



March 29, 2017

Testimony to Senate Committee on Judiciary
Provided by: Paloma Sparks, Legislative Director
Oregon Bureau of Labor and Industries

The Oregon Bureau of Labor and Industries (BOLI) appreciates the opportunity to testify in support of SB 298, which would keep in place the Bureau's discretion and flexibility in enforcement of housing cases.

As you know the Bureau of Labor and Industries enforces anti-discrimination laws that apply to workplaces, housing and public accommodations. The Bureau investigates and prosecutes complaints regarding alleged discriminatory practices in housing throughout the state.

In 2015 we pursued legislation (SB 380) to give the agency discretion to better manage taxpayer costs in housing cases while still ensuring strong and fair enforcement. That bill was passed with a limited operational date and will sunset this year if the legislature does not act. We urge you to pass SB 298, making the changes adopted in 2015 permanent.

When the Bureau receives a housing discrimination complaint our investigators analyze the documents, interview the parties and makes a determination as to whether there is evidence to show a violation of civil rights law. Where investigators find sufficient evidence of unlawful discrimination, we will pursue remedies for the injured party through settlement or administrative hearing processes. Individuals may choose to take their cases out of our administrative process and go to court.

Prior to the passage of SB 380, the law required that the Bureau represent individuals and cover the costs for representation when either party elects to go to court. The Bureau works hard to get settlements or administrative orders to remedy the harm experienced by tenants. When individuals elect to leave the administrative process in favor of civil court, the Department of Justice represents the Bureau. Tenants are often also represented by private counsel. Prior to the passage of SB 380 the Bureau had no discretion in determining if expending DOJ and BOLI resources was prudent. That is different than how all other complaints filed with the Bureau are handled.

The Bureau has brought forward this bill because there are instances when it is not appropriate for the agency and DOJ to continue to represent individuals who have elected to go to court or to move forward with an administrative hearing. The agency should have flexibility in negotiating settlements in these cases. We are committed to preventing and prosecuting discrimination in housing while using scarce taxpayer dollars wisely. This new tool has helped us to better allocate BOLI resources while maintaining effective enforcement.

I urge you to support SB 298 and continue BOLI's needed flexibility. Thank you for the opportunity to testify today. I would be happy to answer questions.

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