

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting)
a Fair Housing Ordinance)
_____)

ORDINANCE NO. 91-1

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 91-1. Exhibit "A", which is attached hereto and incorporated herein by this reference, shall be cited and referred to as the "Columbia County Fair Housing Ordinance".

SECTION 2. AUTHORITY.

This ordinance is authorized by ORS 203.035.

SECTION 3. ADOPTION.

The "Columbia County Fair Housing Ordinance", which is attached hereto, labeled Exhibit "A", and incorporated herein by this reference, is adopted.

SECTION 4. REPEAL.

Ordinance No. 84-7 is repealed.

SECTION 5. SEVERABILITY.

If any provision of this ordinance, including Exhibit "A", is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the remaining portions thereof.

SECTION 6. EMERGENCY.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect upon its adoption.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY THIS 6th DAY OF February, 1991.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: John K. Knight
Office of County Counsel

By: Michael J. Sypel
Chairman

By: [Signature]
Commissioner

Attest:

By: Chris Moylan
Recording Secretary

By: [Signature]
Commissioner

First Reading: 02-06-91
Second Reading: 02-06-91
Effective Date: 02-06-91

EXHIBIT "A"

COLUMBIA COUNTY FAIR HOUSING ORDINANCE

SECTION 1. DECLARATION OF POLICY.

It is hereby declared to be the public policy of Columbia County, Oregon to prohibit unlawful discriminatory practices in housing.
[En. Ord. 91-1.]

SECTION 2. SCOPE.

The ordinance shall apply in the unincorporated areas of Columbia County, and inside the limits of any incorporated city which has consented to its application.
[En. Ord. 91-1.]

SECTION 3. DEFINITIONS.

The following words and terms when used in this ordinance have the following meanings:

- A. "County" means Columbia County, Oregon.
- B. "Disability" or "handicap" means a physical or mental impairment which substantially limits one or more major life activities as defined in ORS 659.400 and it includes the status of persons who have a record of such an impairment or who are regarded as having such an impairment.
- C. "Discrimination" or "discriminatory housing practice" means any difference in treatment based upon race, color, religion, sex, national origin, marital status, familial status, disability or handicap; or any other act that is unlawful under this ordinance.
- D. "Familial Status" means the relationship between one or more individuals who have not attained 18 years of age and who are domiciled with:
 - (1) A parent or another person having legal custody of the individual; or
 - (2) The designee of the parent or other person having such custody, with the written permission of the parent or other person.

"Familial Status" includes any individual, regardless of age or domicile, who is pregnant or is in the process of securing legal custody of an individual who has not attained 18 years of age.

- E. "Financial institution" includes any person, as defined herein, engaged in the business of lending money or guaranteeing losses.

- F. "Housing accommodation" or "dwelling" means any building, mobile home or trailer, structure, or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one or more families; any vacant land which is offered for sale or lease for the construction or location thereon of any such building, mobile home or trailer, structure, or portion thereof; and any other real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection.
 - G. "Marital status" means the state of being married, single, divorced, separated or widowed.
 - H. "Owner" means any person, or any one of a number of persons, in whom is vested all or any part of the legal or equitable ownership or possession of, or the right to sell, rent or lease, any real property.
 - I. "Person" means any individual, firm, partnership, mutual company, joint stock company, corporation, association, organization, unincorporated organization, labor union, government agency, incorporation society, statutory or common law trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, trustee in bankruptcy, committee, assignee, officer, employee, principal or agent, legal or personal representative, real estate broker or salesman, or any agent or representative of any of the foregoing.
 - J. "Real estate broker" or "real estate agent" includes any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodation, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds himself or herself out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he or she undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these persons.
 - K. "Real property" includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
 - L. "Unlawful discriminatory practice" means those discriminatory practices prohibited by this ordinance.
- [En. Ord. 91-1.]

SECTION 4. UNLAWFUL DISCRIMINATORY PRACTICES. ...

A. General.

It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially, based on race, color, religion, sex, national origin, marital status, familial status, disability or handicap:

- (1) To interrupt or terminate, or refuse or fail to initiate or conduct any transaction in real property; or to require different terms for such transactions; or to represent falsely that an interest in real property is not available.
- (2) To include in the terms or conditions of a transaction in real property, any clause, condition or restriction.
- (3) To refuse to lend money, guarantee a loan, accept a deed of trust or mortgage, or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance relating to the ownership or use of any interest in real property.
- (4) To refuse or restrict facilities, services, repairs or improvements to a tenant or lessee.
- (5) To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to a transaction, or proposed transaction, in real property, or financing in relation thereto, which notice, statement or advertisement unlawfully indicates or attempts unlawfully to indicate any preference, limitation or discrimination.
- (6) To coerce, threaten, retaliate against or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected under this ordinance.
- (7) To require, request or suggest that a person retaliate against, interfere with, intimidate or discriminate against a person because that person has opposed any practice made unlawful by this ordinance, or because that person had made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing authorized under this ordinance.
- (8) To cause or coerce, or attempt to cause or coerce, directly or indirectly, any person to prevent any person from complying with the provisions of this ordinance.
- (9) To aid, abet, invite, compel or coerce the doing of any of the acts forbidden under the provisions of this ordinance, or to attempt to do so.

