

A-Engrossed
House Bill 2736

Ordered by the House April 2
Including House Amendments dated April 2

Sponsored by Representative LEIF (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires landlords to provide tenants with informational notice developed by Bureau of Labor and Industries regarding discrimination upon execution of rental agreement on or after January 1, 2022, or for existing rental agreements by February 1, 2022. [*Allows bureau to fine landlords for noncompliance.*] Requires bureau to prescribe initial form of notice by November 15, 2021.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to discrimination in residential tenancies; creating new provisions; amending ORS 90.390;
3 and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 90.390 is amended to read:

6 90.390. (1) A landlord may not discriminate against a tenant in violation of local, state or federal
7 law, including ORS 659A.145 and 659A.421.

8 (2) If the tenant can prove that the landlord violated subsection (1) of this section, the tenant
9 has a defense in any discriminatory action brought by the landlord against the tenant for possession,
10 unless the tenant is in default in rent.

11 (3) A tenant may prove a landlord's discrimination in violation of ORS 659A.145 or 659A.421 by
12 demonstrating that a facially neutral housing policy has a disparate adverse impact, as described in
13 ORS 659A.425, on members of a protected class.

14 (4) **At the time of executing a rental agreement, the landlord shall provide the tenant**
15 **with an informational notice in substantially the form prescribed and published by the Bu-**
16 **reau of Labor and Industries. The bureau may amend the form. The informational notice**
17 **shall briefly describe in plain language:**

18 (a) **Tenants' rights regarding discrimination, including harassment, under state and fed-**
19 **eral law; and**

20 (b) **Methods that tenants may use to file a complaint of discrimination against a landlord**
21 **with the bureau or the United States Department of Housing and Urban Development.**

22 (5) **In any building that has 11 or more residential dwelling units and a common area**
23 **within the building, the landlord shall prominently post a copy of the notice under subsection**
24 **(4) of this section in a common area of the building.**

25 **SECTION 2.** The Bureau of Labor and Industries shall prescribe the initial form of the
26 **notice described under ORS 90.390 (4) no later than November 15, 2021.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **SECTION 3.** (1) The amendments to ORS 90.390 by section 1 of this 2021 Act apply to all
2 tenancies on and after January 1, 2022.

3 (2) The landlord of a tenancy in existence on January 1, 2022, must provide the tenant
4 with a copy of the notice described under ORS 90.390 (4) no later than February 1, 2022.

5 **SECTION 4.** This 2021 Act being necessary for the immediate preservation of the public
6 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
7 on its passage.

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