

Requested by SENATE COMMITTEE ON HOUSING AND DEVELOPMENT

**PROPOSED AMENDMENTS TO
SENATE BILL 1536**

1 On page 1 of the printed bill, delete lines 9 through 18.

2 On page 2, delete lines 1 through 33 and insert:

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

4 **“(a) ‘Extreme heat event’ means a day on which National Weather**
5 **Service of the National Oceanic and Atmospheric Administration has**
6 **predicted or indicated that there exists a heat index of extreme cau-**
7 **tion for the county.**

8 **“(b) ‘Portable cooling device’ includes air conditioners and**
9 **evaporative coolers, including devices mounted in a window or that**
10 **are designed to sit on the floor but not including devices whose in-**
11 **stallation or use requires alteration to the dwelling unit.**

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

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

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

16 **“(B) Violate the device manufacture’s written safety guidelines for**
17 **the device;**

18 **“(C) Damage the premises or render the premises uninhabitable; or**

19 **“(D) Require amperage to power the device that cannot be accom-**
20 **modated by the power service to the building, dwelling unit or circuit;**

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

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**
3 **window that is accessible from outside;**
4 **“(C) The device requires the use of brackets or other hardware that**
5 **would damage or void the warranty of the window or frame, puncture**
6 **the envelope of the building or otherwise cause significant damages;**
7 **“(D) The restrictions require that the device be adequately drained**
8 **to prevent damage to the dwelling unit or building; or**
9 **“(E) The restrictions require that the device be installed in a man-**
10 **ner that prevents risk of falling; or**
11 **“(c) The restrictions require that the device be:**
12 **“(A) Installed or removed by the landlord or landlord’s agent;**
13 **“(B) Subject to inspection or servicing by the landlord or landlord’s**
14 **agent; or**
15 **“(C) Removed from October 1 through April 30.**
16 **“(3) A landlord may not enforce a restriction on portable cooling**
17 **devices against a tenant allowed under subsection (2) of this section**
18 **unless the restrictions are in writing and delivered to the tenant. The**
19 **written restrictions must include whether the landlord intends to op-**
20 **erate, whenever there is an extreme heat event for the county of the**
21 **premises, one or more community cooling spaces available to the**
22 **tenant that are located on or near the premises and that maintain a**
23 **temperature of not higher than 80 degrees Fahrenheit.**
24 **“(4) A landlord is immune from liability for any claim for damages,**
25 **injury or death caused by a portable cooling device installed by the**
26 **tenant.**
27 **“(5) A landlord who must limit portable cooling devices for a**
28 **building under subsection (2)(a)(D) of this section shall prioritize al-**
29 **lowing the use of devices for individuals who require a device to ac-**
30 **commodate a disability. A landlord is not responsible for any**

1 **interruption in electrical service that is not caused by the landlord,**
2 **including interruptions caused by an electrical supply’s inability to**
3 **accommodate use of a portable cooling device.**

4 **“(6) If a landlord issues a termination notice under ORS 90.392 or**
5 **90.630 based on a violation of a restriction regulating a portable cooling**
6 **device allowed under subsection (2) of this section:**

7 **“(a) On each day that there is an extreme heat event for the county**
8 **of the premises, the notice period described in ORS 90.392 (3), (4), (5)**
9 **or (6) or 90.630 (1), (3) or (6) does not run.**

10 **“(b) The termination notice must state:**

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

12 **“(B) That the date of termination specified in the notice will be**
13 **extended by one day for each day that there is an extreme heat event**
14 **for the county of the premises; and**

15 **“(C) That information regarding days with an extreme heat event**
16 **can be found on the website for the Housing and Community Services**
17 **Department.”.**

18 On page 4, line 45, delete “or”.

19 On page 5, delete lines 1 through 7 and insert:

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

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

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

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

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

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

30 “(D) The restrictions require that the device be adequately drained to

1 prevent damage to the dwelling unit or building; or

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

4 Delete lines 40 through 45.

5 On page 6, delete lines 1 through 6 and insert:

6

7 **“HOUSING AND COMMUNITY SERVICES DEPARTMENT WEBSITE**

8

9 **“SECTION 7. Section 8 of this 2022 Act is added to and made a part**
10 **of ORS chapter 458.**

11 **“SECTION 8. The Housing and Community Services Department**
12 **shall make available on the department’s website:**

13 **“(1) A list of dates and counties in which there exists an extreme**
14 **heat event as defined in section 2 of this 2022 Act. Dates published on**
15 **the website must remain on the website for at least one year.**

16 **“(2) Information regarding relevant programs and services available**
17 **to landlords to provide adequate cooling under ORS 90.320 (1)(m) or**
18 **90.730 (3)(d), including:**

19 **“(a) Programs administered by the department;**

20 **“(b) Information provided by the Oregon Health Authority regard-**
21 **ing programs administered by the authority;**

