

**HOUSE AMENDMENTS TO
SENATE BILL 725
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON WORKFORCE AND ECONOMIC DEVELOPMENT

June 8

1 On page 1 of the printed bill, line 2, after “90.390,” insert “659A.003, 659A.006.”

2 In line 3, delete “659A.800” and insert “659A.805”.

3 In line 4, before the semicolon insert “and section 42, chapter 100, Oregon Laws 2007 (Enrolled
4 Senate Bill 2)”.

5 After line 5, insert:

6 “**SECTION 1.** ORS 659A.003 is amended to read:

7 “659A.003. The purpose of this chapter is to encourage the fullest utilization of the available
8 workforce by removing arbitrary standards of race, religion, color, sex, marital status, national ori-
9 gin or age as a barrier to employment of the inhabitants of this state, and to ensure the human
10 dignity of all people within this state and protect their health, safety and morals from the conse-
11 quences of intergroup hostility, tensions and practices of **unlawful** discrimination of any kind based
12 on race, religion, color, sex, **disability**, marital status, [*or*] national origin **or familial status**. To
13 accomplish this purpose, the Legislative Assembly intends by this chapter to provide:

14 “(1) A program of public education calculated to eliminate attitudes upon which practices of
15 **unlawful** discrimination because of race, religion, color, sex, **disability**, marital status, [*or*] national
16 origin **or familial status** are based.

17 “(2) An adequate remedy for persons aggrieved by certain acts of **unlawful** discrimination be-
18 cause of race, religion, color, sex, **disability**, marital status, [*or*] national origin **or familial status**,
19 or unreasonable acts of discrimination in employment based upon age.

20 “(3) An adequate administrative machinery for the orderly resolution of complaints of **unlawful**
21 discrimination through a procedure involving investigation, conference, conciliation and persuasion,
22 to encourage the use in good faith of such machinery by all parties to a complaint of **unlawful**
23 discrimination and to discourage unilateral action that makes moot the outcome of final adminis-
24 trative or judicial determination on the merits of such a complaint.

25 “**SECTION 1a.** If Senate Bill 2 becomes law, section 1 of this 2007 Act (amending ORS
26 659A.003) is repealed and ORS 659A.003, as amended by section 2, chapter 100, Oregon Laws
27 2007 (Enrolled Senate Bill 2), is amended to read:

28 “659A.003. The purpose of this chapter is to encourage the fullest utilization of the available
29 workforce by removing arbitrary standards of race, color, religion, sex, sexual orientation, national
30 origin, marital status, age or disability as a barrier to employment of the inhabitants of this state,
31 and to ensure the human dignity of all people within this state and protect their health, safety and
32 morals from the consequences of intergroup hostility, tensions and practices of **unlawful** discrimi-
33 nation of any kind based on race, color, religion, sex, sexual orientation, national origin, marital
34 status, age, [*or*] disability **or familial status**. To accomplish this purpose, the Legislative Assembly

1 intends by this chapter to provide:

2 “(1) A program of public education calculated to eliminate attitudes upon which practices of
3 **unlawful** discrimination because of race, color, religion, sex, sexual orientation, national origin,
4 marital status, age, [or] disability **or familial status** are based.

5 “(2) An adequate remedy for persons aggrieved by certain acts of **unlawful** discrimination be-
6 cause of race, color, religion, sex, sexual orientation, national origin, marital status, [or] disability
7 **or familial status**, or unreasonable acts of discrimination in employment based upon age.

8 “(3) An adequate administrative machinery for the orderly resolution of complaints of **unlawful**
9 discrimination through a procedure involving investigation, conference, conciliation and persuasion,
10 to encourage the use in good faith of the machinery by all parties to a complaint of **unlawful** dis-
11 crimination and to discourage unilateral action that makes moot the outcome of final administrative
12 or judicial determination on the merits of the complaint.

