

Requested by Representative LEIF

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2736**

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**
5 **of local, state or federal law, including ORS 659A.145 and 659A.421.**

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

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

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

16 **“(a) At the time of executing a rental agreement, provide each**
17 **tenant with an informational notice in substantially the form pre-**
18 **scribed and published by the Bureau of Labor and Industries under**
19 **subsection (5) of this section; and**

20 **“(b) Prominently post a copy of the notice described in paragraph**
21 **(a) of this subsection in at least one common area, for each building**

1 that has 11 or more units and a common area.

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

5 “(a) Tenants’ rights regarding discrimination, including
6 harassment, under state and federal law; and

7 “(b) Methods that tenants may use to file a complaint of discrimi-
8 nation against a landlord with the bureau or with the United States
9 Department of Housing and Urban Development.

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

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

15 “(a) To new rental agreements executed on and after January 1,
16 2022; and

17 “(b) On February 1, 2022, for tenancies in existence on January 1,
18 2022.

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

21 _____