



TEMPORARY ADMINISTRATIVE ORDER

INCLUDING STATEMENT OF NEED & JUSTIFICATION

OHCS 31-2026

CHAPTER 813

OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILED: 10/16/2026 3:32 PM

ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Accessibility requirements for ARH as it relates to SB1576 (2026).

EFFECTIVE DATE: 10/16/2026 THROUGH 04/13/2027

AGENCY APPROVED DATE: 10/16/2026

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NEED FOR THE RULE(S):

SB 1576 (2026) introduced new accessibility requirements for new construction Affordable Rental Housing developments. Along with putting these requirements into the rule, the bill language itself was quite vague about what accessible code these units have to meet, so we want to specify in rule that to meet these requirements, partners must be in compliance with ADA 2010 Standards.

JUSTIFICATION OF TEMPORARY FILING:

The bill states that this requirement goes into effect Jan 1, 2027, and that OHCS cannot legally fund projects that do not meet this requirement. Because of this, it is imperative that we put these requirements in rule in a timely manner so as to not suspend funding for any otherwise eligible project.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. SB 1576 (2026)
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>

HOUSING IMPACT STATEMENT:

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

RULES:

813-315-0005, 813-315-0010, 813-315-0015, 813-315-0020, 813-315-0025, 813-315-0030

ADOPT: 813-315-0005

RULE TITLE: Purpose and Objectives

RULE SUMMARY: Adopting purpose and objective for Subsidized Development Accessibility

RULE TEXT:

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 TITLE: Definitions

RULE SUMMARY: Adopting definitions for Subsidized Development Accessibility.

RULE TEXT:

- (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 TITLE: Applicability

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

RULE TEXT:

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 TITLE: Accessibility Requirements

RULE SUMMARY: Adopting Accessible Requirements for Subsidized Development Accessibility.

RULE TEXT:

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 TITLE: OHCS Baseline Accessibility Standard

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

RULE TEXT:

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 TITLE: Federal and State Requirements Resolution

RULE SUMMARY: Clarifying the reference to the Federal and State accessibility requirements, and what programs are intended to be impacted.

RULE TEXT:

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)