

SB 298 STAFF MEASURE SUMMARY

Senate Committee On Workforce

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Sub-Referral To: Senate Committee On Judiciary

Meeting Dates: 2/20, 3/8

WHAT THE MEASURE DOES:

Grants Labor Commissioner discretion in housing discrimination matters over preparation and pursuit of formal charges in certain situations.

Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Options for complainant to pursue a matter if BOLI uses its discretion not to continue representing party in court
- Criteria BOLI considers when deciding whether to pursue a matter in court
- Report on BOLI's use of discretion authorized by SB 380 (2015) from 2015-2017
- Why most complainants opt for settlement negotiations rather than litigation
- Nature of complaints, including large percentage alleging discrimination on the basis of disability, such as fees for assistance animals

EFFECT OF AMENDMENT:

BACKGROUND:

The Bureau of Labor and Industries (BOLI) has jurisdiction over matters such as wage and hour disputes, civil rights violations, and apprenticeship and training. Among its responsibilities, BOLI enforces laws granting individuals equal access to housing.

Prior to June 2015, if BOLI could not resolve a housing discrimination dispute or if either party requested, the Labor Commissioner had to prepare formal charges and resolve the case in circuit court. In such cases, BOLI pays the court fees and costs of representation by the Oregon Department of Justice. That process conformed to the U.S. Department of Housing and Urban Development (HUD) standards required for BOLI to handle federal housing discrimination claims under contract with HUD.

In June 2015, the Legislative Assembly granted BOLI temporary discretion, until October 1, 2017, on whether to file formal charges and whether to continue representing individuals who filed complaints with the agency alleging discrimination in housing once the complainant or respondent elected to take the matter to civil court. The Legislative Assembly also directed BOLI to report by February 1, 2017, on the resolution of complaints in the two-year period prior to the Act's effective date and the resolution of those complaints after implementation of the Act.

BOLI's report is now available on OLIS in the meeting materials for February 20, 2017; the agency believes the discretion granted in 2015 has allowed them to resolve cases objectively and determine cases meriting use of the State's resources in litigation.

As a consequence of the 2015 legislation, HUD determined that Oregon law was no longer "substantially equivalent" to the federal Fair Housing Act, and BOLI's contract with HUD was not renewed.

SB 298 makes permanent the discretion provided by the 2015 Legislative Assembly through Senate Bill 380 over the determination to file formal charges and pursue a housing discrimination matter in court in certain situations.