

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Bureau of Labor and Industries

839

Agency and Division

Administrative Rules Chapter Number

Temporary rules clarifying substantial evidence and signature requirements for complaints of housing discrimination.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amended rule language to conform complaint procedures and evidentiary standards to state and federal housing law.

Statutory Authority:

ORS 659A.805

Other Authority:

ORS 659A.820

Stats. Implemented:

ORS 659A.145, 659A.421, 659A.820

Need for the Rule(s):

Current rules require that complaints filed under ORS 659A.145 or 659A.421 or federal housing law in which an aggrieved party is an unemancipated minor contain both the signature of the minor and the minor's parent or legal guardian. The temporary rules would remove the requirement that complaints of housing discrimination be signed by an aggrieved unemancipated minor, but must be signed on behalf of the minor by the minor's parent or legal guardian.

Current rules state that the substantial evidence standard for complaints filed under ORS 659A.145 or 659A.421 or federal housing law is proof that a reasonable person would accept as sufficient to support the allegations of the complaint. The temporary rules would clarify that the substantial evidence standard for complaints filed under ORS 659A.145 or 659A.421 or federal housing law is reasonable cause for the Commissioner to believe the facts concerning the alleged discriminatory practice are sufficient to warrant the initiation of a civil action in circuit court, consistent with 24 CFR 103.400(a)(2).

Documents Relied Upon, and where they are available:

ORS 659A.145, 659A.421 and 659A.820, available in ORS publications.

Fiscal and Economic Impact:

No fiscal or economic impact is anticipated as a result of the proposed rules and amendments. The laws that the proposed rules would implement are in current statutes and fiscal or economic impact, if any, would result from those laws.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

State agencies and units of local government will be subject to rules implementing ORS 654.062 and chapter 659A. Fiscal or economic impact would result from those laws, and not the proposed rulemaking. A positive impact is anticipated for the public, expanding protections for employees who file complaints of discrimination in housing.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

Oregon discrimination laws apply to all businesses. The Employment Department estimates that 107,103 small businesses may be subject to the proposed rule amendments.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

No new reporting, recordkeeping, or other administrative costs of compliance are required or anticipated because the proposed changes implement provisions of existing law.

c. Equipment, supplies, labor and increased administration required for compliance:

No additional equipment, supplies, labor, or increased administration are required or anticipated under the proposed rules.

How were small businesses involved in the development of this rule?

How were small businesses involved in the development of this rule:

If not, why?:

Small business representatives are represented on BOLI's stakeholder mailing list.

Administrative Rule Advisory Committee consulted?: No

The proposed rule amendments and adoptions would implement statutory specifications over which BOLI has no discretion.

<u>09-26-2012 5:00 p.m.</u>	<u>Marcia Ohlemiller</u>	<u>Marcia.L.Ohlemiller@state.or.us</u>	<u>8-6-12 8:22 AM</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2007