



**Eugene City Council**

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[www.eugene-or.gov](http://www.eugene-or.gov)

# EUGENE CITY COUNCIL AGENDA

October 21, 2020

**12:00 p.m. CITY COUNCIL WORK SESSION**

Due to Governor Kate Brown's Stay Home, Save Lives Executive Order to combat the spread of Covid-19, this meeting will be held remotely using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

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**Meeting of October 21, 2020;  
Her Honor Mayor Lucy Vinis Presiding**

**Councilors**

Emily Semple, President  
Mike Clark  
Chris Pryor  
Betty Taylor

Jennifer Yeh, Vice President  
Greg Evans  
Claire Syrett  
Alan Zelenka

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**12:00 p.m. CITY COUNCIL WORK SESSION**

- 1. WORK SESSION and POSSIBLE ACTION: Urban Reserves Direction**
- 2. WORK SESSION: Housing Status as a Protected Class**

For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010  
or visit us online at [www.eugene-or.gov](http://www.eugene-or.gov).

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Work Session: Urban Reserves Direction

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Meeting Date: October 21, 2020  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 1  
Staff Contact: Rebecca Gershow  
Telephone Number: 541-682-8816

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### ISSUE STATEMENT

The purpose of this work session is to seek direction from the Eugene City Council on a preferred Urban Reserve option. Following Council direction, staff is scheduled to return to the Board of Commissioners in November, to seek their direction on a preferred Urban Reserves option. Once consistent direction is reached, staff will begin preparing an Urban Reserves adoption package to be considered in 2021 through a process that will include public hearings before the planning commissions, County Board and City Council.

### BACKGROUND

State law requires cities to periodically demonstrate that their urban growth boundary (UGB) includes enough land for 20 years' population growth. In a growing city, like Eugene, this may require a UGB expansion. The state allows cities to pre-plan for UGB expansions by designating "Urban Reserve" land outside the UGB that can be considered a first priority if and when a city needs to expand its UGB. The goal of Urban Reserve planning is to identify an appropriate supply of land for possible expansion, so the City is prepared to grow in a way that meets the community's needs and values.

Land designated as Urban Reserves will remain rural, and cannot be urbanized, unless it is brought into the city's UGB through a formal process. Expansion of the UGB is a highly prescriptive process governed by state law that includes first looking at growth monitoring results to determine if there is a need to expand, then considering measures to grow more efficiently inside the current boundary before expansion can be considered.

Based on the guidance provided by the pillars of Envision Eugene, the Urban Reserves process advances our community vision beyond 2032 and reflects deep collaboration among the City, County, community, and service providers.

On July 20, 2015, as part of the City Council's direction on the UGB, staff was directed to begin Urban Reserves planning, with a target to bring an Urban Reserve proposal for City and County

consideration within two years of the state’s approval of the UGB, which was in January 2018. However, the schedule has been adjusted due to the work involved in the necessary analysis, and the need to take more time to involve property owners, the public, and the project’s Technical Advisory Committee in review cycles of complex information during a pandemic. If decision-makers agree on a preferred option this fall, staff will begin the formal adoption process, with the goal of scheduling formal public hearings beginning in spring 2021.

### Work to Date

The order of analysis and minimum elements included in Urban Reserves planning is highly prescriptive and is laid out by state law, particularly Oregon Administrative Rules, Chapter 660, Division 21. The Urban Reserves project is designed to be completed in five phases; each phase builds on the previous one, as shown below. We are currently completing the Develop Options phase.

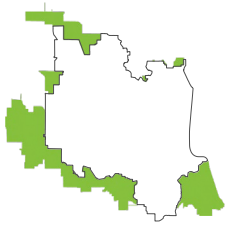


In order to develop options, land identified as potentially suitable for Urban Reserves was considered for inclusion based on its land classification, with non-farm and non-forest land being prioritized over high-value farm and forest land.

As described most recently at the [September 21, 2020 Joint Elected Officials Work Session](#), and the following [October 12 City Council Work Session](#), state rules allow communities to designate enough land in Urban Reserves to meet the needs of anywhere between 10 and 30 years of population growth beyond the UGB planning period; for Eugene, that means looking 10- to 30-years beyond 2032. City Council previously indicated an interest in seeing a 30-year option among those considered, therefore staff began by identifying the best Urban Reserve option to meet a 30-year land need, then evaluated a range of other scenarios. There were several urban reserve options explored that were not moved forward, primarily due to physical constraints and land patterns that would negatively impact the cost and ease of future serviceability. Preliminary options were refined from eight to four, with the help of the Envision Eugene Technical Advisory Committee.

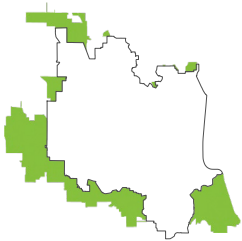
The final four options under consideration reflect the largest possible Urban Reserve size (30-year), the smallest possible Urban Reserve size (10-year) and two options that protect our highest-class soils, to slightly different degrees. For additional information, please review the [Urban Reserves Options Story Map](#).

The options are summarized here in order from largest to smallest. For a **Comparison Table of the Urban Reserve Options**, please see **Attachment A**.



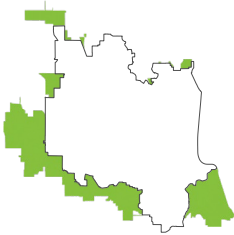
#### **Option 1 (largest):**

This option reserves enough land to meet the projected needs of 30 years of growth beyond 2032, based on Eugene's expected population in 2062. A 30-year Urban Reserve is the maximum size allowed by law. It provides the most flexibility in the future for urban growth boundary expansion. The suitable lands excluded from this option are some agricultural properties with predominant Class 1 and 2 land, some properties partially constrained with flood plain, or areas more difficult to serve if included. See **Attachment B (Urban Reserves 30-Year Option)**.



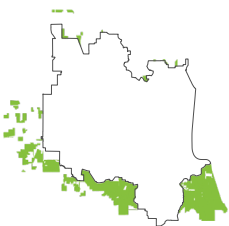
#### **Option 2 (preserves Class 1 land):**

This option preserves the highest value farmland by removing from consideration the properties with the highest value soils. It reserves enough land to meet the projected needs of 29 years of growth beyond 2032. The additional suitable lands excluded from this option are all agricultural properties with predominant Class 1 land. See **Attachment C (Urban Reserves 29-Year Option)**.



#### **Option 3 (preserves Class 1 and adjacent Class 2 land):**

This option preserves the highest value farmland and additional properties with higher value soils. It reserves enough land to meet the projected needs of 27 years of growth beyond 2032. The suitable lands excluded from this option are all agricultural properties with predominant Class 1 land and the directly adjacent agricultural properties with predominant Class 2 land. See **Attachment D (Urban Reserves 27-Year Option)**.



#### **Option 4 (smallest):**

This option reserves enough land to meet the projected needs of 10 years of growth beyond 2032. A 10-year Urban Reserve is the smallest size allowed by law. It provides the least land in the future for urban growth boundary expansion and preserves the most farm and forest land. The scattered pattern of properties included by necessity in this option significantly limits opportunities for efficient and cost-effective future neighborhoods. This may make these areas more costly to serve and less likely to develop. The suitable lands excluded from this option are all agricultural and forest properties with predominant Class 1, 2, 3, or 4 land. See **Attachment E (Urban Reserves 10-Year Option)**.

### **Project Coordination and Public Review and Input**

A variety of project committees and groups have been involved in Urban Reserves planning since 2018, including the Project Management Team, Service Provider Working Group, The Triple Bottom Line (TBL) Sounding Board, and the Envision Eugene Technical Advisory Committee (EETAC). In addition, study area residents and other interested parties have participated in five in-person public meetings—two at the downtown library, and three near the study area. Then, in order to ensure adequate public review of Urban Reserve Options during the pandemic, staff held

a month-long [virtual open house](#), which attracted over 1,300 visits and over 200 survey participants. Of those participating, Option 3, the 27-Year option was the most preferred. This is also consistent with the letters of testimony Council has received via email to date.

