

Requested by HOUSE COMMITTEE ON ENERGY AND ENVIRONMENT

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2404**

1 On page 1 of the printed bill, line 24, after “(a)” insert “For purposes re-  
2 lated to education,”.

3 On page 2, line 1, after “with” insert “likely”.

4 On page 3, delete lines 34 through 45 and delete page 4.

5 On page 5, delete lines 1 through 23 and insert:

6 **“SECTION 8. (1) For each dwelling unit rented by a landlord for**  
7 **which a source of drinking water is a well, the landlord shall collect**  
8 **and test samples of drinking water in accordance with this section, for**  
9 **the purpose of having those samples tested in accordance with rules**  
10 **adopted by the Oregon Health Authority.**

11 **“(2)(a) A landlord subject to this section must ensure that each well**  
12 **for which drinking water is collected under this section is tested as**  
13 **follows:**

14 **“(A) The drinking water must be tested for arsenic at least once**  
15 **during the life of the well, no later than 30 days after installing the**  
16 **well.**

17 **“(B) Except as provided in paragraphs (b) and (c) of this subsection,**  
18 **the drinking water must be tested for total coliform bacteria and**  
19 **nitrites at least once each year. If the results of a test conducted**  
20 **under this subparagraph confirm that drinking water collected under**  
21 **this section contains:**

1       “(i) Any amount of total coliform bacteria, the landlord must, as  
2 soon as practicable, treat the drinking water or repair or replace the  
3 well and retest the drinking water to confirm that all coliform bacteria  
4 has been removed; or

5       “(ii) An amount of nitrates that exceeds the amount of nitrates that  
6 drinking water may safely contain as established by the United States  
7 Environmental Protection Agency, the landlord must, as soon as  
8 practicable, treat the drinking water or repair or replace the well and  
9 retest the drinking water to confirm that nitrates are at an acceptable  
10 level.

11       “(b) If the results of tests conducted under paragraph (a)(B) of this  
12 subsection for three consecutive years confirm that drinking water  
13 collected under this section does not contain any total coliform bac-  
14 teria or nitrates, the landlord is not required to collect and test  
15 drinking water from that well for the next five years.

16       “(c) If the results of the first test conducted under paragraph (a)(B)  
17 of this subsection following a five-year period of a landlord not being  
18 required to conduct a test to confirm that drinking water collected  
19 under this section does not contain any total coliform bacteria or  
20 nitrates, the landlord is not required to collect and test drinking water  
21 from that well for the next five years.

22       “(3)(a) In accordance with rules adopted by the Oregon Health Au-  
23 thority:

24       “(A) Except as provided in paragraph (b) of this subsection, a  
25 landlord subject to this section shall collect samples of drinking water  
26 from a dwelling unit’s primary dispenser of drinking water.

27       “(B) A landlord subject to this section may collect supplementary  
28 samples of drinking water from a dwelling unit’s other dispensers of  
29 drinking water or from a dwelling unit’s well head.

30       “(b) A landlord subject to this section may delegate the landlord’s

1 duty to collect samples of drinking water to a tenant if the landlord  
2 and the tenant agree to the delegation in writing and the agreement  
3 is made in good faith and for adequate consideration.

4 “(4)(a) A laboratory conducting a test pursuant to this section  
5 must:

6 “(A) Electronically report the results of the test to the Department  
7 of Environmental Quality in a form and manner prescribed by the  
8 department; and

9 “(B) Send the results of the test to the landlord in a form showing  
10 the exact levels of total coliform bacteria, nitrates and, if applicable,  
11 arsenic present in the drinking water.

12 “(b) If a tenant is occupying the dwelling unit for which a test was  
13 conducted pursuant to this section, the landlord must provide the re-  
14 sults of the test to the tenant in one of the following formats:

15 “(A) A format showing the exact levels of total coliform bacteria,  
16 nitrates and, if applicable, arsenic present in the drinking water; or

17 “(B) A format showing only whether the dwelling unit passed or  
18 failed the test, in accordance with the requirements of subsection  
19 (2)(a) of this section.

