

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO
HOUSE BILL 3056**

1 On page 1 of the printed bill, line 2, delete “creating new provisions;” and
2 delete “21 and 23” and insert “2, 10, 14, 17, 21, 23, 24 and 29”.

3 Delete lines 5 through 19 and insert:

4 **“SECTION 1. Section 2, chapter 86, Oregon Laws 2022, is amended to**
5 **read:**

6 **“Sec. 2. (1) As used in this section:**

7 **“(a) ‘Extreme heat event’ means a day on which [*National Weather Service***
8 ***of the National Oceanic and Atmospheric Administration has predicted or in-***
9 ***dicated that there exists a heat index of extreme caution for the county]* **the**
10 **Housing and Community Services Department determines that a heat**
11 **event has occurred based on a predicted or indicated excessive heat**
12 **warning or heat advisory by the National Weather Service of the Na-**
13 **tional Oceanic and Atmospheric Administration.****

14 **“(b) ‘Forecast zone’ means a region for which the National Weather**
15 **Service of the National Oceanic and Atmospheric Administration is-**
16 **sues forecasts and some watches and warnings based on differences in**
17 **weather.**

18 **“[(b)] (c) ‘Portable cooling device’ includes air conditioners and**
19 **evaporative coolers, including devices mounted in a window or that are de-**
20 **signed to sit on the floor but not including devices whose installation or use**
21 **requires alteration to the dwelling unit.**

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

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

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

5 “(B) Violate the device manufacture’s written safety guidelines for the
6 device;

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

8 “(D) Require amperage to power the device that cannot be accommodated
9 by the power service to the building, dwelling unit or circuit;

10 “(b) If the device would be installed in a window:

11 “(A) The window is a necessary egress from the dwelling unit;

12 “(B) The device would interfere with the tenant’s ability to lock a window
13 that is accessible from outside;

14 “(C) The device requires the use of brackets or other hardware that would
15 damage or void the warranty of the window or frame, puncture the envelope
16 of the building or otherwise cause significant damages;

17 “(D) The restrictions require that the device be adequately drained to
18 prevent damage to the dwelling unit or building; or

19 “(E) The restrictions require that the device be installed in a manner that
20 prevents risk of falling; or

21 “(c) The restrictions require that the device be:

22 “(A) Installed or removed by the landlord or landlord’s agent;

23 “(B) Subject to inspection or servicing by the landlord or landlord’s agent;

24 or

25 “(C) Removed from October 1 through April 30.

26 “(3) A landlord may not enforce a restriction on portable cooling devices
27 against a tenant allowed under subsection (2) of this section unless the re-
28 strictions are in writing and delivered to the tenant. The written restrictions
29 must include whether the landlord intends to operate, whenever there is an
30 extreme heat event for the [county] **forecast zone** of the premises, one or

1 more community cooling spaces available to the tenant that are located on
2 or near the premises and that maintain a temperature of not higher than 80
3 degrees Fahrenheit.

4 “(4) A landlord is immune from liability for any claim for damages, injury
5 or death caused by a portable cooling device installed by the tenant.

6 “(5) A landlord who must limit portable cooling devices for a building
7 under subsection (2)(a)(D) of this section shall prioritize allowing the use of
8 devices for individuals who require a device to accommodate a disability. A
9 landlord is not responsible for any interruption in electrical service that is
10 not caused by the landlord, including interruptions caused by an electrical
11 supply’s inability to accommodate use of a portable cooling device.

12 “(6) If a landlord issues a termination notice under ORS 90.392 or 90.630
13 based on a violation of a restriction regulating a portable cooling device
14 allowed under subsection (2) of this section:

15 “(a) On each day that there is an extreme heat event for the [county]
16 **forecast zone** of the premises, the notice period described in ORS 90.392 (3),
17 (4), (5) or (6) or 90.630 (1), (3) or (6) does not run.

18 “(b) The termination notice must state:

19 “(A) The deadline of a cure period designated in the notice, if any;

20 “(B) That the date of termination specified in the notice will be extended
21 by one day for each day that there is an extreme heat event for the
22 [county] **forecast zone** of the premises; and

23 “(C) That information regarding days with an extreme heat event **for the**
24 **forecast zone** can be found on the website for the Housing and Community
25 Services Department.

