

FAIR HOUSING UPDATES

December 12, 2025

Presented by the Fair Housing Council of Oregon

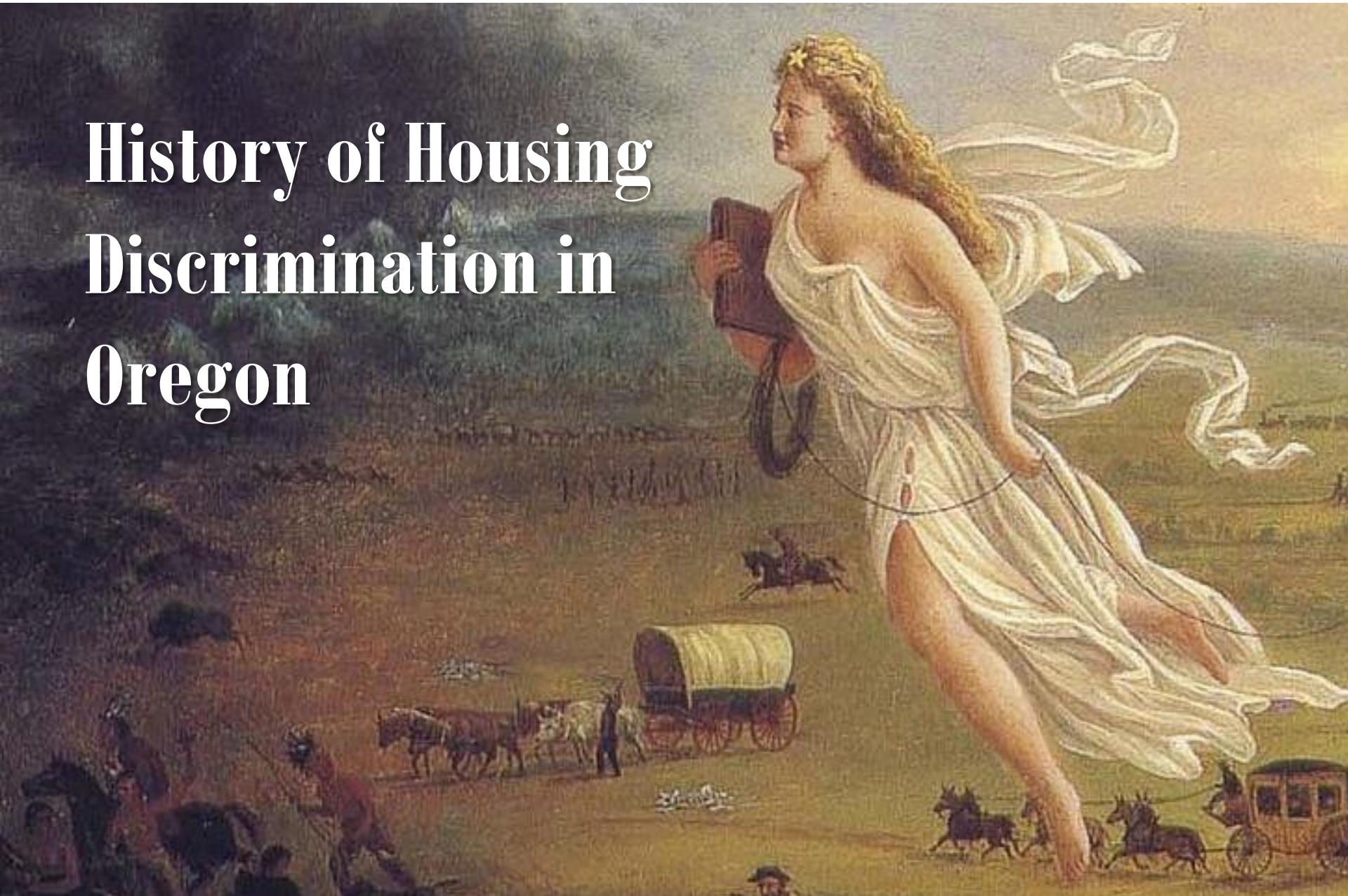
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Agenda

- History of Fair Housing
- Fair Housing Basics and Disparate Impact
- Fair Housing Rights for Immigrants and Refugees
- Disability basics and Assistance Animals
- Reasonable Accommodations and Modifications - focus on Intellectual and Developmental Disabilities
- Fair housing enforcement, current trends, and how to report housing discrimination

History of Housing Discrimination in Oregon





added to the Bill of Rights, and shall be part of this constitution:

"Section _____. No free negro or mulatto, not residing in this State at the time of the adoption of this constitution, shall ever come, reside, or be within this State, or hold any real estate, or make any contract, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws for the removal by public officers of all such free negroes and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them therein."

