



**TO:** Senate Committee on Housing and Development  
**FROM:** Disability Rights Oregon (DRO)  
**DATE:** May 11, 2021  
**RE:** DRO's Testimony in Support of HB 2736

Dear Chair, Vice Chair, and Members of the Committee:

Disability Rights Oregon submitted testimony in support of HB 2736 to members of the House Committee on Housing in March. We still support this important legislation, which would make sure that persons with disabilities and individuals in other protected classes understand their right to be free from discriminatory treatment by landlords. Please review our previously submitted testimony that is enclosed.

**HB 2736 should require that all tenants be advised about their rights against discrimination, not just tenants who occupy complexes larger than 10 units.**

We would suggest that one key element of the proposed Dash A3 amendment not be adopted. That amendment would limit the informational notice requirement only to residential complexes at a single location with "11 or more dwelling units." Without the amendment, HB 2736 would require the notice to be provided at the time of executing any rental agreement, regardless of the size of the complex. We see no compelling reason why tenants in larger complexes should be advised of their rights, whereas tenants in smaller complexes should not. State and federal fair housing laws generally do not exclude tenants who live in complexes smaller than 11 dwelling units from protection, and neither should this legislation.

We also previously opposed an amendment that removed from the Oregon Bureau of Labor and Industries the discretion to provide a fine for violations of the notice requirement, because we believe that those fines are an essential tool to guarantee that landlords actually provide the notice that the legislation requires. Unfortunately, that amendment has been incorporated in the engrossed House Bill.

Notice of rights regarding discrimination will help to protect tenants with disabilities and individuals in other protected classes. HB 2736 should not exclude tenants who live in complexes with fewer than 11 units, but should aim to empower all tenants with disabilities to object to landlords' unlawful discrimination practices. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Matthew Serres".

Matthew Serres  
Managing Attorney  
Disability Rights Oregon  
511 SW 10<sup>th</sup> Avenue, Portland, OR 97205  
(503) 243-2081

Enclosure – DRO's Testimony in Support of HB 2736 to The Housing Committee on Housing



TO: The House Committee on Housing  
FROM: Disability Rights Oregon (DRO)  
DATE: March 18, 2021  
RE: DRO's Testimony in Support of HB 2736

Dear Chair, Vice Chairs, and Members of the Committee:

Disability Rights Oregon supports SB 2736, for the following reasons:

HB 2736 will ensure that persons with disabilities and individuals in other protected classes understand their right to be free from discriminatory treatment by landlords. Persons with disabilities experience discrimination from landlords in a number of ways, including but not limited to

- Unlawful denial of applications for tenancy
- Denials of reasonable accommodation and modification requests
- Harassment
- Unlawful termination of tenancy
- Retaliatory conduct

The proposed legislation will help to hold landlords accountable for those types of discriminatory conduct, by providing tenants a greater understanding of their rights against discrimination under state and federal law.

A large number of Oregonians with disabilities will benefit from this legislation. There are 581,461 individuals with disabilities living in the community in Oregon.<sup>1</sup> Most of those individuals with disabilities are renters.

**Discrimination based on disability is the most reported type of discrimination based on a protected class**

More than any other protected class, persons with disabilities report the highest number of incidents of discriminatory conduct from housing providers. In 2018, there were 17,575 complaints of discrimination based on disability filed nationally with HUD or Fair Housing Assistance Programs (FHAP), representing 56% of all cases.<sup>2</sup> The vast majority of fair housing complaints originate in the rental market, as opposed to other areas such as real estate, sale, mortgage lending, homeowner's insurance, or homeowners/condo associations.<sup>3</sup>

We would suggest that one element of the proposed Dash One amendment not be adopted. That amendment apparently removes from the Oregon Bureau of Labor and Industries the discretion to provide a fine for violations of the notice requirement. Fines are an essential tool to guarantee that landlords will actually provide the notice of tenants' rights regarding

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<sup>1</sup> Lauer, E.A., Boege, S.L. & Houtenville, A.J., 2020. *Annual Disability Statistics Compendium: 2019*, Section 1, Table 1.3. Durham, NH: University of New Hampshire, Institute of Disability. Available at <https://disabilitycompendium.org/compendium/2019-annual-disability-statistics-compendium>

<sup>2</sup> National Fair Housing Alliance. *2019 Fair Housing Trends Report*, p 16. Available at <https://nationalfairhousing.org/2019-fair-housing-trends-report/>

<sup>3</sup> *Id.* at 17-18.

discrimination. Persons with disabilities would benefit more from the proposed legislation, if that enforcement mechanism remains part of the bill.

Notice of rights regarding discrimination will help to protect tenants with disabilities and individuals in other protected classes. HB 2736 with inclusion of an enforcement mechanism of possible fines for violators of the notice requirement will empower tenants with disabilities to object to landlords' unlawful discrimination practices. Thank you.

### **About Disability Rights Oregon**

Disability Rights Oregon is a statewide nonprofit law firm that upholds the civil rights of 950,000 people with disabilities in Oregon to live, work, and engage in the community. Disability Rights Oregon works to transform systems, policies, and practices to give more people the opportunity to reach their full potential. Since 1977, the organization has served as Oregon's federally authorized and mandated Protection & Advocacy System. Disability Rights Oregon is committed to ensuring the civil rights of all people are protected and enforced.

**For any concerns or questions contact Meghan Moyer at 503-432-5777.**