

D R A F T

SUMMARY

Limits restrictions on portable cooling devices in residences by landlords, homeowners associations, condominium associations and local governments. Requires certain landlords to provide community spaces for cooling.

Requires landlords to make reasonable accommodations to allow certain tenants access to cooling.

Requires new and certain rehabilitated residential dwelling units to provide adequate cooling facilities. Requires rented spaces in facilities to provide adequate electrical service for tenant's reasonable heating and cooling uses for new manufactured dwellings and floating homes and for updated electrical connections.

Authorizes State Department of Energy to make available for rental housing loans for upgrades to support cooling facilities and rebates for heat pump purchases and installations. Establishes Residential Energy Upgrade Loan Fund and Residential Heat Pump Rebate Fund. Appropriates moneys for deposit into funds. Sunsets rebate program and Residential Heat Pump Rebate Fund on January 2, 2025.

Requires certain residential landlords to submit to Housing and Community Services Department proposals for implementing cooling strategies by December 31, 2024. Requires department to report on proposals to interim committee of Legislative Assembly no later than September 15, 2025. Requires department to provide technical assistance to residential landlords on acquiring cooling technologies and devices. Appropriates moneys to department.

Expands Department of Human Services grant program for clean air shelters to include warming and cooling shelters and facilities. Appropriates moneys to department.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1

2 Relating to indoor temperature control; creating new provisions; amending

3 ORS 90.320, 90.730, 94.779, 100.023, 197.772, 431A.410 and 431A.412; and

1 declaring an emergency.

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

3
4 **PORTABLE COOLING DEVICES**

5
6 **SECTION 1. Section 2 of this 2022 Act is added to and made a part**
7 **of ORS chapter 90.**

8 **SECTION 2. (1) As used in this section, “portable cooling device”**
9 **includes air conditioners, fans and evaporative coolers, including de-**
10 **vices mounted on the floor or window but not including devices whose**
11 **installation or use requires alteration to the dwelling unit.**

12 **(2) A landlord may not prohibit or restrict a tenant from installing**
13 **or using a portable cooling device of the tenant’s choosing, unless:**

14 **(a) The installation or use of the device would:**

15 **(A) Violate building codes or state or federal law;**

16 **(B) Violate the device manufacture’s written safety guidelines for**
17 **the device; or**

18 **(C) Damage the premises or render the premises uninhabitable;**

19 **(b) The device would be installed in a window and:**

20 **(A) The window is a necessary egress from the dwelling unit;**

21 **(B) The device would interfere with the tenant’s ability to lock a**
22 **window that is accessible from outside; or**

23 **(C) Requires the use of brackets or other hardware that would**
24 **damage the window frame or puncture the envelope of the building;**
25 **or**

26 **(c) The restrictions are only to require that the device be:**

27 **(A) Installed by the landlord or landlord’s agent;**

28 **(B) Subject to inspection or servicing by the landlord or landlord’s**
29 **agent; or**

30 **(C) Removed from October 1 through April 30.**

31 **(3) If a landlord issues a termination notice under ORS 90.392 or**

1 **90.630 based on a violation of a restriction regulating a portable cooling**
2 **device allowed under subsection (2) of this section:**

3 (a) On each day that the outdoor temperature at the premises
4 reaches 90 degrees, the notice period described in ORS 90.392 (3), (4),
5 (5) or (6) or 90.630 (1), (3) or (6) does not run.

6 (b) The termination notice must state that the deadline of a cure
7 period designated in the notice, if any, and the date of termination
8 specified in the notice will be extended by one day for each day that
9 the outdoor temperature at the premises reaches 90 degrees.

10 (4) A landlord must provide cooling assistance as described in sub-
11 section (5) of this section if the dwelling unit is in:

12 (a) A manufactured dwelling park;

13 (b) A recreational vehicle park; or

14 (c) A multifamily structure with five or more dwelling units in
15 which fewer than half of the units are capable of installing and oper-
16 ating a portable cooling device, not including a fan.

17 (5) On each day in which, in the locality of the premises, the Na-
18 tional Weather Service of the National Oceanic and Atmospheric Ad-
19 ministration has predicted or indicated that there exists a heat index
20 of extreme danger, a landlord required to provide cooling assistance
21 under subsection (4) of this section shall:

22 (a) Make available a community space within or adjacent to the
23 premises that is cooled and that can accommodate 10 or more indi-
24 viduals; or

25 (b) If a landlord cannot provide a community space under para-
26 graph (a) of this subsection, make a welfare check on each tenant who
27 requests a welfare check and who is without a portable cooling device,
28 not including a fan.

