

HOUSE AMENDMENTS TO HOUSE BILL 4134

By COMMITTEE ON HUMAN SERVICES AND HOUSING

February 12

- 1 On page 1 of the printed bill, line 2, after “ORS” insert “93.270 and”.
- 2 In line 6, after “property” insert “, or a declaration recorded under ORS 94.580,”.
- 3 In line 9, delete “A fee may not be charged”.
- 4 In line 10, delete “for the filing of the petition.” and insert “For a petition filed under this sec-
- 5 tion, the court may not charge any filing fees to the petitioner and may not award a prevailing party
- 6 fee to any party.”.
- 7 On page 2, after line 20, insert:
- 8 “**SECTION 2.** ORS 93.270 is amended to read:
- 9 “93.270. (1) A person conveying or contracting to convey fee title to real property, **or recording**
- 10 **a declaration under ORS 94.580**, may not include in an instrument for that purpose a provision:
- 11 “(a) Restricting the use of the real property by any person or group of persons by reason of
- 12 race, color, religion, sex, sexual orientation, national origin or disability.
- 13 “(b) Restricting the use of the real property:
- 14 “(A) As a certified or registered family child care home pursuant to ORS 329A.250 to 329A.450
- 15 or as the premises of an exempt family child care provider participating in the subsidy program
- 16 under ORS 329A.500; or
- 17 “(B) By any home or facility that is licensed under ORS 443.400 to 443.455 or 443.705 to 443.825
- 18 to provide residential care alone or in conjunction with treatment or training or a combination
- 19 thereof.
- 20 “(2) Any provision in an instrument executed in violation of subsection (1) of this section is void
- 21 and unenforceable.
- 22 “(3) An instrument that contains a provision restricting the use of real property in a manner
- 23 listed in subsection (1)(b) of this section does not give rise to any public or private right of action
- 24 to enforce the restriction.
- 25 “(4)(a) An instrument that contains a provision restricting the use of real property by requiring
- 26 roofing materials with a lower fire rating than that required in the state building code established
- 27 under ORS chapter 455 does not give rise to any public or private right of action to enforce the
- 28 restriction in an area determined by a local jurisdiction as a wildfire hazard zone. Prohibitions on
- 29 public or private right of action under this paragraph are limited solely to considerations of fire
- 30 rating.
- 31 “(b) As used in this subsection, ‘wildfire hazard zones’ are areas that are legally declared by a
- 32 governmental agency having jurisdiction over the area to have special hazards caused by a combi-
- 33 nation of combustible natural fuels, topography and climatic conditions that result in a significant
- 34 hazard of catastrophic fire over relatively long periods each year. Wildfire hazard zones shall be
- 35 determined using criteria established by the State Forestry Department.”.

1 In line 21, delete “2” and insert “3”.

2 In line 24, after “property” insert “, or a declaration recorded under ORS 94.580,”.

3 In line 26, delete “No fee shall be charged for the filing of the petition.” and insert “For a pe-
4 tition filed under this section, the court may not charge any filing fees to the petitioner and may
5 not award a prevailing party fee to any party.”.

6 On page 3, line 15, delete “3” and insert “4” and delete “2” and insert “3”.

7 In line 18, delete “4” and insert “5”.

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