### **Envision Eugene Technical Advisory Committee (EETAC) Recommendation**

On July 16, 2020, after seventeen meetings over the course of 22 months, the EETAC provided their final input and recommendation to staff on the Urban Reserve Options under consideration. There were two motions passed, as described below:

1. *The EETAC supports the Urban Reserves analysis as technically sound.* It passed by a vote of 11 thumbs up (supporting) and 1 thumb sideways (reservation or concern).
2. *The EETAC's preferred Urban Reserve option is the 27-year option that preserves Class 1 and adjacent Class 2 land [Option 3], with the acknowledgement that the year-range is an estimate based on current population forecasts and existing Land Use Code.* It passed by a vote of 10 thumbs up and 2 thumbs sideways.

### **Planning Commission Recommendations**

In August 2020, the Eugene and Lane County Planning Commissions both met twice on Urban Reserve options. The role of City and County Planning Commissions was to recommend one of the Urban Reserve options to the City Council and the Board of Commissioners (respectively).

- The Eugene Planning Commission recommended *Option 3, the 27-Year option* (7-0 vote).
- The Lane County Planning Commission recommended *Option 1, the 30-Year option, with a plan policy requiring that the Class 1 and 2 farm land in the Awbrey subarea be the last of the urban reserve land to be considered for expansion of Eugene's urban growth boundary* (5-3 vote).

### **Elected Officials Decision-Making**

The Eugene City Council and Lane County Board of Commissioners have joint decision-making authority in the Urban Reserves project, including the following:

1. Provide direction on a proposed Urban Reserve option (2020)
2. Convene public hearings, consider the Planning Commission recommendations, and act to adopt by Ordinance the Urban Reserves proposal as spelled out in state statute (2021)

The City and County are each being asked to initiate the land use review process for one of the four Urban Reserve options described in this AIS. Under this process, after receiving consistent direction, staff will prepare the necessary materials, including plan and code amendments, intergovernmental agreements and findings. The record will then open and anyone can submit written testimony. There will be a public hearing before the Eugene and Lane County Planning Commissions and the Planning Commissions will then make recommendations to the City Council and Board of Commissioners. The record materials from the Planning Commission process will then be forwarded to the City Council and the Board of Commissioners and another public hearing will be held before the Council and Board before taking action and adopting Urban Reserves.

## **COUNCIL OPTIONS**

### Option 1

Initiate a public review and adoption process, including but not limited to comprehensive plan and code amendments, to consider establishment of Urban Reserves as described in Option 1, the 30-Year Option, shown in **Attachment B**.

### Option 2

Initiate a public review and adoption process, including but not limited to comprehensive plan and code amendments, to consider establishment of Urban Reserves as described in Option 2, the 29-Year Option, shown in **Attachment C**.

### Option 3

Initiate a public review and adoption process, including but not limited to comprehensive plan and code amendments, to consider establishment of Urban Reserves as described in Option 3, the 27-Year Option, shown in **Attachment D**.

### Option 4

Initiate a public review and adoption process, including but not limited to comprehensive plan and code amendments, to consider establishment of Urban Reserves as described in Option 4, the 10-Year Option, shown in **Attachment E**.

## **CITY MANAGER'S RECOMMENDATION**

Based on the unanimous recommendation of the Eugene Planning Commission, supported by the recommendation to staff of the Envision Eugene Technical Advisory Committee and consistent with public input, the City Manager recommends initiation of a public review and adoption process, including but not limited to comprehensive plan and code amendments, to consider establishment of Urban Reserves as described in **Option 3**, the 27-Year Option.

## **SUGGESTED MOTION**

I move to initiate a public review and adoption process, including but not limited to comprehensive plan and code amendments, to consider establishment of Urban Reserves as described in **Option 3**, the 27-Year Option, shown in **Attachment D**.

## **ATTACHMENTS**

- A. Comparison Table of Urban Reserves Options
- B. Urban Reserves 30-Year option map
- C. Urban Reserves 29-year option map
- D. Urban Reserves 27-year option map
- E. Urban Reserves 10-year option map

**FOR MORE INFORMATION**

Staff Contact: Rebecca Gershow, Senior Planner Urban Reserves

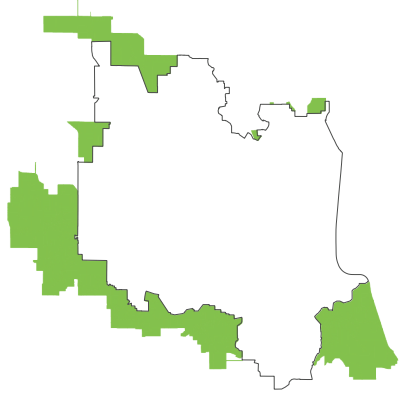
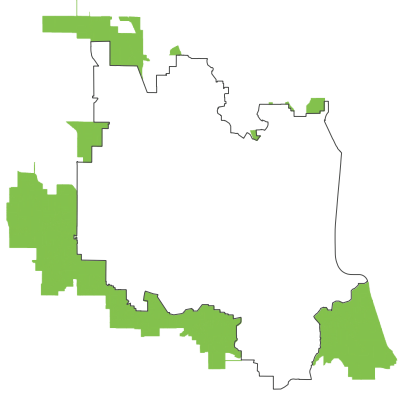
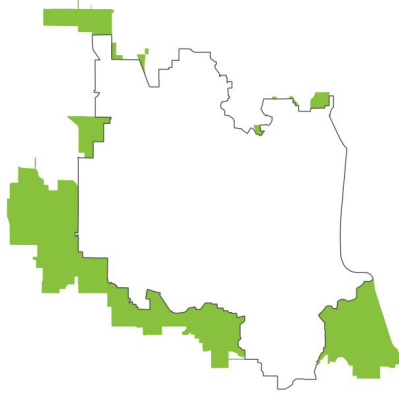
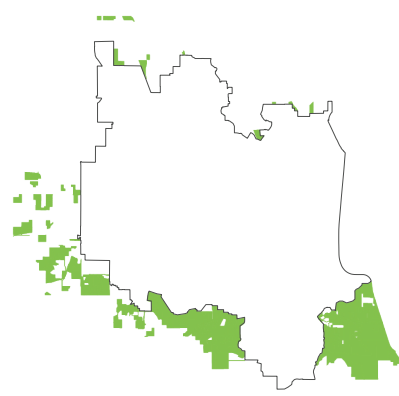
Telephone: 541-682-8816

Email: [RGershow@eugene-or.gov](mailto:RGershow@eugene-or.gov)

