

## OREGON LAW CENTER

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**TESTIMONY ON HB 4053**  
**Before the House Business and Labor Committee**  
**February 3<sup>rd</sup>, 2012**  
**Submitted by: Sybil Hebb**

Co-Chairs Garrett and Kennemer, and members of the Committee:

On behalf of the Oregon Law Center and Disability Rights Oregon, we submit this testimony presenting concerns regarding HB 4053, which proposes changes to the important fair housing and ADA protections for individuals with disabilities. Because of the impact that these laws have on all Oregonians, we advocate against any changes without the full and considered input of advocates for people with disabilities and other vulnerable individuals. I thank you for this opportunity to provide comments today.

As you may know, the Oregon Law Center (OLC) is a non-profit law firm whose mission is to achieve justice for low-income communities of Oregon by providing a full range of the highest quality civil legal services. Disability Rights Oregon is a non-profit law firm whose mission is to advocate for and protect the rights of Oregonians with disabilities. Our low-income clients struggle to make ends meet, especially during these troubled times. The struggle to find and maintain safe and fair affordable housing for themselves and their children is one of our clients' biggest concerns in communities across the state. The strength and implementation of the protections of the Fair Housing Act are of the utmost importance to all of our clients. The protections afforded by the Americans with Disabilities Act in public accommodations and transportation also have significant impact on our clients with disabilities.

Under current law, there is sometimes confusion regarding these two different sets of protections, and they are often confused. The ADA provides narrower protection in the public accommodations and transportation context than does the Fair Housing Act in the housing context. Under the ADA, service animals are narrowly defined, and do not include emotional support animals. Under the Fair Housing Act, assistance animals can include service animals and other animals that are necessary to afford an individual the equal opportunity to use and enjoy a dwelling, assuming that the animal does not pose a direct threat. These terms and definitions are sometimes confused. In the housing context, when that confusion results in application of the more narrow definition, vulnerable people can be denied the opportunity to access housing. Landlord and tenant organizations alike struggle to educate people about the proper implementation of the law so as to avoid negative outcomes.

HB 4053 exacerbates the confusion about current law in a way that will make it harder for low-income Oregonians to access fair housing and public accommodations. Specifically, the following points are of concern:

- Section 2 of the bill redefines the terms "assistance animal", "major life activity", and "physical or mental impairment" in ways that narrow current protections.

- Section 5 of the bill specifically links the new proposed definition of “assistance animal” to Oregon’s landlord tenant statutes in Chapter 90. This definition is too narrow, and moreover, should not apply in the housing context.
- Section 7 of the bill amends Chapter 90 but leaves intact a reference to the new definition of “assistance animal” imported into ORS 346.690.

In closing, if changes to these important laws are to be proposed, we hope for the opportunity to participate in a considered discussion and examination of the impact of any changes on low-income and vulnerable populations who deserve protection. We urge the committee not to move forward with this bill at this time, but would be happy to participate in further discussion about these issues over time.

I thank you for your consideration of our testimony. Please do not hesitate to contact either of us should you have questions.

Sincerely,

Sybil Hebb  
Oregon Law Center

Bob Joondeph  
Disability Rights Oregon