

House Bill 3366

Sponsored by Representative WITT

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**.

Requires landlord to install individual electrical meters in multifamily housing upon request by majority of tenants.

A BILL FOR AN ACT

1
2 Relating to electrical meters in rental properties; creating new provisions; and amending ORS
3 90.385.

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

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 90.100 to 90.465.**

6 **SECTION 2. (1) A used in this section, "multifamily structure" means four or more**
7 **contiguous dwelling units, other than rooms or suites rented in a single family residence.**

8 **(2) Notwithstanding any determination or standard described in ORS 455.420, upon a**
9 **written request signed by tenants representing at least 51 percent of the dwelling units in a**
10 **multifamily structure, the landlord shall have individual electrical meters installed for each**
11 **dwelling unit in the structure. The signature of a tenant that has served the landlord with,**
12 **or that the landlord has served with, a notice of termination of tenancy before the date the**
13 **written request is delivered to the landlord does not qualify for purposes of meeting the 51**
14 **percent requirement.**

15 **SECTION 3. ORS 90.385 is amended to read:**

16 90.385. (1) Except as provided in this section, a landlord may not retaliate by increasing rent
17 or decreasing services, by serving a notice to terminate the tenancy or by bringing or threatening
18 to bring an action for possession after:

19 (a) The tenant has complained to, or expressed to the landlord in writing an intention to com-
20 plain to, a governmental agency charged with responsibility for enforcement of any of the following
21 concerning a violation applicable to the tenancy:

22 (A) A building, health or housing code materially affecting health or safety;

23 (B) Laws or regulations concerning the delivery of mail; or

24 (C) Laws or regulations prohibiting discrimination in rental housing;

25 (b) The tenant has made any complaint to the landlord that is in good faith and related to the
26 tenancy;

27 (c) The tenant has organized or become a member of a tenants' union or similar organization;

28 (d) The tenant has testified against the landlord in any judicial, administrative or legislative
29 proceeding;

30 (e) The tenant successfully defended an action for possession brought by the landlord within the
31 previous six months except if the tenant was successful in defending the action only because:

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 (A) The termination notice by the landlord was not served or delivered in the manner required
2 by ORS 90.155; or

3 (B) The period provided by the termination notice was less than that required by the statute
4 upon which the notice relied to terminate the tenancy; *[or]*

5 **(f) The tenant has joined with other tenants in signing a written request for individual**
6 **electrical meters under section 2 of this 2009 Act; or**

7 *[(f)]* (g) The tenant has performed or expressed intent to perform any other act for the purpose
8 of asserting, protecting or invoking the protection of any right secured to tenants under any federal,
9 state or local law.

10 (2) As used in subsection (1) of this section, “decreasing services” includes:

11 (a) Unreasonably restricting the availability of or placing unreasonable burdens on the use of
12 common areas or facilities by tenant associations or tenants meeting to establish a tenant organ-
13 ization; and

14 (b) Intentionally and unreasonably interfering with and substantially impairing the enjoyment
15 or use of the premises by the tenant.

16 (3) If the landlord acts in violation of subsection (1) of this section the tenant is entitled to the
17 remedies provided in ORS 90.375 and has a defense in any retaliatory action against the tenant for
18 possession.

19 (4) Notwithstanding subsections (1) and (3) of this section, a landlord may bring an action for
20 possession if:

21 (a) The complaint by the tenant was made to the landlord or an agent of the landlord in an
22 unreasonable manner or at an unreasonable time or was repeated in a manner having the effect of
23 unreasonably harassing the landlord. A determination whether the manner, time or effect of a com-
24 plaint was unreasonable shall include consideration of all related circumstances preceding or
25 contemporaneous to the complaint;

26 (b) The violation of the applicable building or housing code was caused primarily by lack of
27 reasonable care by the tenant or other person in the household of the tenant or upon the premises
28 with the consent of the tenant;

29 (c) The tenant is in default in rent; or

30 (d) Compliance with the applicable building or housing code requires alteration, remodeling or
31 demolition which would effectively deprive the tenant of use of the dwelling unit.

32 (5) For purposes of this section, a complaint made by another on behalf of a tenant is considered
33 a complaint by the tenant.

34 (6) For the purposes of subsection (4)(c) of this section, a tenant who has paid rent into court
35 pursuant to ORS 90.370 shall not be considered to be in default in rent.

36 (7) The maintenance of an action under subsection (4) of this section does not release the land-
37 lord from liability under ORS 90.360 (2).

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