

Senate Bill 1536

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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**.

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

Relating to indoor temperature control; creating new provisions; amending ORS 90.320, 90.730, 94.779, 100.023, 197.772, 431A.410 and 431A.412; and declaring an emergency.

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

PORTABLE COOLING DEVICES

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

SECTION 2. (1) As used in this section, "portable cooling device" includes air conditioners, fans and evaporative coolers, including devices mounted on the floor or window but not including devices whose installation or use requires alteration to the dwelling unit.

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

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

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

(B) Violate the device manufacture's written safety guidelines for the device; or

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

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

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 window is a necessary egress from the dwelling unit;

2 (B) The device would interfere with the tenant's ability to lock a window that is acces-
3 sible from outside; or

4 (C) Requires the use of brackets or other hardware that would damage the window frame
5 or puncture the envelope of the building; or

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

7 (A) Installed by the landlord or landlord's agent;

8 (B) Subject to inspection or servicing by the landlord or landlord's agent; or

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

10 (3) If a landlord issues a termination notice under ORS 90.392 or 90.630 based on a vio-
11 lation of a restriction regulating a portable cooling device allowed under subsection (2) of this
12 section:

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

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

18 (4) A landlord must provide cooling assistance as described in subsection (5) of this sec-
19 tion if the dwelling unit is in:

20 (a) A manufactured dwelling park;

21 (b) A recreational vehicle park; or

22 (c) A multifamily structure with five or more dwelling units in which fewer than half of
23 the units are capable of installing and operating a portable cooling device, not including a
24 fan.

25 (5) On each day in which, in the locality of the premises, the National Weather Service
26 of the National Oceanic and Atmospheric Administration has predicted or indicated that
27 there exists a heat index of extreme danger, a landlord required to provide cooling assistance
28 under subsection (4) of this section shall:

29 (a) Make available a community space within or adjacent to the premises that is cooled
30 and that can accommodate 10 or more individuals; or

31 (b) If a landlord cannot provide a community space under paragraph (a) of this sub-
32 section, make a welfare check on each tenant who requests a welfare check and who is
33 without a portable cooling device, not including a fan.

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

35 94.779. (1) A provision of a planned community's governing document or landscaping or archi-
36 tectural guidelines that imposes irrigation requirements on an owner or the association is void and
37 unenforceable while any of the following is in effect:

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

40 (b) A finding by the Water Resources Commission that a severe, continuing drought exists or is
41 likely to occur in a political subdivision within which the planned community is located;

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

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

1 (2) Notwithstanding any provision of a planned community’s governing documents or landscaping
 2 or architectural guidelines imposing irrigation requirements on an owner or the association, an as-
 3 sociation may adopt rules that:

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

5 (b) Permit or require the replacement of turf or other landscape vegetation with xeriscape on
 6 any portion of the planned community.

7 (c) Require prior review and approval by the association or its designee of any plans by an
 8 owner or the association to replace turf or other landscape vegetation with xeriscape.

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

12 (3) Except as provided in subsections (4) and (5) of this section, **if adopted on or after January**
 13 **1, 2018**, the following provisions of a planned community’s governing document are void and
 14 unenforceable:

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

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

20 (4) Subsection (3) of this section does not prohibit a homeowners association from adopting or
 21 enforcing a provision of the planned community’s governing document that regulates parking, noise,
 22 odors, nuisance, use of common property or activities that impact the cost of insurance policies held
 23 by the planned community, provided the provision:

24 (a) Is reasonable; and

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

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

30 (b) As used in this subsection, “housing for older persons” has the meaning given that term in
 31 ORS 659A.421.

32 **(6) A provision in a planned community’s governing document that restricts or prohibits**
 33 **the installation or use of a portable cooling device, as defined in section 2 (1) of this 2022 Act,**
 34 **is void and unenforceable, unless:**

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

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

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

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

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

41 100.023. (1) A provision of a condominium’s governing document or landscaping or architectural
 42 guidelines that imposes irrigation requirements on a unit owner or the association is void and
 43 unenforceable while any of the following is in effect:

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

1 (b) A finding by the Water Resources Commission that a severe, continuing drought exists or is
 2 likely to occur in a political subdivision within which the condominium is located;

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

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

7 (2) Notwithstanding any provision of a condominium’s governing document or landscaping or
 8 architectural guidelines imposing irrigation requirements on a unit owner or the association, an
 9 association may adopt rules that:

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

11 (b) Permit or require the replacement of turf or other landscape vegetation with xeriscape on
 12 any portion of the condominium.