Web: <https://www.eugene-or.gov/UrbanReserves>



# Urban Reserves Option Comparison

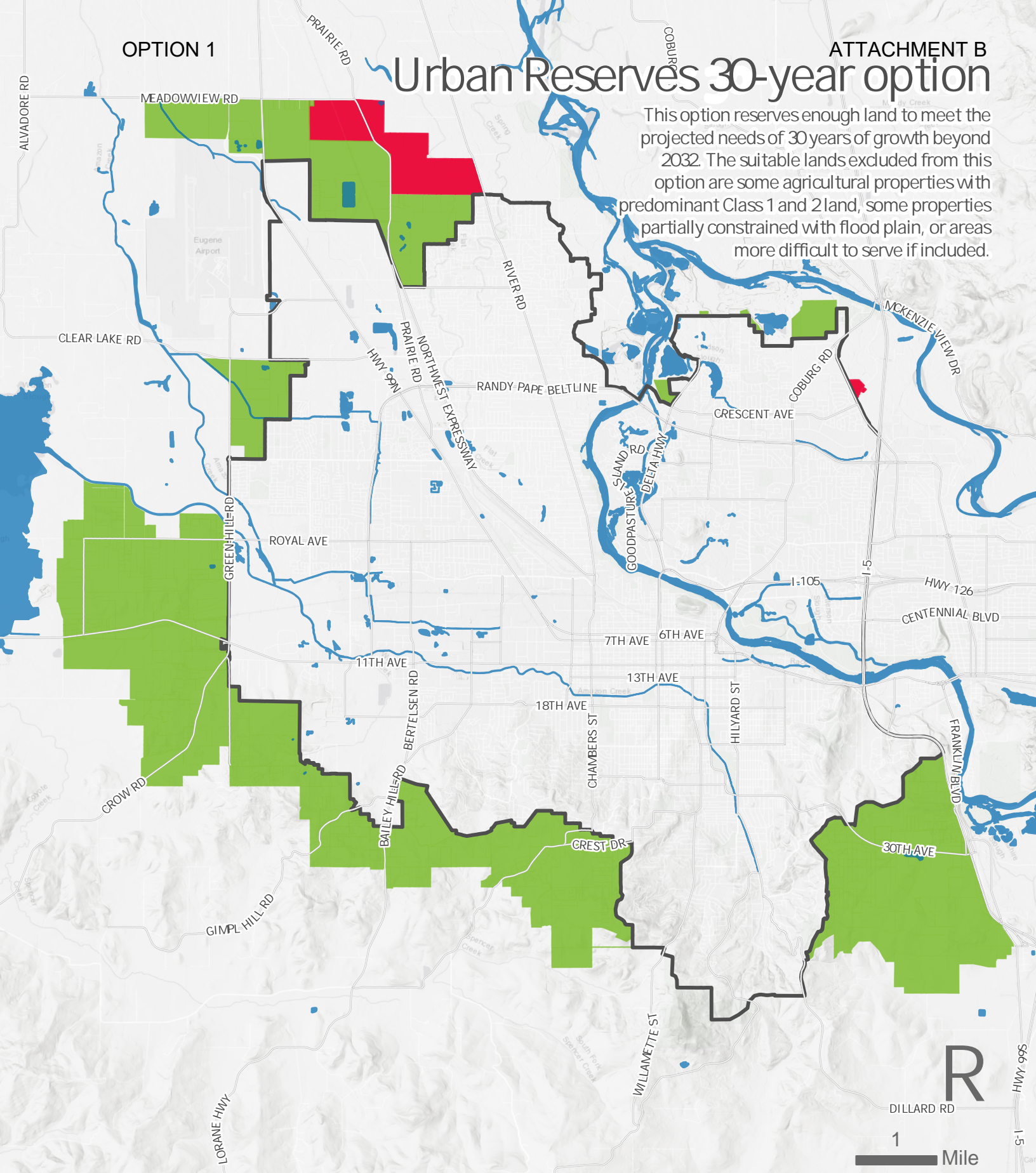
		OPTION 1	OPTION 2	OPTION 3	OPTION 4
					
How many years of growth will this option accommodate, beyond 2032?		<b>30 years</b>	<b>29 years</b>	<b>27 years</b>	<b>10 years</b>
How much developable land is included?		6,365 acres	6,220 acres	5,940 acres	2,670 acres
What type of developable land is included in this option?	Exception areas/non-resource land:	789	808	782	779
	Marginal land:	407	407	407	387
	Farm and Forest land:	5,063	4,899	4,646	1,408
	Other land:	106	106	106	95
Which farm and forest lands are included in this option? (Class 1 is highest value, Class 6 is lowest value)		Properties with predominant Class 1 to 6 land	Properties with predominant Class 2 to 6 land	Properties with predominant Class 2 to 6 land	Properties with predominant Class 6 land
Which farm and forest lands in the study area are excluded from this option?		Some farm and forest properties with predominant Class 1 and 2 land, constrained with flood plain, or difficult to serve	All farm and forest properties with predominant Class 1 land	All farm and forest properties with predominant Class 1 land and directly adjacent properties with predominant Class 2 land	All farm and forest properties with predominant Class 1-4 land
What is the average estimated residential capacity of this option, in number of dwelling units per developable acre?		<b>5.1</b>	<b>5.02</b>	<b>4.85</b>	<b>3.65</b>

# OPTION 1

# ATTACHMENT B

# Urban Reserves 30-year option

This option reserves enough land to meet the projected needs of 30 years of growth beyond 2032. The suitable lands excluded from this option are some agricultural properties with predominant Class 1 and 2 land, some properties partially constrained with flood plain, or areas more difficult to serve if included.



- Eugene UGB
- Suitable land included in this Urban Reserves Option
- Suitable land excluded from this Urban Reserves Option

This map is intended for illustrative purposes, and is not suitable for legal, surveying, or engineering purposes. The draft study area is based on imprecise source data and is subject to change.



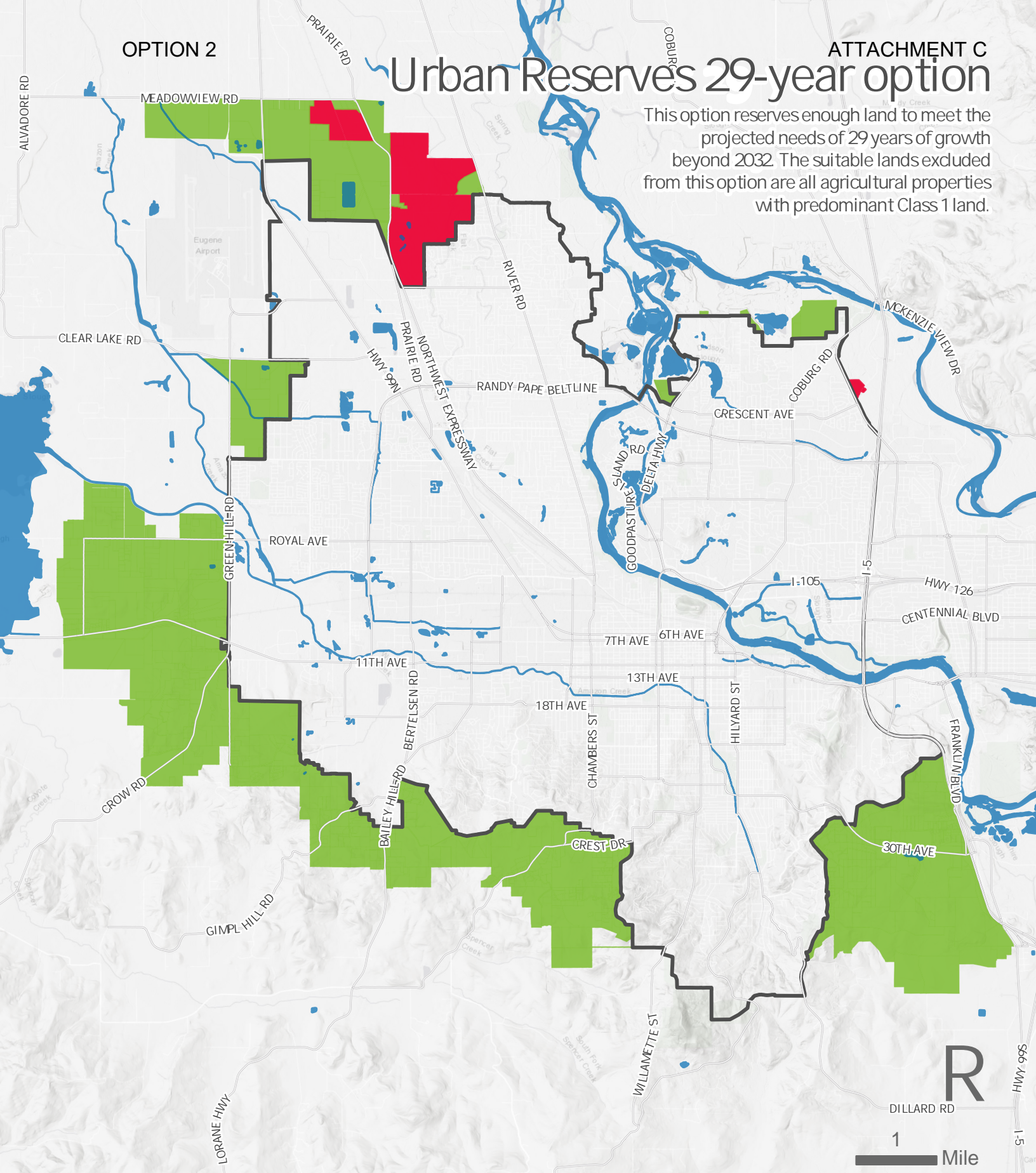


## OPTION 2

## ATTACHMENT C

# Urban Reserves 29-year option

This option reserves enough land to meet the projected needs of 29 years of growth beyond 2032. The suitable lands excluded from this option are all agricultural properties with predominant Class 1 land.



