

Senate Bill 1586

Sponsored by Senator CAMPOS; Senators DEMBROW, FREDERICK, GELSER BLOUIN, GORSEK, MANNING JR, MEEK, PATTERSON, TAYLOR, WOODS, Representatives BOWMAN, CHAICHI, GAMBA, HARTMAN, NELSON, PHAM K (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes the state law that prohibits housing discrimination. The Act removes an exemption from the law. (Flesch Readability Score: 61.4).

Removes from state law an exception that allowed for residential property owners to engage in housing discrimination based on certain protected characteristics in certain circumstances.

A BILL FOR AN ACT

1
2 Relating to unlawful housing discrimination; amending ORS 659A.421.

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

4 **SECTION 1.** ORS 659A.421 is amended to read:

5 659A.421. (1) As used in this section:

6 (a) "Dwelling" means:

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

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

12 (b) "Purchaser" includes an occupant, prospective occupant, renter, prospective renter, lessee,
13 prospective lessee, buyer or prospective buyer.

14 (c) "Real property" includes a dwelling.

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

17 (B) "Source of income" does not include income derived from a specific occupation or income
18 derived in an illegal manner.

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

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

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

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

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 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, marital status,
12 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, 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, 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, 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 upon*
 22 *sex, sexual orientation, gender identity or familial status do not apply to the renting of space within*
 23 *a single-family residence if the owner actually maintains and occupies the residence as the owner’s*
 24 *primary residence and all occupants share some common space within the residence.]*

25 [(9)] (8) Any violation of this section is an unlawful practice.

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