



DISABILITY RIGHTS OREGON

Urban League
of Portland

Oregon Advocacy Commissions

HB 2668: Civil Rights Protections in Public Accommodations

ORS 659A.400-659A.417 protects Oregonians from discrimination in places of public accommodation on the basis of race, sex (including pregnancy), sexual orientation, gender identity, national origin, religion, marital status, physical or mental disability or age (18 years of age and older). The Bureau of Labor and Industries enforces the public accommodations law for both private and government bodies.

However, a 1976 Oregon Supreme Court case implied that the public accommodations law may apply only to entities with a commercial interest (i.e. restaurants, hotels, banks, theaters and stores). This interpretation appears contrary to the current language in the statute and could be viewed as excluding some government bodies from the nondiscrimination law.

A place of public accommodation is:

“... any place or service offering to the public accommodations, advantages, facilities or privileges, whether in the nature of goods, services, lodging, amusements or otherwise.

(2) However, a place of public accommodation does not include an institution, bona fide club or place of accommodation which in its nature distinctly private.”

HB 2668 simply clarifies that Oregon’s public accommodations law applies equally to both government and private entities, regardless of their commercial interest.

This change would not impact membership organizations that are distinctly private in nature. In fact, if a public school or other government body rented space to a church, the Boy Scouts or other similar group who precluded access based on a protected class, they would be exempt from the public accommodations law because the actions of the renter do not inure to the public body. Likewise, the actions of the public body would not inure to the private organization. HB 2668 does not change this standard. It simply states that a public body’s **only responsibility is not to discriminate** in selecting who to rent to and who not (i.e. renting to a Methodist church but not to an Episcopal church).

Government bodies should be held to the same standard to which they hold commercial entities.

From the Desk of
Senator Jackie Winters