- Eugene UGB
- Suitable land included in this Urban Reserves Option
- Suitable land excluded from this Urban Reserves Option

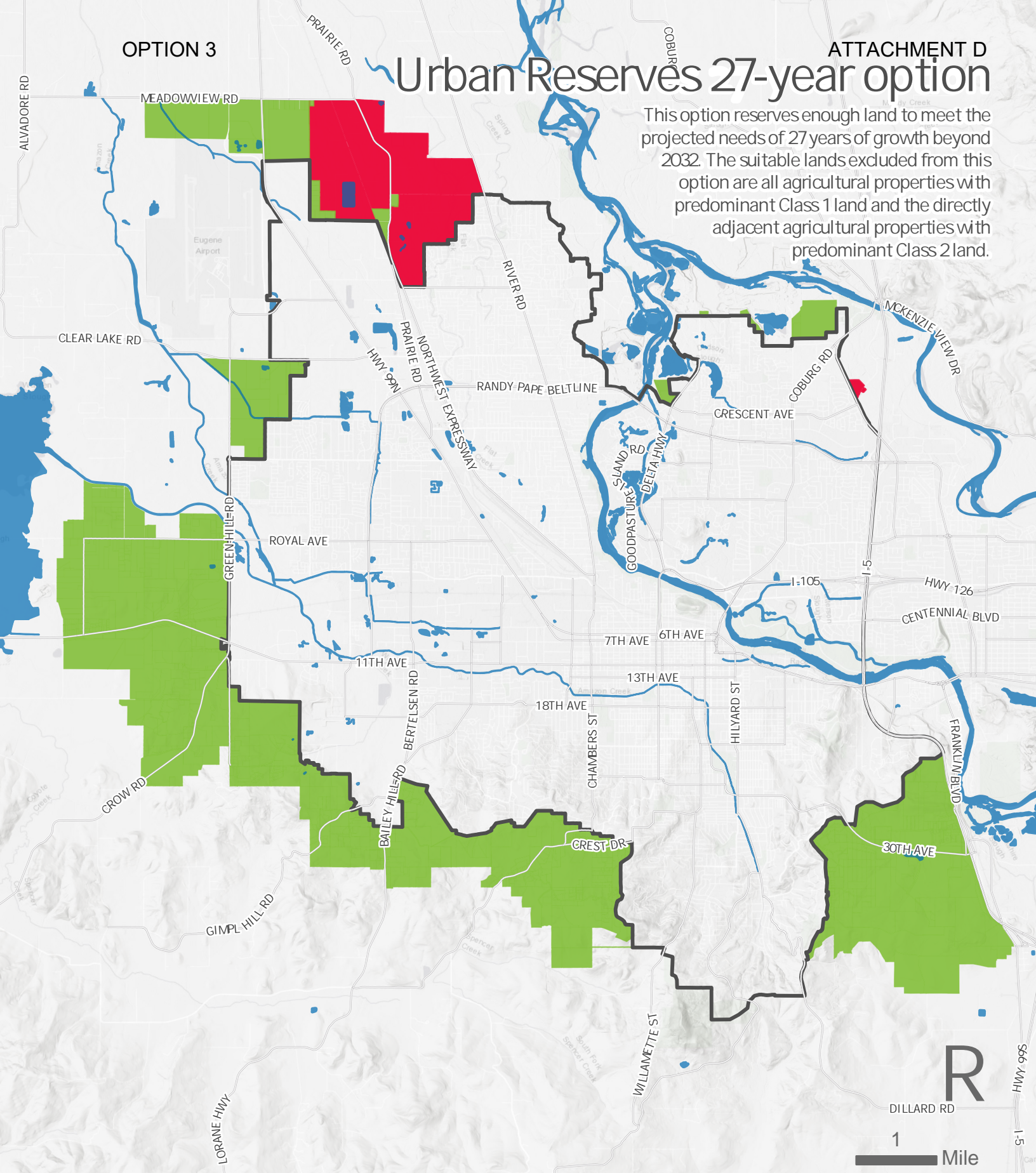
This map is intended for illustrative purposes, and is not suitable for legal, surveying, or engineering purposes. The draft study area is based on imprecise source data and is subject to change.





# Urban Reserves 27-year option

This option reserves enough land to meet the projected needs of 27 years of growth beyond 2032. The suitable lands excluded from this option are all agricultural properties with predominant Class 1 land and the directly adjacent agricultural properties with predominant Class 2 land.



- Eugene UGB
- Suitable land included in this Urban Reserves Option
- Suitable land excluded from this Urban Reserves Option

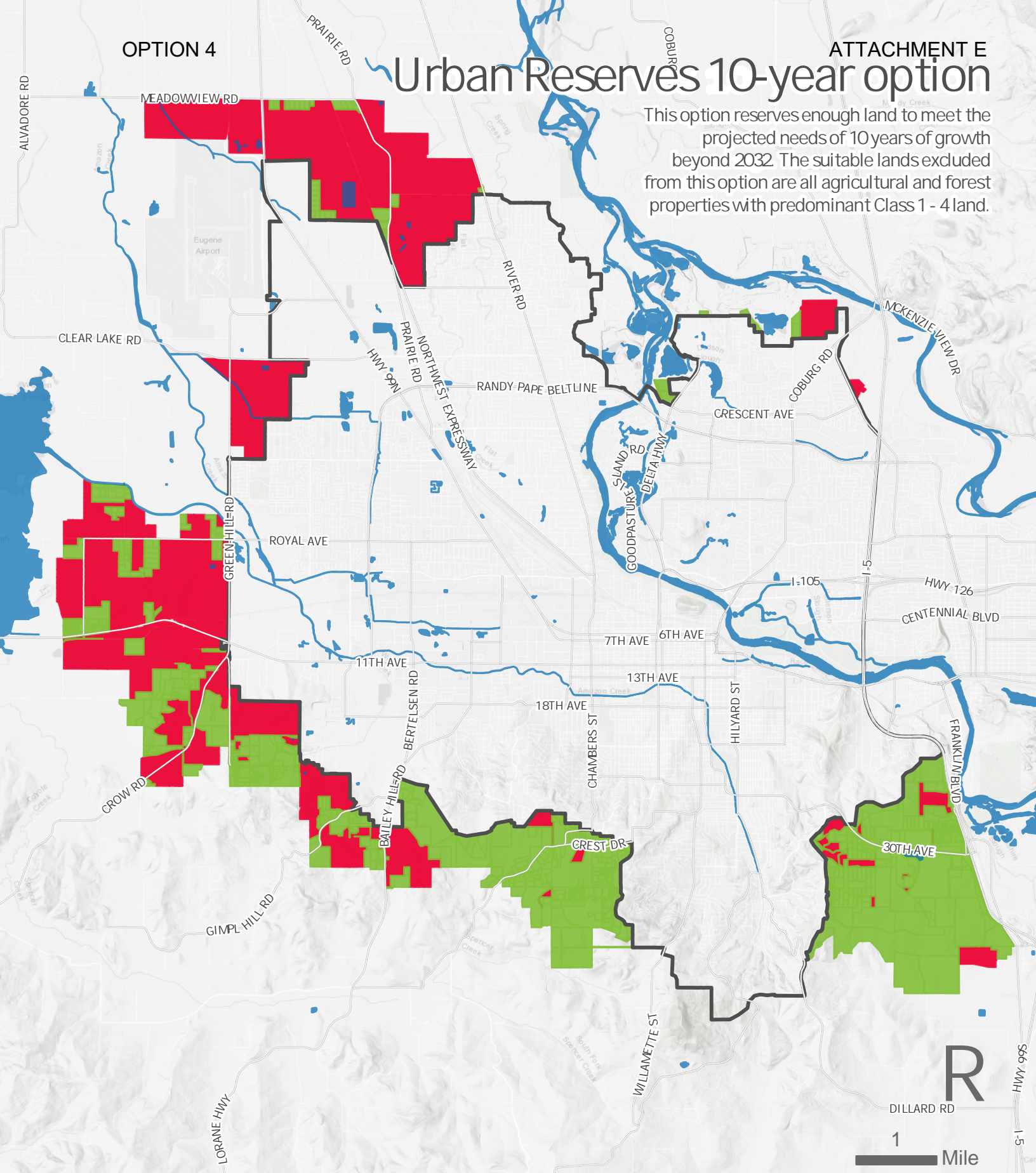
This map is intended for illustrative purposes, and is not suitable for legal, surveying, or engineering purposes. The draft study area is based on imprecise source data and is subject to change.





