House Bill 2951

Sponsored by Representative HELM (at the request of Dana Weintraub)

**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 as introduced.

Prohibits association or other owners from retaliating or discriminating against owner for exercising owner's right. Awards attorney fees to prevailing aggrieved owner.

**A BILL FOR AN ACT**

Relating to actions taken against lot owners in homeowners association.

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

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 94.550 to 94.783.

SECTION 2. (1) An association, its board of directors, managers, other owners or any agent acting on behalf of an association or any other owner, may not retaliate or discriminate against an owner because the owner, while acting lawfully and with the reasonable intention to address, prevent or stop a violation:

(a) Complains of or reports an alleged violation;
(b) Participates in or cooperates with an investigation of a complaint or report filed;
(c) Otherwise acts in furtherance of a complaint, report or investigation concerning an alleged violation; or
(d) Exercises or attempts to exercise any owner's right.

(2) A court shall award attorney fees to an owner who brings a claim of retaliation or discrimination under this section and prevails on the claim, in addition to costs and appropriate damages or injunctive relief.

(3) As used in this section:

(a) “Owner's right” means any right of an owner arising under:
(A) ORS 94.550 to 94.783;
(B) The association's governing documents; or
(C) Other legally enforceable documents setting forth the rights and responsibilities of the association, its board of directors or manager, or the owner.
(b) “Violation” means a violation of an owner's right.

**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.

LC 2640