

Enrolled Senate Bill 58

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CHAPTER

AN ACT

Relating to discriminatory practices involving real property; creating new provisions; amending ORS 659A.145; and declaring an emergency.

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

SECTION 1. ORS 659A.145, as amended by section 5, chapter 36, Oregon Laws 2008, is amended to read:

659A.145. (1) As used in this section:

[(a) "Discrimination" includes:]

[(A) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if:]

[(i) The modifications may be necessary to afford the person full enjoyment of the premises; and]

[(ii) In the case of a rental, when it is reasonable to do so, the renter agrees to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;]

[(B) A refusal to make reasonable accommodations in rules, policies, practices or services when the accommodations may be necessary to afford the person with a disability equal opportunity to use and enjoy a dwelling; and]

[(C) Failure to design and construct a covered multifamily dwelling as required by the Fair Housing Act (42 U.S.C. 3601 et seq.).]

[(b)] (a) "Dwelling" has the meaning given that term in ORS 659A.421.

[(c)] (b) "Purchaser" has the meaning given that term in ORS 659A.421.

(2) A person may not discriminate because of a disability of a purchaser, a disability of a person residing in or intending to reside in a dwelling after it is sold, rented or made available or a disability of any person associated with a purchaser by **doing any of the following**:

(a) Refusing to sell, lease, rent or otherwise make available any real property to a purchaser[;].

(b) Expelling a purchaser[;].

(c) Making any distinction or restriction against a purchaser in the price, terms, conditions or privileges relating to the sale, rental, lease or occupancy of real property or the furnishing of any facilities or services in connection [therewith,] **with the real property.**

(d) Attempting to discourage the sale, rental or lease of any real property[; or].

(e) Representing that a dwelling is not available for inspection, sale, rental or lease when the dwelling is in fact available for inspection, sale, rental or lease.

(f) Refusing to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises. However, in the case of a rental, the landlord may, when it is reasonable to do so, condition permission for a reasonable modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(g) Refusing to make reasonable accommodations in rules, policies, practices or services when the accommodations may be necessary to afford the person with a disability equal opportunity to use and enjoy a dwelling.

(h) Failing to design and construct a covered multifamily dwelling as required by the Fair Housing Act (42 U.S.C. 3601 et seq.).

(3) A person may not publish, circulate, issue or display or cause to be published, circulated, issued or displayed any communication, notice, advertisement, or sign of any kind relating to the sale, rental or leasing of real property that indicates any preference, limitation, specification or discrimination against a person with a disability.

(4) A person whose business includes engaging in residential real estate related transactions, as defined in ORS 659A.421 (3), may not discriminate against any person in making a transaction available, or in the terms or conditions of the transaction, because of a disability.

(5) A real estate broker or principal real estate broker may not accept or retain a listing of real property for sale, lease or rental with an understanding that the purchaser, lessee or renter may be discriminated against solely because a person is a person with a disability.

(6) A person may not deny access to, or membership or participation in, any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against any person in the terms or conditions of the access, membership or participation, because that person is a person with a disability.

(7) A person may not assist, induce, incite or coerce another person to commit an act or engage in a practice that violates this section.

(8) A person may not coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section.

(9) A person may not, for profit, induce or attempt to induce any other person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person with a disability.

(10) In the sale, lease or rental of real property, a person may not disclose to any person that an occupant or owner of the real property has or died from human immunodeficiency virus or acquired immune deficiency syndrome.

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

SECTION 2. The amendments to ORS 659A.145 by section 1 of this 2009 Act apply only to unlawful and discriminatory practices occurring on or after the effective date of this 2009 Act.

SECTION 3. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by Senate February 16, 2009

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Secretary of Senate

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President of Senate

Passed by House May 11, 2009

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Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State