

House Bill 2613

Sponsored by Representative BUCKLEY; Representatives HOLVEY, RILEY, Senator ROSENBAUM

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 landlord from charging utility or service rates or charges to tenants that are greater than rates or charges that utility or service providers are charging landlord.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the provision of utility services to tenants; creating new provisions; amending ORS
3 90.532; and declaring an emergency.

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

5 **SECTION 1.** ORS 90.532 is amended to read:

6 90.532. (1) [*Subject to the policies of the utility or service provider,*] A landlord may provide for
7 utilities or services to tenants by one or more of the following billing methods:

8 (a) A relationship between the tenant and the utility or service provider in which:

9 (A) The provider provides the utility or service directly to the tenant's space, including any
10 utility or service line, and bills the tenant directly; and

11 (B) The landlord does not act as a provider.

12 (b) A relationship between the landlord, tenant and utility or service provider in which:

13 (A) The provider provides the utility or service to the landlord;

14 (B) The landlord provides the utility or service directly to the tenant's space or to a common
15 area available to the tenant as part of the tenancy; and

16 (C) The landlord includes the cost of the utility or service in the tenant's rent or bills the tenant
17 for a utility or service charge separately from the rent in an amount determined by apportioning the
18 provider's charge to the landlord as measured by a master meter.

19 (c) A relationship between the landlord, tenant and utility or service provider in which:

20 (A) The provider provides the utility or service to the landlord;

21 (B) The landlord provides the utility or service directly to the tenant's space; and

22 (C) The landlord uses a submeter to measure the utility or service actually provided to the space
23 and bills the tenant for a utility or service charge for the amount provided.

24 (2) To assess a tenant for a utility or service charge for any billing period, the landlord shall
25 give the tenant a written notice stating the amount of the utility or service charge that the tenant
26 is to pay the landlord and the due date for making the payment. The due date may not be less than
27 14 days from the date of service of the notice.

28 (3) A utility or service charge is not rent or a fee. Nonpayment of a utility or service charge
29 is not grounds for termination of a rental agreement for nonpayment of rent under ORS 90.394, but
30 is grounds for termination of a rental agreement for cause under ORS 90.630.

31 (4) The landlord is responsible for maintaining the utility or service system, including any sub-

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.

1 meter, consistent with ORS 90.730. After any installation or maintenance of the system on a tenant's
2 space, the landlord shall restore the space to a condition that is the same as or better than the
3 condition of the space before the installation or maintenance.

4 (5) A landlord may not assess a utility or service charge for water unless the water is provided
5 to the landlord by a:

6 (a) Public utility as defined in ORS 757.005;

7 (b) Municipal utility operating under ORS chapter 225;

8 (c) People's utility district organized under ORS chapter 261;

9 (d) Cooperative organized under ORS chapter 62;

10 (e) Domestic water supply district organized under ORS chapter 264; or

11 (f) Water improvement district organized under ORS chapter 552.

12 (6) A landlord [*who*] **that** provides utilities or services only to tenants of the landlord in com-
13 pliance with this section and ORS 90.534 and 90.536 is not a public utility for purposes of ORS
14 chapter 757.

15 **(7) A landlord that provides utilities or services to tenants shall do so in compliance with**
16 **the requirements of the utility or service provider, but may not charge tenants higher utility**
17 **or service rates or charges than the rates or charges that the landlord is being charged by**
18 **the utility or service provider.**

19 **SECTION 2. The amendments to ORS 90.532 by section 1 of this 2009 Act apply to utility**
20 **or service rates or charges that are charged on or after the effective date of this 2009 Act.**

21 **SECTION 3. This 2009 Act being necessary for the immediate preservation of the public**
22 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
23 **on its passage.**