Testimony of Patricia Ihnat before the
Senate Interim Committee on Housing and Development
Regarding HB 4134 (2018)
On behalf of the Oregon State Bar
September 22, 2020

Chair Fagan, members of the committee:

My name is Patricia Ihnat. I am an attorney with Fidelity National Title in Portland, and a former chair of the Oregon State Bar's Real Estate and Land Use Section and its Real Estate Legislative Committee.

Last year the Oregon State Bar was asked by Representative Fahey to assist in drafting forms relating to the provisions of Oregon Laws 2018, Chapter 35 (HB 4134), codified as ORS 93.274. The intent was to create a relatively simple procedure for removal of discriminatory restrictions restricting the use of real property by reason of race, color, religion, sex, sexual orientation, national origin or disability. A judgement resulting from this process will reaffirm that such restrictions are null and void under Oregon law.

Together with a committee of other real estate attorneys, representatives of local government and the Department of Justice, I participated in this forms project. The committee created draft forms designed to assist a petitioner with providing the information required by HB 4134 in a manner consistent with the format of most court filings in Oregon. Draft forms have been submitted to the Oregon Judicial Department for review and consideration.

The packet contains four separate forms:

- The petition – which asks the court to enter a judgment removing the discriminatory provisions,
- A notice – which the petitioner is required to serve on any other property owners to ensure they are informed about the proceeding,
- An affidavit – which affirms to the court that the petitioner provided the required notice, and
- A judgment – which the judge can complete, sign and file if the petition is granted.

These forms will enable any Oregonian to complete and file a petition under HB 4134 in the local county court without the need to hire a lawyer.

Thank you for your time. I would be happy to answer any questions you might have.