

HB 3041-A2
(LC 1917)
5/20/21 (JAS/vsr/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3041
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

1 On page 1 of the printed A-engrossed bill, line 7, delete “and” and after
2 “session)” insert “, and sections 4 and 6, chapter ____, Oregon Laws 2021
3 (Enrolled House Bill 2534)”.

4 On page 4, after line 10, insert:

5 **“SECTION 5a.** If House Bill 2534 becomes law, ORS 93.270, as amended
6 by section 1, chapter ____, Oregon Laws 2021 (Enrolled House Bill 2534), is
7 amended to read:

8 “93.270. (1) A person conveying or contracting to convey fee title to real
9 property, or recording a declaration under ORS 94.580, may not include in
10 an instrument for that purpose a provision:

11 “(a) Restricting the use of the real property by any person or group of
12 persons by reason of race, color, religion, sex, sexual orientation, **gender**
13 **identity**, national origin or disability.

14 “(b) Restricting the use of the real property:

15 “(A) As a certified or registered family child care home pursuant to ORS
16 329A.250 to 329A.450 or as the premises of an exempt family child care pro-
17 vider participating in the subsidy program under ORS 329A.500; or

18 “(B) By any home or facility that is licensed under ORS 443.400 to 443.455
19 or 443.705 to 443.825 to provide residential care alone or in conjunction with
20 treatment or training or a combination thereof.

1 “(2) A condominium that includes units used for residential purposes or
2 planned community, including a community not subject to ORS 94.550 to
3 94.783, may not include in a recorded instrument governing the community
4 and may not enforce any provision that would restrict the use of the com-
5 munity or the lots or units of the community because of race, color, religion,
6 sex, sexual orientation, **gender identity**, national origin, marital status,
7 familial status, source of income, disability or the number of individuals,
8 including family members, persons of close affinity or unrelated persons, who
9 are simultaneously occupying a dwelling unit within occupancy limits.

10 “(3) Any provision in an instrument executed in violation of subsection
11 (1) or (2) of this section is void and unenforceable.

12 “(4) An instrument that contains a provision restricting the use of real
13 property in a manner listed in subsection (1)(b) of this section does not give
14 rise to any public or private right of action to enforce the restriction.

15 “(5)(a) An instrument that contains a provision restricting the use of real
16 property by requiring roofing materials with a lower fire rating than that
17 required in the state building code established under ORS chapter 455 does
18 not give rise to any public or private right of action to enforce the re-
19 striction in an area determined by a local jurisdiction as a wildfire hazard
20 zone. Prohibitions on public or private right of action under this paragraph
21 are limited solely to considerations of fire rating.

22 “(b) As used in this subsection, ‘wildfire hazard zones’ are areas that are
23 legally declared by a governmental agency having jurisdiction over the area
24 to have special hazards caused by a combination of combustible natural fu-
25 els, topography and climatic conditions that result in a significant hazard
26 of catastrophic fire over relatively long periods each year. Wildfire hazard
27 zones shall be determined using criteria established by the State Forestry
28 Department.

29 “**SECTION 5b.** If House Bill 2534 becomes law, section 4, chapter ____,
30 Oregon Laws 2021 (Enrolled House Bill 2534), is amended to read:

1 “**Sec. 4.** (1) On or before December 31, 2022, each homeowners association
2 shall review each governing document currently binding on the planned
3 community, or the lots or the lot owners within the planned community and
4 shall:

5 “(a) Amend or restate each document as necessary to remove all re-
6 strictions against the use of the community or the lots not allowed under
7 ORS 93.270 (2); or

8 “(b) Execute and record a declaration that the homeowners association
9 has reviewed the governing documents binding on the planned community
10 and that the documents do not contain any restriction, rule or regulation
11 against the use of the community or the lots by a person or group of persons
12 because of race, color, religion, sex, sexual orientation, **gender identity**,
13 national origin, marital status, familial status, source of income, disability
14 or the number of individuals, including family members, persons of close af-
15 finity or unrelated persons, who are simultaneously occupying a dwelling
16 unit within occupancy limits.

17 “(2) Notwithstanding ORS 94.590 or 94.625 or any requirement of the
18 declaration or bylaws, an amendment to or a restatement of the declaration
19 or bylaws under subsection (1)(a) of this section is effective and may be re-
20 corded without the vote of the owners or the board members if the amend-
21 ment or restatement includes a certification signed by the president and
22 secretary of the homeowners association that the amended or restated dec-
23 laration or bylaws does not change that document except as required under
24 this section and as may be necessary to correct scriveners’ errors or to con-
25 form format and style.

26 “**SECTION 5c.** If House Bill 2534 becomes law, section 6, chapter ____,
27 Oregon Laws 2021 (Enrolled House Bill 2534), is amended to read:

28 “**Sec. 6.** (1) On or before December 31, 2022, each association of a con-
29 dominium that includes units used for residential purposes shall review each
30 governing document currently binding on the condominium or the units or

1 unit owners within the condominium and shall:

2 “(a) Amend or restate each document as necessary to remove all re-
3 strictions against the use of the condominium or the units not allowed under
4 ORS 93.270 (2); or

5 “(b) Execute and record a declaration that the association has reviewed
6 the governing documents binding on the condominium and that the docu-
7 ments do not contain any restriction, rule or regulation against the use of
8 the condominium or the units by a person or group of persons because of
9 race, color, religion, sex, sexual orientation, **gender identity**, national ori-
10 gin, marital status, familial status, source of income, disability or the num-
11 ber of individuals, including family members, persons of close affinity or
12 unrelated persons, who are simultaneously occupying a dwelling unit within
13 occupancy limits.

14 “(2) Notwithstanding ORS 100.110, 100.135, 100.413 or any requirement of
15 the declaration or bylaws, an amendment to or a restatement of the decla-
16 ration or bylaws under this section, upon submission and approval of the
17 Real Estate Commissioner under ORS 100.123, 100.125, 100.668 and 100.675,
18 is effective and may be recorded without the vote of the owners or the board
19 members if the amended or restated declaration or bylaws includes a certi-
20 fication signed by the president and secretary of the association that the
21 amended or restated declaration or bylaws does not change that document
22 except as required under this section and as may be necessary to correct
23 scrivener’s errors or to conform format and style.”.

24 On page 8, after line 8, insert:

25 “**SECTION 11a.** If House Bill 2986 becomes law, ORS 181A.470, as
26 amended by section 1, chapter ___, Oregon Laws 2021 (Enrolled House Bill
27 2986), is amended to read:

28 “181A.470. The Board on Public Safety Standards and Training shall en-
29 sure that all police officers and certified reserve officers are trained to:

30 “(1) Investigate, identify and report crimes:

1 “(a) Motivated by prejudice based on the perceived race, color, religion,
2 national origin, sexual orientation, gender, **gender identity**, marital status,
3 political affiliation or beliefs, membership or activity in or on behalf of a
4 labor organization or against a labor organization, physical or mental disa-
5 bility, age, economic or social status or citizenship of the victim; and

6 “(b) That constitute abuse, as defined in ORS 419B.005, or domestic vi-
7 olence.

8 “(2) Understand the requirements of the Vienna Convention on Consular
9 Relations and identify situations in which the officers are required to inform
10 a person of the person’s rights under the convention.”.

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