29 **SECTION 3.** ORS 94.779 is amended to read:

30 94.779. (1) A provision of a planned community's governing document or
31 landscaping or architectural guidelines that imposes irrigation requirements

1 on an owner or the association is void and unenforceable while any of the
2 following is in effect:

3 (a) A declaration by the Governor that a severe, continuing drought exists
4 or is likely to occur in a political subdivision within which the planned
5 community is located;

6 (b) A finding by the Water Resources Commission that a severe, contin-
7 uing drought exists or is likely to occur in a political subdivision within
8 which the planned community is located;

9 (c) An ordinance adopted by the governing body of a political subdivision
10 within which the planned community is located that requires conservation
11 or curtailment of water use; or

12 (d) A rule adopted by the association under subsection (2) of this section
13 to reduce or eliminate irrigation water use.

14 (2) Notwithstanding any provision of a planned community's governing
15 documents or landscaping or architectural guidelines imposing irrigation
16 requirements on an owner or the association, an association may adopt rules
17 that:

18 (a) Require the reduction or elimination of irrigation on any portion of
19 the planned community.

20 (b) Permit or require the replacement of turf or other landscape vege-
21 tation with xeriscape on any portion of the planned community.

22 (c) Require prior review and approval by the association or its designee
23 of any plans by an owner or the association to replace turf or other land-
24 scape vegetation with xeriscape.

25 (d) Require the use of best practices and industry standards to reduce the
26 landscaped areas and minimize irrigation of existing landscaped areas of
27 common property where turf is necessary for the function of the landscaped
28 area.

29 (3) Except as provided in subsections (4) and (5) of this section, **if**
30 **adopted on or after January 1, 2018**, the following provisions of a planned
31 community's governing document are void and unenforceable:

1 (a) A provision that prohibits or restricts the use of the owner’s unit or
2 lot as the premises of an exempt family child care provider participating in
3 the subsidy program under ORS 329A.500; or

4 (b) If the unit does not share a wall, floor or ceiling surface in common
5 with another unit, a provision that prohibits or restricts the use of the
6 owner’s unit or lot as a certified or registered family child care home pur-
7 suant to ORS 329A.250 to 329A.450.

8 (4) Subsection (3) of this section does not prohibit a homeowners associ-
9 ation from adopting or enforcing a provision of the planned community’s
10 governing document that regulates parking, noise, odors, nuisance, use of
11 common property or activities that impact the cost of insurance policies held
12 by the planned community, provided the provision:

13 (a) Is reasonable; and

14 (b) Does not have the effect of prohibiting or restricting the use of a unit
15 or lot as the premises of an exempt family child care provider participating
16 in the subsidy program under ORS 329A.500 or as a certified or registered
17 family child care home pursuant to ORS 329A.250 to 329A.450.

18 (5)(a) Subsection (3) of this section does not apply to planned communities
19 that provide housing for older persons.

20 (b) As used in this subsection, “housing for older persons” has the mean-
21 ing given that term in ORS 659A.421.

22 **(6) A provision in a planned community’s governing document that**
23 **restricts or prohibits the installation or use of a portable cooling de-**
24 **vice, as defined in section 2 (1) of this 2022 Act, is void and**
25 **unenforceable, unless:**

26 **(a) The installation or use of the device would:**

27 **(A) Violate building codes or state or federal law; or**

28 **(B) Violate the device manufacture’s written safety guidelines for**
29 **the device; or**

30 **(b) The restrictions are only to require that the device be removed**
31 **from October 1 through April 30.**

1 **SECTION 4.** ORS 100.023 is amended to read:

2 100.023. (1) A provision of a condominium’s governing document or land-
3 scaping or architectural guidelines that imposes irrigation requirements on
4 a unit owner or the association is void and unenforceable while any of the
5 following is in effect:

6 (a) A declaration by the Governor that a severe, continuing drought exists
7 or is likely to occur in a political subdivision within which the condominium
8 is located;

9 (b) A finding by the Water Resources Commission that a severe, contin-
10 uing drought exists or is likely to occur in a political subdivision within
11 which the condominium is located;

12 (c) An ordinance adopted by the governing body of a political subdivision
13 within which the condominium is located that requires conservation or
14 curtailment of water use; or

15 (d) A rule adopted by the association under subsection (2) of this section
16 to reduce or eliminate irrigation water use.

17 (2) Notwithstanding any provision of a condominium’s governing docu-
18 ment or landscaping or architectural guidelines imposing irrigation require-
19 ments on a unit owner or the association, an association may adopt rules
20 that:

21 (a) Require the reduction or elimination of irrigation on any portion of
22 the condominium.

23 (b) Permit or require the replacement of turf or other landscape vege-
24 tation with xeriscape on any portion of the condominium.

25 (c) Require prior review and approval by the association or its designee
26 of any plans by a unit owner or the association to replace turf or other
27 landscape vegetation with xeriscape.

28 (d) Require the use of best practices and industry standards to reduce the
29 landscaped areas and minimize irrigation of existing landscaped general
30 common elements where turf is necessary for the function of the general
31 common elements.

