

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED SENATE BILL 874

By COMMITTEE ON JUDICIARY

June 2

1 On page 9 of the printed A-engrossed bill, after line 21, insert:

2 “**SECTION 16. If Senate Bill 58 becomes law, section 15 of this 2009 Act (amending ORS**
3 **659A.145) is repealed and ORS 659A.145, as amended by section 5, chapter 36, Oregon Laws**
4 **2008, and section 1, chapter 109, Oregon Laws 2009 (Enrolled Senate Bill 58), is amended to**
5 **read:**

6 “659A.145. (1) As used in this section:

7 “(a) ‘Dwelling’ has the meaning given that term in ORS 659A.421.

8 “(b) ‘Purchaser’ has the meaning given that term in ORS 659A.421.

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

13 “(a) Refusing to sell, lease, rent or otherwise make available any real property to a purchaser.

14 “(b) Expelling a purchaser.

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

18 “(d) Attempting to discourage the sale, rental or lease of any real property.

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

21 “(f) Refusing to permit, at the expense of the [*person*] **individual** with a disability, reasonable
22 modifications of existing premises occupied or to be occupied by the [*person*] **individual** if the mod-
23 ifications may be necessary to afford the [*person*] **individual** full enjoyment of the premises. How-
24 ever, in the case of a rental, the landlord may, when it is reasonable to do so, condition permission
25 for a reasonable modification on the renter agreeing to restore the interior of the premises to the
26 condition that existed before the modification, reasonable wear and tear excepted.

27 “(g) Refusing to make reasonable accommodations in rules, policies, practices or services when
28 the accommodations may be necessary to afford the [*person*] **individual** with a disability equal op-
29 portunity to use and enjoy a dwelling.

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

32 “(3) A person may not publish, circulate, issue or display or cause to be published, circulated,
33 issued or displayed any communication, notice, advertisement, or sign of any kind relating to the
34 sale, rental or leasing of real property that indicates any preference, limitation, specification or
35 discrimination against [*a person with a*] **an individual on the basis of** disability.

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

4 “(5) A real estate broker or principal real estate broker may not accept or retain a listing of
5 real property for sale, lease or rental with an understanding that the purchaser, lessee or renter
6 may be discriminated against solely because *[a person is a person with]* **an individual has** a disa-
7 bility.

8 “(6) A person may not deny access to, or membership or participation in, any multiple listing
9 service, real estate brokers’ organization or other service, organization or facility relating to the
10 business of selling or renting dwellings, or discriminate against any *[person]* **individual** in the terms
11 or conditions of the access, membership or participation, because that *[person is a person with]* **in-**
12 **dividual has** a disability.

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

15 “(8) A person may not coerce, intimidate, threaten or interfere with any *[person]* **individual** in
16 the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having
17 aided or encouraged any other *[person]* **individual** in the exercise or enjoyment of, any right granted
18 or protected by this section.

19 “(9) A person may not, for profit, induce or attempt to induce any other person to sell or rent
20 any dwelling by representations regarding the entry or prospective entry into the neighborhood of
21 *[a person with]* **an individual who has** a disability.

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

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

26 In line 22, delete “16” and insert “17”.

27 In line 24, delete “15” and insert “16”.

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