13 “**SECTION 2.** ORS 659A.006 is amended to read:

14 “659A.006. (1) It is declared to be the public policy of Oregon that practices of **unlawful** dis-
15 crimination against any of its inhabitants because of race, religion, color, sex, marital status, na-
16 tional origin, age [or], disability **or familial status** are a matter of state concern and that such
17 discrimination threatens not only the rights and privileges of its inhabitants but menaces the insti-
18 tutions and foundation of a free democratic state.

19 “(2) The opportunity to obtain employment without **unlawful** discrimination because of race,
20 religion, color, sex, marital status, national origin, age or disability hereby is recognized as and
21 declared to be a civil right. However, this section shall not be construed to prevent a bona fide
22 church or sectarian religious institution, including but not limited to a school, hospital or church
23 camp, from preferring an employee or applicant for employment of one religious sect or persuasion
24 over another when:

25 “(a) That religious sect or persuasion to which the employee or applicant belongs is the same
26 as that of such church or institution;

27 “(b) In the opinion of such bona fide church or sectarian religious institution, such a preference
28 will best serve the purposes of such church or institution; and

29 “(c) The employment involved is closely connected with or related to the primary purposes of
30 the church or institution and is not connected with a commercial or business activity which has no
31 necessary relationship to the church or institution, or to its primary purposes.”.

32 In line 6, delete “1” and insert “3”.

33 On page 2, line 2, after the semicolon insert “and”.

34 In line 4, delete “; and” and insert a period.

35 Delete line 5.

36 After line 34, insert:

37 “**SECTION 3a.** If Senate Bill 83 becomes law, section 3 of this 2007 Act (amending ORS
38 **659A.145**) is repealed and ORS 659A.145, as amended by section 298, chapter 70, Oregon Laws
39 **2007 (Enrolled Senate Bill 83)**, is amended to read:

40 “659A.145. (1) A person, because of a disability of a purchaser, lessee or renter, a disability of
41 a person residing in or intending to reside in a dwelling after it is sold, rented or made available
42 or a disability of any person associated with a purchaser, lessee or renter, may not discriminate by:

43 “(a) Refusing to sell, lease, rent or otherwise make available any real property to a purchaser,
44 lessee or renter;

45 “(b) Expelling a purchaser, lessee or renter;

1 “(c) Making any distinction or restriction against a purchaser, lessee or renter in the price,
2 terms, conditions or privileges relating to the sale, rental, lease or occupancy of real property or
3 the furnishing of any facilities or services in connection therewith; or

4 “(d) Attempting to discourage the sale, rental or lease of any real property.

5 “(2) For purposes of this [subsection] **section**, discrimination includes:

6 “(a) A refusal to permit, at the expense of the person with a disability, reasonable modifications
7 of existing premises occupied or to be occupied by [such] **the** person if [such] **the** modifications may
8 be necessary to afford [such] **the** person full enjoyment of the premises, except that, in the case of
9 a rental, the landlord may, when it is reasonable to do so, condition permission for a modification
10 on the renter agreeing to restore the interior of the premises to the condition that existed before
11 the modification, reasonable wear and tear excepted; [or]

12 “(b) A refusal to make reasonable accommodations in rules, policies, practices or services when
13 [such] **the** accommodations may be necessary to afford [such] **the** person **with a disability** equal
14 opportunity to use and enjoy a dwelling; **and**

15 “(c) **Failure to design and construct a covered multifamily dwelling as required by the**
16 **Fair Housing Act (42 U.S.C. 3601 et seq.).**

17 “(3) A person may not publish, circulate, issue or display or cause to be published, circulated,
18 issued or displayed any communication, notice, advertisement, or sign of any kind relating to the
19 sale, rental or leasing of real property [which] **that** indicates any preference, limitation, specifica-
20 tion or discrimination against a person with a disability.

21 “(4) A person whose business includes engaging in residential real estate related transactions,
22 as defined in ORS 659A.421 (2)(b), may not discriminate against any person in making **a transaction**
23 available [such a transaction], or in the terms or conditions of [such a] **the** transaction, because of
24 a disability.

25 “(5) A real estate broker or principal real estate broker may not accept or retain a listing of
26 real property for sale, lease or rental with an understanding that the purchaser, lessee or renter
27 may be discriminated against solely because a person is a person with a disability.

