

**TABLE OF HOUSING ACCESSIBILITY LAW COMPARISON
FOR PROJECTS IN OREGON**

APPENDIX A to report: *Issues of Compliance with Federal and State Accessibility Laws in Oregon*

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Materials in this report are not to be considered as the rendering of legal advice. Users are advised to obtain legal advice from their own legal counsel. These materials are intended for educational and informational purposes only.

Introduction:

This Table is intended as a general introductory guide to understanding the relationship between, and requirements of, federal and Oregon laws requiring provision of accessibility in new buildings, building additions, and alterations. Consultation with design professionals, governing agencies, and an attorney is strongly recommended to ensure required compliance with the law.

Laws included:

Three federal and two state accessibility laws applicable to housing are included in this worksheet:

1. The Rehabilitation Act of 1973 (Section 504)
2. The Fair Housing Amendments Act of 1988, commonly referred to as the Fair Housing Act (FHA)
3. The Americans with Disabilities Act of 1991 (ADA)
4. ORS 447.210 to 447.280, "Standards and Specifications for Access by Persons with Disabilities"
5. ORS 456.506 to 456.514, "Subsidized Development Visitability"

General notes:

1. This table addresses these laws for housing only, and not for non-housing structures whether related to housing or not.
2. Includes only Oregon and Federal laws, in summary form only.
3. Generally, additions to projects and buildings must comply with each law if they would be required to comply as a new project.
4. Remember that a single facility may be subject to more than one law, and therefore more than one set of rules of compliance may apply.
5. Included with each section are notes regarding scope, exemptions, and application, and cautions regarding the particular law. These are not to be considered definitive, but as a guideline or reminder to carefully examine the requirements of the laws, standards, and guidelines.
6. Remember that public agencies' funding requirements often attach heightened requirements for accessibility and accessible units.
7. Abbreviations and standards:
 - a. UFAS. Uniform Federal Accessibility Standards (36 C.F.R. Part 1190).
 - b. Fair Housing Guidelines (Federal Register, Vol. 56, No. 44, Wednesday, March 6, 1991, pp. 9499-9515).
 - c. Visitability standards (OAR Ch. 813, Div. 310).
 - d. OSSC. Oregon Structural Specialty Code.
 - e. ABA/ADAAG. Architectural Barriers Act and Americans with Disabilities Act Accessibility Guidelines (36 C.F.R. Parts 1190 and 1191).
 - f. DOJ Department of Justice Title III Regulations (28 C.F.R. Part 36). Note that these standards, while based on the original ADAAG criteria, differ from the current ADAAG in some ways.

Federal					Oregon	
Housing Description	Law	Rehabilitation Act of 1973	Fair Housing Amendments Act	Americans with Disabilities Act	Accessibility laws	Visitability law
	Abbrev.	Sec. 504	FHA	ADA	--	--
	Citation	29 U.S.C. §792 et seq.	42 U.S.C. §3602 et seq.	42 U.S.C. §12181 et seq.	ORS 447.210 to 447.233	ORS 456.506 to 456.514
	Standard	UFAS	Fair Housing Guidelines	ABA/ADAAG, DOJ	OSSC	OAR 813-310-005 to -0080
New, Privately- owned, privately- funded	1 to 3 units	N/A	N/A	Public accommodations located in residential housing (e.g. sales offices, rental offices, etc.) must comply with ADAAG.	Must comply with OSSC	N/A
New, Privately- owned, privately- funded	4 or more units (in one building)	N/A	All ground floor units and all units on floors served by elevators must comply with the FHA's accessibility guidelines: 1. Accessible entrance on accessible route 2. Accessible and usable public and common spaces 3. Usable doors 4. Accessible route in to and through the unit 5. Accessible switches, outlets, and controls 6. Restroom walls reinforced for grab bars	Public accommodations located in residential housing (e.g. sales offices, rental offices, etc.) must comply with ADAAG.	Must comply with OSSC	N/A

