

DRAFT

SUMMARY

Digest: Allows a person to use a plug-in solar power device. (Flesch Readability Score: 61.3).

Allows a retail electricity consumer to install and use portable solar photovoltaic energy devices with up to a total maximum generating capacity of 1,200 watts. Defines “portable solar photovoltaic energy device.” Requires a retail electricity consumer to first file a declaration with the electric utility.

Limits restrictions on portable solar photovoltaic energy devices in residences by landlords, homeowners associations, and condominium associations.

Allows the Director of the Department of Consumer and Business Services to amend the state building code as necessary to address the installation or use of portable solar photovoltaic energy devices.

Becomes operative January 2, 2027.

Takes effect on July 1, 2026.

A BILL FOR AN ACT

Relating to portable solar photovoltaic energy devices; creating new provisions; amending ORS 94.779 and 100.023; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2026 Act is added to and made a part of ORS chapter 757.

SECTION 2. (1) As used in this section:

(a) “Electric utility” means a public utility, a people’s utility district operating under ORS chapter 261, a municipal utility operating under ORS chapter 225 or an electric cooperative organized under ORS chapter 62.

(b) “Portable solar photovoltaic energy device” and “device” mean a device that:

(A) Is moveable;

(B) Has a primary purpose of collecting solar energy and generating electricity by photovoltaic effect;

(C) Has a maximum generating capacity of 1,200 watts or less;

(D) Is designed to be connected to a building’s electrical system through a standard 120-volt alternating current electrical outlet and receptacle;

(E) Includes a safety feature or operates with an ancillary device that prevents the portable solar photovoltaic energy device from energizing the building’s electrical system during a power outage; and

(F) Is listed by Underwriters Laboratories or any other nationally recognized testing laboratory or an equivalent organization.

(c) “Retail electricity consumer” has the meaning given that term in ORS 757.600.

(2) Subject to requirements under this section and the state building code, a retail electricity consumer may install and use one or more portable solar photovoltaic energy devices with up to a total maximum generating capacity of 1,200 watts for the primary purpose of offsetting part or all of the retail electricity consumer’s requirements for electricity.

(3) Prior to installing a portable solar photovoltaic energy device, a retail electricity consumer shall file a declaration with the electric utility in whose service territory the portable solar photovoltaic energy device will be installed. The declaration must specify:

(a) The number of devices the retail electricity consumer intends to install; and

(b) For each device the retail electricity consumer intends to install:

(A) The device’s maximum generating capacity in watts; and

1 (B) The location where the device will be installed.

2 (4)(a) The installation or use of a portable solar photovoltaic energy
3 device by a retail electricity consumer does not require an electric
4 utility's review or approval nor require an interconnection agreement.

5 (b) An electric utility may not charge a retail electricity consumer:

6 (A) A fee for the filing of a declaration described under subsection
7 (3) of this section; or

8 (B) A fee or charge that would increase the retail electricity
9 consumer's minimum monthly charge to an amount greater than that
10 of other retail electricity consumers in the same rate class as the re-
11 tail electricity consumer.

12 (5) An electric utility is not liable for any loss or injury, including
13 death, that is caused by or arising from a retail electricity consumer's
14 portable solar photovoltaic energy device, or for the acts or omissions
15 of the retail electricity consumer that cause loss or injury, including
16 death, to any third party.

17 (6) Subject to the requirements of ORS 757.300, a portable solar
18 photovoltaic energy device may be used as a net metering facility un-
19 der ORS 757.300.

20 SECTION 3. Section 4 of this 2026 Act is added to and made a part
21 of ORS chapter 90.

22 SECTION 4. (1) In this section, "portable solar photovoltaic energy
23 device" and "device" have the meaning given those terms in section 2
24 of this 2026 Act.

25 (2) A landlord may not prohibit or restrict a tenant from installing
26 or using a portable solar photovoltaic energy device of the tenant's
27 choosing, unless:

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

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

30 (B) Violate the device manufacturer's written safety guidelines for
31 the device;

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

2 (D) Require an electrical capacity or amperage that cannot be ac-
3 commodated by the electrical service of the building, dwelling unit or
4 circuit; or

5 (b) If the device would be installed in an exterior area:

6 (A) The exterior area is a required egress;

7 (B) The device would interfere with the tenant's ability to secure a
8 door or window that is accessible from outside;

9 (C) Installation of the device requires the use of brackets or other
10 hardware that would damage or void the warranty of the door or
11 window or frame, puncture the envelope of the building or otherwise
12 cause significant damages; or

13 (D) The restrictions require that the device be installed in a manner
14 that prevents risk of falling.

15 (3) A landlord may not enforce a restriction on portable solar
16 photovoltaic energy devices against a tenant allowed under subsection
17 (2) of this section unless the restrictions are in writing and delivered
18 to the tenant.

