

House Bill 4080

Sponsored by Representative MCDONALD, Senator NERON MISSLIN, Representatives ANDERSEN, GAMBA, Senator FREDERICK; Representatives CHOTZEN, EVANS, FRAGALA, HELM, JAVADI, MARSH, MUNOZ, NOSSE, PHAM H, RIEKE SMITH, RUIZ, WISE, Senators GELSER BLOUIN, GOLDEN, PHAM K, REYNOLDS (Presession filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

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 1, 2027.

Takes effect 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 elec-

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 tricity consumer may install and use one or more portable solar photovoltaic energy devices
 2 with up to a total maximum generating capacity of 1,200 watts for the primary purpose of
 3 offsetting part or all of the retail electricity consumer's requirements for electricity.

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

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

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

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

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

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

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

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

16 (B) A fee or charge that would increase the retail electricity consumer's minimum
 17 monthly charge to an amount greater than that of other retail electricity consumers in the
 18 same rate class as the retail electricity consumer.

19 (5) An electric utility is not liable for any loss or injury, including death, that is caused
 20 by or arising from a retail electricity consumer's portable solar photovoltaic energy device,
 21 or for the acts or omissions of the retail electricity consumer that cause loss or injury, in-
 22 cluding death, to any third party.

23 (6) Subject to the requirements of ORS 757.300, a portable solar photovoltaic energy de-
 24 vice may be used as a net metering facility under ORS 757.300.

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

26 **SECTION 4.** (1) As used in this section, "portable solar photovoltaic energy device" and
 27 "device" have the meaning given those terms in section 2 of this 2026 Act.

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

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

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

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

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

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

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

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

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

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

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

45 (3) A landlord may not enforce a restriction on portable solar photovoltaic energy devices

1 **against a tenant allowed under subsection (2) of this section unless the restrictions are in**
 2 **writing and delivered to the tenant.**

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

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

6 94.779. (1) A provision of a planned community's governing document or landscaping or archi-
 7 tectural guidelines that imposes irrigation requirements on an owner or the association is void and
 8 unenforceable while any of the following is in effect:

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (a) Is reasonable; and

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

44 (5)(a) Subsection (3) of this section does not apply to planned communities that provide housing
 45 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 an-

1 other unit, a provision that prohibits or restricts the use of the unit owner's condominium unit or
 2 any limited common element designated for exclusive use by the occupants of the unit as a certified
 3 or registered family child care home pursuant to ORS 329A.250 to 329A.450.

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

8 (a) Is reasonable; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 **(D) Require an electrical capacity or amperage that cannot be accommodated by the**

1 electrical service of the building, unit or circuit; or

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

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

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

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

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

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

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

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

18 **SECTION 8.** (1) As used in this section, "portable solar photovoltaic energy device" and
19 "device" mean a device that:

20 (a) Is moveable;

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

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

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

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

29 (f) Is listed by Underwriters Laboratories or any other nationally recognized testing lab-
30 oratory or an equivalent organization.

31 (2) The Director of the Department of Consumer and Business Services may amend the
32 state building code as necessary to address the installation or use of portable solar
33 photovoltaic energy devices to include provisions for electrical service capacity, mounting
34 of the device on a building exterior or the safe operations of the device.

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

37 (2) The Public Utility Commission may adopt rules and take any other action before the
38 operative date of specified in subsection (1) of this section that is necessary to enable the
39 commission to undertake and exercise, on or after the operative date specified in subsection
40 (1) of this section, all of the duties, functions and powers conferred on the commission by
41 section 2 of this 2026 Act.

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