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

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

18 (3) Except as provided in subsections (4) and (5) of this section, **if adopted after January 1,**
 19 **2018,** the following provisions of a condominium’s governing document are void and unenforceable:

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

24 (b) If the condominium unit does not share a wall, floor or ceiling surface in common with an-
 25 other unit, a provision that prohibits or restricts the use of the unit owner’s condominium unit or
 26 any limited common element designated for exclusive use by the occupants of the unit as a certified
 27 or registered family child care home pursuant to ORS 329A.250 to 329A.450.

28 (4) Subsection (3) of this section does not prohibit an association of unit owners from adopting
 29 or enforcing a provision of the condominium’s governing document that regulates parking, noise,
 30 odors, nuisance, use of common elements or activities that impact the cost of insurance policies held
 31 by the condominium, provided the provision:

32 (a) Is reasonable; and

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

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

38 (b) As used in this subsection, “housing for older persons” has the meaning given that term in
 39 ORS 659A.421.

40 **(6) A provision in a condominium’s governing document that restricts or prohibits the**
 41 **installation or use of a portable cooling device, as defined in section 2 (1) of this 2022 Act, is**
 42 **void and unenforceable, unless:**

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

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

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

1 (C) Interfere with the common elements of the condominium;

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

3 (A) The window is a necessary egress from the unit;

4 (B) The device would interfere with the unit owner’s ability to lock a window that is ac-
5 cessible from outside; or

6 (C) Requires the use of brackets or other hardware that would damage the window frame
7 or puncture the envelope of the building; or

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

9 (A) Installed by building maintenance or a licensed contractor; or

10 (B) Removed from October 1 through April 30.

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

12 197.772. (1) Notwithstanding any other provision of law, a local government shall allow a prop-
13 erty owner to refuse to consent to any form of historic property designation at any point during the
14 designation process. Such refusal to consent shall remove the property from any form of consider-
15 ation for historic property designation under ORS 358.480 to 358.545 or other law, except for con-
16 sideration or nomination to the National Register of Historic Places pursuant to the National
17 Historic Preservation Act of 1966, as amended (54 U.S.C. 300101 et seq.).

18 (2) A permit for the demolition or modification of property removed from consideration for his-
19 toric property designation under subsection (1) of this section may not be issued during the 120-day
20 period following the date of the property owner’s refusal to consent.

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

23 (4) A local government may not enforce any ordinance or design regulation restricting
24 the use of a portable cooling device, as defined in section 2 (1) of this 2022 Act, based on a
25 historic property designation for property used as a residential tenancy, unless:

26 (a) The restriction is necessary to protect or prohibit the removal of historical archi-
27 tectural features of the property; or

28 (b) The restriction only requires that the device be removed from October 1 through
29 April 30.

30 **SECTION 6.** (1) Section 2 of this 2022 Act applies to tenancies commenced before, on or
31 after the effective date of this 2022 Act.

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

34 (3) The amendments to ORS 100.023 by section 4 of this 2022 Act apply to provisions in
35 a condominium’s governing document adopted before, on or after the effective date of this
36 2022 Act.

37 (4) The amendments to ORS 197.772 by section 5 of this 2022 Act apply to ordinances and
38 design regulations adopted by a local government before, on or after the effective date of this
39 2022 Act.

40
41 **REASONABLE ACCOMMODATION**

42
43 **SECTION 7.** Section 8 of this 2022 Act is added to and made a part of ORS chapter 90.

44 **SECTION 8.** A landlord shall, at the expense of the tenant, make or allow reasonable
45 modifications to the premises or the rules, policies or practices of the landlord in order to

1 **provide or allow the installation and use of air conditioning, air-source or ground-source heat**
2 **pumps or any other cooling technology, for a tenant who:**

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

4 (2) **Is medically vulnerable or mobility challenged, including children and youth with**
5 **special health care needs and persons with disabilities; or**

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

7
8 **COOLING REQUIREMENTS IN NEW OR RENOVATED UNITS**

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

11 90.320. (1) A landlord shall at all times during the tenancy maintain the dwelling unit in a
12 habitable condition. For purposes of this section, a dwelling unit shall be considered uninhabitable if
13 it substantially lacks:

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

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

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

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

21 (B) Furnished to appropriate fixtures;

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

23 (D) Maintained so as to provide safe drinking water and to be in good working order to the
24 extent that the system can be controlled by the landlord;

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

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

29 (f) Buildings, grounds and appurtenances at the time of the commencement of the rental agree-
30 ment in every part safe for normal and reasonably foreseeable uses, clean, sanitary and free from
31 all accumulations of debris, filth, rubbish, garbage, rodents and vermin, and all areas under control
32 of the landlord kept in every part safe for normal and reasonably foreseeable uses, clean, sanitary
33 and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin;