20 “(c) In providing the results of a test to a tenant under paragraph  
21 (b) of this subsection, a landlord may:

22 “(A) Direct the laboratory that conducted the test to send the re-  
23 sults to the tenant directly; or

24 “(B) Provide the results to the tenant using the form adopted by the  
25 Oregon Health Authority under subsection (7)(a) of this section.

26 “(5) At the beginning of a tenancy for a dwelling unit for which a  
27 landlord must collect and test drinking water under this section, the  
28 landlord must provide to the tenant:

29 “(a) Notice that the dwelling unit has a well as a source of drinking  
30 water;

1       **“(b) Notice that the dwelling unit’s drinking water has been tested**  
2 **for arsenic, total coliform bacteria and nitrates;**

3       **“(c) The results of the most recent test for arsenic, in a format**  
4 **described in subsection (4)(b) of this section;**

5       **“(d) The results of the most recent test for total coliform bacteria**  
6 **and nitrates, in a format described in subsection (4)(b) of this section;**

7       **“(e) The date on which the most recent test for total coliform bac-**  
8 **teria and nitrates was conducted; and**

9       **“(f) The date on which the next test for total coliform bacteria and**  
10 **nitrates will be conducted.**

11       **“(6) Each time a landlord conducts a test under subsection (2)(a)(B),**  
12 **(b) or (c) of this section, no later than 30 days after conducting the**  
13 **test, the landlord must provide the tenant of the dwelling unit for**  
14 **which the landlord conducted the test with the following information:**

15       **“(a) If the results of the test confirm that the drinking water does**  
16 **not contain any total coliform bacteria or nitrates, with:**

17       **“(A) Notice of having conducted the test;**

18       **“(B) The results of the test, in a format described in subsection**  
19 **(4)(b) of this section;**

20       **“(C) A statement that the tenant may request a copy of the full and**  
21 **complete test results; and**

22       **“(D) The date on which the landlord will next test the drinking**  
23 **water.**

24       **“(b) If the results of the test confirm that the drinking water con-**  
25 **tains total coliform bacteria or nitrates, with:**

26       **“(A) Notice of having conducted the test;**

27       **“(B) The results of the test, in a format described in subsection**  
28 **(4)(b) of this section;**

29       **“(C) A statement that the tenant may request a copy of the full and**  
30 **complete test results;**

1       **“(D) The date on which the landlord treated or will treat the**  
2 **drinking water or on which the landlord repaired or replaced or will**  
3 **repair or replace the well;**

4       **“(E) The date on which the landlord will next test the drinking**  
5 **water; and**

6       **“(F) The handout adopted by the Oregon Health Authority under**  
7 **subsection (7)(b) of this section.**

8       **“(7) The Oregon Health Authority shall adopt by rule:**

9       **“(a) A form that a landlord subject to this section must use to**  
10 **provide information described in subsection (6)(a) and (b)(A) to (E) of**  
11 **this section. The form must include a section that may be filled out**  
12 **by the landlord to indicate whether the dwelling unit passed or failed**  
13 **the test, in accordance with the requirements of subsection (2)(a) of**  
14 **this section, and a section that may be filled out by the landlord to**  
15 **indicate the exact levels of total coliform bacteria, nitrates and, if**  
16 **applicable, arsenic present in the drinking water.**

17       **“(b) A handout providing information on testing drinking water for**  
18 **contaminants and the impact that drinking water that contains con-**  
19 **taminants can have on a person’s health.**

20       **“(8) This section does not apply to a dwelling unit that is:**

21       **“(a) Subject to ORS 90.505 to 90.850;**

22       **“(b) Part of a premises subject to regulation under ORS 448.119 to**  
23 **448.285, 454.235 and 454.255, as described in ORS 448.119; or**

24       **“(c) Farmworker housing, as defined in ORS 215.278.**

25       **“(9) If a landlord fails to conduct a test or disclose test results as**  
26 **required by this section, the tenant renting the dwelling unit from the**  
27 **landlord may recover the actual damages of the tenant or \$300,**  
28 **whichever is greater.”.**

29       In line 30, after “(1)” insert “Notwithstanding section 8 (2)(a)(A) of this  
30 section.”.

- 1 In line 38, delete “(5)” and insert “(6)”.
- 2 On page 6, line 25, delete “the” and insert “a”.
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