

LC 75
2026 Regular Session
1/9/26 (CPA/ps)

D R A F T

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.

1 A BILL FOR AN ACT

2 Relating to portable solar photovoltaic energy devices; creating new pro-
3 visions; amending ORS 94.779 and 100.023; and prescribing an effective
4 date.

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

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

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

9 **(a) “Electric utility” means a public utility, a people’s utility dis-**
10 **trict operating under ORS chapter 261, a municipal utility operating**
11 **under ORS chapter 225 or an electric cooperative organized under ORS**
12 **chapter 62.**

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 (b) "Portable solar photovoltaic energy device" and "device" mean
2 a device that:
3 (A) Is moveable;
4 (B) Has a primary purpose of collecting solar energy and generating
5 electricity by photovoltaic effect;
6 (C) Has a maximum generating capacity of 1,200 watts or less;
7 (D) Is designed to be connected to a building's electrical system
8 through a standard 120-volt alternating current electrical outlet and
9 receptacle;
10 (E) Includes a safety feature or operates with an ancillary device
11 that prevents the portable solar photovoltaic energy device from en-
12 ergizing the building's electrical system during a power outage; and
13 (F) Is listed by Underwriters Laboratories or any other nationally
14 recognized testing laboratory or an equivalent organization.

15 (c) "Retail electricity consumer" has the meaning given that term
16 in ORS 757.600.

17 (2) Subject to requirements under this section and the state build-
18 ing code, a retail electricity consumer may install and use one or more
19 portable solar photovoltaic energy devices with up to a total maximum
20 generating capacity of 1,200 watts for the primary purpose of offsetting
21 part or all of the retail electricity consumer's requirements for elec-
22 tricity.

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

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

29 (b) For each device the retail electricity consumer intends to in-
30 stall:

31 (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 vegeta-
14 tion 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.

1 (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:

6 (a) Is reasonable; and

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

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

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

15 (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:

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

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

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

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

24 **(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:**

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

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

1 **SECTION 6.** 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 adopted
2 after January 1, 2018, the following provisions of a condominium's governing
3 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 restricts or
28 prohibits the installation or use of a portable cooling device, as defined in
29 ORS 90.355 (1), is void and unenforceable, unless:

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

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

1 (B) Violate the device manufacturer's written safety guidelines for the
2 device;
3 (C) Interfere with the common elements of the condominium; or
4 (D) Require amperage to power the device that cannot be accommodated
5 by the power service to the building, unit or circuit;
6 (b) The device would be installed in a window and:
7 (A) The window is a necessary egress from the unit;
8 (B) The device would interfere with the unit owner's ability to lock a
9 window that is accessible from outside;
10 (C) Requires the use of brackets or other hardware that would damage
11 or void the warranty of the window or frame, puncture the envelope of the
12 building or otherwise cause significant damages;
13 (D) The restrictions require that the device be adequately drained to
14 prevent damage to the *[dwelling]* unit or building; or
15 (E) The restrictions require that the device be installed in a manner that
16 prevents risk of falling; or
17 (c) The restrictions are only to require that the device be:
18 (A) Installed by building maintenance or a licensed contractor; or
19 (B) Removed from October 1 through April 30.
20 **(7) A provision in a condominium's governing document that re-**
21 **stricts or prohibits the installation or use of a portable solar**
22 **photovoltaic energy device, as defined in section 2 of this 2026 Act, is**
23 **void and unenforceable, unless:**
24 **(a) The installation or use of the device would:**
25 **(A) Violate building codes or state or federal law;**
26 **(B) Violate the device manufacturer's written safety guidelines for**
27 **the device;**
28 **(C) Interfere with the common elements of the condominium; or**
29 **(D) Require an electrical capacity or amperage that cannot be ac-**
30 **commodated by the electrical service of the building, unit or circuit;**
31 **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.**

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