34 (g) Except as otherwise provided by local ordinance or by written agreement between the land-
35 lord and the tenant, an adequate number of appropriate receptacles for garbage and rubbish in clean
36 condition and good repair at the time of the commencement of the rental agreement, and the land-
37 lord shall provide and maintain appropriate serviceable receptacles thereafter and arrange for their
38 removal;

39 (h) Floors, walls, ceilings, stairways and railings maintained in good repair;

40 (i) Ventilating, air conditioning and other facilities and appliances, including elevators, main-
41 tained in good repair if supplied or required to be supplied by the landlord;

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

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

2 (A) Contains a carbon monoxide source; or

3 (B) Is located within a structure that contains a carbon monoxide source and the dwelling unit
 4 is connected to the room in which the carbon monoxide source is located by a door, ductwork or a
 5 ventilation shaft; *[or]*

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

10 **(m) Except as provided under subsection (2) of this section, adequate cooling facilities**
 11 **that:**

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

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

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

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

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

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

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

24 *[(2)]* **(3) The landlord and tenant may agree in writing that the tenant is to perform specified**
 25 **repairs, maintenance tasks and minor remodeling only if:**

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

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

30 (c) The terms and conditions of the agreement are clearly and fairly disclosed and adequate
 31 consideration for the agreement is specifically stated.

32 *[(3)]* **(4) Any provisions of this section that reasonably apply only to a structure that is used as**
 33 **a home, residence or sleeping place [shall] do not apply to a manufactured dwelling, recreational**
 34 **vehicle or floating home where the tenant owns the manufactured dwelling, recreational vehicle or**
 35 **floating home, rents the space and, in the case of a dwelling or home, the space is not in a facility.**
 36 **Manufactured dwelling or floating home tenancies in which the tenant owns the dwelling or home**
 37 **and rents space in a facility [shall be] are governed by ORS 90.730[,] and not by this section.**

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

39 90.730. (1) As used in this section, "facility common areas" means all areas under control of the
 40 landlord and held out for the general use of tenants.

41 (2) A landlord who rents a space for a manufactured dwelling or floating home shall at all times
 42 during the tenancy maintain the rented space, vacant spaces in the facility and the facility common
 43 areas in a habitable condition. The landlord does not have a duty to maintain a dwelling or home.
 44 A landlord's habitability duty under this section includes only the matters described in subsections
 45 (3) to (6) of this section.

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

3 (a) A sewage disposal system and a connection to the space approved under applicable law at
4 the time of installation and maintained in good working order to the extent that the sewage disposal
5 system can be controlled by the landlord;

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

9 (c) A water supply and a connection to the space approved under applicable law at the time of
10 installation and maintained so as to provide safe drinking water and to be in good working order
11 to the extent that the water supply system can be controlled by the landlord;

12 (d) An electrical supply and a connection to the space approved under applicable law at the time
13 of installation and maintained in good working order **and of sufficient amperage to meet rea-**
14 **sonable year-round needs for electrical heating and cooling uses**, to the extent that the elec-
15 trical supply system can be controlled by the landlord;

16 (e) A natural gas or propane gas supply and a connection to the space approved under applica-
17 ble law at the time of installation and maintained in good working order to the extent that the gas
18 supply system can be controlled by the landlord, if the utility service is provided within the facility
19 pursuant to the rental agreement;

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

23 (g) Excluding the normal settling of land, a surface or ground capable of supporting a manu-
24 factured dwelling approved under applicable law at the time of installation and maintained to sup-
25 port a dwelling in a safe manner so that it is suitable for occupancy. A landlord's duty to maintain
26 the surface or ground arises when the landlord knows or should know of a condition regarding the
27 surface or ground that makes the dwelling unsafe to occupy; and

28 (h) Completion of any landlord-provided space improvements, including but not limited to in-
29 stallation of carports, garages, driveways and sidewalks, approved under applicable law at the time
30 of installation.

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

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

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

36 (a) Buildings, grounds and appurtenances that are kept in every part safe for normal and rea-
37 sonably foreseeable uses, clean, sanitary and free from all accumulations of debris, filth, rubbish,
38 garbage, rodents and vermin;

39 (b) Safety from the hazards of fire;

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

41 (d) If supplied or required to be supplied by the landlord to a common area, a water supply
42 system, sewage disposal system or system for disposing of storm water, ground water and subsurface
43 water approved under applicable law at the time of installation and maintained in good working
44 order to the extent that the system can be controlled by the landlord; and

45 (e) Except as otherwise provided by local ordinance or by written agreement between the land-

1 lord and the tenant, an adequate number of appropriate receptacles for garbage and rubbish in clean
 2 condition and good repair at the time of commencement of the rental agreement and for which the
 3 landlord shall provide and maintain appropriate serviceable receptacles thereafter and arrange for
 4 their removal.

