

NEW STATE AND FEDERAL LAWS COMBAT HOUSING DISCRIMINATION

Michael H. Marcus, Portland Community Housing Resources Board

New federal and state laws have added important new protections against discrimination in the rental and sales of housing. The new federal law, the fair Housing Amendments Act of 1988, became effective March 12, 1989. The new state law, 1989 House Bill 3388, becomes effective on October 3, 1989. Both reflect an understanding that in spite of twenty years of fair housing laws, housing discrimination continues to be pervasive. Congress and the Oregon Legislature have responded with laws which expand the protections against housing discrimination, while giving people who have been the victims of unlawful discrimination effective weapons to obtain redress.

The new federal law adds protections to the Civil Rights Act of 1968. Since 1968, the Civil Rights Act has prohibited discrimination in housing based on "race, color, religion, sex or national origin." The 1988 federal amendments add protections for discrimination against "familial status" (families with children) and "handicap." Although state law already prohibited discrimination on the basis of handicap, the federal amendments, and Oregon House Bill 3388, greatly expand the protections for people with handicaps. The most significant change in Oregon is the new protection for families with children.

All forms of discrimination are now illegal in the sale, rental, or financing of residential real property. Although the federal law still has a "mom and pop" exclusion for some owners with fewer than four single family houses, or who occupy a unit in a building with no more than four units, the exception will be largely irrelevant when Oregon House bill 3388 becomes law in October. This is because that law adds the new protections to state law, and state law has no "mom and Pop" exclusion.

"Familial status" protections prohibit discrimination because a household includes a person under 18 and a parent, legal guardian, or "designee" of a legal guardian. This protects a person who is expecting its first child, as well as a person who is in the process of adopting a child. Nondiscriminatory occupancy limits, such as so many persons per bedroom, are permissible, unless the effect of the limits is to discriminate against families with children. The legislature has directed the State Housing Council and the Bureau of Labor and Industries to develop occupancy guidelines.

There is an exception to the protections for families with children. "Housing for Older Persons" is exempt where (1) the project is publicly funded for seniors; (2) all persons are 62 or older; or (3) at least 80% of the households are headed by someone 55 or older and there are significant facilities or services for older persons and published policies and procedures demonstrate an intent to provide housing for person over 55.

For purposes of the prohibition against the handicapped, "handicap" includes a physical or mental impairment which substantially limits a major life activity. It also includes having a record of such an impairment, or being regarded as having such an impairment. It includes alcoholics (but does not prohibit discrimination on the basis of behavior). It does not include transvestitism, or current use of or addiction to illegal drugs. It does not prohibit discrimination against a person whose tenancy would constitute a direct threat to health or safety, or substantial physical damage to property. AIDS victims are protected against discrimination.

It is permissible under the act to discriminate on the basis that a person has been convicted of illegal manufacture or distribution of drugs.

Owners and managers must allow reasonable modifications, at a tenant's expense, to make a rental unit appropriate for a handicapped person, although modifications which affect the useability of the premises to other tenants must be removed at the end of the tenancy. The tenant can be required to open, an escrow account (interest belongs to the tenant) to ensure restoration, but cannot be required to pay a deposit.

New residential projects of four or more units, completed under build-

ing permits issued on or after January 13, 1990, must provide an "accessible route" to and through "adaptable" units. "Accessible" means a wheel chair can navigate; "adaptable" means reachable faucets, knobs and switches; walls reinforced for grab bars; and kitchens and bathrooms big enough for wheel chair use. If there is an elevator, all units must be adaptable; otherwise, all on the ground floor must be adaptable.

Enforcement devices are substantially strengthened. Administrative agencies charged with fair housing enforcement were originally directed to seek "conciliation." Only recently through court battles has the state Civil Rights Division established that it can award monetary damages if it finds discrimination, and the federal agency responsible for enforcement, the Department of Housing and Urban Development, was unable to award damages at all until the new law. Penalties--designed to punish people who violate fair housing rights--have been unavailable in the administrative agencies, and extremely limited in court actions.

