

## HOUSE AMENDMENTS TO HOUSE BILL 2613

By COMMITTEE ON CONSUMER PROTECTION

April 6

- 1 On page 1 of the printed bill, line 3, after “90.532” insert “, 90.534 and 90.536”.
- 2 In line 6, restore the bracketed material.
- 3 On page 2, delete lines 4 through 11 and insert:
- 4 “(5) A landlord may not assess a utility or service charge for water unless:
- 5 “(a) The landlord provides potable water from a source of potable water, including a well, that
- 6 is owned or operated by the landlord; or
- 7 “(b) The water is provided to the landlord by a:
- 8 “(A) Public utility as defined in ORS 757.005;
- 9 “(B) Municipal utility operating under ORS chapter 225;
- 10 “(C) People’s utility district organized under ORS chapter 261;
- 11 “(D) Cooperative organized under ORS chapter 62;
- 12 “(E) Domestic water supply district organized under ORS chapter 264; or
- 13 “(F) Water improvement district organized under ORS chapter 552.”.
- 14 Delete lines 15 through 20 and insert:
- 15 “(7) The authority granted in this section for a utility or service provider to apply policy re-
- 16 garding the billing methods described in subsection (1) of this section does not authorize the utility
- 17 or service provider to dictate either the amount billed to tenants or the rate at which tenants are
- 18 billed under ORS 90.534 or 90.536.
- 19 “**SECTION 2.** ORS 90.534 is amended to read:
- 20 “90.534. (1) If a written rental agreement so provides, a landlord using the billing method de-
- 21 scribed in ORS 90.532 (1)(b) may require a tenant to pay to the landlord a utility or service charge
- 22 that has been billed by a utility or service provider to the landlord for a utility or service provided
- 23 directly to the tenant’s space or to a common area available to the tenant as part of the tenancy.
- 24 “(2) A utility or service charge that is assessed to tenants for the tenants’ spaces under this
- 25 section must be allocated among the tenants by a method that reasonably apportions the cost among
- 26 the affected tenants and that is described in the rental agreement. Methods that reasonably appor-
- 27 tion the cost among the tenants include, but are not limited to, methods that divide the cost based
- 28 on the number of occupied spaces in the facility or on the square footage in each dwelling, home
- 29 or space.
- 30 “(3) A utility or service charge to be assessed to a tenant for a common area must be described
- 31 in the written rental agreement separately and distinctly from the utility or service charge for the
- 32 tenant’s space.
- 33 “(4) A landlord may not:
- 34 “(a) **Bill or collect more money from tenants for utilities or services than the utility or**
- 35 **service provider charges the landlord.**

1       “(b) Increase the utility or service charge to the tenant by adding any costs of the landlord,  
2 such as a handling or administrative charge[, *other than those costs billed to the landlord by the*  
3 *provider for utilities or services*].

4       “**SECTION 3.** ORS 90.536 is amended to read:

5       “90.536. (1) If a written rental agreement so provides, a landlord using the billing method de-  
6 scribed in ORS 90.532 (1)(c) may require a tenant to pay to the landlord a utility or service charge  
7 that has been billed by a utility or service provider to the landlord for utility or service provided  
8 directly to the tenant’s space as measured by a submeter.

9       “(2) A utility or service charge to be assessed to a tenant under this section may consist of:

10       “(a) The cost of the utility or service provided to the tenant’s space and under the tenant’s  
11 control, as measured by the submeter, at a rate no greater than the average rate billed to the  
12 landlord by the utility or service provider, not including any base or service charge;

13       “(b) The cost of any sewer service for stormwater or wastewater as a percentage of the tenant’s  
14 water charge as measured by a submeter, if the utility or service provider charges the landlord for  
15 sewer service as a percentage of water provided; and

16       “(c) A pro rata portion of any base or service charge billed to the landlord by the utility or  
17 service provider, including but not limited to any tax passed through by the provider.

18       “(3) **The landlord may not bill or collect more money from tenants for utilities or services**  
19 **than the utility or service provider charges the landlord.** A utility or service charge to be as-  
20 sessed to a tenant under this section may not include:

21       “(a) Any additional charge, including any costs of the landlord, for the installation, maintenance  
22 or operation of the utility or service system or any profit for the landlord; or

23       “(b) Any costs to provide a utility or service to common areas of the facility.

24       “**SECTION 4. The amendments to ORS 90.532, 90.534 and 90.536 by sections 1, 2 and 3 of**  
25 **this 2009 Act apply to utility or service rates or charges that are charged either:**

26       “(1) **On or after the effective date of this 2009 Act; or**

27       “(2) **If the rates or charges are controlled by a contract between a landlord and a utility**  
28 **or service provider, after the date the contract ends or is amended, renewed or**  
29 **terminated.”.**

30       In line 21, delete “3” and insert “5”.

31