1 (3) Except as provided in subsections (4) and (5) of this section, **if**
2 **adopted after January 1, 2018**, the following provisions of a condominium’s
3 governing document are void and unenforceable:

4 (a) A provision that prohibits or restricts the use of the unit owner’s
5 condominium unit or any limited common element designated for exclusive
6 use by the occupants of the unit as the premises of an exempt family child
7 care provider participating in the subsidy program under ORS 329A.500; or

8 (b) If the condominium unit does not share a wall, floor or ceiling surface
9 in common with another unit, a provision that prohibits or restricts the use
10 of the unit owner’s condominium unit or any limited common element des-
11 ignated for exclusive use by the occupants of the unit as a certified or reg-
12 istered family child care home pursuant to ORS 329A.250 to 329A.450.

13 (4) Subsection (3) of this section does not prohibit an association of unit
14 owners from adopting or enforcing a provision of the condominium’s gov-
15 erning document that regulates parking, noise, odors, nuisance, use of com-
16 mon elements or activities that impact the cost of insurance policies held
17 by the condominium, provided the provision:

18 (a) Is reasonable; and

19 (b) Does not have the effect of prohibiting or restricting the use of a unit
20 as the premises of an exempt family child care provider participating in the
21 subsidy program under ORS 329A.500 or as a certified or registered family
22 child care home pursuant to ORS 329A.250 to 329A.450.

23 (5)(a) Subsection (3) of this section does not apply to condominiums that
24 provide housing for older persons.

25 (b) As used in this subsection, “housing for older persons” has the mean-
26 ing given that term in ORS 659A.421.

27 **(6) A provision in a condominium’s governing document that re-**
28 **stricts or prohibits the installation or use of a portable cooling device,**
29 **as defined in section 2 (1) of this 2022 Act, is void and unenforceable,**
30 **unless:**

31 **(a) The installation or use of the device would:**

- 1 **(A) Violate building codes or state or federal law;**
2 **(B) Violate the device manufacture’s written safety guidelines for**
3 **the device; or**
4 **(C) Interfere with the common elements of the condominium;**
5 **(b) The device would be installed in a window and:**
6 **(A) The window is a necessary egress from the unit;**
7 **(B) The device would interfere with the unit owner’s ability to lock**
8 **a window that is accessible from outside; or**
9 **(C) Requires the use of brackets or other hardware that would**
10 **damage the window frame or puncture the envelope of the building;**
11 **or**
12 **(c) The restrictions are only to require that the device be:**
13 **(A) Installed by building maintenance or a licensed contractor; or**
14 **(B) Removed from October 1 through April 30.**

15 **SECTION 5.** ORS 197.772 is amended to read:

16 197.772. (1) Notwithstanding any other provision of law, a local govern-
17 ment shall allow a property owner to refuse to consent to any form of his-
18 toric property designation at any point during the designation process. Such
19 refusal to consent shall remove the property from any form of consideration
20 for historic property designation under ORS 358.480 to 358.545 or other law,
21 except for consideration or nomination to the National Register of Historic
22 Places pursuant to the National Historic Preservation Act of 1966, as
23 amended (54 U.S.C. 300101 et seq.).

24 (2) A permit for the demolition or modification of property removed from
25 consideration for historic property designation under subsection (1) of this
26 section may not be issued during the 120-day period following the date of the
27 property owner’s refusal to consent.

28 (3) A local government shall allow a property owner to remove from the
29 property a historic property designation that was imposed on the property
30 by the local government.

31 **(4) A local government may not enforce any ordinance or design**

1 **regulation restricting the use of a portable cooling device, as defined**
2 **in section 2 (1) of this 2022 Act, based on a historic property desig-**
3 **nation for property used as a residential tenancy, unless:**

4 **(a) The restriction is necessary to protect or prohibit the removal**
5 **of historical architectural features of the property; or**

6 **(b) The restriction only requires that the device be removed from**
7 **October 1 through April 30.**

8 **SECTION 6. (1) Section 2 of this 2022 Act applies to tenancies com-**
9 **menced before, on or after the effective date of this 2022 Act.**

10 **(2) The amendments to ORS 94.779 by section 3 of this 2022 Act apply**
11 **to provisions in governing documents adopted before, on or after the**
12 **effective date of this 2022 Act.**

13 **(3) The amendments to ORS 100.023 by section 4 of this 2022 Act**
14 **apply to provisions in a condominium's governing document adopted**
15 **before, on or after the effective date of this 2022 Act.**

16 **(4) The amendments to ORS 197.772 by section 5 of this 2022 Act**
17 **apply to ordinances and design regulations adopted by a local govern-**
18 **ment before, on or after the effective date of this 2022 Act.**

19

20

REASONABLE ACCOMMODATION

21

22 **SECTION 7. Section 8 of this 2022 Act is added to and made a part**
23 **of ORS chapter 90.**

24 **SECTION 8. A landlord shall, at the expense of the tenant, make**
25 **or allow reasonable modifications to the premises or the rules, policies**
26 **or practices of the landlord in order to provide or allow the installation**
27 **and use of air conditioning, air-source or ground-source heat pumps**
28 **or any other cooling technology, for a tenant who:**

