

House Committee on Housing and Homelessness
Testimony on HB 3309
Hearing on 3/23/2023

Dear Chair Dexter and members of the Committee,

As the sole proprietor of an LLC that has advised international and domestic clients over the past 10 years on how to ensure the rights of persons with disabilities are protected, respected and promoted, **I would like to voice my support for the HB 3309.**

At a global level, in 2015 the United Nations commissioned me to write a [book on the right to adequate housing for persons with disabilities](#), and in 2018 as part of the development of the UN's [Flagship Report on Disability](#) I was one of three members of a task team convened to apply a disability lens to Sustainable Development Goal 11 – which looks at making cities and human settlements safe, inclusive, resilient and sustainable. Domestically I have been engaged in several state-wide and local initiatives on housing: as a member of Prosper Portland's Broadway Corridor Steering Committee, DLCD's Climate Friendly and Equitable Communities Rulemaking Advisory Committee (RAC), and DLCD's Oregon Housing Needs Analysis Work Group. I have provided written and oral testimony on HB 2001 and HB 5019 during this session.

HB 3309 is a step in the right direction, and should be adopted. That said, I regret that the amended version has removed the original language in Section 2 that had required a small percent of new constructions to have communication and mobility features.

Data indicates and current best practice advises that the need or demand for accessible features far surpasses these modest requirements. As an appendix I am included population data on adults with disabilities in the twelve most populated counties in Oregon. The prevalence of adults with disabilities in those counties ranges from 17.5% to 34.3%. Given those numbers, it should be immediately clear that requiring a total of 10.5% of units to include some accessibility features is not sufficient. The demand for these accessible features will increase as our population ages.

In 2021 the Center for American Progress, referencing the Federal requirements of five percent of units including mobility features and two percent of units including communication features, noted:

“These current thresholds are far too low for the growing demand for accessible housing, and requirements should be changed to match, at a minimum, American Community Survey data on the disability needs of specific metropolitan areas.”¹

ACS data from 2021 for Oregon indicates that 14.4% of the non-institutionalized population are persons with disabilities.² To meet demand, this percent should be the minimum requirement.

¹ Valerie Novack, Adam Ballard and Allie Cannington (23 April 2021), *Disability-Forward Policy Recommendations to Advance Accessible and Affordable Housing for All*, Center for American Progress, available at:

<https://www.americanprogress.org/article/disability-forward-policy-recommendations-advance-accessible-affordable-housing/>

² US Census Bureau (2021) American Community Survey

A 2022 policy brief developed by an independent team convened by the Department of Health and Human Services presents in great detail the crux of the issue. The brief notes, for example:

- 7 million Americans with disabilities pay more than 30% of their income on rent;
- Individuals with physical disabilities are more than twice as likely to be low-income than non-disabled people;
- Less than one percent of housing is accessible for wheelchair users;
- Only one in five accessible units are inhabited by a person with a physical disability;
- The Covid-19 pandemic, which disproportionately affected Black and Hispanic populations has further widened health and housing disparities, including for those populations who self-identify as persons with disabilities.³

Oregon can do more to achieve housing equity for persons with disabilities. Other jurisdictions have implemented good practices at the state and local level:

- Four priority best practices to promote access to home ownership for persons with disabilities were identified in a study in North Carolina: 1) a one-stop-shop online tool; 2) density bonuses; 3) expedited permit review; and 4) re-purposing unused government lands;⁴
- In 1992 Atlanta passed an ordinance requiring all publicly subsidized single-family homes to have visibility features,⁵ and several states (Georgia, Pennsylvania, Ohio and Virginia) have encouraged visibility through tax credits;⁶
- Vancouver, British Columbia implemented a bylaw requiring all new housing, single or multifamily, to include some universal design features.⁷

Governor Kotek was right to declare a state of emergency to make progress toward housing equity for all Oregonians. Over the past two years DLCD has recognized, through the Climate Friendly and Equitable Communities RAC and the OHNA, the importance of collecting better data on the housing stock and incentivizing the development of accessible and affordable housing in areas where there is access to transportation, and general and disability-specific support services.

Persons with disabilities and older persons need to be provided opportunities to meaningfully engage with legislators, DLCD, and OHCS about substantive issues, and be given options regarding accessibility features. Finally, our choices about with whom and where to live need to be respected.

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³ The first five bullet point citations are from Abigail Lindsay, Jaque King (12 Dec 2022), *Evaluating Housing Concerns for People with Physical Disabilities: Barriers, Best Practices and Policy Implications*, available at <https://chrt.org/wp-content/uploads/2022/12/Evaluating-housing-concerns-for-ppl-with-disabilities.pdf>

⁴ Fischer, Adam, Gabrielle Murphy, Marina Makligh, and Minahil Shahid. "Improving Access to Affordable and Accessible Housing in the Triangle Region." Duke University Sanford School of Public Policy, April 2018, p.28.

⁵ Abigail Lindsay, Jaque King (12 Dec 2022), at *supra note 3*, p.9

⁶ Abigail Lindsay, Jaque King (12 Dec 2022), at *supra note 3*, p.9

⁷ Abigail Lindsay, Jaque King (12 Dec 2022), at *supra note 3*, p.9

Appendix

Per analysis of OHSU's Oregon Office on Disability and Health, there is substantial variation in rates by county.⁸ The rates for the twelve most populated counties and eight urban areas are as follows:

County	Urban area	Total county Population (2021) ⁹	Disability prevalence (adults only)
Multnomah	Portland Metro	815,428	23.5%
Washington	Portland Metro	600,372	19.7%
Clackamas	Portland Metro	421,401	22.4%
Lane	Eugene / Springfield	382,971	27.2%
Marion	Salem / Keizer	345,920	28.3%
Jackson	Medford/Ashland	223,259	29.1%
Deschutes	Bend	198,253	22.9%
Linn	Albany	128,610	32.8%
Douglas		111,201	34.3%
Yamhill		107,722	25%
Benton	Corvallis	95,184	17.5%
Josephine	Grants Pass	88,090	33.1%

⁸ OHSU, <https://www.ohsu.edu/oregon-office-on-disability-and-health/oregon-disability-health-data-and-statistics>

⁹ https://www.oregon-demographics.com/counties_by_population