

## **HB 3294 STAFF MEASURE SUMMARY**

### **House Committee On Judiciary**

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**Meeting Dates:** 3/9

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#### **WHAT THE MEASURE DOES:**

Modifies the form and details of court orders that invalidate illegal discriminatory provisions in title instruments. Requires that court, after process that is already codified, include a certified copy of each instrument, upon which the court has physically redacted the violating provisions. Allows a person to provide to a county clerk, for recording, a certified judgment correcting a title instrument that includes illegal discriminatory provisions. Requires the person submitting the request for the change to include specific case and record location information on the first page of the submission. Directs county clerk who receives the certified copy of the judgment and the required fees to record the redacted instrument, but not the judgment, and update the related records, removing the original instrument from the records. Directs the clerk to either store the original or transfer to the State Archivist to be preserved. Allows the State Archivist or Chief Information Officer to adopt related rules. Clarifies that service is considered complete on the date the notice and copy of the petition are sent to the owner/s via registered or certified mail. Directs the Oregon Judicial Department to create a model template for the petition, notice and judgments described above. Allows through January 1, 2026, for conforming supplemental judgments on judgments entered into before the effective date of the act. Updates language.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

No amendment.

##### **BACKGROUND:**

ORS 93.274 provides the procedure for removal of illegal discriminatory restrictions for real property records (restricting the use of real property by any person or group of persons by reason of race, color, religion, sex, sexual orientation, gender identity, national origin or disability). If that process is successful, it concludes with the court entering a judgment removing only that part of the provision that is in violation.

House Bill 3294 directs the county clerk to replace a recorded instrument for real property with a court-ordered version that has illegal discriminatory language redacted.