

House Bill 3059

Sponsored by Representative CANNON, Senator BURDICK

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**.

Prohibits inclusion, in instrument conveying or contracting to convey real property or in declaration or bylaws of community governed by declaration, of provisions prohibiting use of clothesline.

A BILL FOR AN ACT

1
2 Relating to clotheslines; creating new provisions; and amending ORS 93.270.

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

4 **SECTION 1.** ORS 93.270 is amended to read:

5 93.270. (1) A person conveying or contracting to convey fee title to real property may not in-
6 clude in an instrument for that purpose a provision:

7 (a) Restricting the use of the real property by any person or group of persons by reason of race,
8 color, religion, sex, sexual orientation, national origin or disability.

9 (b) Restricting the use of the real property by any home or facility that is licensed under ORS
10 443.400 to 443.455 or 443.705 to 443.825 to provide residential care alone or in conjunction with
11 treatment or training or a combination thereof.

12 (c) **Prohibiting, on residential lots, residential parcels or other lawfully established units**
13 **of land for residential use, the installation or use of a clothesline.**

14 (2) Any provision in an instrument executed in violation of subsection (1) of this section is void
15 and unenforceable.

16 (3) An instrument that contains a provision restricting the use of real property in a manner
17 listed in subsection (1)(b) of this section does not give rise to any public or private right of action
18 to enforce the restriction.

19 (4)~~(a)~~ An instrument that contains a provision restricting the use of real property by requiring
20 roofing materials with a lower fire rating than that required in the state building code established
21 under ORS chapter 455 does not give rise to any public or private right of action to enforce the
22 restriction in an area determined by a local jurisdiction as a wildfire hazard zone. Prohibitions on
23 public or private right of action under this ~~[paragraph]~~ **subsection** are limited solely to consider-
24 ations of fire rating.

25 ~~(b)~~ (5) As used in this ~~[subsection,]~~ **section**:

26 (a) **"Lawfully established unit of land" has the meaning given that term in ORS 92.010.**

27 (b) **"Lot" has the meaning given that term in ORS 92.010.**

28 (c) **"Parcel" has the meaning given that term in ORS 92.010.**

29 (d) **"Wildfire hazard zones"** are areas that are legally declared by a governmental agency having
30 jurisdiction over the area to have special hazards caused by a combination of combustible natural
31 fuels, topography and climatic conditions that result in a significant hazard of catastrophic fire over

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 relatively long periods each year. Wildfire hazard zones shall be determined using criteria estab-
2 lished by the State Forestry Department.

3 **SECTION 2.** Section 3 of this 2011 Act is added to and made a part of ORS 94.550 to 94.783.

4 **SECTION 3.** (1) A provision in a declaration or bylaws of a planned community is void
5 and unenforceable as a violation of the public policy to protect the public health, safety and
6 welfare of the people of Oregon if the provision prohibits the installation or use of a
7 clothesline.

8 (2) An owner of record of property subject to an instrument that contains a provision
9 described in this section may file a petition to remove the provision in the manner provided
10 in ORS 93.272 for removal of a similar provision from an instrument conveying or contract-
11 ing to convey real property.

12 **SECTION 4.** Section 5 of this 2011 Act is added to and made a part of ORS chapter 100.

13 **SECTION 5.** (1) A provision in a declaration or bylaws of a condominium is void and
14 unenforceable as a violation of the public policy to protect the public health, safety and
15 welfare of the people of Oregon if the provision prohibits the installation or use of a
16 clothesline.

17 (2) An owner of record of property subject to an instrument that contains a provision
18 described in this section may file a petition to remove the provision in the manner provided
19 in ORS 93.272 for removal of a similar provision from an instrument conveying or contract-
20 ing to convey real property.

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