

House Bill 2534

Sponsored by Representative HELM, Senator FREDERICK, Representative GRAYBER; Representative PHAM
(Pre-session filed.)

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**.

Requires homeowners associations and condominium associations to review governing documents and remove discriminatory language on or before December 31, 2023. Provides a cause of action for enforcement.

Sunset January 2, 2026.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to removal of discriminatory restrictions in governing documents; and prescribing an ef-
3 fective date.

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

5 **SECTION 1. Sections 2 and 3 of this 2021 Act are added to and made a part of ORS 94.550**
6 **to 94.783.**

7 **SECTION 2. (1) On or before December 31, 2023, each homeowners association shall re-**
8 **view each governing document currently binding on the planned community, the lots or the**
9 **lot owners within the planned community and shall amend or restate each document as**
10 **necessary to remove all restrictions against the use of the community or the lots by a person**
11 **or group of persons because of race, color, religion, sex, sexual orientation, national origin,**
12 **marital status, familial status, source of income, disability or the number of families sharing**
13 **a dwelling unit within occupancy limits.**

14 **(2) Notwithstanding ORS 94.590 or 94.625 or any requirement of the declaration or bylaws,**
15 **an amendment to the bylaws or declaration under this section is effective and may be re-**
16 **corded without the vote of the owners or the board members if the amendment or restate-**
17 **ment includes a certification signed by the president and secretary of the association that**
18 **the amended or restated bylaws or declaration does not change that document except as**
19 **required under this section and as may be necessary to correct scribes' errors or to**
20 **conform format and style.**

21 **SECTION 3. (1) On or after January 1, 2024, an eligible petitioner, as described in sub-**
22 **section (3) of this section, may file a petition for injunctive relief against the homeowners**
23 **association to require the association to amend its governing documents as required by sec-**
24 **tion 2 of this 2021 Act.**

25 **(2) A petitioner who prevails in a claim under subsection (1) of this section is entitled to**
26 **statutory damages of \$500 and the petitioner's reasonable attorney fees if, not less than 90**
27 **days prior to filing the claim, the petitioner provided the association with written notice:**

28 **(a) Specifying the provisions of the governing documents that must be modified under**
29 **section 2 of this 2021 Act;**

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 (b) Notifying the association of its duty and right to amend or restate the governing
2 documents under section 2 of this 2021 Act; and

3 (c) Asserting the petitioner’s intention to claim damages and attorney fees allowed under
4 this subsection.

5 (3) A claim under this section may be brought by a person who is, or has been within 12
6 months before filing the claim:

7 (a) An owner of a lot;

8 (b) A residential tenant of an owner;

9 (c) A person who made an offer to purchase a unit that was for sale; or

10 (d) A person who applied for a residential tenancy in a unit that was available to rent.

11 **SECTION 4.** Sections 5 and 6 of this 2021 Act are added to and made a part of ORS
12 chapter 100.

13 **SECTION 5.** (1) On or before December 31, 2023, each association shall review each gov-
14 erning document currently binding on the condominium or the units or unit owners within
15 the condominium and shall amend each document as necessary to remove any restriction
16 against the use of the condominium or units by any person or group of persons because of
17 race, color, religion, sex, sexual orientation, national origin, marital status, familial status,
18 source of income, disability or the number of families sharing a dwelling unit within occu-
19 pancy limits.

20 (2) Notwithstanding ORS 100.110, 100.135, 100.413 or any requirement of the declaration,
21 an amendment or restatement to the bylaws or declaration under this section, upon sub-
22 mission and approval of the Real Estate Agency under 100.123, 100.125, 100.668 and 100.675,
23 is effective and may be recorded without the vote of the owners or the board members if the
24 amended or restated bylaws or declaration includes a certification signed by the president
25 and secretary of the association that the amended or restated bylaws or declaration does not
26 change that document except as required under this section and as may be necessary to
27 correct scrivener’s errors or to conform format and style.

28 **SECTION 6.** (1) On or after January 1, 2024, the Real Estate Commissioner or an eligible
29 petitioner, as described in subsection (3) of this section, may bring a claim for injunctive
30 relief against the condominium association to require the association to amend its governing
31 documents as required by section 5 of this 2021 Act.

32 (2) A petitioner who prevails in a claim under subsection (1) of this section is entitled to
33 statutory damages of \$500 and the petitioner’s reasonable attorney fees if, not less than 90
34 days prior to filing the claim, the petitioner provided the condominium association with
35 written notice:

36 (a) Specifying the provisions of the governing documents that must be modified under
37 section 5 of this 2021 Act;

38 (b) Notifying the association of its duty and right to amend or restate the governing
39 documents under section 5 of this 2021 Act; and

40 (c) Asserting the petitioner’s intention to claim damages and attorney fees allowed under
41 this subsection.

42 (3) A claim under this section may be brought by a person who is, or has been within 12
43 months before filing the claim:

44 (a) A unit owner;

45 (b) A residential tenant of a unit owner;

- 1 (c) A person who made an offer to purchase a unit that was for sale; or
 - 2 (d) A person who applied for a residential tenancy in a unit that was available to rent.
 - 3 **SECTION 7.** Sections 2, 3, 5 and 6 of this 2021 Act are repealed on January 2, 2026.
 - 4 **SECTION 8.** This 2021 Act takes effect on the 91st day after the date on which the 2021
 - 5 regular session of the Eighty-first Legislative Assembly adjourns sine die.
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