

Senate Bill 599

Sponsored by Senator CAMPOS; Senators FREDERICK, GELSER BLOUIN, GOLDEN, MANNING JR, MEEK, PATTERSON, PHAM K, Representatives CHAICHI, GAMBA, GRAYBER, HUDSON, MARSH, NERON, NOSSE, RUIZ, SOSA (Presession 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act bans biases in the rent or sale of property based on immigration status. (Flesch Readability Score: 61.8).

Prohibits landlords from inquiring about or disclosing immigration status or rejecting an applicant due to immigration status. Prohibits discrimination based on immigration status for real property transactions.

A BILL FOR AN ACT

1
2 Relating to immigration status discrimination in real estate transactions; creating new provisions;
3 and amending ORS 90.303 and 659A.421.

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

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 90.**

6 **SECTION 2. (1) A landlord may not inquire about or disclose the immigration status of**
7 **an applicant, tenant or a member of a tenant or applicant's household.**

8 **(2) If the landlord requires verification of the identity of an applicant or tenant, a land-**
9 **lord shall accept for such purposes:**

10 **(a) A Social Security card;**

11 **(b) A certified copy of a record of live birth;**

12 **(c) A permanent resident card issued by the United States Citizenship and Immigration**
13 **Services;**

14 **(d) An immigrant or nonimmigrant visa;**

15 **(e) Individual Taxpayer Identification Number card issued by the Internal Revenue Ser-**
16 **vice;**

17 **(f) A passport, driver license or other government-issued identification; or**

18 **(g) Any nongovernment identification or combination of identifications that would permit**
19 **a reasonable verification of identity.**

20 **SECTION 3. ORS 90.303 is amended to read:**

21 90.303. (1) When evaluating an applicant, a landlord may not consider a previous action to re-
22 cover possession pursuant to ORS 105.100 to 105.168 if the action:

23 (a) Was dismissed or resulted in a general judgment for the applicant before the applicant sub-
24 mits the application.

25 (b) Resulted in a general judgment against the applicant that was:

26 (A) Entered five or more years before the applicant submits the application; or

27 (B) Entered on claims that arose on or after April 1, 2020, and before March 1, 2022.

28 (2) When evaluating the applicant, a landlord may consider a previous arrest of the applicant

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 only if the arrest resulted in charges for criminal conduct as described in subsection (3) of this
 2 section and:

3 (a) The applicant was convicted of the charges; or

4 (b) The charges are pending and the applicant is not presently participating in a diversion,
 5 conditional discharge or deferral of judgment program on the charges.

6 (3) When evaluating the applicant, the landlord may consider criminal convictions or pending
 7 charges only for conduct that is presently illegal in this state and is:

8 (a) A drug-related crime, but not including convictions based solely on the use or possession of
 9 marijuana;

10 (b) A person crime;

11 (c) A sex offense;

12 (d) A crime involving financial fraud, including identity theft and forgery; or

13 (e) Any other crime if the conduct for which the applicant was convicted or charged is of a
 14 nature that would adversely affect:

15 (A) Property of the landlord or a tenant; or

16 (B) The health, safety or right to peaceful enjoyment of the premises of residents, the landlord
 17 or the landlord's agent.

18 (4) When evaluating an applicant, a landlord may not consider the possession of a medical
 19 marijuana card or status as a medical marijuana patient.

20 (5) When evaluating an applicant, a landlord may not consider an applicant's unpaid rent, in-
 21 cluding rent reflected in judgments or referrals of debt to a collection agency, that accrued on or
 22 after April 1, 2020, and before March 1, 2022.

23 **(6) When evaluating an applicant, a landlord may not:**

24 **(a) Inquire about the citizenship status of an applicant or a member of the applicant's**
 25 **household; or**

26 **(b) Reject an application because an applicant or a member of the applicant's household**
 27 **does not produce a Social Security number or prove lawful presence in the United States,**
 28 **provided that the applicant agrees to provide identification as provided in section 2 of this**
 29 **2025 Act.**

30 **SECTION 4.** ORS 90.303, as amended by section 10, chapter 39, Oregon Laws 2021, is amended
 31 to read:

32 90.303. (1) When evaluating an applicant, a landlord may not consider a previous action to re-
 33 cover possession pursuant to ORS 105.100 to 105.168 if the action:

34 (a) Was dismissed or resulted in a general judgment for the applicant before the applicant sub-
 35 mits the application.

