

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2736

By COMMITTEE ON HOUSING AND DEVELOPMENT

June 1

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 26.

2 On page 2, delete lines 1 through 4 and insert:

3 “**SECTION 1.** ORS 90.390 is amended to read:

4 “90.390. (1) A landlord may not discriminate against a tenant in violation of local, state or fed-
5 eral law, including ORS 659A.145 and 659A.421.

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

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

12 “(4) **In any residential complex at a single location with 11 or more residential dwelling
13 units, a landlord shall:**

14 “(a) **At the time of executing a rental agreement, provide each tenant with an informa-
15 tional notice in substantially the form prescribed and published by the Bureau of Labor and
16 Industries under subsection (5) of this section; and**

17 “(b) **Prominently post a copy of the notice described in paragraph (a) of this subsection
18 in at least one common area, for each building that has 11 or more units and a common area.**

19 “(5) **The bureau shall prescribe the form of the notice described in subsection (4) of this
20 section and may amend the notice from time to time. The notice must briefly describe in
21 plain language:**

22 “(a) **Tenants’ rights regarding discrimination, including harassment, under state and
23 federal law; and**

24 “(b) **Methods that tenants may use to file a complaint of discrimination against a land-
25 lord with the bureau or with the United States Department of Housing and Urban Develop-
26 ment.**

27 “**SECTION 2.** The Bureau of Labor and Industries shall prescribe the initial form of the
28 notice described in ORS 90.390 (5) no later than November 15, 2021.

29 “**SECTION 3.** (1) The amendments to ORS 90.390 (4)(a) by section 1 of this 2021 Act apply:

30 “(a) **To new rental agreements executed on and after January 1, 2022; and**

31 “(b) **On February 1, 2022, for tenancies in existence on January 1, 2022.**

32 “(2) **A landlord must post a notice required by ORS 90.390 (4)(b) no later than February
33 1, 2022.”.**

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