29 **(1) Resides in a manufactured dwelling or recreational vehicle**
30 **owned by the landlord;**

31 **(2) Is medically vulnerable or mobility challenged, including chil-**

1 **dren and youth with special health care needs and persons with disa-**
2 **bilities; or**

3 **(3) Is at least 65 years of age or under 10 years of age.**

4

5 **COOLING REQUIREMENTS IN NEW OR RENOVATED UNITS**

6

7 **SECTION 9.** ORS 90.320 is amended to read:

8 90.320. (1) A landlord shall at all times during the tenancy maintain the
9 dwelling unit in a habitable condition. For purposes of this section, a
10 dwelling unit shall be considered uninhabitable if it substantially lacks:

11 (a) Effective waterproofing and weather protection of roof and exterior
12 walls, including windows and doors;

13 (b) Plumbing facilities that conform to applicable law in effect at the time
14 of installation[,] and **are** maintained in good working order;

15 (c) A water supply approved under applicable law that is:

16 (A) Under the control of the tenant or landlord and is capable of
17 producing hot and cold running water;

18 (B) Furnished to appropriate fixtures;

19 (C) Connected to a sewage disposal system approved under applicable law;
20 and

21 (D) Maintained so as to provide safe drinking water and to be in good
22 working order to the extent that the system can be controlled by the land-
23 lord;

24 (d) Adequate heating facilities that conform to applicable law at the time
25 of installation and **are** maintained in good working order;

26 (e) Electrical lighting with wiring and electrical equipment that conform
27 to applicable law at the time of installation and **is** maintained in good
28 working order;

29 (f) Buildings, grounds and appurtenances at the time of the commence-
30 ment of the rental agreement in every part safe for normal and reasonably
31 foreseeable uses, clean, sanitary and free from all accumulations of debris,

1 filth, rubbish, garbage, rodents and vermin, and all areas under control of
2 the landlord kept in every part safe for normal and reasonably foreseeable
3 uses, clean, sanitary and free from all accumulations of debris, filth, rubbish,
4 garbage, rodents and vermin;

5 (g) Except as otherwise provided by local ordinance or by written agree-
6 ment between the landlord and the tenant, an adequate number of appropri-
7 ate receptacles for garbage and rubbish in clean condition and good repair
8 at the time of the commencement of the rental agreement, and the landlord
9 shall provide and maintain appropriate serviceable receptacles thereafter and
10 arrange for their removal;

11 (h) Floors, walls, ceilings, stairways and railings maintained in good re-
12 pair;

13 (i) Ventilating, air conditioning and other facilities and appliances, in-
14 cluding elevators, maintained in good repair if supplied or required to be
15 supplied by the landlord;

16 (j) Safety from fire hazards, including a working smoke alarm or smoke
17 detector, with working batteries if solely battery-operated, provided only at
18 the beginning of any new tenancy when the tenant first takes possession of
19 the premises, as provided in ORS 479.270, but not to include the tenant's
20 testing of the smoke alarm or smoke detector as provided in ORS 90.325 (1);

21 (k) A carbon monoxide alarm, and the dwelling unit:

22 (A) Contains a carbon monoxide source; *[or]*

23 (B) Is located within a structure that contains a carbon monoxide source
24 and the dwelling unit is connected to the room in which the carbon monoxide
25 source is located by a door, ductwork or a ventilation shaft; or

26 (L) Working locks for all dwelling entrance doors, and, unless contrary
27 to applicable law, latches for all windows, by which access may be had to
28 that portion of the premises that the tenant is entitled under the rental
29 agreement to occupy to the exclusion of others and keys for those locks that
30 require keys[.]; **or**

31 **(m) Except as provided under subsection (2) of this section, ade-**

1 **quate cooling facilities that:**

2 **(A) Provide cooling in at least one room of the dwelling unit, not**
3 **including a bathroom, kitchen or basement;**

4 **(B) Conform to applicable law at the time of installation and are**
5 **maintained in good working order; and**

6 **(C) May include central air conditioning, an air-source or ground-**
7 **source heat pump or a portable air conditioning device that is provided**
8 **by the landlord.**

9 **(2) Subsection (1)(m) of this section only applies to a dwelling unit**
10 **if building permits were issued on or after the effective date of this**
11 **2022 Act for:**

12 **(A) The construction of the dwelling unit;**

13 **(B) The replacement of the dwelling unit's heating or cooling unit;**
14 **or**

15 **(C) Significant renovation or restoration of the dwelling unit such**
16 **that installation of cooling facilities would be less than 10 percent of**
17 **the overall costs of restoration.**

18 [(2)] **(3)** The landlord and tenant may agree in writing that the tenant is
19 to perform specified repairs, maintenance tasks and minor remodeling only
20 if:

21 (a) The agreement of the parties is entered into in good faith and not for
22 the purpose of evading the obligations of the landlord;

23 (b) The agreement does not diminish the obligations of the landlord to
24 other tenants in the premises; and

25 (c) The terms and conditions of the agreement are clearly and fairly dis-
26 closed and adequate consideration for the agreement is specifically stated.