26 “**SECTION 2.** Section 10, chapter 86, Oregon Laws 2022, is amended to
27 read:

28 “**Sec. 10.** The Housing and Community Services Department shall make
29 available on the department’s website:

30 “(1) A list of dates and counties in which there exists an extreme heat

1 event for a forecast zone in this state as defined in section 2, **chapter 86,**
2 **Oregon Laws 2022** [of this 2022 Act]. Dates published on the website must
3 remain on the website for at least one year.

4 “(2) Information regarding relevant programs and services available to
5 landlords to provide adequate cooling under ORS 90.320 (1)(m) or 90.730
6 (3)(d), including:

7 “(a) Programs administered by the department;

8 “(b) Information provided by the Oregon Health Authority regarding
9 programs administered by the authority, including the list of eligible dis-
10 tribution entities compiled under section 7 (5), **chapter 86, Oregon Laws**
11 **2022** [of this 2022 Act];

12 “(c) Information provided by the State Department of Energy regarding
13 programs administered by the department;

14 “(d) Programs administered by the nongovernmental entity that adminis-
15 ters public purpose charge moneys under ORS 757.612 (3)(d); and

16 “(e) Federal programs, rebates or incentives, including those administered
17 by the Bonneville Power Administration.

18 “**SECTION 3.** Section 14, chapter 86, Oregon Laws 2022, is amended to
19 read:

20 “**Sec. 14.** (1) As used in this section:

21 “(a) ‘Bulk fuel’ means liquid petroleum, propane, coal, wood, wood-based
22 products or other fuel delivered and stored until used on-site by the final
23 consumer to produce energy.

24 “(b) ‘Climate zone’ means a heating or cooling climate zone assigned to
25 a county by the Bonneville Power Administration.

26 “(c) ‘Electric resistance heat’ means heat produced by passing an electric
27 current through a material that has high resistance, such as used in an
28 electric baseboard, wall or space heater.

29 “(d) ‘Electric utility’ has the meaning given that term in ORS 757.600.

30 “(e) ‘Eligible entity’ means a:

1 “(A) Local government as defined in ORS 174.116;
2 “(B) Local housing authority;
3 “(C) Nonprofit organization;
4 “(D) Federally recognized Indian tribe in Oregon;
5 “(E) Coordinated care organization as defined in ORS 414.025;
6 “(F) Community action agency as described in ORS 458.505;
7 “(G) Manufactured dwelling park nonprofit cooperative as defined in ORS
8 62.803; or
9 “(H) An electric utility.
10 “(f) ‘Energy burden’ means the percentage of gross household income
11 spent on energy costs.
12 “(g) ‘Environmental justice communities’ has the meaning given that term
13 in ORS 469A.400.
14 “(h) ‘Heat pump’ means an air-source or ground-source heat pump with
15 an energy efficiency rating set by the State Department of Energy under
16 subsection (5) of this section or a higher efficiency rating.
17 “(i) ‘Region’ means an economic development district in Oregon, desig-
18 nated by the Economic Development Administration of the United States
19 Department of Commerce, for which a regional solutions center has been
20 established under ORS 284.754.
21 “(2) The Heat Pump Deployment Program is established within the State
22 Department of Energy. The purpose of the program is to award grants to one
23 eligible entity for each region and federally recognized Indian tribe in
24 Oregon to provide financial assistance, including loans, grants, rebates or
25 incentives, for the purchase and installation of heat pumps and related up-
26 grades to individuals who reside within that region or who are members of
27 that tribe.
28 “(3)(a) To be eligible to receive a grant from the Heat Pump Deployment
29 Program, an eligible entity must establish that it:
30 “(A) Serves or represents:

1 “(i) An environmental justice community or communities within a region;
2 or

3 “(ii) Members of a federally recognized Indian tribe in Oregon; and

4 “(B) Has the capacity to administer grant funds received under this sec-
5 tion.

6 “(b) An eligible entity applying for a grant may partner with other eligi-
7 ble entities, but the entity that is awarded the grant shall take a lead role
8 in administering grant funds and providing financial assistance.

