

## **SB 599 -1 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Meeting Dates:** 3/5

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#### **WHAT THE MEASURE DOES:**

This measure prohibits housing discrimination based on immigration status.

##### Detailed Summary:

- Prohibits a landlord from asking into or disclosing the citizenship status of an applicant, tenant, or household member.
- Directs a landlord, should they require identity verification, to accept the following from a tenant or applicant for such purpose:
  - A social security card;
  - A certified birth certificate;
  - A permanent resident card;
  - A visa;
  - Individual Taxpayer Identification Number card;
  - A passport, driver's license or other government-issued identification; or
  - Any combination of identifications that would permit reasonable identity verification.
- Prohibits a landlord from rejecting a housing application for an applicant's failure to provide a social security number or prove lawful presence in the United States.
- Expands Oregon's Fair Housing Act (FHA) by adding immigration status as a protected class, prohibiting discrimination based on immigration status in both housing rentals and sales.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-1 The amendment makes technical changes, narrows the prohibition on a landlord's disclosures, and eliminates the prohibition against immigration-status discrimination in real estate sales.

##### Detailed Summary:

- Clarifies that rental housing discrimination based on either "immigration or citizenship status" is prohibited and harmonizes associated references in the measure.
- Allows landlords to inquire about immigration or citizenship status if necessary to comply with federal laws subsidizing housing.
- Narrows the prohibition on a landlord's disclosure of immigration or citizenships status to when the disclosure or threat of disclosure is made to harass, intimidate, or retaliate against a tenant, applicant, or household member.
  - Makes a landlord's violation subject to Oregon's landlord tenant act. ORS 90.390.
  - Allows the victim of such housing discrimination to seek equitable and injunctive relief along with their costs and attorney fees under ORS 659A.885.
- Removes the provisions of the measure making immigration status a protected class under Oregon's FHA, thereby rendering the measure applicable only to real estate rentals as opposed to sales.

#### **BACKGROUND:**

The Oregon Fair Housing Act prohibits housing discrimination based upon "the race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status or source of income of any person."

ORS 659A.421. The federal Fair Housing Act similarly prohibits discrimination because of race, color, religion, sex, familial status, or national origin. 42 U.S. Code § 3604.

The City of Portland has adopted an ordinance akin to certain provisions of the measure. The Portland ordinance prohibits a landlord from inquiring into a housing applicant's immigration status and requires that landlords only rely on specified documents to verify an applicant's identity. Portland City Code, 30.01.086 (D)(1): <https://www.portland.gov/code/30/01/086>