

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Bureau of Labor and Industries Commissioner's Office
Agency and Division

839
Administrative Rules Chapter Number

Proposed rules implementing procedures for housing discrimination contested cases and mediations, and clarifying edits.
Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Proposed rules implementing procedures for housing discrimination contested cases and mediations, clarifying when declarations may be used in contested cases, and clarifying when pleadings and answers in contested cases may be amended.
Statutory Authority: ORS chapter 183; ORS 805; ORS 36.224

Other Authority:

Stats. Implemented: ORS chapter 659A; ORS 36.224; 36.228; 36.230; 36.232/ ORCP 1.E.

Need for the Rule(s):

The proposed rule amendments are necessary to implement mandatory substantial equivalency for the Bureau to process housing discrimination cases under a contract with the federal Housing and Urban Development agency: time limits for specified contested case procedures in housing discrimination cases; procedures for election of remedies in housing discrimination cases; specify that only an employee of the Bureau of Labor and Industries may hear a housing discrimination contested case; specific confidentiality provisions for mediation of housing discrimination contested cases; provide for awarding of attorney fees and costs to intervenors in housing discrimination contested cases. The proposed rule amendments also would make necessary clarifications to specify when declarations may be used in contested cases and to clarify when pleadings and answers in contested cases may be amended.

Documents Relied Upon, and where they are available:

Fiscal and Economic Impact: The proposed rules are anticipated to have a positive fiscal impact on the Bureau by virtue of making housing discrimination cases and other contested cases easier to process because requirements will be more clear. The proposed rules are not anticipated to have fiscal impact on other public bodies except inasmuch as they appear in Bureau contested case proceedings there could be a positive fiscal impact because requirements would be more clear. The proposed rules are not anticipated to have an economic impact on the private sector except inasmuch as they appear in Bureau contested case proceedings there could be a positive economic impact because requirements would be more clear.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): No costs of compliance are anticipated.

2. Cost of compliance effect on small business (ORS 183.336): No costs of compliance are anticipated.

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Housing providers of all sizes would potentially be subject to the proposed rules if they participated in a contested case before the Bureau. Contested cases involving employment laws enforced by the Bureau are more common, and Oregon Employment Department information indicates that approximately 10,000 private employers are potentially affected by Bureau rules that govern procedure in employment contested cases.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: The proposed rules do not require reporting, recordkeeping or other administrative activities.

c. Equipment, supplies, labor and increased administration required for compliance: The proposed rules do not require equipment, supplies, labor or increased administration.

How were small businesses involved in the development of this rule? Small businesses will be on the advisory committee.

Administrative Rule Advisory Committee consulted?: yes

If not, why?:

Marcia Ohlemiller

October 15, 2009

Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007