9 “(c) An eligible entity that serves or represents a community that is lo-
10 cated within more than one region may apply for a grant only for the region
11 within which the greatest percentage of the individuals of that community
12 reside.

13 “(d) An eligible entity that serves a specific geographical area may pro-
14 pose, in consultation with any electric utility that serves the area, that the
15 department use alternative boundaries to define a region. The department
16 may approve the use of alternative boundaries to define a region provided
17 that a minimum percentage, as determined by the department, of the eligible
18 entity’s specific geographical area is within the alternative boundaries of the
19 region.

20 “(e) If an electric utility is awarded a grant from the Heat Pump De-
21 ployment Program:

22 “(A) The electric utility may provide financial assistance from grant funds
23 only to individuals who reside within the electric utility’s service area and
24 within the region for which the electric utility is awarded a grant.

25 “(B) The electric utility shall partner with one or more other eligible
26 entities to provide financial assistance from grant funds to individuals who
27 reside outside the electric utility’s service area and within the region for
28 which the electric utility is awarded a grant.

29 “(4) An eligible entity that is awarded a grant from the Heat Pump De-
30 ployment Program shall:

1 “(a) Use the grant funds to cover up to:
2 “(A) One hundred percent of the purchase and installation costs of a heat
3 pump.
4 “(B) A percentage, as determined by the department, of the costs for re-
5 lated upgrades that support or enable the use of a heat pump, including:
6 “(i) A new electrical panel or other upgrades to the electrical system of
7 a home or building.
8 “(ii) Weatherization or other structural repairs to reduce home or build-
9 ing heat and cooling loss.
10 “(iii) Upgrades to improve the airflow of a home or building.
11 “(b) Prioritize the provision of financial assistance to:
12 “(A) Environmental justice communities.
13 “(B) Individuals who rely on bulk fuels or electric resistance heating.
14 “(C) Individuals who reside in a home or structure that does not have a
15 functioning heating or cooling system.
16 “(c) Enter into a performance agreement with the department as described
17 in subsection (8) of this section.
18 “(5) The department shall:
19 “(a) Award grants using available funds in the Heat Pump Deployment
20 Fund established under section 16, **chapter 86, Oregon Laws 2022** [*of this*
21 *2022 Act*].
22 “(b) In awarding grants, give preference to eligible entities with:
23 “(A) Experience in administering state grant programs or programs simi-
24 lar to the Heat Pump Deployment Program.
25 “(B) Experience with community program development within a region
26 or with members of a tribe.
27 “(C) Connections to communities within a region or with members of a
28 tribe.
29 “(c) Develop criteria for allocating the amount of each grant based on the
30 energy burden of residences within the region or of members of the tribe and

1 the climate zones that make up the counties of that region or of tribal lands.

2 “(d) Permit a review of awarded grant funds by members of communities
3 who may benefit from the Heat Pump Deployment Program.

4 “(e) In consultation with electric utilities, the Bonneville Power Admin-
5 istration and the nongovernmental entity that administers public purpose
6 charge moneys collected under ORS 757.612 (3)(d), set the minimum energy
7 efficiency rating that a heat pump must have to be eligible for grant funds.
8 The minimum energy efficiency rating for a heat pump set by the department
9 must be equal to or greater than federal energy efficiency rating standards
10 for heat pumps.

11 “(6) The department may not use moneys collected through the energy
12 resource supplier assessment required under ORS 469.421 (8) to fund grants
13 awarded under the Heat Pump Deployment Program.

14 “(7) The department may:

15 “(a) Establish a maximum amount of grant funds payable toward the
16 purchase and installation of a heat pump and related upgrades.

17 “(b) Permit the use of loans, grants, rebates or incentives offered by an
18 electric utility or other programs toward any costs of the purchase and in-
19 stallation of a heat pump and related upgrades not covered by the Heat Pump
20 Deployment Program.

21 “(c) Provide information to individuals receiving financial assistance from
22 the Heat Pump Deployment Program about other loans, grants, rebates or
23 incentives that may be offered by an electric utility or other programs.

