

**Enrolled**  
**Senate Bill 875**

Sponsored by Senators ROSENBAUM, WALKER

CHAPTER .....

AN ACT

Relating to assistance animals; amending ORS 346.630, 346.660 and 346.690; and declaring an emergency.

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

**SECTION 1.** ORS 346.630 is amended to read:

346.630. (1) A landlord, as defined in ORS 90.100, may not refuse to rent a dwelling unit, as defined in ORS 90.100, to a person who is blind on the basis of the person's use or possession of a dog guide.

(2) A person who is blind has a cause of action to recover compensatory damages or \$200, whichever is greater, from any landlord, as defined in ORS 90.100, who refuses to rent a dwelling unit, or who charges additional rent, on the basis of the person's use or possession of a dog guide. The court may award reasonable attorney fees to the prevailing party in an action under this section.

(3) A person who is blind [*is not*] **may not be** required to pay [*an additional nonrefundable fee or an excessive*] **a fee or** deposit for [*the*] **a dog** guide.

(4) A person who is blind is liable for any damages done to the dwelling unit by the dog guide.

**SECTION 2.** ORS 346.660 is amended to read:

346.660. (1) A landlord, as defined in ORS 90.100, may not refuse to rent a dwelling unit, as defined in ORS 90.100, to a person who is deaf on the basis of the use or possession of a hearing ear dog.

(2) A person who is deaf [*is not*] **may not be** required to pay [*an additional nonrefundable fee for the*] **a fee or deposit for a** hearing ear dog.

(3) A person who is deaf is liable for any damages done to the dwelling unit by the hearing ear dog.

**SECTION 3.** ORS 346.690 is amended to read:

346.690. (1) A landlord, as defined in ORS 90.100, may not refuse to rent a dwelling unit, as defined in ORS 90.100, to a person with a physical impairment on the basis of the person's use or possession of an assistance animal.

(2) A person with a physical impairment has a cause of action to recover compensatory damages or \$200, whichever is greater, from any landlord who refuses to rent a dwelling unit, or who charges additional rent, on the basis of the person's use or possession of an assistance animal. The court shall award reasonable attorney fees to the prevailing plaintiff in an action under this section. The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails in the action if the court determines that the plaintiff had no objectively reasonable basis

for asserting a claim or no objectively reasonable basis for appealing an adverse decision of a trial court.

(3) A person with a physical impairment [*is not*] **may not be** required to pay [*an additional nonrefundable fee or an excessive*] **a fee or** deposit for [*the*] **an** assistance animal.

(4) A person with a physical impairment is liable for any damages done to the dwelling unit by the assistance animal.

**SECTION 4. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.**

**Passed by Senate April 7, 2009**

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Secretary of Senate

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President of Senate

**Passed by House June 2, 2009**

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Speaker of House

**Received by Governor:**

.....M,....., 2009

**Approved:**

.....M,....., 2009

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2009

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Secretary of State