

HB 4134 A STAFF MEASURE SUMMARY

Carrier: Rep. Fahey, Rep. Keny-Guyer

House Committee On Human Services and Housing

Action Date: 02/09/18

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 9-0-0-0

Yeas: 9 - Gorsek, Keny-Guyer, Meek, Nearman, Noble, Olson, Piluso, Sanchez, Stark

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Provides legal procedure for petitioning the removal of discriminatory restrictions from the title of real property. Applies to petitions for removal of certain discriminatory restrictions filed on or after the effective date. Prohibits a declaration for a planned community in restricting use of real property based on reason of race, color, religion, sex, sexual orientation, national origin, or disability. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Historical use of restrictive covenants prohibiting property ownership to certain individuals
- History of discriminatory practices related to home ownership
- Existing unenforceable language within legal property documents and homeowners' association declarations
- Process to remove discriminatory language from legal property documents

EFFECT OF AMENDMENT:

Prohibits courts from charging filing fees to the petitioner and prohibits awarding a prevailing party fee to any party. Prohibits a declaration for a planned community in 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 unenforceable due to the federal and state laws above.

House Bill 4134-A provides a legal procedure for petitioning the removal of discriminatory restrictions from the title of real property.