

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. \_\_\_\_\_**

Amending Multnomah County Code §15. 341 through 15.347 related to civil rights discrimination.

**The Multnomah County Board of Commissioners Finds:**

- a. In 2001 Oregon State law did not clearly prohibit discrimination on the basis of sexual orientation, gender identity, age if over 18, and source of income in housing, public accommodation and employment.
- b. The Board of Multnomah County Commissioners identified this gap in protection and adopted Ordinance 969 which amended the County Code to include civil rights protections for sexual orientation, gender identity, age if over 18, and source of income in housing, public accommodation and employment. These protections were codified in the County Code at 15.340 to 15.347.
- c. The laws of Oregon were subsequently amended to include protections against discrimination on the basis of sexual orientation and gender identity in housing, public accommodation and employment. *See generally* ORS Chapter 659A.
- d. Although gender identity is not called out as a specific protected class, it is included in the definition of sexual orientation in ORS 174.100(6) and is therefore protected under Oregon law.
- e. This ordinance addresses the remaining gaps in Oregon law and prohibits discrimination on the source of income in employment, age if over 18 in housing and source of income or familial status in public accommodation.

**Multnomah County Ordains as follows:**

**Section 1.** Amending 15. 341 through 15.347.

(Language ~~stricken~~ is deleted; underlined language is new)

**§ 15.341        Intent.**

The Board finds that discrimination on the basis of ~~sexual orientation, gender identity and~~ source of income in employment and if the individual is 18 years of age or older exists in the County and that state law does not clearly prohibit such discrimination. The Board intends to exercise of its powers for the protection of the public health, safety, and general welfare and to maintain peace and good government. Every individual needs an equal opportunity to participate fully in the County free of discriminatory barriers in employment, housing, and public accommodations.

**§ 15.342        Definitions.**

(A) For this subchapter, the following definitions apply unless the context requires a different meaning:

**~~GENDER IDENTITY.~~** ~~A person's actual or perceived sex, including a person's identity, appearance, expression or behavior, whether or not that identity, appearance, expression or behavior is different from that traditionally associated with the person's sex at birth.~~

**~~SEXUAL ORIENTATION.~~** ~~Actual or supposed male or female homosexuality, heterosexuality, or bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.~~

**SOURCE OF INCOME.** The means by which a person supports himself or herself and his or her dependents, including but not limited to money and property from any occupation, profession or activity, from any contract, settlement or agreement, from federal or state payments, court-ordered payments, gifts, bequests, annuities, life insurance policies, and compensation for illness or injury, but excluding any money or property derived in a manner made illegal or criminal by any law, statute or ordinance.

(B) All other terms used in this subchapter are defined as in Oregon Revised Statutes Chapter 659A.

#### **§ 15.343 Discrimination in Employment Prohibited.**

(A) It is unlawful to discriminate in employment on the basis of an individual's race, religion, color, sex, sexual orientation, national origin, marital status, age if the individual is 18 years of age or older, familial status, or disability, by committing any of the acts made unlawful under the provisions of ORS 659A.030 and 659A.109-142.

(B) It is unlawful to discriminate in employment on the basis of an individual's ~~sexual orientation, gender identity, source of income or familial status~~, by committing against any such individual any of the acts already made unlawful under ORS 659A.030 when committed against the categories of persons listed therein.

#### **§ 15.344 Discrimination in Selling, Renting, or Leasing Real Property Prohibited.**

(A) It is unlawful to discriminate in selling, renting, or leasing real property on the basis of an individual's race, religion, color, sex, sexual orientation, national origin, marital status, familial status, source of income, or disability, by committing any of the acts made unlawful under the provisions of ORS 659A.421 and 659A.145.

(B) It is unlawful to discriminate in selling, renting, or leasing real property on the basis of an individual's ~~sexual orientation, gender identity, source of income, or age~~ if the individual is 18 years of age or older ~~except as is excluded in ORS 659A.421 subsections 6 and~~

~~7, by committing against any such individual any of the acts already made unlawful under ORS 659A.421 when committed against the categories of persons listed therein.~~

**§ 15.345        Discrimination in Places of Public Accommodation Prohibited**

(A)    It is unlawful to discriminate in public accommodations on the basis of an individual's race, religion, color, sex, sexual orientation, national origin, marital status, age if the individual is 18 years of age or older, or disability, by committing any of the acts made unlawful under the provisions of ORS ~~659A.409~~, 659A.142, or ORS 659A.400 to 659A.409.

(B)    It is unlawful in public accommodations to discriminate on the basis of an individual's ~~sexual orientation, gender identity~~, source of income or familial status, by committing against any such individual any of the acts already made unlawful under ~~ORS 659A.409~~ or ORS 659A.400 to 659A.406~~9~~ when committed against the categories of persons listed therein.

~~§ 15.346        Exceptions.~~

~~\_\_\_\_\_ (A)    The prohibitions in this subchapter against discriminating on the basis of sexual orientation and gender identity do not apply:~~

~~\_\_\_\_\_ (1)    To the leasing or renting of a room or rooms within an individual living unit which is occupied by the lessor as his or her residence;~~

~~\_\_\_\_\_ (2)    To dwellings with not more than two individual living units where one of the units is owner occupied;~~

~~\_\_\_\_\_ (3)    To space within a church, temple, synagogue, religious school, or other facility used primarily for religious purposes.~~

~~\_\_\_\_\_ (B)    The prohibitions in this subchapter against discriminating on the basis of source of income do not prohibit:~~

~~\_\_\_\_\_ (1)    Inquiry into and verification of a source or amount of income;~~

~~\_\_\_\_\_ (2)    Inquiry into, evaluation of, and decisions based on the amount, stability, security or creditworthiness of any source of income;~~

~~\_\_\_\_\_ (3)    Screening prospective purchasers and tenants on bases not specifically prohibited by this subchapter or state or federal law;~~

~~\_\_\_\_\_ (4)    Refusal to contract with a governmental agency under 42 U.S.C. §1437f(a) "Section 8."~~

~~———— (C) ——— The prohibitions in this subchapter against discriminating on the basis of gender identity do not prohibit:~~

~~———— (1) ——— Health or athletic clubs or other entities that operate gender specific facilities involving public nudity such as showers and locker rooms, from requiring an individual to document their gender or transitional status. Such documentation can include but is not limited to a court order, letter from a physician, birth certificate, passport, or driver's license.~~

~~———— (2) ——— Otherwise valid employer dress codes or policies, so long as the employer provides, on a case by case basis, for reasonable accommodation based on the health and safety needs of persons protected on the basis of gender identity.~~

~~———— (3) ——— These exceptions do not excuse a failure to provide reasonable and appropriate accommodations permitting all persons access to restrooms consistent with their expressed gender.~~

~~(Ord. 969, Added, 11/29/2001)~~

**§ 15.3476      Enforcement and Administration.**

(A)    Any person claiming to be aggrieved by an unlawful discriminatory act under this subchapter has a cause of action in any court of competent jurisdiction for relief as provided in ORS 659A.885 and 659A.890.

(B)    In addition to the right to commence an action under subsection (A), any person claiming to be aggrieved by an unlawful employment practice under this subchapter may file a complaint with the Commissioner of the Bureau of Labor and Industries under ORS 659A.820.

FIRST READING: \_\_\_\_\_

SECOND READING AND ADOPTION: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Jeff Cogen, Chair

REVIEWED:

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FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Jenny Morf, County Attorney

SUBMITTED BY:  
Jeff Cogen, Chair

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