

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action: Do Pass
Vote: 3 - 2 - 0
Yeas: Prozanski, Walker, Burdick
Nays: Beyer, Kruse
Exc.: 0
Prepared By: Matt Kalmanson, Counsel
Meeting Dates: 4/17, 4/24

WHAT THE MEASURE DOES: Establishes that discrimination against a person based on disability includes the failure to design and construct a multifamily dwelling as required by the federal Fair Housing Act, and the failure to renovate or modify a building as required by Oregon law designed to provide access to buildings for persons with disabilities. Establishes that a person may not discriminate against an individual, or deny access to a multiple listing service or other real estate brokers' organization, based on the individual's disability. Prohibits person from disclosing, in the sale, lease or rental of real property, that an occupant or owner either has HIV or has died from AIDS. Establishes procedures for Bureau of Labor and Industries (BOLI) in property discrimination actions. Permits actions in circuit court for discrimination actions in purchase or renting real property.

ISSUES DISCUSSED:

- Federal and state fair housing laws
- Effect of state law being "substantially equivalent" to federal law
- Benefits of local enforcement of housing laws

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Portions of ORS Chapter 659A prohibit discrimination in real property transactions on the basis of race, color, sex, marital status, source of income, familial status, religion, national origin or disability. Federal fair housing laws are similar, but not identical to, Oregon law. The federal Department of Housing and Urban Development (HUD) enforces the federal laws while the Bureau of Labor and Industries enforces state law. Under the Fair Housing Assistance Program, however, the federal agency contracts with state governments and provides them funding to enforce housing discrimination laws if their programs are "substantially equivalent" to federal law. Currently, Oregon's laws do not qualify as "substantially equivalent" to federal law.

SB 725 would attempt to bring Oregon's housing discrimination laws in-line with federal laws, and permit BOLI to contract with HUD to enforce, at the state level, all of the fair housing laws. Thirty-eight states already have "substantial equivalency" status.