TAPE 42, B

004	Necker	Agrees.
	Additional testimony was	submitted for the committee's consideration (EXHIBIT H).
017	Chair Krummel	Says that amendments will be prepared to fix the minor issues with the bill. Closes the public hearing on H 2172 and opens a public hearing on HB 3386.

HB 3386 PUBLIC HEARING

038	Ken Armstrong	Tualatin Valley Fire and Rescue. Testifies in support of HB 3386 (EXHIBIT I). States that the measure provides clear authority for fire districts to establish a program whereby property owners may be reimbursed for all or a portion of the retroactive installation of sprinkler systems in existing multifamily housing units. Says the measure provides incentive for property owners to install such systems.
074	Rep. Hill	Acknowledges that the bill has a laudable goal but says he is concerned about using tax revenues to help building owners install sprinkler systems. Asserts that the public safety provided to nearby buildings may not justify the use of property tax dollars. Concerned about how public input is collected on this topic.
090	Armstrong	Indicates that the original idea was to offer incentives, such as possibly a property tax reduction, for retroactive installation of fire safety systems. Acknowledges the concern that the measure could be construed as property owners 'subsidizing' the owner of a for-profit apartment complex.
110	Rep. Wirth	Requests an estimate of the cost of installing fire suppression

114	Jeff Gruenwald	equipment for a family dwelling. Tualatin Valley Fire and Rescue. Testifies in support of HB 3386. Provides a brief history on efforts to require sprinklers in multifamily occupancy residences. Says that fire safety in such settings is more than a matter of personal responsibility, as a careless neighbor can destroy entire buildings and take lives of neighbors. States that this bill provides an incentive to property owners to reduce a potential hazard.
161	Armstrong	Adds that the systems benefit not just property owners, but also to the residents and neighborhood around the structure.
174	Rep. Hill	Says he is concerned that the measure sounds good but could result in residential property owners subsidizing the program on behalf of for-profit housing complexes. Wonders whether property taxes are the appropriate mechanism for funding the program.
193	Gruenwald	States that it is part of the Fire Marshal's job to assess risk. Indicates that a number of efforts have been made to make this type of residence more fire safe, yet despite those efforts there has been a recent rash of fires. Says that many fire detectors in apartment buildings are removed or disabled due to annoyance with false alarms.
220	Rep. Hill	Asks why it is not the responsibility of the property owner of the apartment complex to look out for the safety of residents and neighbors. Asks why other local property owners should be asked to subsidize the negligence of building managers.
245	Gruenwald	Responds that there will be a limit on how much building managers can save as a result of installing these type of systems. Acknowledges that the managers and owners of apartment complexes have a responsibility but says there is currently no requirement for refitting with sprinklers.
264	Rep. Hill	Says the measure does not guarantee that residents of the surrounding area won't be forced to pay to protect someone else's building.
278	Armstrong	Acknowledges that the bill does not make the delineation that Rep. Hill refers to. Says it is likely that property taxes will pay half the cost of the retroactive installation of systems. Concedes he cannot assure that there will not be some level of subsidy from surrounding property owners unless a complicated formula is developed. Asserts this is the most effective way to resolve this particular public safety problem.
309	Rep. March	Indicates that the bill in its current form has no criteria for establishing programs at the local level, nor is there criteria that programs be administered or applied uniformly. Wonders whether there will be prohibition of board members from taking advantage of the retrofit if able to do so. Says there should be a model available to be adopted.
330	Gruenwald	Responds that it is next to impossible to entice owners to retrofit their housing units with sprinklers and doubts that there will be a rush to participate in the bill's incentive program should it become law.
349	Rep. Wirth	Acknowledges the logic that reduction in fire danger will lead to lower insurance cost. Asks if there is any level at which lower insurance rates provide adequate incentive to retrofit.
365	Gruenwald	Replies negatively, as fire protection represents only a small

401	Rep. Garrard	portion of insurance premiums.
404	Rep. Tomei	Echoes the concerns voiced by Rep. Hill. Expresses support for the measure. Mentions that board seats are hotly contested and sought after. Doubts that any such subsidy could be hidden from public scrutiny. Says that the measure provides fire districts with another tool for providing fire safety.
TAPE 43, A		
010	Armstrong	Supports the notion of adding a model concept to the measure. Reiterates the desire to maintain a level of flexibility in the measure.
022	Rep. Smith	Wonders if the measure allows retrofitting places where multifamily housing is offered but not authorized.
036	Chair Krummel	Comments that the bill will require amendments before being sent on through the process. Says the measure should also impose a stiff penalty on tenants who remove a certified working smoke detector. Opines that it is ridiculous that tenants put at risk not only their own families but the ones who share their buildings.
058	Gruenwald	Wonders how checks would be performed to ensure that working smoke detectors are not tampered with in apartment buildings.
063	Chair Krummel	Replies that building managers and tenants could be required to sign a certificate declaring the smoke detector to be in working order. Says the details can be worked out in future meetings on the bill. Adjourns the meeting at 10:47 a.m.

Submitted By,

Reviewed By,

Patrick Brennan,
Committee Assistant

Matt Wingard,
Committee Administrator

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EXHIBIT SUMMARY

- A – HB 2172, -1 amendments, Rep. Vicki Walker, 4 pp.**
- B – HB 2172, testimony, Rep. Vicki Walker, 2 pp.**
- C – HB 2172, testimony, Ric Burger, 1 p.**
- D – HB 2172, testimony, Charles Kurtz, 1 p.**
- E – HB 2172, testimony, Ellen Bombaro, 1 p.**
- F – HB 2172, testimony, Kathryn Jenness, 2 pp.**
- G – HB 2172, testimony, Edward Necker, 2 pp.**
- H – HB 2172, testimony, Jill Hewitt, 1 p.**
- I – HB 3386, testimony, Ken Armstrong, 1 p.**