HB 2534 -2   STAFF MEASURE SUMMARY

House Committee On Housing

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Meeting Dates:	2/2, 3/23

WHAT THE MEASURE DOES:

Requires homeowners associations and condominium associations to review and remove discriminatory language from governing documents on or before December 31, 2023. Allows removal of discriminatory language without a vote of membership or board of directors, provided that the president and secretary of the association certify that the amended or restated bylaws or declaration changes a governing document only for the purposes of this Act. Allows an owner, residential tenant, prospective owner, or prospective tenant to file a petition for injunctive relief if an association has failed to amend its governing documents per the provisions of this Act by January 1, 2024. Entitles prevailing petitioner to statutory damages and attorney fees. Sunsets January 2, 2026. Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Experiences of discrimination of prospective HOA owners or tenants related to their protected class
- Current understanding of "familial status" focuses on parent-child relationship; definition of familial status used in statute regarding paid family leave insurance is inclusive of caregiving responsibilities

EFFECT OF AMENDMENT:

-2 Replaces the measure. Prohibits planned communities or condominiums from including discriminatory language in governing documents that would restrict the residential use of the community based on protected class or the number of individuals, including family members, persons of close affinity or unrelated persons who live together in a dwelling unit within occupancy limits. Requires homeowners associations and condominium associations, on or before December 31, 2022, to remove discriminatory language from governing documents or record a declaration that existing governing documents do not contain any restrictions, rules, or regulations against the use of the community based on protected status or living situation as provided by this Act. Allows removal of discriminatory language without a vote of membership or board of directors, provided that the president and secretary of the association certify that the amended or restated bylaws or declaration changes a governing document only for the purposes of this Act. Removes language regarding litigation and enforcement for noncompliance proposed by original measure. Removes sunset date proposed in original measure. Takes effect on the 91st day following adjournment sine die.

BACKGROUND:

The Federal Fair Housing Act (1968) prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on a person's race, color, national origin, religion, sex, familial status, or physical or mental disability. It prohibits housing providers, including homeowners associations and condominium associations, from discriminating against any person in the provision of services and facilities of a rental or dwelling. Oregon statute expands on the groups that are protected from discrimination to include sexual orientation, marital status, source of income (ORS 659A.421).

Homeowners associations and condominium associations are subject to the Fair Housing Act. Case law indicates that an association's governing documents may put it at risk of violating the Fair Housing Act, such as when bylaws stipulate the use of facilities or the modification of a public living space, such as placing a religious symbol in a shared hallway.

House Bill 2534 requires homeowners associations and condominium associations to remove discriminatory language from governing documents on or before December 31, 2023. It provides a cause of action for enforcement that may be initiated by owners, residential tenants, and prospective owners or residential tenants who identify that an association has failed to remove discriminatory language from its bylaws or other governing documents on or after January 1, 2024.