24 “(d) Develop criteria for how specific loans, grants, rebates or incentives
25 offered by an electric utility or other programs may be used toward the costs
26 of the purchase or installation of a heat pump and related upgrades.

27 “(e) Establish incentives to encourage the purchase and installation of
28 heat pumps and related upgrades that have higher efficiency ratings.

29 “(f) Establish incentives for the purchase and installation of a heating
30 or cooling device that has an efficiency rating similar to or higher than that

1 of a heat pump and that provides additional benefits such as improving in-
2 door air quality or lowering an individual's energy burden.

3 “(g) Develop program procedures and practices that align with the re-
4 porting and other requirements of loans, grants, rebates or incentives offered
5 by an electric utility or other programs.

6 “(h) Require, by rule, that eligible entities notify electric utilities of a
7 heat pump installation and whether grant funds may be used for necessary
8 electric distribution system upgrades associated with the installation of the
9 heat pump.

10 “(8) Before receiving a grant under this section, an eligible entity shall
11 enter into a performance agreement with the department that:

12 “(a) Indicates the purposes for which the grant funds may be used;

13 “(b) Prohibits the eligible entity from using more than 15 percent of
14 awarded grant funds for administrative expenses and marketing costs;

15 “(c) Includes the repayment provisions set forth in subsection (9) of this
16 section;

17 “(d) Permits the department to conduct audits and investigations of the
18 eligible entity regarding the use of grant funds; and

19 “(e) Requires the eligible entity to provide reports as required by sub-
20 section (10) of this section.

21 “(9) An eligible entity must repay to the department, in whole or in part,
22 grant funds received under this section to the extent that:

23 “(a) The eligible entity does not use the grant funds in accordance with
24 the provisions of the performance agreement executed between the depart-
25 ment and the eligible entity under subsection (8) of this section; or

26 “(b) The Director of the State Department of Energy determines that the
27 eligible entity must repay all or part of the grant funds on grounds of mis-
28 appropriation, fraud or similar reasons after auditing or investigating the
29 eligible entity's operations and conducting a contested case hearing under
30 ORS 183.413 to 183.470.

1 “(10) Each eligible entity that receives a grant under this section shall
2 report to the department [*by June 30 of*] each year concerning the status and
3 use of grant funds **for the period of July 1 to June 30. The report must**
4 **be submitted on a schedule determined by the department.** The report
5 may not disclose the personal information of the recipients of financial as-
6 sistance under the program. The report must include:

7 “(a) A detailed description of the eligible entity’s use of grant funds;

8 “(b) A list of each loan, grant or other financial assistance that the eli-
9 gible entity has provided and, where applicable, a full accounting of the re-
10 payment status of the loans;

11 “(c) The nature and amounts of the administrative expenses and market-
12 ing costs the eligible entity has incurred in providing loans, grants and other
13 financial assistance under the program; and

14 “(d) Any other information required by the department.

15 “(11) The department shall adopt rules to carry out the provisions of this
16 section. The rules shall be developed in consultation with:

17 “(a) The Bureau of Labor and Industries on issues related to the
18 workforce.

19 “(b) The Building Codes Division of the Department of Consumer and
20 Business Services on issues related to building codes and commissioning.

21 “(c) The Housing and Community Services Department to ensure the Heat
22 Pump Deployment Program complements any existing programs or services.

23 “(d) The Department of Environmental Quality on issues of air quality
24 related to bulk fuels and to ensure the Heat Pump Deployment Program
25 complements any existing programs or services.

26 “(e) The Oregon Health Authority on any health impacts and health im-
27 pact data related to the Heat Pump Deployment Program and to ensure the
28 program complements any existing programs or services.

29 “(f) Electric utilities and utility program administrators on any impacts
30 the Heat Pump Deployment Program may have on utility systems or services

1 and to ensure the program complements any existing programs, incentives
2 or services.

3 “(g) Nonprofit organizations, housing providers, heat pump technicians
4 and other stakeholders as appropriate.

