

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 969

Amending Multnomah County Code Chapter 15 to Add §§15.340-15.347 Relating to Civil Rights Discrimination

Multnomah County Ordains as follows:

Multnomah County Code Chapter 15 is amended to add the following subchapter:

§ 15.340* CIVIL RIGHTS DISCRIMINATION

§ 15.340- Policy.

It is the policy of the County to eliminate discrimination based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity or source of income. Such discrimination poses a threat to the health, safety and general welfare of the citizens of the County and menaces the institutions and foundation of our community.

§ 15.341 Intent.

The Board finds that discrimination on the basis of sexual orientation, gender identity and source of income 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.

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 659.

§ 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, 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 659.030 and 659.425.

(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 659.030 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, national origin, marital status, familial status, or disability, by committing any of the acts made unlawful under the provisions of ORS 659.033 and 659.430.

(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 659.033 subsection 6 (a) and (b), by committing against any such individual any of the acts already made unlawful under ORS 659.033 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, 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 659.037, 659.425, or ORS 30.670 to 30.685.

(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 659.037 or ORS 30.670 to 30.685 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.

§ 15.347 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 659.095, 659.105 and 659.121.

(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 659.040. Any person claiming to be aggrieved by an unlawful practice under this subchapter relating to selling, renting or leasing real estate or discrimination in public accommodations, may file a complaint with the Commissioner under procedures established in ORS 659.045. Anyone who files a complaint with the Commissioner also has a right of action under subsection (A). except as provided in ORS 659.095.

(C) The Commissioner has enforcement powers under this subchapter. If the complaint is justified the complainant has the same remedies, under ORS 659.050 to 659.085 as any other complaint filed under ORS 659.040 or 659.045.

FIRST READING: November 8, 2001

SECOND READING AND ADOPTION: November 29, 2001



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn
Diane M. Linn, Chair

REVIEWED:

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