28 “(6) **A person may not deny access to, or membership or participation in, any multiple**
29 **listing service, real estate brokers’ organization or other service, organization or facility**
30 **relating to the business of selling or renting dwellings, or discriminate against any person**
31 **in the terms or conditions of the access, membership or participation, because that person**
32 **is a person with a disability.**

33 “[6] (7) A person may not assist, induce, incite or coerce another person to [permit] **commit**
34 an act or engage in a practice that violates this section.

35 “[7] (8) A person may not coerce, intimidate, threaten or interfere with any person in the ex-
36 ercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided
37 or encouraged any other person in the exercise or enjoyment of, any right granted or protected by
38 this section.

39 “[8] (9) A person may not, for profit, induce or attempt to induce any other person to sell or
40 rent any dwelling by representations regarding the entry or prospective entry into the neighborhood
41 of a person with a disability.

42 “(10) **In the sale, lease or rental of real property, a person may not disclose to any person**
43 **that an occupant or owner of the real property has or died from human immunodeficiency**
44 **virus or acquired immune deficiency syndrome.**

45 “[9] (11) Any violation of this section is an unlawful practice.”.

1 In line 35, delete “2” and insert “4”.

2 On page 3, line 1, after “or” insert “unlawful”.

3 In line 5, delete “subsection or subsection (3) of this”.

4 After line 12, insert:

5 “(i) Represent to a person that a dwelling is not available for inspection, sale or rental when
6 the dwelling in fact is available for inspection, sale or rental.

7 “(j) Otherwise make unavailable or deny a dwelling to a person.”.

8 On page 4, after line 20, insert:

9 **“SECTION 4a. If Senate Bill 2 becomes law, section 4 of this 2007 Act (amending ORS**
10 **659A.421) is repealed and ORS 659A.421, as amended by section 8, chapter 100, Oregon Laws**
11 **2007 (Enrolled Senate Bill 2), is amended to read:**

12 “659A.421. (1) A person may not, because of the race, color, religion, sex, sexual orientation,
13 national origin, marital status, familial status or source of income of any person:

14 “(a) Refuse to sell, lease or rent any real property to a purchaser.

15 “(b) Expel a purchaser from any real property.

16 “(c) Make any distinction, discrimination or restriction against a purchaser in the price, terms,
17 conditions or privileges relating to the sale, rental, lease or occupancy of real property or in the
18 furnishing of any facilities or services in connection therewith.

19 “(d) Attempt to discourage the sale, rental or lease of any real property to a purchaser.

20 “(e) Publish, circulate, issue or display, or cause to be published, circulated, issued or displayed,
21 any communication, notice, advertisement or sign of any kind relating to the sale, rental or leasing
22 of real property that indicates any preference, limitation, specification or **unlawful** discrimination
23 based on race, color, religion, sex, sexual orientation, national origin, marital status, familial status
24 or source of income.

25 “(f) Assist, induce, incite or coerce another person to commit an act or engage in a practice that
26 violates this [*subsection and subsection (3) of this*] section.

27 “(g) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of,
28 or on account of having aided or encouraged any other person in the exercise of, any right granted
29 or protected by this section.

30 **“(h) Deny access to, or membership or participation in, any multiple listing service, real**
31 **estate brokers’ organization or other service, organization or facility relating to the business**
32 **of selling or renting dwellings, or discriminate against any person in the terms or conditions**
33 **of the access, membership or participation.**

34 **“(i) Represent to a person that a dwelling is not available for inspection, sale or rental**
35 **when the dwelling in fact is available for inspection, sale or rental.**

36 **“(j) Otherwise make unavailable or deny a dwelling to a person.**

37 “(2)(a) A person whose business includes engaging in residential real estate related transactions
38 may not discriminate against any person in making a transaction available, or in the terms or con-
39 ditions of the transaction, because of race, color, religion, sex, sexual orientation, national origin,
40 marital status, familial status or source of income.