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

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

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

11 (c) The terms and conditions of the agreement are clearly and fairly disclosed and adequate
 12 consideration for the agreement is specifically stated.

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

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

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

18
 19 **LOANS AND REBATES FOR COOLING FACILITIES**
 20 **IN RENTAL UNITS**
 21

22 **SECTION 12. (1) The State Department of Energy shall provide loans for upgrades, in-**
 23 **cluding electrical and mechanical upgrades, to facilitate the installation or upgrade of cooling**
 24 **facilities to owners of a dwelling unit used as a residential tenancy and to owners of a man-**
 25 **ufactured dwelling who are tenants in a manufactured dwelling park.**

26 (2)(a) **Loans made under this section must be made from moneys in the Residential En-**
 27 **ergy Upgrade Loan Fund established under section 14 of this 2022 Act. A loan may be made**
 28 **only if there are moneys available in the fund to make the loan.**

29 (b) **Moneys received from the repayment of the loan must be deposited into the Resi-**
 30 **dential Energy Upgrade Loan Fund.**

31 (3)(a) **The department shall adopt rules to administer the loan program.**

32 (b) **In adopting rules under this section, the department may coordinate or consult with:**

33 (A) **The Housing and Community Services Department, the Building Codes Division of the**
 34 **Department of Consumer and Business Services, the United States Department of Energy**
 35 **and any other relevant agencies;**

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

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

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

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

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

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

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

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

1 (ii) Repayment requirements;

2 (iii) Loan forgiveness opportunities, if any; and

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

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

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

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

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

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

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

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

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

27 (a) Before installing a heat pump, apply to the department to reserve a rebate on behalf
28 of the customer for whom the heat pump will be installed.

29 (b) After installing the heat pump, verify the purchase and installation of the heat pump
30 on a form provided by the department that must contain:

31 (A) The location of the heat pump;

32 (B) A description of the heat pump;

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

35 (D) A statement signed by both the contractor and the customer for whom the heat
36 pump is installed that the customer has received the full value of the rebate as a reduction
37 in the net cost of the purchase and installation of the heat pump and that the rebate was
38 clearly reflected on an invoice provided to the customer;

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

40 (F) Any other information that the department determines is necessary.

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

44 (5) Pursuant to the procedures for a contested case under ORS chapter 183, the depart-
45 ment may:

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

3 (A) The contractor’s eligibility was obtained by fraud or misrepresentation by the con-
 4 tractor;

5 (B) The contractor’s performance for installation of heat pumps does not meet industry
 6 standards; or

7 (C) The contractor has misrepresented to customers either the program established un-
 8 der this section or the nature or quality of the heat pumps for which rebates are available.

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

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

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

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

14 (b) In adopting rules under this section, the department may coordinate or consult with:

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

17 (B) Nonprofit organizations and utilities; and

18 (C) Other loan or incentive providers.

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

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

22 (B) Preferences for providing rebates to support heat pumps with superior energy effi-
 23 ciency;

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

25 (D) Policies and procedures for the administration and enforcement of this section and
 26 section 15 of this 2022 Act, which may include policies and procedures for audits and in-
 27 spections.

28 **SECTION 14.** (1) The Residential Energy Upgrade Loan Fund is established in the State
 29 Treasury, separate and distinct from the General Fund. Moneys in the Residential Energy
 30 Upgrade Loan Fund consist of:

31 (a) Amounts donated to the fund;

32 (b) Amounts appropriated or otherwise transferred to the fund by the Legislative As-
 33 sembly;

34 (c) Loan repayments deposited into the fund under section 12 (2)(b) of this 2022 Act; and

35 (d) Other amounts deposited into the fund from any public or private source.

36 (2) Moneys in the fund are continuously appropriated to the State Department of Energy
 37 to be used to provide loans under section 12 of this 2022 Act and to pay the costs and ex-
 38 penses of the department related to the administration and implementation of this section
 39 and section 12 of this 2022 Act.

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

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

43 (b) 10 percent must be reserved for loans for owners of units occupied by households
 44 whose income is less than 80 percent of the area median income.