# Urban Reserves 10-year option

This option reserves enough land to meet the projected needs of 10 years of growth beyond 2032. The suitable lands excluded from this option are all agricultural and forest properties with predominant Class 1 - 4 land.



- Eugene UGB
- Suitable land included in this Urban Reserves Option
- Suitable land excluded from this Urban Reserves Option

This map is intended for illustrative purposes, and is not suitable for legal, surveying, or engineering purposes. The draft study area is based on imprecise source data and is subject to change.



# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Work Session: Housing Status as a Protected Class

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Meeting Date: October 21, 2020  
Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2  
Staff Contact: Michael Kinnison  
Contact Telephone Number: 541-682-5500

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### ISSUE STATEMENT

The City of Eugene Human Rights Commission included in their 2019-2020 work plan (approved by Council on October 14, 2019) Item 3.4: “Advocate for making housing status a protected class.” More recently, on March 12, 2020, the City Council approved a work session poll to “Discuss amending the City’s Human Rights Code (EC 4.613 – 4.655) to add *housing status* to the Human Rights Code’s list that currently includes race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, and disability.”

This work session is in response to that work session poll and is Council’s first opportunity for discussion of this topic. To facilitate Council’s discussion, Staff will be providing information on how protected classes are currently addressed in Eugene Code and examples from other jurisdictions offering some form of protections for individuals based on their housing status.

### BACKGROUND

The City of Eugene Human Rights Code prohibits discrimination in city contracting, employment, housing, and in public accommodations. Currently, it is a violation of the City’s Human Rights Code to discriminate based on these protected classes:

- Age
- Color
- Disability
- Ethnicity
- Familial status (whether you have custody of children or are pregnant)
- Gender
- Marital or Domestic partner status
- National origin
- Race
- Religion
- Sexual orientation (actual or perceived heterosexuality, homosexuality or bisexuality)
- Source of income

The lack of stable shelter or a permanent address impacts many people in our community and presents a significant barrier to access jobs, education, health care and other social supports. In

October 21, 2020, Work Session – Item 2

addition, unhoused individuals have reported being harassed due to their housing status. As noted above, the Human Rights Commission's work plan identifies advocating to make housing status a protected class. Adding housing status to the City's Human Rights Code could increase awareness of discriminatory treatment of the unhoused in our community, lead to better reporting of discrimination against unhoused people, and increase support for victims of abuses because of their housing status.

Although housing status is not currently identified in the City's Human Rights Code as a protected class, the Eugene Police and the office of Human Rights and Neighborhood Involvement track hate and bias activity that has perceived housing status as a motivator. Adding housing status as a protected class may increase awareness and reporting of hate and bias activity against the unhoused in our community.

If housing status is added to the City's Human Rights Code, an unhoused individual would be protected against discriminatory actions in employment, housing, public contracting, and public accommodations in the same manner that individuals are protected by the City's Human Rights Code from discrimination based on race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability. Violating the City's Human Rights Code is not a criminal offense, rather, a person aggrieved by a practiced prohibited by the Human Rights Code can file a complaint in the manner described in EC 4.645, set forth in Attachment A to this AIS. This process for filing a complaint is further explained in an administrative rule adopted by the City Manager contemporaneously with Council's adoption of the Human Rights Code in 1994.

Regarding criminal punishment for acts of hate and bias, Eugene Code Section 4.731 (Intimidation in the Second Degree) makes certain actions based on the person's perceived race, color, religion, national origin, or sexual orientation, a misdemeanor punishable by a fine up to \$2,500, up to one year in jail, or both. Eugene Code Section 4.731 is set forth in Attachment B to this AIS. The City's criminal offense of Intimidation in the Second Degree is entirely separate from the City's Human Rights Code.

#### *Examples from Other Jurisdictions:*

The National Coalition for the Homeless<sup>a</sup> reports several states and cities have passed laws offering some form of protection to individuals based on their housing status. The laws adopted by other jurisdictions include both inclusion of homelessness in a bias crime offense, such as Eugene's EC 4.731, and adoption of a Homeless Bill of Rights which, in some jurisdictions, includes protections against employment, housing, and public accommodations discrimination similar to those set forth in the City's Human Rights Code.

Examples of jurisdictions that include housing status in their hate/bias crime law include:

- Alaska added homeless status to a 2008 law creating more protection for vulnerable populations.
- Florida passed a law in 2010 adding "homeless status" to hate crime legislation.
- Maine passed a law in 2006 that allows judges to take into consideration a victim's

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<sup>a</sup> <https://nationalhomeless.org/publications/hatecrimes/hatecrimesmanual12.pdf>

homeless status when considering sentencing for the offender.

- In 2009, Maryland added homeless persons to the existing hate crime law.
- In 2010, Rhode Island added homelessness to its hate crime definition for reporting purposes.
- Cleveland passed an ordinance in 2008, making repercussions for “intimidation” and harassment more severe if these crimes are perpetrated against an individual because of his/her homeless status.
- In 2010, Seattle amended the city’s malicious harassment statute to criminalize particular acts, including malicious and intentional injury or threats against a person, or destruction of or damage to the person’s property, because of the perception that the person is homeless.
- In 2009, Washington DC added homeless people to its hate crimes law.
- In 2011, the state of Washington added homelessness to a list of aggravating factors for hate crime analysis, permitting a judge to impose harsher sentences on offenders.

Examples of jurisdictions that have adopted a Homeless Bill of Rights include:

- Rhode Island, 2012
- Connecticut, 2013
- Illinois, 2013

In 2017 a homeless bill of rights, called the Oregon Right to Rest Act (HB 2215), was introduced at the Oregon Legislature. HB 2215 did not move beyond the Oregon House Judiciary Committee.

## **COUNCIL OPTIONS**

1. Direct the City Manager to schedule a follow-up work session to respond to Council questions, and potential requests for additional options/information, raised at this work session.

**or**

2. Direct the City Manager to draft an ordinance amending the City’s Human Rights Code to add housing status as a protected class and return to the Council for a work session to discuss the draft ordinance.

**or**

3. Direct the City Manager to draft an ordinance amending the City’s Human Rights Code to add housing status as a protected class and schedule a public hearing on the ordinance.

**or**

4. Direct the City Manager to draft an ordinance amending other sections of the Eugene Code and either return to Council for a work session to discuss the draft ordinance or schedule a public hearing on the ordinance.

**or**

5. Take no action at this time.



## **POSSIBLE MOTIONS**

1. Move to direct the City Manager to schedule a follow-up work session to further discuss the option of adding housing status to the City's Human Rights Code.

**or**

2. Move to direct the City Manager to draft an ordinance amending the City's Human Rights Code to add housing status as a protected class and return to the Council for a work session to discuss the draft ordinance.

**or**

3. Move to direct the City Manager to draft an ordinance amending the City's Human Rights Code to add housing status as a protected class and to schedule a public hearing on the ordinance.

## **ATTACHMENTS**

- A. Eugene Code 4.613 – 4.655 Human Rights
- B. Eugene Code 4.731 Intimidation in the Second Degree

## **FOR MORE INFORMATION**

Contact: Michael Kinnison  
Telephone: 541-682-5500  
Staff E-Mail: [MKinnison@eugene-or.gov](mailto:MKinnison@eugene-or.gov)

#### 4.613 Human Rights.

(1) *Findings.* The city finds that discrimination on the basis of race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income and disability exists within the city. The city finds that discrimination based on race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income and disability poses a substantial threat to the health, safety and general welfare of the citizens of Eugene. The city further finds that existing state and federal prohibitions against discrimination are not adequate and, therefore, the city deems it necessary and proper to enact a local ordinance to address these issues.