The new laws make unlimited punitive damages available in civil cases, which means that juries can award whatever they think the circumstances warrant to punish violators and deter others from violating fair housing rights. The laws also provide civil penalties, attorney fees and a choice between court and administrative enforcement as part of the administrative enforcement mechanisms. These changes should attract private attorneys to the enforcement effort.

For example, a first offense can bring a civil penalty of up to \$10,000 as part of the administrative enforcement process--in addition to actual damages, attorney fees, and if necessary, an injunctive order (such as an order that the violator make the next unit available to a renter who was the victim of discrimination).

In addition, Congress created the Fair Housing Initiative Program in 1988 to provide funding for "testing." Testing programs are designed

to uncover housing discrimination by sending prospective buyers or renters to sellers and landlords to see if there is discrimination. If a black couple with one child 10 years old is told that there are no vacancies, and an otherwise identical white family is welcomed as a tenant an hour later, the landlord may have a difficult time convincing a court that the fair housing laws have been complied with. Testing has been approved by the United States Supreme Court and by Congress. It is an important tool in determining the extent of housing discrimination, and in proving discrimination cases in court.

The new state law makes the prohibitions the same under state and federal law, without any "mom and pop" exclusion. Because funding was not available in the 1989 legislature, the law does not require the state Civil Rights Division to make any administrative changes at this time, so it may be a while before the full range of administrative enforcement is available through the Division in Oregon. Oregon has until 1992 to bring the Division into full compliance with the federal requirements. Meanwhile, the Division will continue to take the complaints it has always accepted, and "familial status" complaints will either be referred to HUD or processed by the Division under contract with HUD.

Because administrative resources to combat housing discrimination continue to be very limited, victims of housing discrimination ought to seek representation by an attorney as soon as possible. Fair housing attorneys should be available through the Oregon State Bar Lawyer Referral Service (684-3763); low income persons should contact their local legal aid office.

America's Competitive Edge... American Workers.

To find out how your company can better up this valuable resource, write:

Elizabeth Dole
Secretary of Labor
U.S. Department of Labor
Room N-5419
Washington, DC 20201

North Portland Bible College

4222 N.E. 12th Ave. Portland, Oregon 97211 (503) 288-2919 / 288-7241

FALL TERM AT NPBC September 24 - December 8, 1989



TIME	COURSE	INSTRUCTOR
Monday Morning 9-noon	Bible Lands and Customs	Rev. Michael Lindsey
Monday Evening 6:30-9:30	Bible Lands and Customs	Rev. Michael Lindsey
	Church History I	Sis. Beth Nance
	Isaiah	Rev. James Coleman
	English Comp. I	Sis. Connie Stanton
Tuesday Evening 6:30-9:30	New Testament Survey I	Sis. Beth Nance
	Teaching Techniques	Rev. Grace Osborne
	Personal Evangelism	Bro. Kelly Cohoe
	Church Administration	Bishop A.A. Wells
Thursday Evening 6:30-9:30	World Christian Outreach I	Rev. Phil Nelson,
	Bible Doctrine I	Rev. Nathan Barnett
	James and 1 - 3 John	Rev. Michael Lindsey
	Old Testament Survey I	Rev. Hampton Calloway
		Rev. LeeArthur Madison

NPBC was established in 1982 in obedience to the promptings of the Spirit of God in the hearts of several, including John Garlington, that there should be a place, right here in this community, for systematic, accountable, learning of the Word of God, for training, for inspiration to service.

It is committed to being...

BIBLICAL
ACCESSIBLE
AFFORDABLE
COMMUNITY-RELATED

HOW TO REGISTER: COME 30 MINUTES EARLY ON THE FIRST NIGHT OF CLASS, OR REGISTER BY MAIL. TENTATIVE REGISTRATION MAY BE MADE BY TELEPHONE: 288-2919. PHONE FOR FURTHER INFORMATION IF NECESSARY.

