

**SENATE AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3041
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

June 2

1 On page 1 of the printed A-engrossed bill, line 7, delete “and” and after “session)” insert “, and
2 sections 4 and 6, chapter ____, Oregon Laws 2021 (Enrolled House Bill 2534)”.

3 On page 4, after line 10, insert:

4 “**SECTION 5a.** If House Bill 2534 becomes law, ORS 93.270, as amended by section 1, chapter
5 ____, Oregon Laws 2021 (Enrolled House Bill 2534), is amended to read:

6 “93.270. (1) A person conveying or contracting to convey fee title to real property, or recording
7 a declaration under ORS 94.580, may not include in an instrument for that purpose a provision:

8 “(a) Restricting the use of the real property by any person or group of persons by reason of
9 race, color, religion, sex, sexual orientation, **gender identity**, national origin or disability.

10 “(b) Restricting the use of the real property:

11 “(A) As a certified or registered family child care home pursuant to ORS 329A.250 to 329A.450
12 or as the premises of an exempt family child care provider participating in the subsidy program
13 under ORS 329A.500; or

14 “(B) By any home or facility that is licensed under ORS 443.400 to 443.455 or 443.705 to 443.825
15 to provide residential care alone or in conjunction with treatment or training or a combination
16 thereof.

17 “(2) A condominium that includes units used for residential purposes or planned community, in-
18 cluding a community not subject to ORS 94.550 to 94.783, may not include in a recorded instrument
19 governing the community and may not enforce any provision that would restrict the use of the
20 community or the lots or units of the community because of race, color, religion, sex, sexual orien-
21 tation, **gender identity**, national origin, marital status, familial status, source of income, disability
22 or the number of individuals, including family members, persons of close affinity or unrelated per-
23 sons, who are simultaneously occupying a dwelling unit within occupancy limits.

24 “(3) Any provision in an instrument executed in violation of subsection (1) or (2) of this section
25 is void and unenforceable.

26 “(4) An instrument that contains a provision restricting the use of real property in a manner
27 listed in subsection (1)(b) of this section does not give rise to any public or private right of action
28 to enforce the restriction.

29 “(5)(a) An instrument that contains a provision restricting the use of real property by requiring
30 roofing materials with a lower fire rating than that required in the state building code established
31 under ORS chapter 455 does not give rise to any public or private right of action to enforce the
32 restriction in an area determined by a local jurisdiction as a wildfire hazard zone. Prohibitions on
33 public or private right of action under this paragraph are limited solely to considerations of fire
34 rating.

1 “(b) As used in this subsection, ‘wildfire hazard zones’ are areas that are legally declared by a
2 governmental agency having jurisdiction over the area to have special hazards caused by a combi-
3 nation of combustible natural fuels, topography and climatic conditions that result in a significant
4 hazard of catastrophic fire over relatively long periods each year. Wildfire hazard zones shall be
5 determined using criteria established by the State Forestry Department.

6 “**SECTION 5b.** If House Bill 2534 becomes law, section 4, chapter ___, Oregon Laws 2021 (En-
7 rolled House Bill 2534), is amended to read:

8 “**Sec. 4.** (1) On or before December 31, 2022, each homeowners association shall review each
9 governing document currently binding on the planned community, or the lots or the lot owners
10 within the planned community and shall:

11 “(a) Amend or restate each document as necessary to remove all restrictions against the use
12 of the community or the lots not allowed under ORS 93.270 (2); or

13 “(b) Execute and record a declaration that the homeowners association has reviewed the gov-
14 erning documents binding on the planned community and that the documents do not contain any
15 restriction, rule or regulation against the use of the community or the lots by a person or group of
16 persons because of race, color, religion, sex, sexual orientation, **gender identity**, national origin,
17 marital status, familial status, source of income, disability or the number of individuals, including
18 family members, persons of close affinity or unrelated persons, who are simultaneously occupying a
19 dwelling unit within occupancy limits.

20 “(2) Notwithstanding ORS 94.590 or 94.625 or any requirement of the declaration or bylaws, an
21 amendment to or a restatement of the declaration or bylaws under subsection (1)(a) of this section
22 is effective and may be recorded without the vote of the owners or the board members if the
23 amendment or restatement includes a certification signed by the president and secretary of the
24 homeowners association that the amended or restated declaration or bylaws does not change that
25 document except as required under this section and as may be necessary to correct scribes’ er-
26 rors or to conform format and style.

27 “**SECTION 5c.** If House Bill 2534 becomes law, section 6, chapter ___, Oregon Laws 2021 (En-
28 rolled House Bill 2534), is amended to read:

29 “**Sec. 6.** (1) On or before December 31, 2022, each association of a condominium that includes
30 units used for residential purposes shall review each governing document currently binding on the
31 condominium or the units or unit owners within the condominium and shall:

32 “(a) Amend or restate each document as necessary to remove all restrictions against the use
33 of the condominium or the units not allowed under ORS 93.270 (2); or

34 “(b) Execute and record a declaration that the association has reviewed the governing docu-
35 ments binding on the condominium and that the documents do not contain any restriction, rule or
36 regulation against the use of the condominium or the units by a person or group of persons because
37 of race, color, religion, sex, sexual orientation, **gender identity**, national origin, marital status,
38 familial status, source of income, disability or the number of individuals, including family members,
39 persons of close affinity or unrelated persons, who are simultaneously occupying a dwelling unit
40 within occupancy limits.

41 “(2) Notwithstanding ORS 100.110, 100.135, 100.413 or any requirement of the declaration or
42 bylaws, an amendment to or a restatement of the declaration or bylaws under this section, upon
43 submission and approval of the Real Estate Commissioner under ORS 100.123, 100.125, 100.668 and
44 100.675, is effective and may be recorded without the vote of the owners or the board members if
45 the amended or restated declaration or bylaws includes a certification signed by the president and

1 secretary of the association that the amended or restated declaration or bylaws does not change
2 that document except as required under this section and as may be necessary to correct scriveners'
3 errors or to conform format and style.”.

4 On page 8, after line 8, insert:

5 “**SECTION 11a.** If House Bill 2986 becomes law, ORS 181A.470, as amended by section 1,
6 chapter ___, Oregon Laws 2021 (Enrolled House Bill 2986), is amended to read:

7 “181A.470. The Board on Public Safety Standards and Training shall ensure that all police offi-
8 cers and certified reserve officers are trained to:

9 “(1) Investigate, identify and report crimes:

10 “(a) Motivated by prejudice based on the perceived race, color, religion, national origin, sexual
11 orientation, gender, **gender identity**, marital status, political affiliation or beliefs, membership or
12 activity in or on behalf of a labor organization or against a labor organization, physical or mental
13 disability, age, economic or social status or citizenship of the victim; and

14 “(b) That constitute abuse, as defined in ORS 419B.005, or domestic violence.

15 “(2) Understand the requirements of the Vienna Convention on Consular Relations and identify
16 situations in which the officers are required to inform a person of the person’s rights under the
17 convention.”.

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