

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 610**

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

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

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

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

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

7 After line 38, insert:

8 “(b) A place of public accommodation or of access to state government
9 services, programs or activities may impose legitimate requirements neces-
10 sary for the safe operations of the place of public accommodation or the
11 services, programs or activities. The place of public accommodation or of
12 access to state government services, programs or activities shall ensure that
13 the safety requirements are based on actual risks, not on speculation, stere-
14 otypes or generalizations about persons with disabilities.”.

15 On page 3, after line 15 insert:

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

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

22 “(2) However, a place of public accommodation does not include any in-

1 stitution, bona fide club or place of accommodation which is in its nature
2 distinctly private.

3 **SECTION 5.** ORS 90.390 is amended to read:

4 “90.390. (1) A landlord may not discriminate against a tenant in violation
5 of local, state or federal law, including ORS [346.630, 346.660, 346.690,]
6 659A.145 and 659A.421.

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

11 “(3) A tenant may prove a landlord’s discrimination in violation of ORS
12 659A.145 or 659A.421 by demonstrating that a facially neutral housing policy
13 has a disparate adverse impact, as described in ORS 659A.425, on members
14 of a protected class.

15 “(4) A landlord may not discriminate against an applicant solely because
16 the applicant was a defendant in an action for possession pursuant to ORS
17 105.105 to 105.168 that was dismissed or that resulted in general judgment for
18 the defendant prior to the application. This subsection does not apply if the
19 prior action has not resulted in a dismissal or general judgment at the time
20 of the application. If the landlord knowingly acts in violation of this sub-
21 section, the applicant may recover actual damages or \$200, whichever is
22 greater.”.

23 In line 16, delete “4” and insert “6”.

24 In line 36, delete “5” and insert “7”.

25 On page 4, line 28, delete “6” and insert “8”.

26 In line 31, delete “7” and insert “9”.

27 Delete lines 34 through 40.

28 In line 41, delete “9” and insert “10”.

29 In line 43, delete “10” and insert “11” and after “ORS” insert “90.390,”.

30 In line 44, delete “8” and insert “9”.

- 1 In line 45, delete “9” and insert “10”.
- 2 On page 5, line 2, after “ORS” insert “90.390,”.
- 3 In line 3, delete “and 7” and insert “, 7 and 9”.
- 4 In line 4, delete “9” and insert “10”.
- 5 In line 14, delete “11” and insert “12”.
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