

# House Bill 2824

Sponsored by Representatives BARTON, GOMBERG; Senator HASS

## 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 landlord from requiring applicant or tenant to declaw or devocalize animal otherwise allowed on premises or to advertise in manner that discourages application from potential applicant with otherwise allowed animal that has not been declawed or devocalized.

## A BILL FOR AN ACT

1  
2 Relating to landlord-tenant law.

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

4 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 90.100 to 90.465.**

5 **SECTION 2. (1) As used in this section:**

6 (a) **“Animal” means a mammal, bird, reptile or amphibian.**

7 (b) **“Claw” means a hardened, keratinized modification of the epidermis, or a hardened,**  
8 **keratinized growth extending from the end of the digits, of certain mammals, birds, reptiles**  
9 **or amphibians, commonly referred to as a “claw,” “talon” or “nail.”**

10 (c) **“Declawing” means performing, procuring or arranging for a procedure, including an**  
11 **onychectomy, tendonectomy or phalangectomy, to remove, or to prevent the normal function**  
12 **of, the claws of an animal.**

13 (d) **“Devocalizing” means performing, procuring or arranging for a surgical procedure,**  
14 **including a vocal cordectomy, to remove the vocal cords of an animal or to prevent the**  
15 **normal function of the vocal cords of an animal.**

16 (2) **The Legislative Assembly finds and declares:**

17 (a) **The permanence of declawing or devocalizing an animal contrasts with the temporary**  
18 **nature of the occupancy of real property owned by another under a rental agreement, which**  
19 **generally lasts for a limited period of time and may be terminated upon notice by either of**  
20 **the parties.**

21 (b) **The intention of the Legislative Assembly to restrict the ability of a landlord to im-**  
22 **pose a condition on occupancy of residential rental property that is based on declawing or**  
23 **devocalizing an animal that is otherwise allowed on the premises.**

24 (3) **A landlord, or a landlord's agent, that allows animals on the premises may not:**

25 (a) **Advertise, through any means, the availability of a dwelling unit for occupancy in a**  
26 **manner designed to discourage a potential applicant from making an application for a rental**  
27 **agreement because the applicant has an animal that has not been declawed or devocalized.**

28 (b) **Refuse to negotiate, refuse to allow or otherwise make unavailable, or deny, the oc-**  
29 **cupancy of a dwelling unit to an applicant because the applicant refuses to declaw or**  
30 **devocalize an animal.**

31 (c) **Require a tenant to declaw or devocalize an animal of a type allowed on the premises.**

**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           **(4) The Attorney General, a city attorney or a district attorney may enforce this section**  
2 **and may file a suit to obtain declaratory or injunctive relief.**

3           **(5) In addition to any other penalty allowed by law, the Attorney General, the city at-**  
4 **torney or the district attorney who takes action under subsection (4) of this section may**  
5 **collect:**

6           **(a) A civil penalty of up to \$1,000 per advertisement for a violation of subsection (3)(a)**  
7 **of this section.**

8           **(b) A civil penalty of up to \$1,000 per animal for a violation of subsection (3)(b) or (c) of**  
9 **this section.**

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