

## **SUPPORT HB23-1302**

### **Basic Access in Housing for People with Disabilities and Aging Coloradans**

*Sponsors: Rep. Ortiz and Rep. Lieder*

#### **Background**

- The Americans with Disability Act and Fair Housing Act have been law for 30+ years, and yet there is still a shortage of accessible housing.
- Approximately 26% of adults in the U.S. live with a disability, approximately 16% of individuals are over the age of 65, and approximately 13% of Americans have a mobility disability, which is expected to increase with an aging population.
- 1 in 7 Coloradans is currently 65 or older. The number of people who are 65 and older is expected to increase 32% over the next decade.
- The poverty rate among those living with a disability is approximately 25% and paired with a shortage in accessible units, leading to more homelessness among those with a disability.

#### **Current State of the Law**

- There are two types of accessible housing defined in law:
  - Type A: Housing that is fully accessible to wheelchair users and other people with disabilities, which includes but is not limited to, including full turning radius, roll in shower, fully accessible kitchen, etc.
  - Type B: Housing that is not fully accessible, but is built in such a way that is adaptable to make it more accessible based on the needs of the resident. This includes things like reinforced bathroom walls where grab bars could be installed, headers that allow for doors to be easily widened, etc.
- We have a current system outlined in C.R.S. 9-5-105 where points are awarded to builders based on whether a unit is type A or B. Under this statute, a certain number of points is required and that number of points is based on the number of units being built. This system does not currently work well and has not resulted in enough accessible housing.

#### **What the Bill Does**

- Requires that new construction and alterations of housing developments must have at least 10% of units (rounding up) be accessible units.
  - For projects with more than 10 units, there must be at least one Type A unit and every other unit can be a Type B unit.
- Provides the responsible division of housing or building department to grant exceptions from this requirement for construction projects that show this requirement is technically infeasible or presents an undue hardship.

- Provides exceptions for projects that build affordable housing where the housing is tailor built for the owner.
- Authorizes a court to extend the answer date and hearing date in an eviction proceeding if the defendant files a written request for a reasonable accommodation.

**Why do we need this?**

- The current point system has been inadequate in providing sufficient levels of accessible housing needed to match current and projected populations of aging Coloradans and people with disabilities.
- Type B units are accessible units but offer the flexibility to be modified into more accessible units, which will allow more homeowners to age in place as they develop issues with mobility.
- This will protect the rights of aging Coloradans and people with disabilities in the housing market as well as in eviction court.

Questions:

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