5. *Unpublished compilation of the 1850-1860 period.*



1850 Donation Land Claim Act

- By 1855, OR settler population boomed from 13k to 52k







THE HIGH TIDE OF IMMIGRATION—A NATIONAL MENACE.

Immigration statistics for the past year show that the influx of foreigners was the greatest in our history, and also that the hard-working peasants are now being supplanted by the criminals and outlaws of all Europe.



-----◆-----
**DON'T LET THE SUN SET
ON YOU HERE, UNDERSTAND?**



Impact of Race and Nationality on Real Estate Valuation

American Institute of Real Estate Appraisers ranking, from most to least favorable (1920s through 1940s):

- “ 1. *English, Germans, Scotch, Irish, Scandinavians*
- 2. *North Italians*
- 3. *Bohemians or Czechs*
- 4. *Poles*
- 5. *Lithuanians*
- 6. *Greeks*
- 7. *Russians, Jews (lower class)*
- 8. *South Italians*
- 9. *Negroes*
- 10. *Mexicans* ”

The Federal Housing Authority

- 1934 - 1962:
Underwrote
\$120 billion in loans;
fewer than 2%
for non-whites
- Federal underwriting
standards
incorporated de facto
racist standards



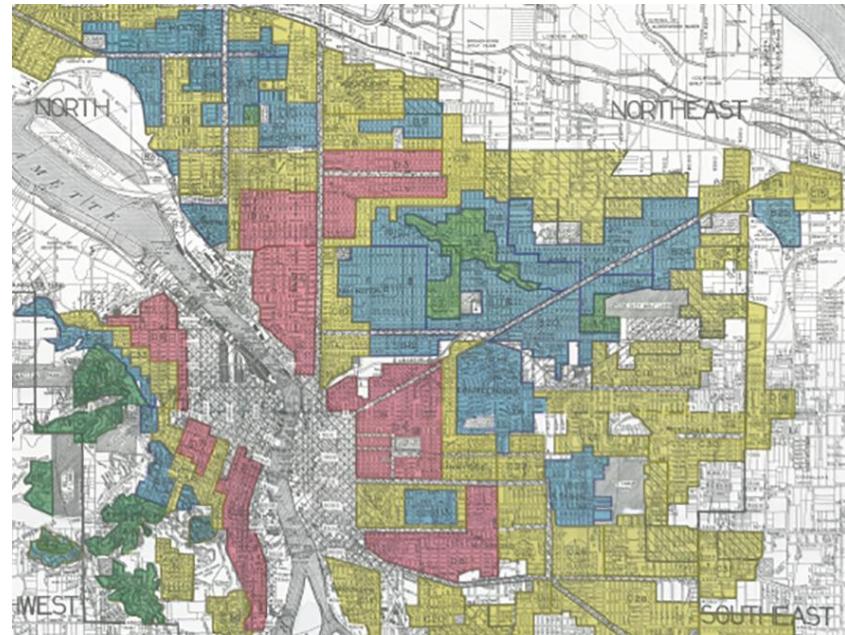
“Incompatible racial groups should not be permitted to live in the same communities”

Underwriting Manual (1936) published by the FHA

- **Restrictive Covenants:** Prevented owner of real estate to sell or transfer property to Black people or other racial minorities and various religions
- **Racial Covenants:** Agreements made between local real estate agents that ensured non-white populations were kept restricted to specific neighborhoods

Redlining and Segregation

- **Redlining:** Rating neighborhood stability by the population of people of color or new immigrants



Legislative Change . . .

1948

Shelley v. Kraemer,
334 US 1 (1948)

1957

Oregon Fair
Housing Law

1953

Oregon Public
Accommodations
Law

The Civil Rights Movement

- 1968-Passage of federal Fair Housing Act
 - Most difficult piece of Civil Rights legislation to pass
 - Addressed both discrimination and segregation
 - Riots after Dr. King's assassination created political pressure
- **Not enforced until 1988**
- Amendments and changes



Fair Housing Council of Oregon

- Statewide Civil Rights organization
- End housing discrimination and ensure equal access to housing choice
- Education, public policy, and enforcement of Fair Housing Law



What is Fair Housing?

Fair Housing is the right of all people to be free from illegal discrimination in the rental, sale, or financing of housing.

In rental housing, these laws cover wait lists, the application process, duration of stay, and move out.



