

HB 2583 A STAFF MEASURE SUMMARY

Carrier: Rep. Fahey

House Committee On Housing

Action Date: 03/25/21

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 8-0-0-0

Yeas: 8 - Campos, Fahey, Marsh, Meek, Morgan, Neron, Weber, Zika

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 2/18, 3/25

WHAT THE MEASURE DOES:

Prohibits local governments from establishing or enforcing a maximum occupancy limit for a residential dwelling unit based on familial or nonfamilial relationships among any occupants.

ISSUES DISCUSSED:

- Statewide housing supply issues
- Occupancy limits imposed by cities based on interpretations of familial/marital relationships
- Different occupancy rules for homeowners associations or vacation homes
- Action taken by other states regarding occupancy of unrelated individuals
- Constitutionality of limits based on freedom of association
- Fire and life safety issues

EFFECT OF AMENDMENT:

Replaces the measure.

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. ORS 659A.421 expands on the groups that are protected from discrimination to include sexual orientation, marital status, and source of income. The statute defines a dwelling as a building that is "occupied, or designed or intended for occupancy, as a residence by one or more families."

A 1977 U.S. Supreme Court case, *Moore v. City of East Cleveland*, struck down a restrictive definition of a family unit imposed by a local housing ordinance which prevented a multi-generational family from occupying the same dwelling unit. In Oregon, defining how occupants are "related" has been left to local governments, many of which impose limits on the number of unrelated people who live in a single dwelling unit, whether a rental or owner-occupied, irrespective of dwelling size or square footage. Per local ordinances in some cities, people living together who are related by blood, marriage, domestic partnership, or guardianship are not subject to the same occupancy limits as unmarried couples, roommates, and other common living arrangements.

House Bill 2583 A prohibits local governments from establishing or enforcing a maximum occupancy limit for a residential dwelling unit based on familial or nonfamilial relationships among occupants.