(2) *Purpose.* The city values the dignity and worth of all human beings and is committed to promoting justice, equity and inclusivity by respecting cultural and individual diversity and fostering mutual understanding among all people regardless of race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability. It is the intent of the city that all people have an equal opportunity to participate fully in the life of the city and that discriminatory barriers to equal participation in employment, housing and public accommodations be removed. The city has a compelling interest in eradicating and preventing discrimination based on race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability, and in ensuring equal opportunity in employment, housing and public accommodations. These code provisions represent the least restrictive means of achieving the city's objectives. In furtherance of this policy, the provisions of sections [4.613](#) to [4.655](#) of this code shall be broadly construed, consistent with their remedial purpose. The purpose of including familial status, sexual orientation, ethnicity and source of income in these nondiscrimination code provisions is to ensure that people are treated fairly and without regard to these issues in the matters of employment, housing and public accommodations. The inclusion of familial status, sexual orientation, ethnicity and source of income in these code provisions is not intended to and shall not be interpreted to establish or require affirmative action or quotas of any kind.

(Section 4.613 added by Ordinance No. 19970, enacted July 11, 1994; and amended by Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

#### 4.615 Human Rights – Definitions.

For purposes of sections [4.615](#) to [4.655](#), the following shall mean.

*Age.* Age refers only to an individual 18 years of age or older; except that, for purposes of sections [4.630](#) and [4.635](#), age also refers to individuals under 18 years of age who have received a decree of emancipation from the State of Oregon pursuant to ORS 419B.552.

*Because of sex.* Includes, but is not limited to, because of pregnancy, childbirth and related medical conditions or occurrences. Women affected by pregnancy, childbirth or related medical conditions or occurrences shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work by reason of physical condition, and nothing herein shall be interpreted to permit otherwise.

*Commission.* The human rights commission of the city as established under section [2.260](#) of this code.

*Contractor.* All persons, wherever situated, but excluding local, state or federal units of government or their officials, from whom the city purchases goods and/or services costing \$2,500 or more in any fiscal year.

*Discriminate or discrimination.* A different and unequal treatment because of race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability.

*Domestic partnership.* A relationship between two persons who meet the following requirements: live as a family in a relationship of mutual support, caring and commitment, and intend to remain in such a relationship; neither is married or the domestic partner of any other person; are each 18 years of age or older; are not related by blood kinship closer than would bar marriage in the state of Oregon; and are mentally competent to consent to contract. Domestic partnership may also be demonstrated by having registered, certified or affirmed the relationship with any appropriate, legally established registry with substantially similar criteria within any jurisdiction in the United States.

*Employee.* Every individual who works for wages, salary or commission or a combination thereof in the service of an employer, but does not include persons employed by parents, grandparents, brothers, sisters, spouse or child. In context, the term also includes those who are seeking or applying for employment.

*Employer.* All persons, wherever situated, who employ one or more employees within the city, or who solicit individuals within the city to apply for employment within the city or elsewhere; the term includes the city itself, its boards, commissions and authorities.

*Ethnicity.* A person's cultural heritage.

*Familial status.* The relationship between one or more individuals at least one of whom has not attained 18 years of age and who is domiciled with:

- (a) A parent or another person having legal custody of the individual; or
- (b) 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.

*Labor organization.* An organization which is constituted for the purpose, in whole or in part, of collective bargaining or for dealing with employers concerning grievances, terms or conditions of employment or for other mutual aid or protection in connection with employees.

*National origin.* A person's country of birth or ancestry.

*Person.* One or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy or receivers.

*Person with a disability.* A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment. As used herein, "major life activity" includes, but is not limited to self-care, ambulation, communication, transportation, education, socialization, employment and ability to acquire, rent or maintain property; "has a record of such an impairment" means has a history of, or has been classified as having such an impairment; "is regarded as having an impairment" means that the individual:

- (a) Has a physical or mental impairment that does not substantially limit major life activities but is treated by an employer or supervisor as having such a limitation;
- (b) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment; or

- (c) Has no physical or mental impairment but is treated by an employer or supervisor as having an impairment.

*Place of public accommodation.* Except for an institution, bona fide club, or place of accommodation which is in its nature distinctively private, any place or service offering to the public accommodations, advantages, facilities, or privileges whether in the nature of goods, services, lodgings, amusements, or otherwise.

*Sexual orientation.* Actual or perceived heterosexuality, homosexuality, bisexuality, or gender identity.

*Source of income.* The means by which a person supports his or her self and the person's dependents, including but not limited to money and property from:

- (a) Any occupation, profession, activity, contract, settlement or agreement;
- (b) Federal or state payments;
- (c) Court-ordered payments;
- (d) Gifts, bequests, annuities, life insurance policies, and compensation for any illness or injury, but excluding any money or property derived in a manner made illegal by any law, statute or ordinance.

(Section 4.615 amended by Ordinance No. 17256, enacted February 24, 1975, Ordinance No. 17479, enacted November 24, 1975; Ordinance No. 18251, enacted August 28, 1978; Ordinance No. 19970, enacted July 11, 1994; administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998; amended by Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002; and Ordinance No. 20523, enacted January 27, 2014, effective March 6, 2014.)

#### 4.620 Human Rights – Employment Practices.

##### (1) It shall be an unlawful employment practice:

- (a) For an employer to refuse to hire, employ or promote, to bar or discharge from employment, or to discriminate in compensation or in terms, conditions or privileges of employment:

1. Because of an individual's race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, or source of income; or
2. Because an individual is a person with a disability which, with reasonable accommodation by the employer, does not prevent the performance of the work involved; or
3. Because of a juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262.

However, discrimination is not an unlawful employment practice if such discrimination results from a bona fide occupational requirement reasonably necessary to the normal operation of the employer's business.

(b) For a labor organization to exclude or expel from its membership, or otherwise to discriminate in any way against any individual:

1. Because of an individual's race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or because an individual is a person with a disability; or
2. Because of a juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262.

(c) For an employer or employment agency to print or circulate, or cause to be printed or circulated, any statement, advertisement, or publication, or to use any employment application form, or make any inquiry in connection with prospective employment which expresses, directly or indirectly, any limitation, specification or discrimination, or any intent to make such limitation, specification or discrimination:

1. Because of an individual's race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or because an individual is a person with a disability; or
2. Because of a juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262, unless based upon a bona fide occupational qualification reasonably necessary to the normal operation of the employer's business, or unless otherwise provided by federal law.

Unless a determination is made that a designation expresses an intent to limit, specify or discriminate, identifying employees according to race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability does not violate this section.

(d) For an employment agency to classify or refer for employment, or to fail or refuse to refer for employment, or otherwise to discriminate in any way against any individual:

1. Because of the individual's race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or because an individual is a person with a disability; or
2. Because of a juvenile record, that has been expunged pursuant to ORS 419A.260 and 419A.262.

However, it shall not be an unlawful practice for an employment agency to classify or refer for employment any individual where such classification or referral results from a bona fide occupational requirement reasonably necessary to the normal operation of the employer's business, or where such classification or referral is allowed under federal law.

(e) For any person, whether an employer or an employee, to assist, induce, compel or coerce the doing of any of the acts forbidden under sections [4.613](#) to [4.640](#) of this code, or to attempt to do so.

(f) For a vocational, professional, or trade school licensed to operate in Oregon to refuse admission to or discriminate in its admission against or discriminate in giving instruction to any otherwise qualified person because of race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or because an individual is a person with a disability.

(g) For an employer, labor organization, employment agency or a local joint committee controlling apprentice training programs:

1. To deny or withhold from an individual the right to be admitted to or participate in a guidance program, an apprenticeship training program, an on-the-job training program, or other occupational training or retraining program;
2. To discriminate against an individual in the terms, conditions or privileges of such programs; or

3. To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any application form for such programs, or to make an inquiry in connection with such programs which expresses, directly or indirectly, any limitation, specification, or discrimination, or any intent to make any such limitation, specification, or discrimination, because of the race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, or source of income of any person, or because an individual is a person with a disability.

For purposes of this subsection (1), receipt or alleged receipt of treatment for a mental disorder shall not constitute evidence of a person's inability to perform the duties of a particular job or position.

(2) It shall be an unlawful employment practice for any person to discriminate against an individual in any manner set forth in subsection (1) of this section because of the race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability of any other person with whom the individual associates.