Fair Housing and Discrimination

Treating a person
differently in any housing
transaction because that
person is a member of a
“protected class”



Federal Protected Classes



Race



Color



Religion



National Origin



Sex*



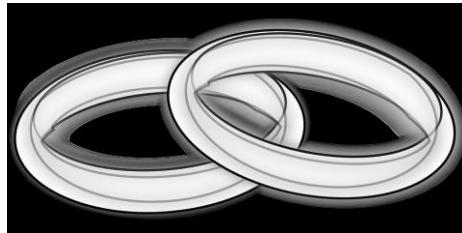
Familial Status



Disability

*Sex includes survivors of domestic violence

Oregon Protected Classes



Marital Status



Source of Income
(including Section 8,
Agency rent payments,
TANF, SSI, SSDI)



**Sexual
Orientation and
Gender Identity**

Some jurisdictions add additional protected classes

Who Must Comply?

- Owners/Landlords
- Housing Authorities
- Property Managers
- Maintenance Staff
- Homeowners' Associations
- Real Estate Agents
- Mortgage Lenders and Financial Institutions
- Insurers
- Neighbors
- Jurisdictions
- Advertising Media

Facially Neutral Housing Policy (Also know as *Disparate Impact*)

Is a guideline, practice, rule or screening or admission criterion, regarding a real property transaction, that applies equally to all persons

This applies to violations pertaining to:

- **ORS 659A.145 *Discrimination Against Individuals with Disabilities in Real Property Transactions Prohibited***
- **ORS 659A.421 *Discrimination in Selling, Renting, or Leasing Real Property Prohibited***



What Protected Class Groups are Protected?

- Race
- Color
- Religion
- Sex
- Sexual Orientation
- Gender Identity
- National Origin
- Marital Status
- Familial Status
- Source of Income
- Disability

Note: Does not provide protections for local ordinances that provide additional protections, such as:

- Age over 18
- Occupation
- Domestic Partnership
- Citizenship
- Religious Observance

A Person may have Violated if...

- 1. A housing provider or anyone working for the housing provider applies a facially neutral housing policy to any part of ORS 90 (Oregon's landlord tenant law), AND**
- 2. The application of the policy adversely impacts members of a protected class to a greater extent than the policy impacts other people in general.**



What will be Reviewed by a Court or BOLI to Determine Outcomes?

- 1. How significant was the adverse impact on the protected class person/group?**
- 2. Were there important business purposes that were necessary to have this policy?**
- 3. Where there less discriminatory alternatives for achieving the business purpose?**



Facially Neutral Housing Policy

Example 1

Under ORS 90.320 – *Landlord to Maintain Premises in Habitable Condition*

- Tenant does not speak English well and it is hard for them to communicate, but they do have a relative that assists them with communication including written communication on occasion.
- Tenant submits a maintenance request multiple times; landlord is not responding to the requests and is not making the needed repairs.
- English speaking tenants have submitted maintenance requests, and their repairs are completed within seven days.
- The landlord has an unwritten policy stating he will not allow tenants to use other people to communicate on their behalf because it causes confusion.



Facially Neutral Housing Policy

Example 1 - Discussion

What could the landlord do?

- 1. Have a policy that allows the landlord to communicate with any advocate on behalf of the tenant.**
- 2. Use a translation app to communicate.**
- 3. No matter what, respond to maintenance requests in a timely manner for all tenants.**

Facially Neutral Housing Policy

Example 2

Under ORS 90.302 – Fees Allowed for Certain Landlord Expenses

- Landlord requires all tenants to pay rent through their online portal, however, to do so one must have a credit/debit card and pay the \$15 processing fee.
- Tenant who is on a fixed income (SSDI) and is disabled does not use a credit/debit card, rather gets money orders to pay bills. In addition, \$15 would take away from the tenant's budget for things like utilities, food, or medication.
- Landlord refuses to take cash or check as payment for rent.



Facially Neutral Housing Policy

Example 2 - Discussion

What could the landlord do?

1. **Have a policy that adheres to ORS 90, allowing tenants to pay rent by cash or check when a fee for credit/debit card services is passed to the tenant.**
2. **Honor a reasonable accommodation so the tenant can pay rent using a money order based on disability related need.**

Facially Neutral Housing Policy

Example 3

Under ORS 90.358 – *Dwelling use as Family Child Care Home Allowed*

- The tenant is a single parent and would like to do day care in their home.
- The tenant is willing to pay for all modification, obtain certifications, and adhere to any provision the landlord requires, such as obtaining liability insurance, require childcare parents sign liability documents, etc.
- The landlord will not allow the tenant to do day care in the residence, stating it would violate the rental contract since the property is not licensed for business purposes.



Facially Neutral Housing Policy

Example 3 - Discussion

What could the landlord do?

