

**74th OREGON LEGISLATIVE ASSEMBLY - 2008 Special Session**  
**STAFF MEASURE SUMMARY**  
**Senate Committee on Rules and Executive Appointments**

**MINORITY REPORT**  
**MEASURE: HB 3639 B**  
**CARRIER: Sen. Atkinson**

**REVENUE: No revenue impact**  
**FISCAL: Fiscal statement issued**

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**Action:** Do Pass as Amended and Be Printed Engrossed  
**Signers of the Report:** Senators Atkinson and Ferrioli  
**Prepared By:** Marjorie Taylor, Administrator  
**Meeting Dates:** 2/21

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**WHAT THE MINORITY REPORT 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. Allows only an administrative law judge from the Office of Administrative Hearings to be a member of a special tribunal or a hearing officer. Prohibits state or local government from discriminating against a homeowner by requiring the homeowner to obtain a permit to rent a room in a single-family home having six or fewer bedrooms. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Method of proving housing discrimination
- Inadvertent deletion of disparate impact statute
- Role of administrative law judges

**EFFECT OF MINORITY AMENDMENT:** Allows only an administrative law judge from the Office of Administrative Hearings to be a member of a special tribunal or a hearing officer. Prohibits state or local government from discriminating against a homeowner by requiring the homeowner to obtain a permit to rent a room in a single-family home having six or fewer bedrooms.

**BACKGROUND:** House Bill 3639B 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. Senate Bill 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.

2/22/2008 10:01:00 AM

***This summary has not been adopted or officially endorsed by action of the committee.***

Committee Services Form – 2008 Special Session