45 **SECTION 15.** (1) The Residential Heat Pump Rebate Fund is established in the State

1 Treasury, separate and distinct from the General Fund. Moneys in the Residential Heat
 2 Pump Rebate Fund consist of:

3 (a) Amounts donated to the fund;

4 (b) Amounts appropriated or otherwise transferred to the fund by the Legislative As-
 5 sembly; and

6 (c) Other amounts deposited into the fund from any public or private source.

7 (2) Moneys in the fund are continuously appropriated to the State Department of Energy
 8 to be used to issue rebates under section 13 of this 2022 Act and to pay the costs and ex-
 9 penses of the department related to the administration and implementation of this section
 10 and section 13 of this 2022 Act.

11 (3) In each calendar year, of the moneys available for issuing rebates for heat pumps
 12 from the fund:

13 (a) 25 percent must be reserved for rebates for affordable housing providers.

14 (b) 10 percent must be reserved for rebates for owners of units occupied by households
 15 whose income is less than 80 percent of the area median income.

16 **SECTION 16.** In addition to and not in lieu of any other appropriation, there is appro-
 17 priated to the State Department of Energy, for the biennium ending June 30, 2023, out of the
 18 General Fund:

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

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

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

24 (2) On the date of repeal under subsection (1) of this section, any moneys in the Resi-
 25 dential Heat Pump Rebate Fund that are unexpended, unobligated and not subject to any
 26 conditions are transferred to the Residential Energy Upgrade Loan Fund.

27
 28 **LANDLORD PROPOSALS FOR IMPLEMENTING**
 29 **COOLING STRATEGIES**

30
 31 **SECTION 18.** Sections 19 and 20 of this 2022 Act are added to and made a part of ORS
 32 chapter 458.

33 **SECTION 19.** (1) On or before December 31, 2024, each landlord who manages a building
 34 with more than five residential dwelling units or who manages a manufactured dwelling park
 35 shall submit to the Housing and Community Services Department a proposal for implement-
 36 ing a cooling strategy for each building or park managed by the landlord.

37 (2) The proposal should include:

38 (a) The type of building or park;

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

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

41 (d) The number of rental units, including manufactured dwellings owned by the landlord,
 42 that are not cooled by devices or services provided by the landlord;

43 (e) The types of cooling devices, technologies or services that the landlord has considered
 44 installing in the building or park to upgrade the cooling service to the dwelling or common
 45 areas, including central air conditioning, packaged terminal air conditioners, ducted,

1 ductless, or ground source condenser or heat pump units, or hybrid, geothermal, or other
2 emerging technologies;

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

4 (g) The known barriers to completing the upgrades, including location, regulatory,
5 structural, electrical, mechanical or financial.

6 (3) The department shall prescribe the form and format of the proposal under this sec-
7 tion.

8 (4) No later than September 15, 2025, the department shall provide a report to an appro-
9 priate interim committee of the Legislative Assembly in the manner provided in ORS 192.245
10 on the aggregate information provided by landlords under this section.

11 **SECTION 20.** (1) The Housing and Community Services Department shall provide techni-
12 cal assistance to residential landlords seeking to acquire cooling technologies and devices.

13 (2) The State Department of Energy and the Building Codes Division of the Department
14 of Consumer and Business Services shall assist the Housing and Community Services De-
15 partment in providing technical assistance under this section.

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

18 **SECTION 21.** In addition to and not in lieu of any other appropriation, there is appro-
19 priated to the Housing and Community Services Department, for the biennium ending June
20 30, 2023, out of the General Fund, the amount of \$700,000, to perform the duties of the de-
21 partment under sections 19 and 20 of this 2022 Act.

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

23 WARMING AND COOLING SHELTERS

24
25 **SECTION 23.** ORS 431A.410 is amended to read:

26 431A.410. (1) As used in this section, “smoke filtration system” means an air filtration system
27 capable of removing particulates and other harmful components of wildfire smoke in a public build-
28 ing.

29 (2) In consultation and coordination with the Oregon Health Authority, the Department of Hu-
30 man Services shall establish and implement a grant program that allows local governments to:

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

32 (b) Equip public buildings with:

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

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

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

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

40 431A.412. The Department of Human Services is the lead state agency for clean air, **warming**
41 **and cooling** shelter operations. The department shall:

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

44 (2) Coordinate with the authority in setting priorities for awarding grants described in ORS
45

1 431A.410.

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

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

8
9 **UNIT CAPTIONS**

10
11 **SECTION 26. The unit captions used in this 2022 Act are provided only for the conven-**
12 **ience of the reader and do not become part of the statutory law of this state or express any**
13 **legislative intent in the enactment of this 2022 Act.**

14
15 **EMERGENCY CLAUSE**

16
17 **SECTION 27. This 2022 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
19 **on its passage.**

20 _____