- 1. Take reasonable steps to cooperate with the tenant through this process.**
- 2. Change rental agreement policy.**
- 3. Seek legal advice from an attorney to understand landlord tenant law.**

National Origin Protections



- “National Origin” is a protected class in both Federal and Oregon law.
- Examples of discrimination against protected class of National Origin
 - Refusal to rent, sell or finance because someone is an immigrant
 - Refusing to rent or sell to someone who speaks a foreign language
 - Landlord/realtor won’t return inquires from people with foreign accents
 - Discriminatory remarks about someone’s national origin

Disparate Impact & National Origin



SB 599

Anti Immigration Discrimination in Rental Housing



Applies To Chapter 90 Tenancies:



- **Property Management Companies**
- **Residential Landlord**
- **Apartment Buildings**
- **Rental Homes**
- **Manufacture Home Facilities**
- **Hotels and Campgrounds where occupancy is >30 days**

Does Not apply to:



- **Landlords required by federal program to check immigration status (Section 8, LIHTC, Rural Development, etc.)**
- **Sale of housing or real estate agencies (unless they're also property managers)**
- **Transient occupancies**
- **Insurance agencies**
- **Licensed inspectors**
- **Etc.**

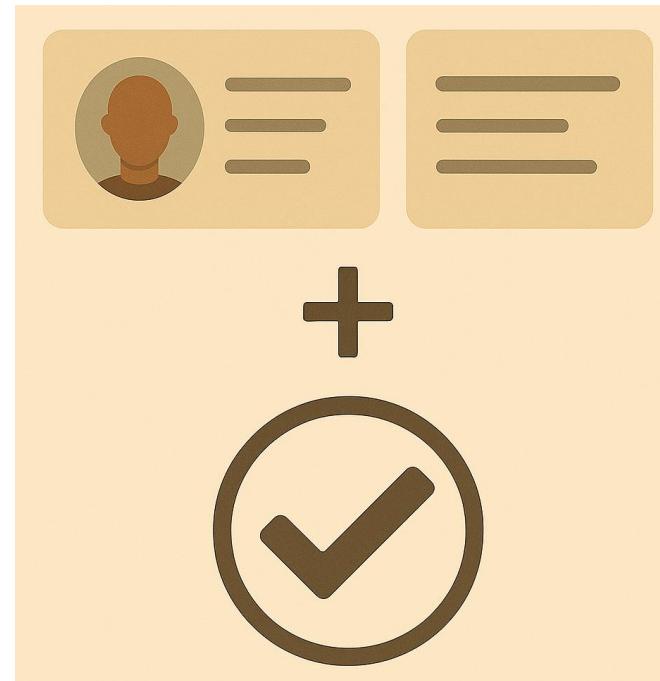
Acceptable forms of ID Landlord **MUST** accept (if sufficient to ID):

- Social Security Card or evidence of SSN
- Certified copy of Birth Cert.
- U.S. Permanent Resident Card (Green Card)
- Immigrant or non-immigrant Visa
- ITIN Card from IRS
- Passport, driver's license, or other government issued ID *regardless of expiration date*
- Nongovernmental identification or combination thereof that permits reasonable verification of identity.



“Sufficient to Identify”

- All of the forms of ID listed on previous slide are acceptable, but some may not be sufficient on their own.
- “Sufficient to Identify” most likely means being able to pair physical appearance with reliable ID.



- A birth certificate or Social Security Card alone may not be sufficient.
- A birth certificate *with* a valid student ID or employee badge containing a photograph is probably sufficient.

Prohibitions:



“A landlord may not discriminate against an applicant, a tenant or a member of an applicant’s or a tenant’s household on the basis of actual or perceived immigration or citizenship status.”

“A landlord may not, with the intent or purpose of harassing, retaliating against or intimidating, disclose or threaten to disclose the immigration or citizenship status of an applicant, a tenant or a member of an applicant’s or a tenant’s household.”

Prohibitions Part 2:



When evaluating an applicant, a landlord may not:

“Inquire about the immigration or citizenship status of an applicant or a member of the applicant’s household; or

“Reject an application because an applicant or a member of the applicant’s household does not produce a Social Security number or prove lawful presence in the United States, provided that the applicant agrees to provide identification [as listed on the previous slide]”

Remedies:

- Defense to an eviction
- BOLI Complaint (ORS 659A.885)
 - Compensatory Damages
 - Punitive Damages
 - Injunctive Relief
- For cases involving systemic violations of Fair Housing Law:
 - Fines up to \$50,000 for a first offense.
 - Fines up to \$100,000 for a second violation



ICE Administrative Warrants

- Gives ICE authority to detain someone suspected of breaking immigration law.
- DOES NOT give ICE authority to enter private residences or property.
- DO NOT open the door for ICE, even to tell them to go away. Ask them to slide the warrant under the door or to leave it on the step and walk away.
- Ice may not come into any place where you have a “reasonable expectation of privacy” without a judicial warrant.