5 **“SECTION 4.** Section 17, chapter 86, Oregon Laws 2022, is amended to
6 read:

7 **“Sec. 17.** The Director of the State Department of Energy shall submit
8 the first biennial report required under section 16, **chapter 86, Oregon**
9 **Laws 2022**, [of this 2022 Act] to the Legislative Assembly no later than
10 [December 31,] **October 15, 2023.**

11 **“SECTION 5.** Section 21, chapter 86, Oregon Laws 2022, is amended to
12 read:

13 **“Sec. 21.** (1) The Residential Heat Pump Fund is established in the State
14 Treasury, separate and distinct from the General Fund. Moneys in the Resi-
15 dential Heat Pump Fund consist of:

16 “(a) Amounts donated to the fund;

17 “(b) Amounts appropriated or otherwise transferred to the fund by the
18 Legislative Assembly; and

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

21 “(2) Moneys in the fund are continuously appropriated to the State De-
22 partment of Energy to be used to provide grants and rebates under sections
23 19 and 20, **chapter 86, Oregon Laws 2022**, [of this 2022 Act] and to pay the
24 costs and expenses of the department related to the administration and im-
25 plementation of sections 19 and 20, **chapter 86, Oregon Laws 2022** [of this
26 2022 Act].

27 “(3) In each calendar year, of the moneys available for issuing grants and
28 rebate from the fund:

29 “(a) 25 percent must be reserved for affordable housing providers; and

30 “(b) 25 percent must be reserved [for loans] for owners of units occupied

1 by *[households whose income is less than 80 percent of the area median*
2 *income]* **low or moderate income households.**”.

3 In line 20, delete “2” and insert “6”.

4 Delete lines 27 through 30 and insert:

5 **“SECTION 7.** Section 24, chapter 86, Oregon Laws 2022, is amended to
6 read:

7 **“Sec. 24.** (1) The State Department of Energy shall provide a grant to the
8 nongovernmental entity that administers public purpose charge moneys un-
9 der ORS 757.612 (3)(d) to enable the nongovernmental entity to assist land-
10 lords in creating or operating, whenever there is an extreme heat event [*as*
11 *defined in section 2 of this 2022 Act for the county of the premises]* **for the**
12 **forecast zone of the premises as described in section 2, chapter 86,**
13 **Oregon Laws 2022,** one or more private community cooling spaces available
14 to the landlord’s tenants during the extreme heat event that are on or near
15 the premises and that maintain a temperature of not higher than 80 degrees
16 Fahrenheit.

17 “(2) Assistance provided under this section may include:

18 “(a) Grants to landlords to create or operate community cooling spaces
19 that will accommodate at least five individuals.

20 “(b) Information to landlords regarding:

21 “(A) Lists of providers and installers of suitable cooling devices;

22 “(B) Private and government programs that may be used to create or op-
23 erate community cooling spaces; and

24 “(C) Best practices and model technical specifications for installing and
25 operating various temporary and permanent community cooling spaces.

26 “(c) Promoting the services relating to community cooling spaces under
27 this section that are provided by the nongovernmental entity.

28 “(3) The nongovernmental entity receiving a grant under this section
29 shall maintain separate accounting of the expenditures of the grant funds
30 and shall report the accounting to the Public Utility Commission and the

1 independent auditor described in ORS 757.746 (1)(d). The nongovernmental
2 entity may not utilize moneys received under ORS 757.054 (4) or 757.612 (3)(d)
3 for grant purposes under this section.

4 **“SECTION 8.** Section 29, chapter 86, Oregon Laws 2022, is amended to
5 read:

6 **“Sec. 29.** No later than [*September 15,*] **December 31,** 2023, the State
7 Department of Energy shall provide a report to an appropriate interim com-
8 mittee of the Legislative Assembly in the manner provided in ORS 192.245
9 on:

10 “(1) The heat pump grants and rebates under sections 19 and 20, **chapter**
11 **86, Oregon Laws 2022** [*of this 2022 Act*];

12 “(2) The community cooling spaces under section 24, **chapter 86, Oregon**
13 **Laws 2022** [*of this 2022 Act*]; and

14 “(3) The results of the cooling needs study under section 26, **chapter 86,**
15 **Oregon Laws 2022** [*of this 2022 Act*].”.

16 On page 2, line 1, delete “4” and insert “9”.

17