27 [(3)] **(4)** Any provisions of this section that reasonably apply only to a
28 structure that is used as a home, residence or sleeping place [*shall*] **do** not
29 apply to a manufactured dwelling, recreational vehicle or floating home
30 where the tenant owns the manufactured dwelling, recreational vehicle or
31 floating home, rents the space and, in the case of a dwelling or home, the

1 space is not in a facility. Manufactured dwelling or floating home tenancies
2 in which the tenant owns the dwelling or home and rents space in a facility
3 [*shall be*] **are** governed by ORS 90.730[,] **and** not by this section.

4 **SECTION 10.** ORS 90.730 is amended to read:

5 90.730. (1) As used in this section, “facility common areas” means all
6 areas under control of the landlord and held out for the general use of ten-
7 ants.

8 (2) A landlord who rents a space for a manufactured dwelling or floating
9 home shall at all times during the tenancy maintain the rented space, vacant
10 spaces in the facility and the facility common areas in a habitable condition.
11 The landlord does not have a duty to maintain a dwelling or home. A
12 landlord’s habitability duty under this section includes only the matters de-
13 scribed in subsections (3) to (6) of this section.

14 (3) For purposes of this section, a rented space is considered uninhabitable
15 if it substantially lacks:

16 (a) A sewage disposal system and a connection to the space approved
17 under applicable law at the time of installation and maintained in good
18 working order to the extent that the sewage disposal system can be con-
19 trolled by the landlord;

20 (b) If required by applicable law, a drainage system reasonably capable
21 of disposing of storm water, ground water and subsurface water, approved
22 under applicable law at the time of installation and maintained in good
23 working order;

24 (c) A water supply and a connection to the space approved under appli-
25 cable law at the time of installation and maintained so as to provide safe
26 drinking water and to be in good working order to the extent that the water
27 supply system can be controlled by the landlord;

28 (d) An electrical supply and a connection to the space approved under
29 applicable law at the time of installation and maintained in good working
30 order **and of sufficient amperage to meet reasonable year-round needs**
31 **for electrical heating and cooling uses**, to the extent that the electrical

1 supply system can be controlled by the landlord;

2 (e) A natural gas or propane gas supply and a connection to the space
3 approved under applicable law at the time of installation and maintained in
4 good working order to the extent that the gas supply system can be con-
5 trolled by the landlord, if the utility service is provided within the facility
6 pursuant to the rental agreement;

7 (f) At the time of commencement of the rental agreement, buildings,
8 grounds and appurtenances that are kept in every part safe for normal and
9 reasonably foreseeable uses, clean, sanitary and free from all accumulations
10 of debris, filth, rubbish, garbage, rodents and vermin;

11 (g) Excluding the normal settling of land, a surface or ground capable of
12 supporting a manufactured dwelling approved under applicable law at the
13 time of installation and maintained to support a dwelling in a safe manner
14 so that it is suitable for occupancy. A landlord's duty to maintain the surface
15 or ground arises when the landlord knows or should know of a condition
16 regarding the surface or ground that makes the dwelling unsafe to occupy;
17 and

18 (h) Completion of any landlord-provided space improvements, including
19 but not limited to installation of carports, garages, driveways and sidewalks,
20 approved under applicable law at the time of installation.

21 (4) A rented space is considered uninhabitable if the landlord does not
22 maintain a hazard tree as required by ORS 90.727.

23 (5) A vacant space in a facility is considered uninhabitable if the space
24 substantially lacks safety from the hazards of fire or injury.

25 (6) A facility common area is considered uninhabitable if it substantially
26 lacks:

27 (a) Buildings, grounds and appurtenances that are kept in every part safe
28 for normal and reasonably foreseeable uses, clean, sanitary and free from all
29 accumulations of debris, filth, rubbish, garbage, rodents and vermin;

30 (b) Safety from the hazards of fire;

31 (c) Trees, shrubbery and grass maintained in a safe manner;

1 (d) If supplied or required to be supplied by the landlord to a common
2 area, a water supply system, sewage disposal system or system for disposing
3 of storm water, ground water and subsurface water approved under applica-
4 ble law at the time of installation and maintained in good working order to
5 the extent that the system can be controlled by the landlord; and

6 (e) Except as otherwise provided by local ordinance or by written agree-
7 ment between the landlord and the tenant, an adequate number of appropri-
8 ate receptacles for garbage and rubbish in clean condition and good repair
9 at the time of commencement of the rental agreement and for which the
10 landlord shall provide and maintain appropriate serviceable receptacles
11 thereafter and arrange for their removal.