Judicial Warrant

AO 93 (Rev. 12/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT Issued by a COURT.

for the
Eastern District of California

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
540 Oak Avenue
Davis, California 95616
)
)
)
)
)
)
Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

2: 11 - SW - 0161 EFB

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the EASTERN District of CALIFORNIA.
(Identify the person or describe the property to be searched and give its location.)

SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be seized).
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.
Date for warrant, not to exceed 14 days
(not to exceed 14 days)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

(Name)

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box). For _____ days (not to exceed 48).
Until the facts justifying the later specific date of _____.

Signed by a JUDGE

Date and time issued: 4-25-2011
at 10:00 AM

City and state: SACRAMENTO, CALIFORNIA

EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE

Printed name and title

Source 1 National Immigration Law Center <https://twitter.com/NILC/status/1149755946081538049?s=20>

3 GAMMON AVENUE • ATLANTA, GEORGIA 30315 • (404) 622-0602 OFFICE • (404) 622-4137 FAX
www.projectsouth.org

Ice Admin Warrant

U.S. Department of Justice
Immigration and Naturalization Service

Warrant of Removal/Deportation

File No: _____

Date: _____

To any officer of the United States Immigration and Naturalization Service:

(Full name of alien)

who entered the United States at _____ on _____ (Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a district director or a district director's designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:
Section 241(a)(5) of the Immigration and Nationality Act (Act), as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of the appropriation. "Salaries and Expenses Immigration and Naturalization Service 2002," including the expense of an attendant if necessary.

(Signature of INS official)

Printed name and title

(Date and office location)

Form I-201 (Rev. 4-1-87)W



Reasonable Accommodations + Assistance Animals



Laws Protecting Persons with Disabilities

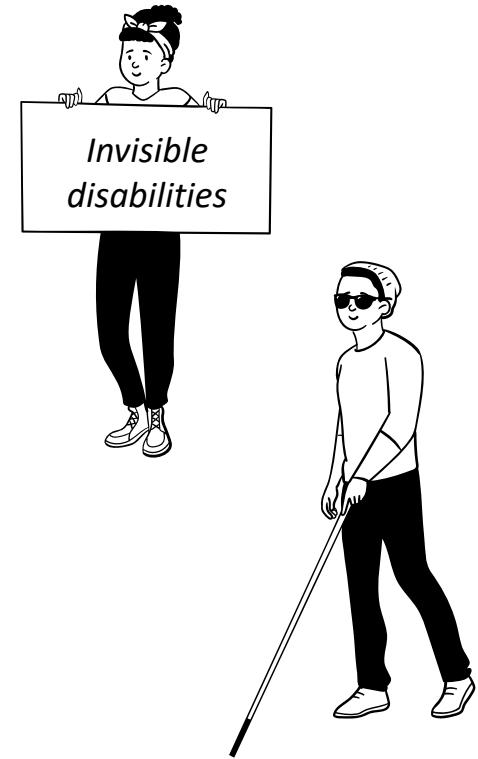
- Fair Housing Act (FHA)
- Section 504 of the Rehabilitation Act of 1973
 - Applies to federally funded housing
- Americans with Disabilities Act (ADA)



Disability

Any physical or mental condition that substantially impairs a major life activity

- Walking
- Seeing
- Hearing
- Breathing
- Thinking
- Caring for oneself



Disability also includes

ongoing chronic medical conditions, like:

- Multiple Sclerosis
- Cerebral Palsy
- Schizophrenia
- Autism
- Seizure Disorder
- Asthma
- Post Traumatic Stress Disorder
- Attention Deficit Hyperactivity Disorder
- Depression
- Anxiety

