

House Bill 3027

Sponsored by Representatives KOTEK, GARRARD, Senator DINGFELDER; Representative SHIELDS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits discrimination in real property transactions based on person receiving federal rent subsidy payments and other local, state or federal housing assistance. Allows person to consider sufficiency of income in rental of real property.

A BILL FOR AN ACT

1
2 Relating to discrimination involving real property; creating new provisions; and amending ORS
3 659A.421.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 659A.421, as amended by section 8, chapter 100, Oregon Laws 2007, section
6 4a, chapter 903, Oregon Laws 2007, and section 6, chapter 36, Oregon Laws 2008, is amended to
7 read:

8 659A.421. (1) As used in this section:

9 (a) "Dwelling" means:

10 (A) A building or structure, or portion of a building or structure, that is occupied, or designed
11 or intended for occupancy, as a residence by one or more families; or

12 (B) Vacant land offered for sale or lease for the construction or location of a building or
13 structure, or portion of a building or structure, that is occupied, or designed or intended for occu-
14 pancy, as a residence by one or more families.

15 (b) "Purchaser" includes an occupant, prospective occupant, renter, prospective renter, lessee,
16 prospective lessee, buyer or prospective buyer.

17 (c) "Real property" includes a dwelling.

18 (d)(A) "Source of income" [*does not include*] **includes** federal rent subsidy payments under 42
19 U.S.C. 1437f[,], **and any other local, state or federal housing assistance.**

20 **(B) "Source of income" does not include** income derived from a specific occupation or income
21 derived in an illegal manner.

22 (2) A person may not, because of the race, color, religion, sex, sexual orientation, national ori-
23 gin, marital status, familial status or source of income of any person:

24 (a) Refuse to sell, lease or rent any real property to a purchaser.

25 (b) Expel a purchaser from any real property.

26 (c) Make any distinction, discrimination or restriction against a purchaser in the price, terms,
27 conditions or privileges relating to the sale, rental, lease or occupancy of real property or in the
28 furnishing of any facilities or services in connection therewith.

29 (d) Attempt to discourage the sale, rental or lease of any real property to a purchaser.

30 (e) Publish, circulate, issue or display, or cause to be published, circulated, issued or displayed,
31 any communication, notice, advertisement or sign of any kind relating to the sale, rental or leasing

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 of real property that indicates any preference, limitation, specification or unlawful discrimination
 2 based on race, color, religion, sex, sexual orientation, national origin, marital status, familial status
 3 or source of income.

4 (f) Assist, induce, incite or coerce another person to commit an act or engage in a practice that
 5 violates this section.

6 (g) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of,
 7 or on account of the person having exercised or enjoyed or having aided or encouraged any other
 8 person in the exercise or enjoyment of, any right granted or protected by this section.

9 (h) Deny access to, or membership or participation in, any multiple listing service, real estate
 10 brokers' organization or other service, organization or facility relating to the business of selling or
 11 renting dwellings, or discriminate against any person in the terms or conditions of the access,
 12 membership or participation.

13 (i) Represent to a person that a dwelling is not available for inspection, sale or rental when the
 14 dwelling in fact is available for inspection, sale or rental.

15 (j) Otherwise make unavailable or deny a dwelling to a person.

16 (3)(a) A person whose business includes engaging in residential real estate related transactions
 17 may not discriminate against any person in making a transaction available, or in the terms or con-
 18 ditions of the transaction, because of race, color, religion, sex, sexual orientation, national origin,
 19 marital status, familial status or source of income.

20 (b) As used in this subsection, "residential real estate related transaction" means any of the
 21 following:

22 (A) The making or purchasing of loans or providing other financial assistance:

- 23 (i) For purchasing, constructing, improving, repairing or maintaining a dwelling; or
- 24 (ii) Secured by residential real estate; or

25 (B) The selling, brokering or appraising of residential real property.

26 (4) A real estate licensee may not accept or retain a listing of real property for sale, lease or
 27 rental with an understanding that a purchaser may be discriminated against with respect to the sale,
 28 rental or lease thereof because of race, color, religion, sex, sexual orientation, national origin,
 29 marital status, familial status or source of income.

30 (5) A person may not, for profit, induce or attempt to induce any other person to sell or rent
 31 any dwelling by representations regarding the entry or prospective entry into the neighborhood of
 32 a person or persons of a particular race, color, religion, sex, sexual orientation, national origin,
 33 marital status, familial status or source of income.

34 (6) This section does not apply [*with respect*] to sex distinction, discrimination or restriction if
 35 the real property involved is such that the application of this section would necessarily result in
 36 common use of bath or bedroom facilities by unrelated persons of opposite sex.

37 (7)(a) This section does not apply to familial status distinction, discrimination or restriction with
 38 respect to housing for older persons.

39 (b) As used in this subsection, "housing for older persons" means housing:

40 (A) Provided under any state or federal program that is specifically designed and operated to
 41 assist elderly persons, as defined by the state or federal program;

42 (B) Intended for, and solely occupied by, persons 62 years of age or older; or

43 (C) Intended and operated for occupancy by at least one person 55 years of age or older per
 44 unit. Housing qualifies as housing for older persons under this subparagraph if:

45 (i) At least 80 percent of the dwellings are occupied by at least one person 55 years of age or

1 older per unit; and

2 (ii) Policies and procedures that demonstrate an intent by the owner or manager to provide
3 housing for persons 55 years of age or older are published and adhered to.

4 (c) Housing does not fail to meet the requirements for housing for older persons if:

5 (A) Persons residing in the housing as of September 13, 1988, do not meet the requirements of
6 paragraph (b)(B) or (C) of this subsection. However, new occupants of the housing shall meet the
7 age requirements of paragraph (b)(B) or (C) of this subsection; or

8 (B) The housing includes unoccupied units that are reserved for occupancy by persons who meet
9 the age requirements of paragraph (b)(B) or (C) of this subsection.

10 (d) Nothing in this section limits the applicability of any reasonable local, state or federal re-
11 strictions regarding the maximum number of occupants permitted to occupy a dwelling.

12 **(8) The prohibition on discrimination based on source of income as provided in subsection**
13 **(2) of this section does not prevent a person from considering sufficiency of income in the**
14 **rental of real property. Income from any source, including federal rent subsidy payments**
15 **under 42 U.S.C. 1437f and any other local, state or federal housing assistance, must be con-**
16 **sidered when determining sufficiency of income for the rental of real property.**

17 [(8)] (9) The provisions of subsection (2)(a) to (d) and (f) of this section that prohibit actions
18 based upon sex, sexual orientation or familial status do not apply to the renting of space within a
19 single-family residence if the owner actually maintains and occupies the residence as the owner's
20 primary residence and all occupants share some common space within the residence.

21 [(9)] (10) Any violation of this section is an unlawful practice.

22 **SECTION 2. The amendments to ORS 659A.421 by section 1 of this 2009 Act apply only**
23 **to conduct occurring on or after the effective date of this 2009 Act.**

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