12 (7) The landlord and tenant may agree in writing that the tenant is to
13 perform specified repairs, maintenance tasks and minor remodeling only if:

14 (a) The agreement of the parties is entered into in good faith and not for
15 the purpose of evading the obligations of the landlord;

16 (b) The agreement does not diminish the obligations of the landlord to
17 other tenants on the premises; and

18 (c) The terms and conditions of the agreement are clearly and fairly dis-
19 closed and adequate consideration for the agreement is specifically stated.

20 **SECTION 11. The amendments to ORS 90.730 by section 10 of this**
21 **2022 Act apply only to spaces in which, on or after the effective date**
22 **of this 2022 Act:**

23 **(1) A new manufactured dwelling or floating home is connected to**
24 **the electrical supply; or**

25 **(2) The electrical supply or electrical supply connection is replaced.**

26

27 **LOANS AND REBATES FOR COOLING FACILITIES**
28 **IN RENTAL UNITS**

29

30 **SECTION 12. (1) The State Department of Energy shall provide**
31 **loans for upgrades, including electrical and mechanical upgrades, to**

1 **facilitate the installation or upgrade of cooling facilities to owners of**
2 **a dwelling unit used as a residential tenancy and to owners of a**
3 **manufactured dwelling who are tenants in a manufactured dwelling**
4 **park.**

5 **(2)(a) Loans made under this section must be made from moneys**
6 **in the Residential Energy Upgrade Loan Fund established under sec-**
7 **tion 14 of this 2022 Act. A loan may be made only if there are moneys**
8 **available in the fund to make the loan.**

9 **(b) Moneys received from the repayment of the loan must be de-**
10 **posited into the Residential Energy Upgrade Loan Fund.**

11 **(3)(a) The department shall adopt rules to administer the loan pro-**
12 **gram.**

13 **(b) In adopting rules under this section, the department may coor-**
14 **dinate or consult with:**

15 **(A) The Housing and Community Services Department, the Building**
16 **Codes Division of the Department of Consumer and Business Services,**
17 **the United States Department of Energy and any other relevant**
18 **agencies;**

19 **(B) Nonprofit organizations and utilities; and**

20 **(C) Other loan or incentive providers.**

21 **(c) Rules adopted under this section must include:**

22 **(A) Preferences for providing loans that benefit low and moderate**
23 **income residential tenants;**

24 **(B) Provisions for determining eligibility and verification of the**
25 **upgrades;**

26 **(C) Policies and procedures for the administration and enforcement**
27 **of this section and section 14 of this 2022 Act; and**

28 **(D) Lending requirements and terms for the loans, including:**

29 **(i) Interest rates charged to borrowers, if any;**

30 **(ii) Repayment requirements;**

31 **(iii) Loan forgiveness opportunities, if any; and**

1 (iv) The remedies of the State Department of Energy upon transfer
2 of the dwelling or upon default under the loan.

3 **SECTION 13.** (1) The State Department of Energy shall provide re-
4 bates for the purchase or installation of air-source or ground-source
5 heat pumps to owners of a dwelling unit used as a residential tenancy
6 and to owners of a manufactured dwelling or recreational vehicle who
7 rent a space in a manufactured dwelling or recreational vehicle park.

8 (2)(a) Rebates available under this section may only be claimed by
9 a contractor that installs a heat pump for the owner of a residential
10 dwelling unit in Oregon. A contractor that claims a rebate under this
11 section must use the full amount of the rebate to reduce the net cost
12 to the customer of the purchase or installation of the heat pump for
13 which the rebate is issued.

14 (b) The amount that may be claimed as a rebate under this section
15 may not exceed 60 percent of the purchase price of the heat pump.

16 (c) To be eligible to claim a rebate on behalf of a customer under
17 this section, a contractor that installs a heat pump must, at the time
18 of the installation:

19 (A) Hold any license, bond, insurance or permit required to sell and
20 install the heat pump;

21 (B) Demonstrate a history of compliance with the rules and other
22 requirements of the Construction Contractors Board, the Bureau of
23 Labor and Industries and the Workers' Compensation Division and the
24 Occupational Safety and Health Division of the Department of Con-
25 sumer and Business Services; and

26 (C) Meet any other certification requirements set forth in rules
27 adopted by the State Department of Energy.

28 (3) To claim a rebate under this section, a contractor must:

29 (a) Before installing a heat pump, apply to the department to re-
30 serve a rebate on behalf of the customer for whom the heat pump will
31 be installed.

1 (b) After installing the heat pump, verify the purchase and instal-
2 lation of the heat pump on a form provided by the department that
3 must contain:

4 (A) The location of the heat pump;

5 (B) A description of the heat pump;

6 (C) Evidence that the contractor is eligible to claim a rebate under
7 subsection (2)(c) of this section;

8 (D) A statement signed by both the contractor and the customer for
9 whom the heat pump is installed that the customer has received the
10 full value of the rebate as a reduction in the net cost of the purchase
11 and installation of the heat pump and that the rebate was clearly re-
12 flected on an invoice provided to the customer;

13 (E) The projected energy savings from the installation of the heat
14 pump; and

15 (F) Any other information that the department determines is nec-
16 essary.