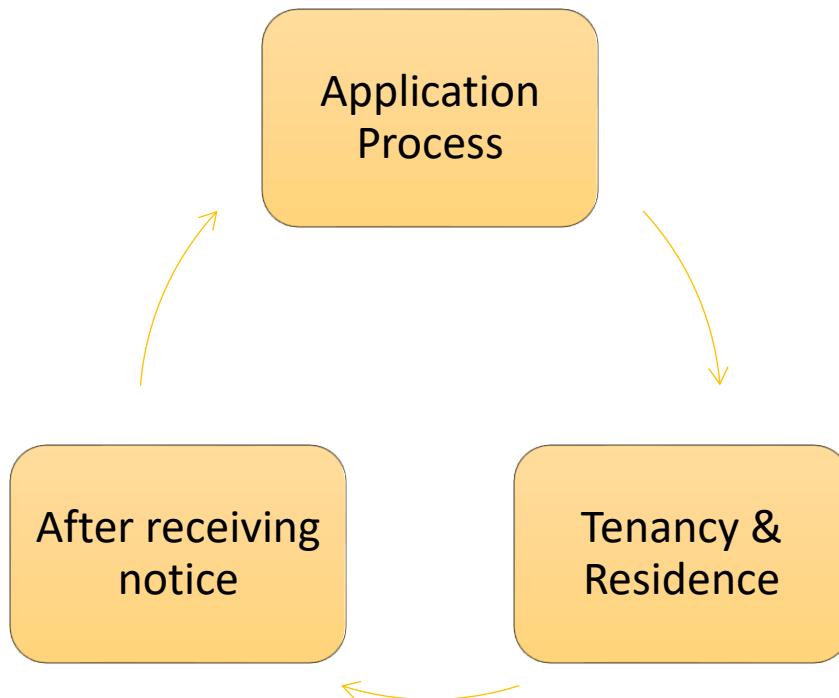
Disability also protects:

- Individuals with a history of alcohol or drug addiction (not current users of illegal drugs)
- Individuals with a history of a disability
- Individuals who are assumed to have a disability



Facts about Reasonable Accommodation & Modification Requests

Can occur at any time



- There is no limit to number of requests
- Each request is evaluated on its own merits
- Initiated by the person with the disability
- All residents must be able to meet the lease agreement

All requests must be considered,
but the request must be
reasonable....

Not second guessing the verifier

Concerns the impact on the housing provider



Reasonable means . . .

1. Not an undue financial and administrative burden
2. Part of the housing provider's job description
3. Does not pose a direct threat

Animals Can Assist in Many Ways . . .

- Sight, hearing, balance
- Fetching things
- Blood sugar levels, migraines, seizures
- Lowering blood pressure, regulating heart rates
- Autism
- Anxiety, depression, ADD/ADHD

Assistance Animals

Trained
service
animals

Companion
animals

Emotional
support
animals

Rescinded Guidance: Federal vs. State Law

- Federal 2020 HUD Guidance
 - Memos vs. law
- The role of case law
- BOLI upcoming guidance

People living with a disability can request a reasonable accommodation for an assistance animal at any time.

- Time of application
- After being approved for tenancy
- Within a “reasonable amount of time”

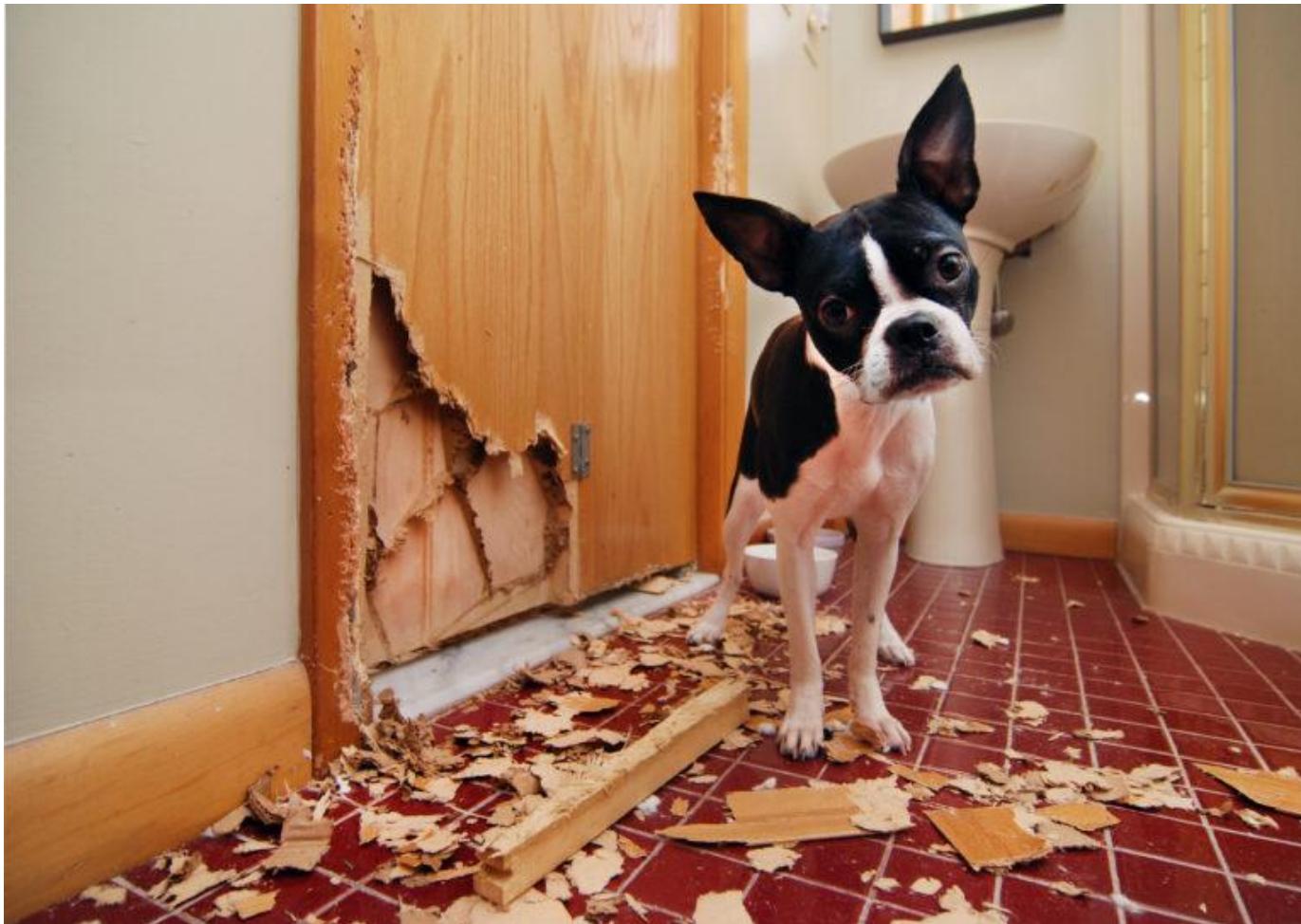
What animals can be assistance animals?