41 “(b) As used in this subsection, ‘residential real estate related transaction’ means any of the
42 following:

43 “(A) The making or purchasing of loans or providing other financial assistance:

44 “(i) For purchasing, constructing, improving, repairing or maintaining a dwelling; or

45 “(ii) For securing residential real estate; or

1 “(B) The selling, brokering or appraising of residential real property.

2 “(3) A real estate licensee may not accept or retain a listing of real property for sale, lease or
3 rental with an understanding that a purchaser may be discriminated against with respect to the sale,
4 rental or lease thereof because of race, color, religion, sex, sexual orientation, national origin,
5 marital status, familial status or source of income.

6 “(4) A person may not, for profit, induce or attempt to induce any other person to sell or rent
7 any dwelling by representations regarding the entry or prospective entry into the neighborhood of
8 a person or persons of a particular race, color, religion, sex, sexual orientation, national origin,
9 marital status, familial status or source of income.

10 “(5) For purposes of [subsections (1) to (4) of] this section, ‘source of income’ does not include
11 federal rent subsidy payments under 42 U.S.C. 1437f, income from specific occupations or income
12 derived in an illegal manner.

13 “(6) [Subsections (1) and (3) of this section do] **This section does** not apply with respect to sex
14 distinction, discrimination or restriction if the real property involved is such that the application
15 of [subsections (1) and (3) of] this section would necessarily result in common use of bath or bedroom
16 facilities by unrelated persons of opposite sex.

17 “(7)(a) This section does not apply to familial status distinction, discrimination or restriction
18 with respect to housing for older persons.

19 “(b) As used in this subsection, ‘housing for older persons’ means housing:

20 “(A) Provided under any state or federal program that is specifically designed and operated to
21 assist elderly persons, as defined by the state or federal program;

22 “(B) Intended for, and solely occupied by, persons 62 years of age or older; or

23 “(C) Intended and operated for occupancy by at least one person 55 years of age or older per
24 unit. Housing qualifies as housing for older persons under this subparagraph if:

25 “(i) At least 80 percent of the dwellings are occupied by at least one person 55 years of age or
26 older per unit; and

27 “(ii) Policies and procedures that demonstrate an intent by the owner or manager to provide
28 housing for persons 55 years of age or older are published and adhered to.

29 “(c) Housing does not fail to meet the requirements for housing for older persons if:

30 “(A) Persons residing in the housing as of September 13, 1988, do not meet the requirements of
31 paragraph (b)(B) or (C) of this subsection. However, new occupants of the housing shall meet the
32 age requirements of paragraph (b)(B) or (C) of this subsection; or

33 “(B) The housing includes unoccupied units[*if the units*] **that** are reserved for occupancy by
34 persons who meet the age requirements of paragraph (b)(B) or (C) of this subsection.

35 “(d) Nothing in this section limits the applicability of any reasonable local, state or federal re-
36 strictions regarding the maximum number of occupants permitted to occupy a dwelling.

37 “[(8) *In the sale, lease or rental of real estate, a person may not disclose to any person that an*
38 *occupant or owner of real property has or died from human immunodeficiency virus or acquired im-*
39 *mune deficiency syndrome.*]

40 “[(9)] **(8)** The provisions of subsection (1)(a) to (d) and (f) of this section that prohibit actions
41 based upon sex, sexual orientation or familial status do not apply to the renting of space within a
42 single-family residence if the owner actually maintains and occupies the residence as the owner’s
43 primary residence and all occupants share some common space within the residence.

44 “[(10)] **(9)** Any violation of this section is an unlawful practice.

45 “**SECTION 5.** ORS 659A.805 is amended to read:

1 “659A.805. (1) In accordance with any applicable provision of ORS chapter 183, the Commis-
2 sioner of the Bureau of Labor and Industries may adopt reasonable rules:

3 “(a) Establishing what acts and communications constitute a notice, sign or advertisement that
4 public accommodation or real property will be refused, withheld from, or denied to any person or
5 that *[discrimination will be made against]* the person **will be unlawfully discriminated against** be-
6 cause of race, religion, sex, marital status, **disability**, color, national origin, **familial status** or, with
7 respect to public accommodation, age.