36 (b) Resulted in a general judgment against the applicant that was entered five or more years
 37 before the applicant submits the application.

38 (2) When evaluating the applicant, a landlord may consider a previous arrest of the applicant
 39 only if the arrest resulted in charges for criminal conduct as described in subsection (3) of this
 40 section and:

41 (a) The applicant was convicted of the charges; or

42 (b) The charges are pending and the applicant is not presently participating in a diversion,
 43 conditional discharge or deferral of judgment program on the charges.

44 (3) When evaluating the applicant, the landlord may consider criminal convictions or pending
 45 charges only for conduct that is presently illegal in this state and is:

1 (a) A drug-related crime, but not including convictions based solely on the use or possession of
 2 marijuana;

3 (b) A person crime;

4 (c) A sex offense;

5 (d) A crime involving financial fraud, including identity theft and forgery; or

6 (e) Any other crime if the conduct for which the applicant was convicted or charged is of a
 7 nature that would adversely affect:

8 (A) Property of the landlord or a tenant; or

9 (B) The health, safety or right to peaceful enjoyment of the premises of residents, the landlord
 10 or the landlord’s agent.

11 (4) When evaluating an applicant, a landlord may not consider the possession of a medical
 12 marijuana card or status as a medical marijuana patient.

13 **(5) When evaluating an applicant, a landlord may not:**

14 (a) **Inquire about the citizenship status of an applicant or a member of the applicant’s**
 15 **household; or**

16 (b) **Reject an application because an applicant or a member of the applicant’s household**
 17 **does not produce a Social Security number or prove lawful presence in the United States,**
 18 **provided that the applicant agrees to provide identification as provided in section 2 of this**
 19 **2025 Act.**

20 **SECTION 5.** ORS 659A.421 is amended to read:

21 659A.421. (1) As used in this section:

22 (a) “Dwelling” means:

23 (A) A building or structure, or portion of a building or structure, that is occupied, or designed
 24 or intended for occupancy, as a residence by one or more families; or

25 (B) Vacant land offered for sale or lease for the construction or location of a building or
 26 structure, or portion of a building or structure, that is occupied, or designed or intended for occu-
 27 pancy, as a residence by one or more families.

28 (b) “Purchaser” includes an occupant, prospective occupant, renter, prospective renter, lessee,
 29 prospective lessee, buyer or prospective buyer.

30 (c) “Real property” includes a dwelling.

31 (d)(A) “Source of income” includes federal rent subsidy payments under 42 U.S.C. 1437f and any
 32 other local, state or federal housing assistance.

33 (B) “Source of income” does not include income derived from a specific occupation or income
 34 derived in an illegal manner.

35 (2) A person may not, because of the race, color, religion, sex, sexual orientation, gender iden-
 36 tity, national origin, **immigration status**, marital status, familial status or source of income of any
 37 person:

38 (a) Refuse to sell, lease or rent any real property to a purchaser. This paragraph does not pre-
 39 vent a person from refusing to lease or rent real property to a prospective renter or prospective
 40 lessee:

41 (A) Based upon the past conduct of a prospective renter or prospective lessee provided the re-
 42 fusal to lease or rent based on past conduct is consistent with local, state and federal law, including
 43 but not limited to fair housing laws; or

44 (B) Based upon the prospective renter’s or prospective lessee’s inability to pay rent, taking into
 45 account the value of the prospective renter’s or prospective lessee’s local, state and federal housing

1 assistance, provided the refusal to lease or rent based on inability to pay rent is consistent with
2 local, state and federal law, including but not limited to fair housing laws.

3 (b) Expel a purchaser from any real property.

4 (c) Make any distinction, discrimination or restriction against a purchaser in the price, terms,
5 conditions or privileges relating to the sale, rental, lease or occupancy of real property or in the
6 furnishing of any facilities or services in connection therewith.

7 (d) Attempt to discourage the sale, rental or lease of any real property to a purchaser.

