

HB 2534 A STAFF MEASURE SUMMARY

Senate Committee On Housing and Development

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Meeting Dates: 4/27, 4/29

WHAT THE MEASURE DOES:

Requires homeowner associations to review and remove discriminatory language from governing documents, and declare completion of the review on or before December 31, 2022. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

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 A requires homeowner associations of planned communities and condominiums with residential units to review and remove discriminatory language from governing documents, declaring completion of the review on or before December 31, 2022. Discriminatory language includes restrictions based on race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income, disability, or number of individuals – including family members, people of close affinity, and unrelated people – who are simultaneously occupying dwelling unit within the occupancy limits. Amending governing documents to remove discriminatory language will be allowed without a vote of owners or board members if the changes are certified by the homeowner association president and secretary to be exclusively related to the removal of restrictions outlined in the measure and clerical adjustments.