

HB 2583 -2 STAFF MEASURE SUMMARY

House Committee On Housing

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Meeting Dates: 2/18, 3/25

WHAT THE MEASURE DOES:

Prohibits the establishment or enforcement of a maximum occupancy limit in a residential dwelling unit by the state or any local government or special district.

ISSUES DISCUSSED:

- Statewide housing supply issues
- Occupancy limits imposed by cities based on interpretations of familial/marital relationships
- Different occupancy rules for HOA or vacation homes
- Action taken by other states on unrelated occupancy
- Constitutionality of limits based on freedom of association
- Fire, life and safety issues

EFFECT OF AMENDMENT:

-2 Replaces the measure. Prohibits local governments from establishing or enforcing a maximum occupancy limit for a residential dwelling unit based on familial or nonfamilial relationships among any occupants.

BACKGROUND:

The Federal Fair Housing Act (1968) prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on a person's race, color, national origin, religion, sex, familial status, or physical or mental disability. ORS 659A.421 expands on the groups that are protected from discrimination to include sexual orientation, marital status, and source of income. It defines a dwelling as a building that is "occupied, or designed or intended for occupancy, as a residence by one or more families."

A 1977 U.S. Supreme Court case, *Moore v. City of East Cleveland*, struck down a restrictive definition of a family unit imposed by a local housing ordinance which prevented a multi-generational family from occupying the same dwelling unit. In Oregon, defining how occupants are "related" has been left to local governments, many of which impose limits on the number of unrelated people who live in a single dwelling unit, whether a rental or owner-occupied, irrespective of dwelling size or square footage. Per local ordinances in some cities, people living together who are related by blood, marriage, domestic partnership, or guardianship are not subject to the same occupancy limits as unmarried couples, roommates, and other common living arrangements.

House Bill 2583 prohibits the state or any local government and special district from enforcing or establishing occupancy limits for residential dwellings.