

Senate Bill 59

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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**.

Allows award of prevailing party costs and reasonable attorney fees to intervenor in housing discrimination hearing.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to housing discrimination; creating new provisions; amending ORS 659A.850; and declaring
3 an emergency.

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

5 **SECTION 1.** ORS 659A.850, as amended by section 12, chapter 36, Oregon Laws 2008, is
6 amended to read:

7 659A.850. (1)(a) All proceedings before the Commissioner of the Bureau of Labor and Industries
8 under this section shall be conducted as contested case proceedings under the provisions of ORS
9 chapter 183. Except as provided in paragraph (b) of this subsection, the commissioner may appoint
10 a special tribunal or hearing officer to hear the matter. The commissioner may affirm, reverse,
11 modify or supplement the determinations, conclusions or order of any special tribunal or hearing
12 officer appointed under this subsection. The scheduling of a hearing under this section does not af-
13 fect the ability of the commissioner and any respondent to thereafter settle the matters alleged in
14 the complaint through conference, conciliation and persuasion.

15 (b) In a proceeding under this section alleging an unlawful practice under ORS 659A.145 or
16 659A.421 or discrimination under federal housing law:

17 (A) Only an employee of the Bureau of Labor and Industries may be a member of a special
18 tribunal or a hearing officer appointed to hear the matter.

19 (B) An aggrieved person may intervene as a party in the proceeding. **The commissioner may**
20 **award prevailing party costs and reasonable attorney fees to a person who intervenes.**

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

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

25 (4) After a hearing under this section, the commissioner shall issue an appropriate cease and
26 desist order against any respondent found to have engaged in any unlawful practice alleged in the
27 complaint. The order must be signed by the commissioner and must take into account the need to
28 supervise compliance with the terms of order. The order may require that the respondent:

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

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

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

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

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

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

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

15 **SECTION 2. The amendments to ORS 659A.850 by section 1 of this 2009 Act apply only**
16 **to proceedings commenced on or after the effective date of this 2009 Act.**

17 **SECTION 3. This 2009 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
19 **July 1, 2009.**

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