B. Subterfuge.

It shall further be an unlawful discriminatory practice to do any of the

above said acts for any reason, not expressly prohibited by this ordinance, if such reason would not have been asserted but for, wholly or partially, a discriminatory reason based on the race, color, religion, sex, national origin, marital status, familial status, disability or handicap.

C. Blockbusting and Steering.

It shall be an unlawful discriminatory practice for any person, whether or not acting for monetary gain, directly or indirectly, to engage in the practices of "blockbusting" and "steering" including, but not limited to the commission of any one or more of the following acts:

- (1) To promote, induce, or influence a transaction in real property through any representation, means or device whatsoever calculated to induce a person to discriminate, or to engage in such transaction wholly or partially in response to any discrimination, prejudice, fear or unrest added by such means, device or representation.
- (2) To place a sign, or display any other device, either purporting to offer or tending to lead to the belief that an offer is being made for a transaction in real property that is not in fact available or offered for transaction, or which purports that any transaction in real property has occurred that in fact has not.

D. Acts of Discrimination by Real Estate Broker or Real Estate Agent.

It shall be an unlawful discriminatory practice for any real estate broker or real estate agent, to commit any act of discrimination prohibited under the provisions of this ordinance.
[En. Ord. 91-1.]

SECTION 5. EXEMPTIONS.

A. This ordinance shall not apply to:

- (1) Any religious or political organizations, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled in a manner giving preference to persons of the same religion or political persuasion, or to members of the same charitable or educational organization, as is calculated by such organization to promote the principles for which it is established or maintained.
- (2) The rental or leasing of housing accommodations in a building in which the owner, or members of his family occupy one of the living units and in which there are, or the owner intends that there be, accommodations for not more than:
 - (a) Five families, and only with respect to a prospective tenant, not related to the owner-occupant with whom the owner-occupant anticipates the necessity of sharing a kitchen or bath; and
 - (b) Two families living independently of each other.

- (3) The sale or rental of a single-family house provided the owner was the most recent resident of such house prior to such sale or rental.
- (4) This ordinance does not apply with respect to sex distinction, discrimination or restriction if the real property involved is such that the application of this section would necessarily result in common use of bath or bedroom facilities by unrelated persons of opposite sex.
- (5) (a) This ordinance does not apply to familial status distinction, discrimination or restriction with respect to housing for older persons.
 - (b) As used in this subsection, "housing for older persons" means housing:
 - (A) Provided under any state or federal program that is specifically designed and operated to assist elderly persons, as defined by the state or federal program;
 - (B) Intended for, and solely occupied by, persons 62 years of age or older; or
 - (C) Intended and operated for occupancy by at least one person 55 years of age or older per unit. Housing qualifies as housing for older persons under this subparagraph if:
 - (i) Significant facilities and services are specifically designed to meet the physical or social needs of older persons or, if provision of such facilities and services is not practicable, such housing is necessary to provide important housing opportunities of older persons;
 - (ii) At least 80 percent of the dwellings are occupied by at least one person 55 years of age or older per unit; and
 - (iii) Policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older are published and adhered to.
- (c) Housing shall not fail to meet the requirements for housing for older persons if:
 - (A) Persons residing in such housing as of September 13, 1988, do not meet the requirements of subparagraph (B) or (C) of paragraph (b) of this subsection. However, new occupants of such housing shall meet the age requirements of subparagraph (B) or (C) of paragraph (b) of this subsection; or

(B) The housing includes unoccupied units. However, such units are reserved for occupancy by persons who meet the age requirements of subparagraph (B) or (C) of paragraph (b) of this subsection.

(d) Nothing in this section limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

B. Nothing contained in the provisions of this ordinance, shall be deemed to permit any rental or occupancy otherwise prohibited by any statute, or by any regulation previously enacted and not repealed herein.
[En. Ord. 91-1.]

SECTION 6. INVESTIGATION OF COMPLAINTS.

Any person aggrieved by an unlawful practice prohibited by this ordinance may file a complaint with the County Counsel within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than sixty (60) days after the alleged unlawful practice occurred. If the complaint appears to be well-founded, the County Counsel shall forward the complaint to the appropriate State and/or Federal officials.
[En. Ord. 91-1.]

SECTION 7. OTHER REMEDIES.

Nothing in this ordinance shall prevent any person from exercising any right or seeking any remedy to which he or she might otherwise be entitled or from filing his or her complaint with any appropriate governmental agency.
[En. Ord. 91-1.]

SECTION 8. ENFORCEMENT.

This ordinance may be enforced as provided by, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance.
[En. Ord. 91-1.]