

## HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 610

By COMMITTEE ON JUDICIARY

May 30

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert “90.390.”.

2 In line 11, after “to” insert “do work or”.

3 On page 2, line 30, delete “(5)” and insert “(5)(a)”.

4 In line 37, delete “(a)” and insert “(A)”.

5 In line 38, delete “(b)” and insert “(B)”.

6 After line 38, insert:

7 “(b) A place of public accommodation or of access to state government services, programs or  
8 activities may impose legitimate requirements necessary for the safe operations of the place of  
9 public accommodation or the services, programs or activities. The place of public accommodation  
10 or of access to state government services, programs or activities shall ensure that the safety re-  
11 quirements are based on actual risks, not on speculation, stereotypes or generalizations about per-  
12 sons with disabilities.”.

13 On page 3, after line 15 insert:

14 “**SECTION 4.** ORS 659A.400 is amended to read:

15 “659A.400. (1) A place of public accommodation, subject to the exclusion in subsection (2) of this  
16 section, means any place or service offering to the public accommodations, advantages, facilities or  
17 privileges whether in the nature of goods, services, lodgings, amusements, **transportation** or oth-  
18 erwise.

19 “(2) However, a place of public accommodation does not include any institution, bona fide club  
20 or place of accommodation which is in its nature distinctly private.

21 “**SECTION 5.** ORS 90.390 is amended to read:

22 “90.390. (1) A landlord may not discriminate against a tenant in violation of local, state or fed-  
23 eral law, including ORS [346.630, 346.660, 346.690,] 659A.145 and 659A.421.

24 “(2) If the tenant can prove that the landlord violated subsection (1) of this section, the tenant  
25 has a defense in any discriminatory action brought by the landlord against the tenant for possession,  
26 unless the tenant is in default in rent.

27 “(3) A tenant may prove a landlord’s discrimination in violation of ORS 659A.145 or 659A.421  
28 by demonstrating that a facially neutral housing policy has a disparate adverse impact, as described  
29 in ORS 659A.425, on members of a protected class.

30 “(4) A landlord may not discriminate against an applicant solely because the applicant was a  
31 defendant in an action for possession pursuant to ORS 105.105 to 105.168 that was dismissed or that  
32 resulted in general judgment for the defendant prior to the application. This subsection does not  
33 apply if the prior action has not resulted in a dismissal or general judgment at the time of the ap-  
34 plication. If the landlord knowingly acts in violation of this subsection, the applicant may recover  
35 actual damages or \$200, whichever is greater.”.

- 1 In line 16, delete “4” and insert “6”.
- 2 In line 36, delete “5” and insert “7”.
- 3 On page 4, line 28, delete “6” and insert “8”.
- 4 In line 31, delete “7” and insert “9”.
- 5 Delete lines 34 through 40.
- 6 In line 41, delete “9” and insert “10”.
- 7 In line 43, delete “10” and insert “11” and after “ORS” insert “90.390,”.
- 8 In line 44, delete “8” and insert “9”.
- 9 In line 45, delete “9” and insert “10”.
- 10 On page 5, line 2, after “ORS” insert “90.390,”.
- 11 In line 3, delete “and 7” and insert “, 7 and 9”.
- 12 In line 4, delete “9” and insert “10”.
- 13 In line 14, delete “11” and insert “12”.
- 14 \_\_\_\_\_