

SB 599 -4 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Kris Kolta, LPRO Analyst

Meeting Dates: 3/5, 3/12

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:

- Similar laws in other states
- Portland City Code, 30.01.086 (D)(1)
- Housing instability, insecurity, and discrimination
- Oregon's Fair Housing Act
- National origin protection
- Oregon's immigrant population

EFFECT OF AMENDMENT:

-4 The amendment makes technical changes, narrows the prohibition on a landlord's disclosures, establishes remedies for violations, eliminates the prohibition against immigration-status discrimination in housing sales, and declares an emergency.

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 to comply with federal laws subsidizing housing.
- Allows landlords to accept a combination of the listed documents to verify name, birthdate, and physical appearance.
- Narrows the prohibition on a landlord's disclosure of immigration or citizenships status to disclosures or threats of disclosure made to harass, intimidate, or retaliate.
- Renders a landlord's violation of the measure subject to the landlord tenant act, ORS 90.390.

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- Allows the victim of 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 rental housing.
- Declares an emergency; effective on passage; operative 30 days thereafter.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

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>