Secretary of State

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Bureau of Labor and Industries — 839

Agency and Division — Administrative Rules Chapter Number

In the Matter of:
Amended rule language to conform complaint procedures and evidentiary standards to state and federal housing law.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)
Temporary rules clarifying substantial evidence and signature requirements for complaints of housing discrimination.

Statutory Authority: ORS 659A.805

Other Authority: ORS 659A.145 & 659A.421

Stats. Implemented: ORS 659A.145, 659A.421 and 659A.820

Need for the Temporary 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.

Justification of Temporary Rule(s):
The temporary rules would remove a requirement that unemancipated minors who are aggrieved persons in complaints of housing discrimination must sign the complaint, clarifying that complaints need only be signed on behalf of an aggrieved unemancipated minor by the minor's parent or legal guardian. This amendment is necessary to conform Oregon law with substantially equivalent federal housing law, and to preserve the rights of minors who may lack the ability or competence to sign complaints on their own behalf.

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). The current rules are not consistent with federal housing law.

Authorized Signer	Printed name	Date
	Brad Avakian	August 7, 2012