

Requested by Representative FAHEY

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4134**

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  
3 94.580,”.

4 In line 9, delete “A fee may not be charged”.

5 In line 10, delete “for the filing of the petition.” and insert “For a petition  
6 filed under this section, the court may not charge any filing fees to the  
7 petitioner and may not award a prevailing party fee to any party.”.

8 On page 2, after line 20, insert:

9 **“SECTION 2.** ORS 93.270 is amended to read:

10 “93.270. (1) A person conveying or contracting to convey fee title to real  
11 property, **or recording a declaration under ORS 94.580**, may not include  
12 in an instrument for that purpose a provision:

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

16 “(b) Restricting the use of the real property:

17 “(A) As a certified or registered family child care home pursuant to ORS  
18 329A.250 to 329A.450 or as the premises of an exempt family child care pro-  
19 vider participating in the subsidy program under ORS 329A.500; or

20 “(B) By any home or facility that is licensed under ORS 443.400 to 443.455  
21 or 443.705 to 443.825 to provide residential care alone or in conjunction with

1 treatment or training or a combination thereof.

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

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

7 “(4)(a) An instrument that contains a provision restricting the use of real  
8 property by requiring roofing materials with a lower fire rating than that  
9 required in the state building code established under ORS chapter 455 does  
10 not give rise to any public or private right of action to enforce the re-  
11 striction in an area determined by a local jurisdiction as a wildfire hazard  
12 zone. Prohibitions on public or private right of action under this paragraph  
13 are limited solely to considerations of fire rating.

14 “(b) As used in this subsection, ‘wildfire hazard zones’ are areas that are  
15 legally declared by a governmental agency having jurisdiction over the area  
16 to have special hazards caused by a combination of combustible natural fu-  
17 els, topography and climatic conditions that result in a significant hazard  
18 of catastrophic fire over relatively long periods each year. Wildfire hazard  
19 zones shall be determined using criteria established by the State Forestry  
20 Department.”.

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

22 In line 24, after “property” insert “, or a declaration recorded under ORS  
23 94.580.”.

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

28 On page 3, line 15, delete “3” and insert “4” and delete “2” and insert  
29 “3”.

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