- Should be a household pet like a cat, dog, bird, etc.
- If someone needs a more exotic animal, they will need to demonstrate how the exotic animal can do the job a household pet could not.

When is an Assistance Animal request **unreasonable**?

- Housing providers **may not restrict**:
 - Need for multiple assistance animals
 - Weight limits
 - Breeds

A Direct Threat to the Property



A Direct Threat to Residents of the Property



Breed restrictions in insurance policies may create an undue hardship.

Housing provider will need to show evidence that:

- ✓ You forwarded the accommodation request to the insurer and the insurer refused to make the request
- ✓ You sought and were unable to find an alternate insurance policy that would allow the animal

Verifiers of assistance animals must . . .

- Be a qualified “professional” who knows the person’s situation well

- State the RA or RM is necessary for “equal access or equal enjoyment of a unit”

- Establish connection between RA or RM and disability

Verifiers do *not* need to . . .

- Disclose the type of disability *or* the physical benefits of the Reasonable Accommodation or Reasonable Modification



Who Can Provide Verification?

Qualified*

Doctor

Nurse

Psychologist

Social Worker

**Any certified medical or
mental health provider*

Questionable

Friends

Co-Workers

Grocery Teller

Cousin

Parent

Online Predatory
Sources

Petscreen.com and Other Algorithmic
Screening Methods... Legal?

Questions?



Reasonable Accommodations/Modifications for Individuals with Intellectual and Developmental Disabilities (IDD)

Presented by: Savannah Meekins

**Education and Outreach Regional Coordinator, North and Central
Coast**



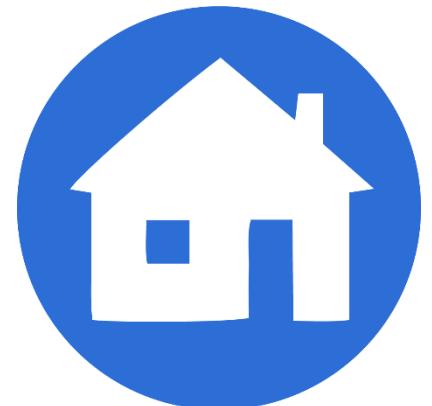
Examples of IDD

- Autism/ADHD
- Cerebral Palsy
- Down Syndrome
- Epilepsy
- Fetal Alcohol Syndrome
- Neurological Disorders
- Neurodevelopmental Disorders



How IDD Affects Housing Access

- Limited understanding of rights
- Fluctuating support needs
- Difficulty expressing and identifying needs
- Executive function barriers
- Anxiety with landlords
- Barriers to self advocacy



Above and Beyond Advocacy

- Advocates are Fair Housing first-responders
- Uplifting IDD voices
- Assisting with identifying barriers



Reasonable Accommodations

Specific to IDD

- Reserved parking spot near unit
- Access for support person
- Flexible rent payment date/Grace Period
- Extra Reminders for rent payment
- Unit placement
- Additional response time for notices
- Advance notice for inspections



Reasonable Modifications for IDD

- Soundproof Paneling
- Security Door
- Visual Alarm Systems
- Video Doorbell/Camera
- Special Lock or Deadbolt
- Special Curtain Rods
- Window film/coverings





Tips for Advocates, Caregivers, Case Managers, Family Members

- Listen, and ask
- Make the request appealing to landlord
- Conversation- not negotiation
- Establish rapport with the landlord



Questions?