NORTH PORTLAND BIBLE COLLEGE IS LOCATED IN THE CHRISTIAN EDUCATION UNIT OF MARANATHA CHURCH. THE NPBC ENTRANCE IS ON THE 13TH STREET SIDE, CENTER DOOR. NEAREST TRI-MET BUS IS NO. 8, SKIDMORE STOP.

N.P.B.C. does not discriminate on the basis of race, age, religion, sex, handicap, or national origin.

Tuition goes up... but not that much

This fall NPBC tuition goes up for the first time in its seven years of existence. Registration is the same -- \$10.00 per term. Tuition will now be \$25.00 per course. Thus if a student is taking one course the cost will be \$35.00; for two courses the cost will be \$60.00; \$85.00 for three courses. These are still the lowest prices we know of, for comparable quality in instruction.

Also, it is possible to get free tuition for bringing three new students to register.

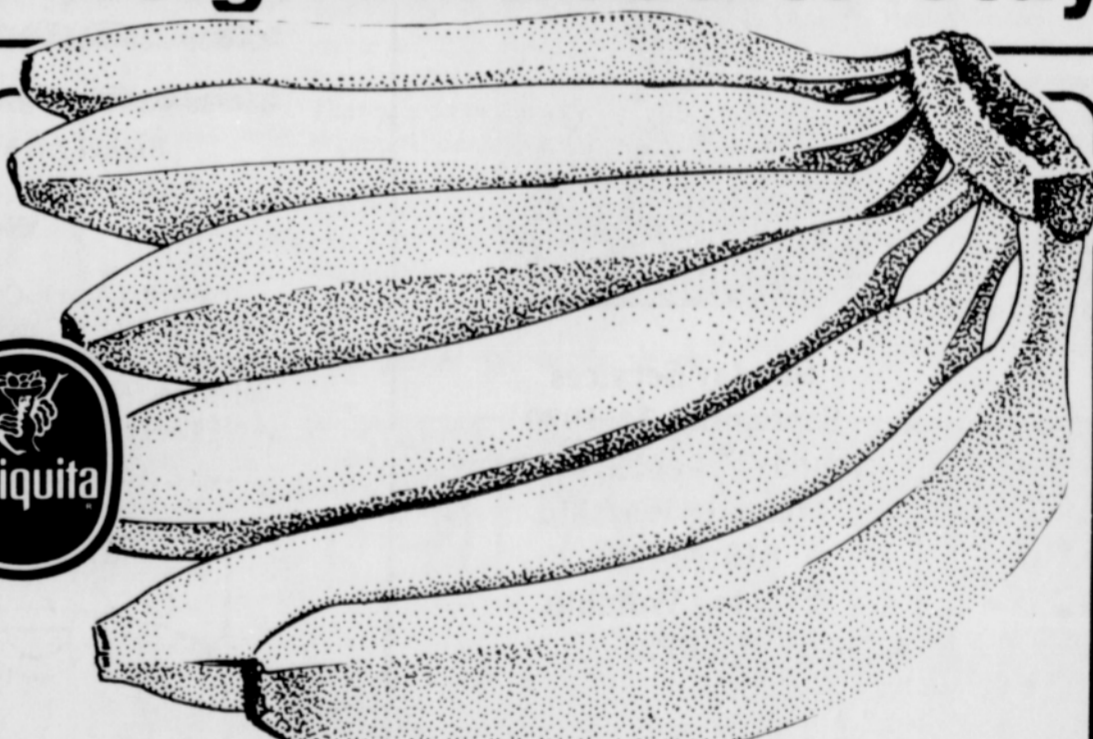
What A Deal!

Ad Prices Effective 9/20 thru 9/26/89

See the Difference

Safeway is in your Neighborhood to Stay

SAFEWAY



Bananas

A tropic treat ready to eat. A perfect fruit to pack in school or work lunches. Great to slice on top of cereal or ice cream. Perfect for pies and more!

Lb. 29¢

Juicy Fryer Hindquarters

Plump, juicy and tender. Try these tasty hindquarters broiled, baked or grilled.

Approx 5-Lb. Bags **39¢ Lb.**