

# Senate Bill 929

Sponsored by Senator BONAMICI; Senator MORRISETTE, Representatives C EDWARDS, HARKER

## 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 manufactured dwelling park landlord assessing tenant utility or service charge for water to use billing method that determines charge through submetering. Requires compliance by January 2, 20\_\_.

## A BILL FOR AN ACT

1  
2 Relating to the billing of tenants for water; creating new provisions; and amending ORS 90.532.

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

4 **SECTION 1. (1) As used in this section, "landlord," "manufactured dwelling park" and**  
5 **"tenant" have the meanings given those terms in ORS 90.100.**

6 **(2) A landlord that assesses the tenants of a manufactured dwelling park a utility or**  
7 **service charge for water by the billing method described in ORS 90.532 (1)(b) shall convert**  
8 **the method of assessing the utility or service charge to a billing method described in ORS**  
9 **90.532 (1)(a) or (1)(c). The landlord shall complete the conversion no later than January 2,**  
10 **20\_\_. A conversion under this section to a billing method described in ORS 90.532 (1)(c) is**  
11 **subject to ORS 90.537.**

12 **SECTION 2.** ORS 90.532 is amended to read:

13 90.532. (1) Subject to the policies of the utility or service provider, **except as provided in**  
14 **subsection (2) of this section**, a landlord may provide for utilities or services to tenants by one  
15 or more of the following billing methods:

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

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

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

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

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

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

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

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

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

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

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

**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       **(2) A landlord for a manufactured dwelling park may not assess a tenant a utility or**  
2 **service charge for water by using the billing method described in subsection (1)(b) of this**  
3 **section.**

4       [(2)] **(3)** To assess a tenant for a utility or service charge for any billing period, the landlord  
5 shall give the tenant a written notice stating the amount of the utility or service charge that the  
6 tenant is to pay the landlord and the due date for making the payment. The due date may not be  
7 less than 14 days from the date of service of the notice.

8       [(3)] **(4)** A utility or service charge is not rent or a fee. Nonpayment of a utility or service  
9 charge is not grounds for termination of a rental agreement for nonpayment of rent under ORS  
10 90.394, but is grounds for termination of a rental agreement for cause under ORS 90.630.

11       [(4)] **(5)** The landlord is responsible for maintaining the utility or service system, including any  
12 submeter, consistent with ORS 90.730. After any installation or maintenance of the system on a  
13 tenant's space, the landlord shall restore the space to a condition that is the same as or better than  
14 the condition of the space before the installation or maintenance.

15       [(5)] **(6)** A landlord may not assess a utility or service charge for water unless the water is  
16 provided to the landlord by a:

- 17       (a) Public utility as defined in ORS 757.005;
- 18       (b) Municipal utility operating under ORS chapter 225;
- 19       (c) People's utility district organized under ORS chapter 261;
- 20       (d) Cooperative organized under ORS chapter 62;
- 21       (e) Domestic water supply district organized under ORS chapter 264; or
- 22       (f) Water improvement district organized under ORS chapter 552.

23       [(6)] **(7)** A landlord who provides utilities or services only to tenants of the landlord in compli-  
24 ance with this section and ORS 90.534 and 90.536 is not a public utility for purposes of ORS chapter  
25 757.

26       **SECTION 3. The amendments to ORS 90.532 by section 2 of this 2009 Act become opera-**  
27 **tive January 2, 20\_\_.**