



February 20, 2017

Testimony to Senate Workforce Committee on SB 298
Paloma Sparks, Legislative Director, 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 continue to provide the Bureau with discretion and flexibility in its 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 to give the agency discretion to better manage taxpayer costs in housing cases while still ensuring strong and fair enforcement. The bill was passed with a limited operational date. We urge you to pass SB 298, making the changes adopted in 2015 permanent.

When the Bureau receives a housing discrimination complaint, the Civil Rights Division conducts an investigation in which the investigator assigned the case analyzes relevant documents, interviews the parties and witnesses, and makes a determination as to whether there is evidence to show a violation of civil rights law has occurred. In those cases where a determination is made that sufficient evidence of unlawful discrimination exists, we pursue remedies for the injured party through settlement negotiations or administratively through the agency's contested case hearing process. The parties may elect to remove the case from BOLI to pursue the matter in court.

Prior to the passage of SB 380 in 2015, the law required that the Bureau represent individuals and cover the legal costs for representing the complainant/aggrieved party whenever either party elected to remove the case from BOLI and go to court. The Bureau works hard to obtain settlements or pursue cases, when appropriate, through the contested case hearing process in order to remedy the harm experienced by individuals. When individuals elect to remove a housing case from BOLI's administrative process in favor of civil court, the Department of Justice is required to represent the Bureau. Complainants are often also represented by private counsel. Without the passage of SB 380, the Bureau had no discretion in determining if expending DOJ and BOLI resources in court was prudent. That is a departure from 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 to move forward with an administrative action or for DOJ to continue to represent individuals who have elected to go to court. The agency should have flexibility in negotiating 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.

PORTLAND
800 NE Oregon St. Suite 1045
Portland, OR 97232-2180
(971) 673-0761
Fax (971) 673-0762

SALEM
3865 Wolverine St. NE; E-1
Salem, OR 97305-1268
(503) 378-3292
FAX (503) 373-7636

EUGENE
1400 Executive Parkway, Suite 200
Eugene, OR 97401-2158
(541) 686-7623
FAX (541) 686-7980

BEND
Apprenticeship and Training
Worksource Bend
1645 NE Forbes Rd, Ste 106
Bend, OR 97701-4990
(541) 322-2435
FAX (541) 389-8265

Oregon Relay TTY:711

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