8 (e) Publish, circulate, issue or display, or cause to be published, circulated, issued or displayed,
9 any communication, notice, advertisement or sign of any kind relating to the sale, rental or leasing
10 of real property that indicates any preference, limitation, specification or unlawful discrimination
11 based on race, color, religion, sex, sexual orientation, gender identity, national origin, **immigration**
12 **status**, marital status, familial status or source of income.

13 (f) Assist, induce, incite or coerce another person to commit an act or engage in a practice that
14 violates this section.

15 (g) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of,
16 or on account of the person having exercised or enjoyed or having aided or encouraged any other
17 person in the exercise or enjoyment of, any right granted or protected by this section.

18 (h) Deny access to, or membership or participation in, any multiple listing service, real estate
19 brokers' organization or other service, organization or facility relating to the business of selling or
20 renting dwellings, or discriminate against any person in the terms or conditions of the access,
21 membership or participation.

22 (i) Represent to a person that a dwelling is not available for inspection, sale or rental when the
23 dwelling in fact is available for inspection, sale or rental.

24 (j) Otherwise make unavailable or deny a dwelling to a person.

25 (3)(a) A person whose business includes engaging in residential real estate related transactions
26 may not discriminate against any person in making a transaction available, or in the terms or con-
27 ditions of the transaction, because of race, color, religion, sex, sexual orientation, gender identity,
28 national origin, **immigration status**, marital status, familial status or source of income.

29 (b) As used in this subsection, "residential real estate related transaction" means any of the
30 following:

31 (A) The making or purchasing of loans or providing other financial assistance:

32 (i) For purchasing, constructing, improving, repairing or maintaining a dwelling; or

33 (ii) Secured by residential real estate; or

34 (B) The selling, brokering or appraising of residential real property.

35 (4) A real estate licensee may not accept or retain a listing of real property for sale, lease or
36 rental with an understanding that a purchaser may be discriminated against with respect to the sale,
37 rental or lease thereof because of race, color, religion, sex, sexual orientation, gender identity, na-
38 tional origin, **immigration status**, marital status, familial status or source of income.

39 (5) A person may not, for profit, induce or attempt to induce any other person to sell or rent
40 any dwelling by representations regarding the entry or prospective entry into the neighborhood of
41 a person or persons of a particular race, color, religion, sex, sexual orientation, gender identity,
42 national origin, **immigration status**, marital status, familial status or source of income.

43 (6) This section does not apply with respect to sex distinction, discrimination or restriction if
44 the real property involved is such that the application of this section would necessarily result in
45 common use of bath or bedroom facilities by unrelated persons of opposite sex.

1 (7)(a) This section does not apply to familial status distinction, discrimination or restriction with
2 respect to housing for older persons.

3 (b) As used in this subsection, “housing for older persons” means housing:

4 (A) Provided under any state or federal program that is specifically designed and operated to
5 assist elderly persons, as defined by the state or federal program;

6 (B) Intended for, and solely occupied by, persons 62 years of age or older; or

7 (C) Intended and operated for occupancy by at least one person 55 years of age or older per
8 unit. Housing qualifies as housing for older persons under this subparagraph if:

9 (i) At least 80 percent of the dwellings are occupied by at least one person 55 years of age or
10 older per unit; and

11 (ii) Policies and procedures that demonstrate an intent by the owner or manager to provide
12 housing for persons 55 years of age or older are published and adhered to.

13 (c) Housing does not fail to meet the requirements for housing for older persons if:

14 (A) Persons residing in the housing as of September 13, 1988, do not meet the requirements of
15 paragraph (b)(B) or (C) of this subsection. However, new occupants of the housing shall meet the
16 age requirements of paragraph (b)(B) or (C) of this subsection; or

17 (B) The housing includes unoccupied units that are reserved for occupancy by persons who meet
18 the age requirements of paragraph (b)(B) or (C) of this subsection.

19 (d) Nothing in this section limits the applicability of any reasonable local, state or federal re-
20 strictions regarding the maximum number of occupants permitted to occupy a dwelling.

21 (8) The provisions of subsection (2)(a) to (d) and (f) of this section that prohibit actions based
22 upon sex, sexual orientation, gender identity or familial status do not apply to the renting of space
23 within a single-family residence if the owner actually maintains and occupies the residence as the
24 owner’s primary residence and all occupants share some common space within the residence.

25 (9) Any violation of this section is an unlawful practice.
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