19 (4) A landlord is immune from liability for any claim for damages,
20 injury or death caused by a portable solar photovoltaic energy device
21 installed by the tenant.

22 **SECTION 5.** ORS 94.779 is amended to read:

23 94.779. (1) A provision of a planned community's governing document or
24 landscaping or architectural guidelines that imposes irrigation requirements
25 on an owner or the association is void and unenforceable while any of the
26 following is in effect:

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

30 (b) A finding by the Water Resources Commission that a severe, contin-
31 uing drought exists or is likely to occur in a political subdivision within

1 which the planned community is located;

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

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

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

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

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

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

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

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

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

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

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

(a) Is reasonable; and

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

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

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

(6) A provision in a planned community's governing document that restricts or prohibits the installation or use of a portable cooling device, as defined in ORS 90.355, is void and unenforceable, unless:

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

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

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

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

(7) A provision in a planned community's governing document that restricts or prohibits the installation or use of a portable solar photovoltaic energy device, as defined in section 2 of this 2026 Act, is void and unenforceable, unless the installation or use of the device would:

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

(b) Violate the device manufacturer's written safety guidelines for the device.

SECTION 6. ORS 100.023 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Is reasonable; and

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

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

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

(6) A provision in a condominium's governing document that restricts or prohibits the installation or use of a portable cooling device, as defined in ORS 90.355 (1), is void and unenforceable, unless:

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

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

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

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

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

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

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

(B) The device would interfere with the unit owner's ability to lock a window that is accessible from outside;

(C) Requires the use of brackets or other hardware that would damage or void the warranty of the window or frame, puncture the envelope of the building or otherwise cause significant damages;

(D) The restrictions require that the device be adequately drained to prevent damage to the *[dwelling]* unit or building; or

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

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

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

(B) Removed from October 1 through April 30.

(7) A provision in a condominium's governing document that restricts or prohibits the installation or use of a portable solar photovoltaic energy device, as defined in section 2 of this 2026 Act, is void and unenforceable, unless:

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

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

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

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

(D) Require an electrical capacity or amperage that cannot be accommodated by the electrical service of the building, unit or circuit;

or

1 (b) If the device would be installed in an exterior area:

2 (A) The exterior area is a required egress;

3 (B) The device would interfere with the unit owner's ability to se-
4 cure a door or window that is accessible from outside;

5 (C) Installation of the device requires the use of brackets or other
6 hardware that would damage or void the warranty of the door or
7 window or frame, puncture the envelope of the building or otherwise
8 cause significant damages; or

9 (D) The restrictions require that the device be installed in a manner
10 that prevents risk of falling.

11 SECTION 7. (1) Section 4 of this 2026 Act applies to tenancies com-
12 menced before, on or after the effective date of this 2026 Act.

13 (2) The amendments to ORS 94.779 by section 5 of this 2026 Act apply
14 to provisions in governing documents adopted before, on or after the
15 effective date of this 2026 Act.

16 (3) The amendments to ORS 100.023 by section 6 of this 2026 Act
17 apply to provisions in a condominium's governing document adopted
18 before, on or after the effective date of this 2026 Act.

19 SECTION 8. (1) "Portable solar photovoltaic energy device" and
20 "device" mean a device that:

21 (a) Is moveable;

22 (b) Has a primary purpose of collecting solar energy and generating
23 electricity by photovoltaic effect;

24 (c) Has a maximum generating capacity of 1,200 watts or less;

25 (d) Is designed to be connected to a building's electrical system
26 through a standard 120-volt alternating current electrical outlet and
27 receptacle;

28 (e) Includes a safety feature or operates with an ancillary device
29 that prevents the portable solar photovoltaic energy device from en-
30 ergizing the building's electrical system during a power outage; and

31 (f) Is listed by Underwriters Laboratories or any other nationally

1 **recognized testing laboratory or an equivalent organization.**

2 **(2) The Director of the Department of Consumer and Business Ser-**
3 **vices may amend the state building code as necessary to address the**
4 **installation or use of portable solar photovoltaic energy devices to in-**
5 **clude provisions for electrical service capacity, mounting of the device**
6 **on a building exterior or the safe operations of the device.**

7 **SECTION 9. (1) Sections 2, 4 and 7 of this 2026 Act and the amend-**
8 **ments to ORS 94.779 and 100.023 by sections 5 and 6 of this 2026 Act**
9 **become operative on January 1, 2027.**

10 **(2) The Public Utility Commission may adopt rules and take any**
11 **other action before the operative date of specified in subsection (1) of**
12 **this section that is necessary to enable the commission to undertake**
13 **and exercise, on or after the operative date specified in subsection (1)**
14 **of this section, all of the duties, functions and powers conferred on the**
15 **commission by section 2 of this 2026 Act.**

16 **SECTION 10. This 2026 Act takes effect July 1, 2026.**