(3) It shall not be an unlawful employment practice under this section:

(a) For a bona fide church or other religious institution, including, but not limited to, a school, hospital or church camp, from preferring an employee or applicant for employment of one religious sect or persuasion over another when:

1. That religious sect or persuasion to which the employee or applicant belongs is the same as that of such bona fide church or other religious institution;
2. In the opinion of such bona fide church or other religious institution, such a preference will best serve the purposes of such bona fide church or other religious institution; and
3. The employment involved is closely connected with or related to the primary purposes of the bona fide church or other religious institution, and is not connected with a commercial or business activity which has no necessary relationship to the bona fide church or other religious institution, or to its primary purpose.

(b) For an employer, labor organization, employment agency or local joint committee controlling apprentice training programs to select an apprentice on the basis of the ability to complete the required apprenticeship training before attaining the age of 70 years.



(c) For an employer or labor organization to provide or make financial provision for child care services of a custodial or other nature to its employees or members who are responsible for a minor child. As used herein, “responsible for a minor child” means having custody or legal guardianship of a minor child or acting in loco parentis to the child.

(4) The compulsory retirement of an employee at any age shall not be an unlawful employment practice if lawful under federal law.

(Section 4.620 amended by Ordinance No. 17256, enacted February 24, 1975; Ordinance No. 17479, enacted November 24, 1975; Ordinance No. 18251, enacted August 28, 1978; Ordinance No. 19970, enacted May 11, 1994; and Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

#### 4.625 Human Rights – Fair Employment Practice Provisions in City Contracts.

(1) The city and all its contracting agencies, or departments shall include in all contracts negotiated or renegotiated by them with contractors the following provisions:

“(1) During the performance of this contract, the contractor agrees as follows:

a. The contractor will not discriminate against any employee or applicant for employment because of an individual’s race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, or source of income, a juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262, or because an individual is a person with a disability which, with reasonable accommodation by the employer does not prevent the performance of the work involved, unless based upon a bona fide occupational qualification reasonably necessary to the normal operation of the employer’s business.

b. Those contractors employing 15 or more individuals will develop and implement a plan to insure that applicants are employed, and that employees are treated during employment, without regard to race, religion, color, sex, sexual orientation, age, disability, national origin, or ethnicity. Such plan shall include, but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

c. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the human rights commission setting forth the provisions of this nondiscrimination clause.

“(2) The contractor will, prior to commencement and during the term of this contract, provide to the city such documentation, and permit any inspection of records as may be required or authorized by rules adopted by the city manager to determine compliance with paragraph (1) above.

“(3) If upon an investigation conducted pursuant to rules adopted by the city manager in accordance with section [2.019](#) of the Eugene Code, 1971, there is reasonable cause to believe that the contractor or any subcontractors of the contractor have failed to comply with any of the terms of paragraphs (1) or (2), a determination thereof shall be made in accordance with the adopted rules. Such determination may result in the suspension, cancellation or termination of the principal contract in whole or in part and/or the withholding of any funds due or to become due to the contractor, pending compliance by the contractor and/or its subcontractors, with the terms of paragraphs (1) and (2).

“(4) Failure to comply with any of the terms of paragraphs (1) and (2) shall be a material breach of this contract.

“(5) The contractor shall include the provisions of paragraphs (1) through (4) in contracts with subcontractors so that the provisions will be binding upon each subcontractor.”

(2) The city manager shall adopt rules and regulations for implementation of this section following the procedures set forth in section [2.019](#) of this code.

(Section 4.625 amended by Ordinance No. 17256, enacted February 24, 1975, by Ordinance No. 17479, enacted November 24, 1975, Ordinance No. 19083, enacted December 13, 1982; administratively amended by Ordinance No. 19732, enacted November 5, 1990; amended by Ordinance No. 19970, enacted July 11, 1994; and Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

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4.630 Human Rights – Housing Practices.

(1) It shall be an unlawful housing practice for any person, because of race, religion, color, sex, national origin, ethnicity, marital status, familial status, domestic partnership status, age, sexual orientation, source of income, or because an individual is a person with a disability to:

- (a) Refuse to sell, lease or rent, or otherwise make available any real property to a purchaser, lessee or renter.
- (b) Expel a purchaser, lessee or renter from any real property.
- (c) Make any distinction, discrimination or restriction against a purchaser, lessee or renter in the price, terms, conditions or privileges relating to the sale, rental, lease, or occupancy of real property or in the furnishing of any facilities or services in connection with the real property.
- (d) Attempt to discourage the sale, rental or lease of any real property to a purchaser, lessee or renter.
- (e) Publish, circulate, issue or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement or sign of any kind, relating to the sale, rental or leasing of real property which indicates any preference, limitation, specification or discrimination based on race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, or source of income, or because an individual is a person with a disability.
- (f) Assist, induce, compel, or coerce another person to commit an act or engage in a practice that violates this subsection, and subsection [\(3\)](#) of this section.
- (g) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of having aided or encouraged any other person in the exercise of, any right granted or protected by this section.

(2) No person or other entity whose business includes engaging in residential real estate-related transactions shall discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, religion, color, sex, national origin, ethnicity, marital status, familial status, domestic partnership status, age, sexual orientation, source of income, or because an individual is a person with a disability. As used in this

subsection (2), “residential real estate-related transaction” means the making or purchasing of loans or providing other financial assistance:

- (a) For purchasing, constructing, improving, repairing or maintaining a dwelling; or
  - (b) Securing residential real estate; or
  - (c) The selling, brokering or appraising of residential real property.
- (3) No real estate licensee shall accept or retain a listing of real property for sale, lease or rental with an understanding that a purchaser may be discriminated against with respect to the sale, rental or lease thereof because of race, religion, color, sex, national origin, ethnicity, marital status, familial status, domestic partnership status, age, sexual orientation, source of income, or because an individual is a person with a disability.
- (4) No person shall, for profit, induce or attempt to induce any other person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, religion, color, sex, national origin, ethnicity, marital status, familial status, domestic partnership status, age, sexual orientation, source of income, or because an individual is a person with a disability.
- (5) For purposes of this section, receipt or alleged receipt of treatment for a mental disorder shall not constitute evidence of a person’s inability to acquire, rent or maintain property.
- (6) For purposes of this section, discrimination includes:
- (a) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for such modifications on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; or,
  - (b) A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.
- (7) It shall be an unlawful housing practice to discriminate against an individual in any manner set forth in subsections [\(1\)](#) to [\(4\)](#) of this section because of the race, religion, color, sex, national

origin, ethnicity, marital status, familial status, domestic partnership status, age, sexual orientation, source of income, or disability of any other person with whom the individual associates.

(8) The prohibition against discrimination, distinction, or restriction because of sex in subsections (1) and (3) of this section do not apply if the real property involved is such that the application of subsections (1) and (3) of this section would necessarily result in common use of bath or bedroom facilities by unrelated persons of opposite sex.

(9) The prohibition against discrimination, distinction, or restriction because of source of income in subsections (1), (2), and (3) of this section does not forbid:

- (a) Inquiry into and verification of source and amount of income;
- (b) Inquiry into, evaluation of, and decisions based on the amount, stability or creditworthiness of any income or source of income;
- (c) Screening prospective purchasers and tenants on bases not prohibited by this code;
- (d) Refusal to contract with a governmental agency under 42 USC 1437f(a) (Section 8).

(10) The prohibition against discrimination, distinction, or restriction because of sexual orientation in subsection (1) of this section does not apply:

- (a) Where the lessor is renting rooms in an individual dwelling unit occupied by the lessor as the lessor's residence; or
- (b) To the rental of space in a bona fide church or other religious institution or organization, including churches, synagogues, religious schools, and other facilities used primarily for religious purposes.

(11) The prohibition against discrimination, distinction or restriction because of familial status and age in this section does not apply with respect to housing for older persons. For the purpose of 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:

1. 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 for older persons;
2. At least 80 percent of the dwellings are occupied by at least one person 55 years of age or older per unit; and
3. 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.

(12) 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 subsections [\(a\)](#) or [\(b\)](#) of subsection [\(11\)](#) of this section. However, new occupants of such housing shall meet the age requirements of subsections [\(b\)](#) or [\(c\)](#) of subsection [\(11\)](#) of this section; or
- (b) The housing includes unoccupied units. However, such units are reserved for occupancy by persons who meet the age requirements of subsections [\(b\)](#) or [\(c\)](#) of subsection [\(11\)](#) of this section.

