

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 2 - 0

Yeas: Buckley, Esquivel, Hunt, Shields, Rosenbaum

Nays: Berger, Thatcher

Exc.: 0

Prepared By: Marjorie Taylor, Administrator

Meeting Dates: 2/20

WHAT THE MEASURE DOES: Prohibits facially neutral housing policies having disparate impact on protected class. Changes definitions for certain terms used in discrimination statutes. Modifies processing requirements for complaints filed with the Bureau of Labor and Industries alleging certain unlawful practices under state law relating to discrimination or alleging discrimination under federal housing law. Expands rights of persons alleging certain unlawful practices under state law relating to discrimination or alleging discrimination under federal housing law to intervene in action. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- With approval of the measure, the state may be authorized to conduct Fair Housing investigations
- Investigations currently conducted by Housing and Urban Development in Seattle
- Reimbursement by feds to conduct investigations
- Disparate impact statute that was removed by SB 725 (2007)
- Independent hearings officers versus agency hearings officers

EFFECT OF COMMITTEE AMENDMENT: Replaces disparate impact discrimination in statute.

BACKGROUND: House Bill 3639A makes technical fixes to Senate Bill 725 (2007), regarding state enforcement of federal fair housing claims.

The goal of Senate Bill 725 was to make Oregon's fair housing statutes "substantially equivalent" with federal law, and to enable the Bureau of Labor and Industries (BOLI) to contract with the United States Department of Housing and Urban Development (HUD) to investigate federally-based housing discrimination complaints. Currently, federal complaints must be enforced by HUD, in Seattle, while the Bureau of Labor and Industries enforces state law. SB 725 permits local enforcement of both state and federal fair housing laws. House Bill 3639A was drafted in direct response to requests made by HUD in order to secure Oregon's substantial equivalency certification.

However, technical errors were discovered in Senate Bill 725 that need to be resolved before local enforcement can be finalized. Senate Bill 725 also deleted a portion of Oregon's disparate impact discrimination statute (unrelated to federal equivalency) that was important to both landlords and tenants.