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	Law	Rehabilitation Act of 1973	Fair Housing Amendments Act	Americans with Disabilities Act	Accessibility laws	Visitability law
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	Standard	UFAS	Fair Housing Guidelines	ABA/ADAAG, DOJ	OSSC	OAR 813-310-005 to -0080
New, Publicly-owned, publicly-funded	1 to 3 units	N/A	N/A	Title II of ADA covers residential housing. No residential standard within ADAAG for compliance. Consult UFAS. Public accommodations located in residential housing (e.g. sales offices, rental offices, etc.) must comply with ADAAG.	Must comply with OSSC	If the project receives certain public funds, loans, or tax credits, then all ground floor units and all units on floors served by elevators must have: <ol style="list-style-type: none"> 1. A visitable entrance on a visitable route 2. Visitable routes between covered units and a visitable common living space 3. At least one visitable common living space 4. A visitable routes between the dwelling unit and a restroom 5. A restroom doorway without steps and a 32" minimum width 6. Restroom walls reinforced for grab bars 7. Reachable switches, outlets and controls

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	Standard	UFAS	Fair Housing Guidelines	ABA/ADAAG, DOJ	OSSC	OAR 813-310-005 to -0080
<p>New, Publicly-owned, publicly-funded</p> <p>AND</p> <p>New, Privately-owned, publicly-funded</p>	4 or more units (in one building)	N/A	<p>All ground floor units and all units on floors served by elevators must comply with the FHA's accessibility guidelines:</p> <ol style="list-style-type: none"> 1. Accessible entrance on accessible route 2. Accessible and usable public and common spaces 3. Usable doors 4. Accessible route in to and through the unit 5. Accessible switches, outlets, and controls 6. Restroom walls reinforced for grab bars 7. Usable kitchens and baths 	Public accommodations located in residential housing (e.g. sales offices, rental offices, etc.) must comply with ADAAG.	Must comply with OSSC	<p>If the project receives certain public funds, loans, or tax credits, then all ground floor units and all units on floors served by elevators must have:</p> <ol style="list-style-type: none"> 1. A visitable entrance on a visitable route 2. Visitable routes between covered units and a visitable common living space 3. At least one visitable common living space 4. A visitable routes between the dwelling unit and a restroom 5. A restroom doorway without steps and a 32" minimum width 6. Restroom walls reinforced for grab bars 7. Reachable switches, outlets and controls
<p>New, Publicly-owned, publicly-funded</p> <p>AND</p> <p>New, Privately-owned, publicly-funded</p>	5 or more units in project or on same site	<p>5% of total units must be for mobility impaired, 2% for sensorily impaired. Must provide accessible:</p> <ol style="list-style-type: none"> 1. Parking (if parking provided) 2. Building entrance 3. Common spaces 4. Interior spaces 5. Controls 6. Route, to and within living, dining, bedrooms, kitchen, 1 bathroom, laundry, patio, garage. 7. Kitchen, including accessible counters, sinks, work areas, cabinets, shelves, and 	Must comply with FHA, according to criteria above <u>only if</u> 4 or more units are in the same building.	Public accommodations located in residential housing (e.g. sales offices, rental offices, etc.) must comply with ADAAG.	Must comply with OSSC	

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	Standard	UFAS	Fair Housing Guidelines	ABA/ADAAG, DOJ	OSSC	OAR 813-310-005 to -0080
Alterations, Privately-owned, privately-funded	ALL	N/A	N/A - FHA applies to new construction only	Public accommodations located in residential housing (e.g. sales offices, rental offices, etc.) must comply with ADAAG.	Must comply with OSSC	N/A
Alterations, Publicly-owned, publicly-funded	15 or more, at a cost 75% or more of replacement cost units	5% of total units must be for mobility impaired, 2% for sensorily impaired. Must provide accessible: 1. Parking (if parking provided) 2. Building entrance 3. Common spaces 4. Interior spaces 5. Controls 6. Route, to and within living, dining, bedrooms, kitchen, 1 bathroom, laundry, patio, garage. 7. Kitchen, including accessible counters, sinks, work areas, cabinets, shelves, and	N/A	Title II of ADA covers residential housing. No residential standard within ADAAG for compliance. Consult UFAS. Public accommodations located in residential housing (e.g. sales offices, rental offices, etc.) must comply with ADAAG.	Must comply with OSSC	N/A
	15 or more units, at a cost less than 75% of replacement cost	N/A	N/A	Public accommodations located in residential housing (e.g. sales offices, rental offices, etc.) must comply with ADAAG.	Must comply with OSSC	N/A