(13) 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.

(Section 4.630 amended by Ordinance No. 17256, enacted February 24, 1975; Ordinance No. 17479, enacted November 24, 1975; Ordinance No. 19970, enacted July 11, 1994; administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998; and amended by Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

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4.635 Human Rights – Public Accommodations Practices.

(1) It shall be an unlawful public accommodations practice for a place of public accommodation, a person acting on behalf of a place of public accommodation, or for any person to assist a place of public accommodation or a person acting on behalf of such place to:

(a) Make any distinction, discrimination or restriction against any person because of race, religion, color, sex, national origin, ethnicity, marital status, familial status, domestic partnership status, age, sexual orientation, source of income, or because an individual is a person with a disability; or

(b) Publish, circulate, issue or display or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind to the effect that any of the accommodations, advantages, facilities, services or privileges of such place of public accommodation will be refused, withheld from or denied to, or that any discrimination will be made against, any person because of race, religion, color, sex, national origin, ethnicity, marital status, familial status, domestic partnership status, age, sexual orientation, source of income, or because an individual is a person with a disability, except as provided by laws governing the consumption of alcoholic beverages by minors and the frequenting of minors in places of public accommodation where alcoholic beverages are served, and except for special rates or services offered to persons 55 years old and older.

(2) It shall be an unlawful public accommodations practice for any place of public accommodation, or any person acting on behalf of such place, to discriminate in any manner described in this section because of the race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability of any other person with whom the individual associates.

(3) It shall be an unlawful public accommodations practice for a place of public accommodation, a person acting on behalf of a place of public accommodation, or for a person to assist such a place or person, to fail or refuse to offer visitation privileges to the domestic partner of an inmate, patient or resident on the same basis as those privileges are offered to the spouses of other similarly situated inmates, patients or residents. For purposes of this paragraph, “place of accommodation” shall be construed to include, but shall not be limited to, the following:

(a) A jail or other place of incarceration;

(b) A funeral home;

- (c) A hospital or other health care facility; and
- (d) A residential facility for the care or treatment of elderly persons or persons with mental or physical disabilities, afflictions, or diseases.

(Section 4.635 amended by Ordinance No. 17256, enacted February 24, 1975; Ordinance No. 19970, enacted July 11, 1994; and Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

#### 4.640 Human Rights – Engaging in Reprisal or Retaliation.

It shall be an unlawful practice for any person to penalize or discriminate in a manner prohibited by sections [4.613](#) to [4.640](#) or to engage in a reprisal or retaliation against an individual because that individual in good faith has opposed the use of a practice forbidden by sections [4.613](#) to [4.640](#), or has filed a complaint, testified, assisted or participated in an investigation, proceedings, or hearing under sections [4.613](#) to [4.640](#), or has attempted to do so.

(Section 4.640 amended by Ordinance No. 19970, enacted July 11, 1994.)

#### 4.645 Human Rights – Enforcement.

(1) *Initiation.* Unless a different procedure is established by administrative order of the city manager pursuant to section [2.019](#) of this code, an individual claiming to be aggrieved by a practice prohibited by sections [4.613](#) to [4.640](#), may:

- (a) Within the time limits prescribed in section [4.650](#), file a request for mediation with designated staff, on forms available from the staff. The individual may, at the same time, or at any subsequent time within the limits prescribed in section [4.650](#), file a complaint pursuant to subparagraph (b) of this subsection. Filing a request for mediation, however, shall not constitute a timely filing for purposes of complying with the time limitations on filing a complaint prescribed in section [4.650](#) of this code.
- (b) File a complaint with the state of Oregon Bureau of Labor & Industries (BOLI), or such other enforcement agency as the city manager shall contract with for administration and



enforcement of sections [4.613](#) to [4.640](#) of this code, on forms available from the commission.

(2) *Mediation.*

(a) Within ten working days of receipt of a request for mediation, the staff shall determine whether the request is consistent with the standards for mediation established in commission rules and shall notify the parties whether mediation is to occur. If the mediation request is accepted, the notice shall inform the parties of the identity of the mediator and shall establish a time for mediation to occur, which is not later than 60 days from the date the request was filed. Participation in mediation is voluntary, and either party may reject the offer to mediate. Mediation shall be an informal process conducted in accordance with rules and standards established by the commission. If the request does not meet the commission's mediation standards, the request shall be denied.

(b) Mediation sessions are not open to the public, but any resolution of the dispute reached through mediation shall not be final until filed with the commission.

(c) In the event either party rejects mediation, fails to appear at the time mediation is scheduled, or the mediation does not result in a settlement, the mediation request will be dismissed.

(3) *Complaints filed with enforcement agency.*

(a) Pursuant to its contract with the city, BOLI, or such other enforcement agency with whom the city contracts, is authorized to enforce the provisions of sections [4.613](#) to [4.640](#) of this code in accordance with its adopted procedures and applicable state law.

(b) Complaints filed by persons claiming to be aggrieved by a practice prohibited by sections [4.613](#) to [4.640](#) of this code shall be processed and enforced by the enforcement agency in the same manner, and with the same enforcement powers as afforded to the enforcement agency under state law for violation of comparable state statutes.

(c) If a complaint is found to be justified, the complainant shall be entitled to the same remedies as afforded a complainant under comparable state statutes.

(d) Orders issued by an enforcement agency pursuant to this section shall be viewed as one issued by a hearings officer employed by the city within the meaning of ORS 46.045(3) and shall be fully enforceable by the city.

(4) *Private Right of Action.* Any person claiming to be aggrieved by an unlawful discriminatory act under the provisions of sections [4.620](#) to [4.640](#) of this code shall have a cause of action in any court of competent jurisdiction for damages and such other remedies as may be appropriate. Such persons shall be subject to the procedural limitations that apply to similar grievances under state law, as provided in ORS 659A.870 to 659A.885. The court may grant such relief as it deems appropriate, including, but not limited to, such relief as is provided in ORS 659A.885.

(Section 4.645 amended by Ordinance No. 17256, enacted February 24, 1975; by Ordinance No. 17479, enacted November 24, 1975; Ordinance No. 19970, enacted July 11, 1994; and Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

#### 4.650 Human Rights – Limitation of Action.

No complaint shall be accepted nor action taken unless filed within one year from the date of the occurrence of the alleged unlawful practice. Where the alleged unlawful practice is of a continuing nature the limitation period shall not commence to run until the unlawful practice has ceased.

(Section 4.650 amended by Ordinance No. 17479, enacted November 24, 1975; and Ordinance No. 19970, enacted May 11, 1994.)

#### 4.655 Human Rights – Exemption.

In addition to any specific exemptions set forth in sections [4.613](#) to [4.650](#) of this code, it shall not be unlawful for a person to fail to comply with sections [4.613](#) to [4.650](#).

- (a) When compliance would substantially burden a person's exercise of religion; and
- (b) When exempting that person from the application of sections [4.613](#) to [4.650](#) of this code would not impede the objectives sought to be advanced by those sections, as described in section [4.613](#) of this code.

(Section 4.655 added by Ordinance No. 19970, enacted July 11, 1994.)

4.731 Intimidation in the Second Degree.

(1) A person commits the crime of intimidation in the second degree if the person:

- (a) Tamper or interferes with property, having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another because of the person's perception of the other's race, color, religion, national origin or sexual orientation;
- (b) Intentionally subjects another to offensive physical contact because of the person's perception of the other's race, color, religion, national origin or sexual orientation; or
- (c) Intentionally, because of the person's perception of race, color, religion, national origin or sexual orientation of another or of a member of the other's family, subjects such other person to alarm by threatening:
  - 1. To inflict serious physical injury upon or to commit a felony affecting such other person, or a member of the person's family; or
  - 2. To cause substantial damage to the property of the other person or of a member of the other person's family.

(2) For purposes of this section, "property" means any tangible personal property or real property, and "sexual orientation" means heterosexuality, homosexuality or bisexuality.

(Section 4.731 added by Ordinance No. 18826, enacted July 13, 1981; amended by Ordinance No. 19462, enacted April 13, 1987, and Ordinance No. 19686, enacted May 14, 1990.)