

## SENATE AMENDMENTS TO SENATE BILL 628

By COMMITTEE ON COMMERCE

May 14

- 1 On page 1 of the printed bill, line 2, after “659A.030” insert “and 659A.421”.
- 2 On page 2, after line 34, insert:
- 3 “**SECTION 2.** ORS 659A.421 is amended to read:
- 4 “659A.421. (1) No person shall, because of race, color, sex, marital status, source of income,
- 5 **arrest record**, familial status, religion or national origin of any person:
- 6 “(a) Refuse to sell, lease or rent any real property to a purchaser.
- 7 “(b) Expel a purchaser from any real property.
- 8 “(c) Make any distinction, discrimination or restriction against a purchaser in the price, terms,
- 9 conditions or privileges relating to the sale, rental, lease or occupancy of real property or in the
- 10 furnishing of any facilities or services in connection therewith.
- 11 “(d) Attempt to discourage the sale, rental or lease of any real property to a purchaser.
- 12 “(e) Publish, circulate, issue or display, or cause to be published, circulated, issued or displayed,
- 13 any communication, notice, advertisement or sign of any kind relating to the sale, rental or leasing
- 14 of real property which indicates any preference, limitation, specification or discrimination based on
- 15 race, color, sex, marital status, source of income, **arrest record**, religion or national origin.
- 16 “(f) Assist, induce, incite or coerce another person to commit an act or engage in a practice that
- 17 violates this subsection and subsection (3) of this section.
- 18 “(g) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of,
- 19 or on account of having aided or encouraged any other person in the exercise of, any right granted
- 20 or protected by this section.
- 21 “(2)(a) No person whose business includes engaging in residential real estate related trans-
- 22 actions shall discriminate against any person in making available such a transaction, or in the terms
- 23 or conditions of such a transaction, because of race, color, sex, marital status, source of income,
- 24 **arrest record**, familial status, religion or national origin.
- 25 “(b) As used in this subsection, ‘residential real estate related transaction’ means any of the
- 26 following:
- 27 “(A) The making or purchasing of loans or providing other financial assistance:
- 28 “(i) For purchasing, constructing, improving, repairing or maintaining a dwelling; or
- 29 “(ii) For securing residential real estate; or
- 30 “(B) The selling, brokering or appraising of residential real property.
- 31 “(3) No real estate licensee shall accept or retain a listing of real property for sale, lease or
- 32 rental with an understanding that a purchaser may be discriminated against with respect to the sale,
- 33 rental or lease thereof because of race, color, sex, marital status, source of income, **arrest record**,
- 34 familial status, religion or national origin.
- 35 “(4) No person shall, for profit, induce or attempt to induce any other person to sell or rent any

1 dwelling by representations regarding the entry or prospective entry into the neighborhood of a  
2 person or persons of a particular race, color, sex, marital status, [*source of income,*] familial status,  
3 religion or national origin **or having a particular source of income or arrest record.**

4 “(5) For purposes of subsections (1) to (4) of this section, ‘source of income’ does not include  
5 federal rent subsidy payments under 42 U.S.C. 1437f, income from specific occupations or income  
6 derived in an illegal manner.

7 “(6) Subsections (1) and (3) of this section do not apply with respect to sex distinction, discrim-  
8 ination or restriction if the real property involved is such that the application of subsections (1) and  
9 (3) of this section would necessarily result in common use of bath or bedroom facilities by unrelated  
10 persons of opposite sex.

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

13 “(b) As used in this subsection, ‘housing for older persons’ means housing:

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

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

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

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

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

23 “(c) Housing shall not fail to meet the requirements for housing for older persons if:

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

27 “(B) The housing includes unoccupied units. However, such units are reserved for occupancy by  
28 persons who meet the age requirements of paragraph (b)(B) or (C) of this subsection.

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

31 “(8) In the sale, lease or rental of real estate, no person shall disclose to any person that an  
32 occupant or owner of real property has or died from human immunodeficiency virus or acquired  
33 immune deficiency syndrome.

34 “(9) The provisions of subsection (1)(a) to (d) and (f) of this section that prohibit actions based  
35 upon familial status or sex do not apply to the renting of space within a single-family residence if  
36 the owner actually maintains and occupies the residence as the owner’s primary residence and all  
37 occupants share some common space within the residence.

38 “(10) Any violation of this section is an unlawful practice.”.

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