

SB 1534 STAFF MEASURE SUMMARY

Senate Committee On Housing and Development

Action Date: 02/04/20

Action: Do pass and requesting referral to Ways and Means.

Vote: 4-0-1-0

Yeas: 4 - Boles, Fagan, Golden, Wagner

Exc: 1 - Heard

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: C. Ross, Counsel

Meeting Dates: 2/4

WHAT THE MEASURE DOES:

Restores pre-2015 requirements as of January 1, 2021, instead of October 1, 2021, for Bureau of Labor and Industries (BOLI) to proceed with formal charges whenever substantiated federal housing discrimination complaints do not settle and to proceed in court whenever either party to a federal housing discrimination complaint elects to do so.

ISSUES DISCUSSED:

- Previous, different relationship between BOLI and the Oregon Department of Justice (DOJ)
- Previous administrations at both agencies
- Current staff at BOLI with federal Fair Housing expertise, dedicated to same, capable of efficient administration
- One-time appropriation to become self-sustaining pending restart of federal reimbursement
- No change to underlying civil rights laws

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon's Bureau of Labor and Industries (BOLI) is authorized to investigate complaints of discrimination in housing, among other responsibilities. Prior to 2015, Oregon law was substantially aligned with the federal Fair Housing Act, and this allowed the federal Housing and Urban Development agency (HUD) to contract with BOLI to enforce federal housing discrimination claims. BOLI was required to prepare formal charges whenever it was unable to resolve a substantiated complaint, and it was also required to proceed in court whenever either party elected to do so. In these cases, BOLI was responsible for court costs and the cost of representation.

In 2015, Senate Bill 380 was enacted, allowing BOLI to exercise discretion temporarily (until October 1, 2017) when deciding whether to prepare formal charges and proceed in court. As a result of this change, BOLI's contract with HUD was not renewed. In February 2017, BOLI reported improved resolution of complaints and conservation of state resources, and the legislature extended its temporary discretion for four more years, until October 1, 2021.

Senate Bill 1534 shortens BOLI's remaining period of temporary discretion by nine months, ending it on January 1st instead of on October 1st of 2021, restoring pre-2015 requirements and HUD's ability to contract with BOLI to enforce federal complaints.