

Senate Bill 875

Sponsored by Senators ROSENBAUM, WALKER

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 person from charging fee or deposit for assistance animal in rented housing.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to assistance animals; amending ORS 346.630, 346.660 and 346.690; and declaring an emer-
3 gency.

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

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

6 346.630. (1) A landlord, as defined in ORS 90.100, may not refuse to rent a dwelling unit, as de-
7 fined in ORS 90.100, to a person who is blind on the basis of the person's use or possession of a dog
8 guide.

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

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

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

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

18 346.660. (1) A landlord, as defined in ORS 90.100, may not refuse to rent a dwelling unit, as de-
19 fined in ORS 90.100, to a person who is deaf on the basis of the use or possession of a hearing ear
20 dog.

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

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

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

26 346.690. (1) A landlord, as defined in ORS 90.100, may not refuse to rent a dwelling unit, as de-
27 fined in ORS 90.100, to a person with a physical impairment on the basis of the person's use or
28 possession of an assistance animal.

29 (2) A person with a physical impairment has a cause of action to recover compensatory damages
30 or \$200, whichever is greater, from any landlord who refuses to rent a dwelling unit, or who charges
31 additional rent, on the basis of the person's use or possession of an assistance animal. The court

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 shall award reasonable attorney fees to the prevailing plaintiff in an action under this section. The
2 court may award reasonable attorney fees and expert witness fees incurred by a defendant who
3 prevails in the action if the court determines that the plaintiff had no objectively reasonable basis
4 for asserting a claim or no objectively reasonable basis for appealing an adverse decision of a trial
5 court.

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

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

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

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