8 “(b) Establishing what inquiries in connection with employment and prospective employment
9 express a limitation, specification or **unlawful** discrimination as to race, religion, color, sex, **disa-**
10 **bility**, national origin or age.

11 “(c) Establishing what inquiries in connection with employment and prospective employment
12 soliciting information as to race, religion, color, sex, **disability**, national origin or age are based on
13 bona fide job qualifications.

14 “(d) For internal operation and practice and procedure before the commissioner under this
15 chapter.

16 “(e) Covering any other matter required to carry out the purposes of this chapter.

17 “(2) In adopting rules under this section the commissioner shall consider the following factors,
18 among others:

19 “(a) The relevance of information requested to job performance in connection with which it is
20 requested.

21 “(b) Available reasonable alternative ways of obtaining requested information without soliciting
22 responses as to race, religion, color, sex, **disability**, marital status, national origin, *[or]* age **or, with**
23 **respect to real property transactions, familial status.**

24 “(c) Whether a statement or inquiry soliciting information as to race, religion, color, sex, **disa-**
25 **bility**, marital status, national origin, *[or]* age **or, with respect to real property transactions,**
26 **familial status**, communicates an idea independent of an intention to limit, specify or **unlawfully**
27 discriminate as to race, religion, color, sex, **disability**, marital status, national origin, *[or]* age **or,**
28 **with respect to real property transactions, familial status.**

29 “(d) Whether the independent idea communicated is relevant to a legitimate objective of the
30 kind of transaction which it contemplates.

31 “(e) The ease with which the independent idea relating to a legitimate objective of the kind of
32 transaction contemplated could be communicated without connoting an intention to **unlawfully** dis-
33 criminate as to race, religion, color, sex, **disability**, marital status, national origin, *[or]* age **or, with**
34 **respect to real property transactions, familial status.**

35 “**SECTION 5a. If Senate Bill 2 becomes law, section 5 of this 2007 Act (amending ORS**
36 **659A.805) is repealed and ORS 659A.805, as amended by section 10, chapter 100, Oregon Laws**
37 **2007 (Enrolled Senate Bill 2), is amended to read:**

38 “659A.805. (1) In accordance with any applicable provision of ORS chapter 183, the Commis-
39 sioner of the Bureau of Labor and Industries may adopt reasonable rules:

40 “(a) Establishing what acts and communications constitute a notice, sign or advertisement that
41 public accommodation or real property will be refused, withheld from, or denied to any person or
42 that *[discrimination will be made against]* the person **will be unlawfully discriminated against** be-
43 cause of race, color, religion, sex, sexual orientation, national origin, marital status, disability or:

44 “(A) With respect to public accommodation, age.

45 “(B) With respect to real property **transactions**, familial status or source of income.

1 “(b) Establishing what inquiries in connection with employment and prospective employment
2 express a limitation, specification or **unlawful** discrimination as to race, color, religion, sex, sexual
3 orientation, national origin, marital status, age or disability.

4 “(c) Establishing what inquiries in connection with employment and prospective employment
5 soliciting information as to race, color, religion, sex, sexual orientation, national origin, marital
6 status, age or disability are based on bona fide occupational qualifications.

7 “(d) For internal operation and practice and procedure before the commissioner under this
8 chapter.

9 “(e) Covering any other matter required to carry out the purposes of this chapter.

10 “(2) In adopting rules under this section the commissioner shall consider the following factors,
11 among others:

12 “(a) The relevance of information requested to job performance in connection with which it is
13 requested.

14 “(b) Available reasonable alternative ways of obtaining requested information without soliciting
15 responses as to race, color, religion, sex, sexual orientation, national origin, marital status, age,
16 disability, [*familial status or*] source of income **or, with respect to real property transactions,**
17 **familial status.**

18 “(c) Whether a statement or inquiry soliciting information as to race, color, religion, sex, sexual
19 orientation, national origin, marital status, age, disability, [*familial status or*] source of income **or,**
20 **with respect to real property transactions, familial status,** communicates an idea independent
21 of an intention to limit, specify or **unlawfully** discriminate as to race, color, religion, sex, sexual
22 orientation, national origin, marital status, age, disability, [*familial status or*] source of income **or,**
23 **with respect to real property transactions, familial status.**

24 “(d) Whether the independent idea communicated is relevant to a legitimate objective of the
25 kind of transaction that it contemplates.