17 (4) Rebates made under this section must be made from moneys in
18 the Residential Heat Pump Rebate Fund established under section 15
19 of this 2022 Act. A rebate may be made only if there are moneys
20 available in the fund to make the rebate.

21 (5) Pursuant to the procedures for a contested case under ORS
22 chapter 183, the department may:

23 (a) Deny or revoke a contractor's eligibility to claim a rebate on
24 behalf of a customer under this section if the department finds that:

25 (A) The contractor's eligibility was obtained by fraud or misrepre-
26 sentation by the contractor;

27 (B) The contractor's performance for installation of heat pumps
28 does not meet industry standards; or

29 (C) The contractor has misrepresented to customers either the
30 program established under this section or the nature or quality of the
31 heat pumps for which rebates are available.

1 (b) Revoke a rebate or a portion of a rebate made under this section
2 if the department finds that:

3 (A) The rebate was obtained by fraud or misrepresentation; or

4 (B) The rebate was obtained by mistake or miscalculation.

5 (6)(a) The department may adopt rules to administer the rebate
6 program.

7 (b) In adopting rules under this section, the department may coor-
8 dinate or consult with:

9 (A) The Housing and Community Services Department, the Building
10 Codes Division of the Department of Consumer and Business Services
11 and any other relevant state agencies;

12 (B) Nonprofit organizations and utilities; and

13 (C) Other loan or incentive providers.

14 (c) Rules adopted under this section may include:

15 (A) Preferences for providing rebates that benefit low and moderate
16 income residential tenants;

17 (B) Preferences for providing rebates to support heat pumps with
18 superior energy efficiency;

19 (C) Provisions for determining eligibility and verification of heat
20 pumps; and

21 (D) Policies and procedures for the administration and enforcement
22 of this section and section 15 of this 2022 Act, which may include pol-
23 icies and procedures for audits and inspections.

24 SECTION 14. (1) The Residential Energy Upgrade Loan Fund is es-
25 tablished in the State Treasury, separate and distinct from the General
26 Fund. Moneys in the Residential Energy Upgrade Loan Fund consist
27 of:

28 (a) Amounts donated to the fund;

29 (b) Amounts appropriated or otherwise transferred to the fund by
30 the Legislative Assembly;

31 (c) Loan repayments deposited into the fund under section 12 (2)(b)

1 of this 2022 Act; and

2 (d) Other amounts deposited into the fund from any public or pri-
3 vate source.

4 (2) Moneys in the fund are continuously appropriated to the State
5 Department of Energy to be used to provide loans under section 12 of
6 this 2022 Act and to pay the costs and expenses of the department re-
7 lated to the administration and implementation of this section and
8 section 12 of this 2022 Act.

9 (3) In each calendar year, of the moneys available for issuing loans
10 for heat pumps from the fund:

11 (a) 25 percent must be reserved for loans for affordable housing
12 providers.

13 (b) 10 percent must be reserved for loans for owners of units occu-
14 pied by households whose income is less than 80 percent of the area
15 median income.

16 SECTION 15. (1) The Residential Heat Pump Rebate Fund is estab-
17 lished in the State Treasury, separate and distinct from the General
18 Fund. Moneys in the Residential Heat Pump Rebate Fund consist of:

19 (a) Amounts donated to the fund;

20 (b) Amounts appropriated or otherwise transferred to the fund by
21 the Legislative Assembly; and

22 (c) Other amounts deposited into the fund from any public or pri-
23 vate source.

24 (2) Moneys in the fund are continuously appropriated to the State
25 Department of Energy to be used to issue rebates under section 13 of
26 this 2022 Act and to pay the costs and expenses of the department re-
27 lated to the administration and implementation of this section and
28 section 13 of this 2022 Act.

29 (3) In each calendar year, of the moneys available for issuing re-
30 bates for heat pumps from the fund:

31 (a) 25 percent must be reserved for rebates for affordable housing

1 providers.

2 (b) 10 percent must be reserved for rebates for owners of units oc-
3 cupied by households whose income is less than 80 percent of the area
4 median income.

5 SECTION 16. In addition to and not in lieu of any other appropri-
6 ation, there is appropriated to the State Department of Energy, for the
7 biennium ending June 30, 2023, out of the General Fund:

8 (1) The amount of \$10,000,000 for deposit into the Residential Heat
9 Pump Rebate Fund established under section 15 of this 2022 Act; and

10 (2) The amount of \$5,000,000 for deposit into the Residential Energy
11 Upgrade Loan Fund established under section 14 of this 2022 Act.

12 SECTION 17. (1) Sections 13 and 15 of this 2022 Act are repealed on
13 January 2, 2025.

14 (2) On the date of repeal under subsection (1) of this section, any
15 moneys in the Residential Heat Pump Rebate Fund that are unex-
16 pended, unobligated and not subject to any conditions are transferred
17 to the Residential Energy Upgrade Loan Fund.