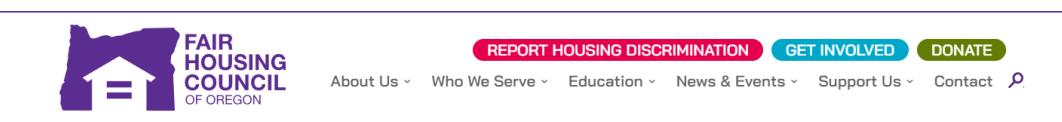


Fair Housing Council Enforcement



Referrals

- We appreciate referrals from organizations.
- Complainants can either fill out our online advocate form or send them directly to our team.



Advocate Contact Form

Please provide agency information



Hotline Contact Information

Report by email at enforcement@fhco.org

Report through our website at www.fhco.org

Contact us during live phone hours:

(800) 424-3247 ext. 2

Thursdays, 9:00 am-12:00 pm



Intake Process

- We receive inquiries from the hotline, online forms that we receive, referrals from organizations, and in person intakes.
- From there we screen them out to see which ones we would be able to help with. (Fair Housing vs a Landlord Tenant Issue)
- We have a Legal Director that we work with to ensure accuracy with laws that we address.



Common Forms of Advocacy for Complainants

- A demand letter or reasonable accommodation tend to be helpful tools**
- The tenant can request the reasonable accommodation themselves, but they sometimes need help navigating the process.**
- HUD complaint or BOLI complaint, warm handoff.**
- Reasonable modifications.**
- Referral to outside council.**
- Legal advice.**
- We do not sue landlords at this time.**

What Housing Discrimination Looks Like:

Fair housing discrimination happens when people are treated unfairly in housing-related matters due to their religion, sex, race, disability, familial status, color, or national origin.

This can include refusing to rent, setting different terms, or denying reasonable accommodations.



Examples of Religion Discrimination

- 1. A landlord refuses to rent to someone because they wear religious attire, such as a hijab or yarmulke.**
- 2. A housing provider prohibits religious gatherings in common areas while allowing other types of group events.**
- 3. A property manager removes a tenant's lease after learning they practice a certain religion.**

Examples of Sex Discrimination

- 1. A property manager sexually harasses female tenants by making inappropriate comments or demands.**
- 2. A housing provider denies housing to a transgender applicant, stating their gender identity makes other tenants uncomfortable.**
- 3. A landlord requires female tenants to have a male co-signer on their lease, even though male tenants are not held to the same standard.**

Examples of Race Discrimination

- 1. A landlord refuses to rent to a Latino family, citing concerns about “neighborhood fit.”**
- 2. A property manager assigns applicants of a certain race to specific buildings, segregating tenants by race.**
- 3. A real estate agent steers prospective buyers toward or away from neighborhoods based on their race. (Sales market)**

Examples of Disability Discrimination

- 1. A landlord refuses to allow a tenant with a service dog, citing a “no pets” policy.**
- 2. A property owner declines to install a ramp for a wheelchair-using tenant, despite a reasonable modification request.**
- 3. A tenant with a mental health condition is evicted after disclosing their diagnosis to the landlord.**

Examples of Familial Status Discrimination

- 1. A landlord refuses to rent a unit to a family with children, stating they “prefer adult tenants.”**
- 2. A housing provider imposes stricter rules or curfews on families with children compared to other tenants.**
- 3. A property manager offers smaller or less desirable units to families, regardless of their household size or needs.**



Examples of National Origin Discrimination

- 1. A property manager refuses to rent to someone because they have a foreign accent.**
- 2. A landlord sets stricter credit requirements for tenants with surnames that sound non-American**
- 3. A homeowner's association fines tenants for displaying cultural decorations but allows similar items for others.**

Response Times

- Around 3-4 weeks depending on how busy months get
- We try to address things by how time sensitive issues are and what type of help is needed.
- Over 80% of inquiries we receive are not related to Fair Housing



Join us for Fair Housing Month in April!

Fair Housing month is April so keep a lookout for E&O events at www.fhco.org