26 “(e) The ease with which the independent idea relating to a legitimate objective of the kind of
27 transaction contemplated could be communicated without connoting an intention to **unlawfully** dis-
28 criminate as to race, color, religion, sex, sexual orientation, national origin, marital status, age,
29 disability, [*familial status or*] source of income **or, with respect to real property transactions,**
30 **familial status.”.**

31 In line 21, delete “3” and insert “6”.

32 On page 5, line 2, delete “4” and insert “7”.

33 In line 11, delete “subsection (4) of”.

34 After line 24, insert:

35 “(6) The authority of the commissioner to conduct investigations or other proceedings to resolve
36 a complaint filed under ORS 659A.820 alleging a violation of ORS 659A.145 or 659A.421 or 659A.406
37 does not cease under subsection (3) of this section if the issuance of a finding of substantial evidence
38 under ORS 659A.835 within the time allowed under subsection (3) of this section is not practicable.
39 The commission must notify the parties in writing of the reasons that the issuance of substantial
40 evidence cannot be made within the time allowed.”.

41 In line 25, delete “(6)” and insert “(7)”.

42 In line 28, delete “5” and insert “8”.

43 In line 41, after the period insert “Within 10 days after identifying an additional person who
44 will be named as a respondent, the commission shall serve the person with a copy of the complaint
45 that identifies the alleged discriminatory housing practice and a notice that advises the person of

1 the procedural rights and obligations of the person, including the person’s right to file an answer
2 to the complaint.”.

3 On page 6, line 6, delete “6” and insert “9”.

4 In line 21, delete “7” and insert “10”.

5 On page 7, line 9, delete “8” and insert “11”.

6 In line 45, delete “9” and insert “12”.

7 On page 8, line 38, delete “10” and insert “13”.

8 On page 10, line 18, delete “11” and insert “14”.

9 Delete lines 34 through 45.

10 On page 11, delete lines 1 through 17.

11 In line 18, delete “13” and insert “15”.

12 Delete lines 19 through 22 and insert:

13 **“SECTION 15a. Notwithstanding section 9, chapter 100, Oregon Laws 2007 (Enrolled Sen-
14 ate Bill 2) (amending ORS 659A.424), if Senate Bill 2 becomes law, ORS 659A.424 is repealed.**

15 **“SECTION 16. The amendments to ORS 90.390, 659A.003, 659A.006, 659A.145, 659A.421,
16 659A.805, 659A.820, 659A.830, 659A.835, 659A.845, 659A.850, 659A.855, 659A.870 and 659A.885 by
17 sections 1 to 14 of this 2007 Act and the repeal of ORS 659A.424 by sections 15 and 15a of this
18 2007 Act apply to conduct occurring on or after the effective date of this 2007 Act.**

19 **“SECTION 17.** If Senate Bill 2 becomes law, section 42, chapter 100, Oregon Laws 2007 (En-
20 rolled Senate Bill 2), is amended to read:

21 **“Sec. 42.** The amendments to ORS 10.030, 20.107, 30.860, 93.270, 109.035, 166.155, 166.165,
22 174.100, 179.750, 192.630, 240.306, 338.125, 353.100, 418.648, 418.925, 421.352, 430.550, 443.739, 458.505,
23 659.850, 659A.003, 659A.006, 659A.030, 659A.403, 659A.406, 659A.409, 659A.421, [659A.424,] 659A.805,
24 659A.815, 659A.885, 660.139 and 744.353 by sections 1 to 31, 33 and 34, **chapter 100, Oregon Laws
25 2007 (Enrolled Senate Bill 2)**, [of this 2007 Act] and the repeal of ORS 236.380 by section 32,
26 **chapter 100, Oregon Laws 2007 (Enrolled Senate Bill 2)**, [of this 2007 Act] may be cited as the
27 Oregon Equality Act.”.

28