18

19 **LANDLORD PROPOSALS FOR IMPLEMENTING**
20 **COOLING STRATEGIES**

21

22 SECTION 18. Sections 19 and 20 of this 2022 Act are added to and
23 made a part of ORS chapter 458.

24 SECTION 19. (1) On or before December 31, 2024, each landlord who
25 manages a building with more than five residential dwelling units or
26 who manages a manufactured dwelling park shall submit to the
27 Housing and Community Services Department a proposal for imple-
28 menting a cooling strategy for each building or park managed by the
29 landlord.

30 (2) The proposal should include:

31 (a) The type of building or park;

1 (b) The location of the building or park;

2 (c) The number of rental units or rented spaces;

3 (d) The number of rental units, including manufactured dwellings
4 owned by the landlord, that are not cooled by devices or services pro-
5 vided by the landlord;

6 (e) The types of cooling devices, technologies or services that the
7 landlord has considered installing in the building or park to upgrade
8 the cooling service to the dwelling or common areas, including central
9 air conditioning, packaged terminal air conditioners, ducted, ductless,
10 or ground source condenser or heat pump units, or hybrid,
11 geothermal, or other emerging technologies;

12 (f) The estimated costs of the upgrades; and

13 (g) The known barriers to completing the upgrades, including lo-
14 cation, regulatory, structural, electrical, mechanical or financial.

15 (3) The department shall prescribe the form and format of the pro-
16 posal under this section.

17 (4) No later than September 15, 2025, the department shall provide
18 a report to an appropriate interim committee of the Legislative As-
19 sembly in the manner provided in ORS 192.245 on the aggregate infor-
20 mation provided by landlords under this section.

21 SECTION 20. (1) The Housing and Community Services Department
22 shall provide technical assistance to residential landlords seeking to
23 acquire cooling technologies and devices.

24 (2) The State Department of Energy and the Building Codes Divi-
25 sion of the Department of Consumer and Business Services shall assist
26 the Housing and Community Services Department in providing tech-
27 nical assistance under this section.

28 (3) The department may contract with third parties to provide
29 technical assistance under this section.

30 SECTION 21. In addition to and not in lieu of any other appropri-
31 ation, there is appropriated to the Housing and Community Services

1 **Department, for the biennium ending June 30, 2023, out of the General**
2 **Fund, the amount of \$700,000, to perform the duties of the department**
3 **under sections 19 and 20 of this 2022 Act.**

4 **SECTION 22. Section 19 of this 2022 Act is repealed on January 2,**
5 **2026.**

6
7 **WARMING AND COOLING SHELTERS**
8

9 **SECTION 23.** ORS 431A.410 is amended to read:

10 431A.410. (1) As used in this section, “smoke filtration system” means an
11 air filtration system capable of removing particulates and other harmful
12 components of wildfire smoke in a public building.

13 (2) In consultation and coordination with the Oregon Health Authority,
14 the Department of Human Services shall establish and implement a grant
15 program that allows local governments to:

16 (a) Establish emergency [*clean air*] shelters **for clean air, warming or**
17 **cooling.**

18 (b) Equip public buildings with:

19 (A) Smoke filtration systems so the public buildings may serve as cleaner
20 air spaces during wildfire smoke and other poor air quality events.

21 (B) **Warming or cooling facilities so the public buildings may serve**
22 **as temperate spaces during dangerously hot or cold conditions.**

23 (3) The department shall require grantees to provide access to the [*clean*
24 *air*] shelters at no charge.

25 **SECTION 24.** ORS 431A.412 is amended to read:

26 431A.412. The Department of Human Services is the lead state agency for
27 clean air, **warming and cooling** shelter operations. The department shall:

28 (1) Consult and collaborate with the Oregon Health Authority to align
29 practices for voluntary evacuations and emergency sheltering operations.

30 (2) Coordinate with the authority in setting priorities for awarding grants
31 described in ORS 431A.410.

1 (3) Provide support to local agencies that take lead roles in operating and
2 planning [*clean air*] shelters in the local agencies' jurisdictions.

3 **SECTION 25.** In addition to and not in lieu of any other appropri-
4 ation, there is appropriated to the Department of Human Services, for
5 the biennium ending June 30, 2023, out of the General Fund, the
6 amount of \$2,000,000, to provide grants for emergency shelters or fa-
7 cilities that include warming or cooling under ORS 431A.410 (2)(a) or
8 (b)(B).

9
10 **UNIT CAPTIONS**

11
12 **SECTION 26.** The unit captions used in this 2022 Act are provided
13 only for the convenience of the reader and do not become part of the
14 statutory law of this state or express any legislative intent in the
15 enactment of this 2022 Act.

16
17 **EMERGENCY CLAUSE**

18
19 **SECTION 27.** This 2022 Act being necessary for the immediate
20 preservation of the public peace, health and safety, an emergency is
21 declared to exist, and this 2022 Act takes effect on its passage.

22
