

HB 4134 -2 STAFF MEASURE SUMMARY

House Committee On Human Services and Housing

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Meeting Dates: 2/8

WHAT THE MEASURE DOES:

Provides legal procedure for petitioning the removal of discriminatory restrictions from the title of real property. Applicable to petitions for removal of certain discriminatory restrictions filed on or after the effective date. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Prohibits courts from charging filing fees to the petitioner and prohibits awarding a prevailing party fee to any party. Includes a declaration for a planned community in prohibition of provisions of restricting use of real property based on reason of race, color, religion, sex, sexual orientation, national origin, or disability.

BACKGROUND:

The Fair Housing Act (Title VIII of the Civil Rights Act of 1968) prohibits discrimination in the sale, rental, and financing of dwellings based on race, color, religion, sex, or national origin. Similarly, state law (ORS 93.270) prohibits a title of real property from restricting the use of the real property by any person or group of persons by reason of race, color, religion, sex, sexual orientation, national origin, or disability. Any discriminatory language existing in a real property title is not valid due to the federal and state laws above.

The measure provides a legal procedure for petitioning the removal of discriminatory restrictions from the title of real property.