

Senate Bill 471

Sponsored by Senator ATKINSON (at the request of Bill Earl)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits state or local government from discriminating against homeowner by imposing permit requirement for certain rentals.

Requires administrative law judges to make up membership of special tribunals or be hearing officers at proceedings alleging certain unlawful or discriminatory practices.

A BILL FOR AN ACT

1
2 Relating to discriminatory practices; creating new provisions; and amending ORS 659A.850.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 659A.**

5 **SECTION 2. The state or a local government may not discriminate against a homeowner**
6 **by requiring the homeowner to obtain a permit in order to rent to a tenant a room within**
7 **a single-family home having six or fewer bedrooms.**

8 **SECTION 3. ORS 659A.850, as amended by section 12, chapter 36, Oregon Laws 2008, is**
9 **amended to read:**

10 659A.850. (1)(a) All proceedings before the Commissioner of the Bureau of Labor and Industries
11 under this section shall be conducted as contested case proceedings under the provisions of ORS
12 chapter 183. Except as provided in paragraph (b) of this subsection, the commissioner may appoint
13 a special tribunal or hearing officer to hear the matter. The commissioner may affirm, reverse,
14 modify or supplement the determinations, conclusions or order of any special tribunal or hearing
15 officer appointed under this subsection. The scheduling of a hearing under this section does not af-
16 fect the ability of the commissioner and any respondent to thereafter settle the matters alleged in
17 the complaint through conference, conciliation and persuasion.

18 (b) In a proceeding under this section alleging an unlawful practice under ORS 659A.145 or
19 659A.421 or discrimination under federal housing law:

20 (A) [*Only an employee of the Bureau of Labor and Industries*] **Notwithstanding ORS 183.635 (2),**
21 **only an administrative law judge employed by the Office of Administrative Hearings** may be
22 a member of a special tribunal or a hearing officer appointed to hear the matter.

23 (B) An aggrieved person may intervene as a party in the proceeding.

24 (2) After considering all the evidence, the commissioner shall cause to be issued findings of facts
25 and conclusions of law.

26 (3) The commissioner shall issue an order dismissing the formal charges against any respondent
27 not found to have engaged in any unlawful practice alleged in the complaint.

28 (4) After a hearing under this section, the commissioner shall issue an appropriate cease and
29 desist order against any respondent found to have engaged in any unlawful practice alleged in the
30 complaint. The order must be signed by the commissioner and must take into account the need to

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 supervise compliance with the terms of order. The order may require that the respondent:

2 (a) Perform an act or series of acts designated in the order that are reasonably calculated to:

3 (A) Carry out the purposes of this chapter;

4 (B) Eliminate the effects of the unlawful practice that the respondent is found to have engaged
5 in, including but not limited to paying an award of actual damages suffered by the complainant and
6 complying with injunctive or other equitable relief; and

7 (C) Protect the rights of the complainant and other persons similarly situated;

8 (b) Submit reports to the commissioner on the manner of compliance with other terms and con-
9 ditions specified in the commissioner's order, and take other action as may be required to ensure
10 compliance with the commissioner's order; and

11 (c) Refrain from any action specified in the order that would jeopardize the rights of the
12 complainant or other persons similarly situated, or that would otherwise frustrate the purposes of
13 this chapter.

14 (5) A cease and desist order issued under subsection (4) of this section may be recorded in the
15 County Clerk Lien Record in the manner provided by ORS 205.125 and enforced in the manner
16 provided by ORS 205.126. In addition to enforcement under ORS 205.126, the order may be enforced
17 by writ of mandamus or a civil action to compel specific performance of the order.

18 **SECTION 4. The amendments to ORS 659A.850 by section 3 of this 2009 Act apply only**
19 **to proceedings commenced on or after the effective date of this 2009 Act.**

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