

B-Engrossed
House Bill 2736

Ordered by the Senate June 1
Including House Amendments dated April 2 and Senate Amendments
dated June 1

Sponsored by Representative LEIF; Representative WRIGHT (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.

Requires **certain** landlords to **post and** provide tenants with informational notice developed by Bureau of Labor and Industries regarding discrimination upon execution of rental agreement on or after January 1, 2022, or for existing rental agreements by February 1, 2022. Requires bureau to prescribe initial form of notice by November 15, 2021.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to discrimination in residential tenancies; creating new provisions; amending ORS 90.390;
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 90.390 is amended to read:

6 90.390. (1) A landlord may not discriminate against a tenant in violation of local, state or federal
7 law, including ORS 659A.145 and 659A.421.

8 (2) If the tenant can prove that the landlord violated subsection (1) of this section, the tenant
9 has a defense in any discriminatory action brought by the landlord against the tenant for possession,
10 unless the tenant is in default in rent.

11 (3) A tenant may prove a landlord's discrimination in violation of ORS 659A.145 or 659A.421 by
12 demonstrating that a facially neutral housing policy has a disparate adverse impact, as described in
13 ORS 659A.425, on members of a protected class.

14 (4) **In any residential complex at a single location with 11 or more residential dwelling
15 units, a landlord shall:**

16 (a) **At the time of executing a rental agreement, provide each tenant with an informa-
17 tional notice in substantially the form prescribed and published by the Bureau of Labor and
18 Industries under subsection (5) of this section; and**

19 (b) **Prominently post a copy of the notice described in paragraph (a) of this subsection
20 in at least one common area, for each building that has 11 or more units and a common area.**

21 (5) **The bureau shall prescribe the form of the notice described in subsection (4) of this
22 section and may amend the notice from time to time. The notice must briefly describe in
23 plain language:**

24 (a) **Tenants' rights regarding discrimination, including harassment, under state and fed-
25 eral law; and**

26 (b) **Methods that tenants may use to file a complaint of discrimination against a landlord**

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 with the bureau or with the United States Department of Housing and Urban Development.

2 **SECTION 2.** The Bureau of Labor and Industries shall prescribe the initial form of the
3 notice described in ORS 90.390 (5) no later than November 15, 2021.

4 **SECTION 3.** (1) The amendments to ORS 90.390 (4)(a) by section 1 of this 2021 Act apply:

5 (a) To new rental agreements executed on and after January 1, 2022; and

6 (b) On February 1, 2022, for tenancies in existence on January 1, 2022.

7 (2) A landlord must post a notice required by ORS 90.390 (4)(b) no later than February
8 1, 2022.

9 **SECTION 4.** This 2021 Act being necessary for the immediate preservation of the public
10 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
11 on its passage.

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