22 **“(c) Information provided by the State Department of Energy re-**
23 **garding programs administered by the department;**

24 **“(d) Programs administered by a nongovernmental entity that ad-**
25 **ministers public purpose charges under ORS 757.612 (3)(d); and**

26 **“(e) Federal programs, rebates or incentives, including those ad-**
27 **ministered by the Bonneville Power Administration.”.**

28 On page 7, delete lines 10 through 23 and insert:

29 **“(m) For a dwelling unit in a building where building permits for its**
30 **construction were issued on or after April 1, 2024, adequate cooling facilities**

1 that:

2 “(A) Provide cooling in at least one room of the dwelling unit, not in-
3 cluding a bathroom;

4 “(B) Conform to applicable law at the time of installation and are main-
5 tained in good working order; and

6 “(C) May include central air conditioning, an air-source or ground-source
7 heat pump or a portable air conditioning device that is provided by the
8 landlord.”.

9 On page 9, delete lines 18 through 45 and delete pages 10 through 12.

10 On page 13, delete lines 1 through 23 and insert:

11

12 **“RESIDENTIAL HEAT PUMP REBATES AND GRANTS**

13

14 **“SECTION 12. (1) The State Department of Energy shall provide**
15 **rebates for the purchase and installation of air-source or ground-**
16 **source heat pumps to owners of a dwelling unit used as a residential**
17 **tenancy and to owners of a manufactured dwelling or recreational**
18 **vehicle who rent a space in a manufactured dwelling or recreational**
19 **vehicle park.**

20 **“(2)(a) Rebates available under this section may only be claimed by**
21 **a contractor that installs a heat pump for the owner of a residential**
22 **dwelling unit in Oregon. A contractor that claims a rebate under this**
23 **section must use the full amount of the rebate to reduce the net cost**
24 **to the customer of the purchase of the heat pump for which the rebate**
25 **is issued.**

26 **“(b) The amount that may be claimed as a rebate under this section**
27 **may not exceed:**

28 **“(A) For the owner of a dwelling unit used as a residential tenancy,**
29 **60 percent of the purchase price of the heat pump.**

30 **“(B) For the owner of a manufactured dwelling or recreation vehi-**

1 cle, a percentage of the purchase price of the heat pump as established
2 by the department.

3 “(c) To be eligible to claim a rebate on behalf of a customer under
4 this section, a contractor that installs a heat pump must, at the time
5 of the installation:

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

8 “(B) Demonstrate a history of compliance with the rules and other
9 requirements of the Construction Contractors Board, the Bureau of
10 Labor and Industries and the Workers’ Compensation Division and the
11 Occupational Safety and Health Division of the Department of Con-
12 sumer and Business Services; and

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

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

16 “(a) Before installing a heat pump, apply to the department to re-
17 serve a rebate on behalf of the customer for whom the heat pump will
18 be installed.

19 “(b) After installing the heat pump, verify the purchase and in-
20 stallation of the heat pump on a form provided by the department that
21 must contain:

22 “(A) The location of the heat pump;

23 “(B) A description of the heat pump;

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

26 “(D) A statement signed by both the contractor and the customer
27 for whom the heat pump is installed that the customer has received
28 the full value of the rebate as a reduction in the net cost of the pur-
29 chase and installation of the heat pump and that the rebate was
30 clearly reflected on an invoice provided to the customer;

1 **“(E) The projected energy savings from the installation of the heat**
2 **pump; and**

3 **“(F) Any other information that the department determines is**
4 **necessary.**

5 **“(4) Rebates made under this section must be made from moneys**
6 **in the Residential Heat Pump Fund established under section 14 of this**
7 **2022 Act. A rebate may be made only if there are moneys available in**
8 **the fund to make the rebate.**

9 **“(5) Pursuant to the procedures for a contested case under ORS**
10 **chapter 183, the department may:**

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

13 **“(A) The contractor’s eligibility was obtained by fraud or misrep-**
14 **resentation by the contractor;**

15 **“(B) The contractor’s performance for installation of heat pumps**
16 **does not meet industry standards; or**

17 **“(C) The contractor has misrepresented to customers either the**
18 **program established under this section or the nature or quality of the**
19 **heat pumps for which rebates are available.**

20 **“(b) Revoke a rebate or a portion of a rebate made under this sec-**
21 **tion if the department finds that:**

22 **“(A) The rebate was obtained by fraud or misrepresentation; or**

23 **“(B) The rebate was obtained by mistake or miscalculation.**

24 **“(6)(a) The department may adopt rules to administer the rebate**
25 **program.**

26 **“(b) In adopting rules under this section, the department may co-**
27 **ordinate or consult with:**

28 **“(A) The Housing and Community Services Department, the Build-**
29 **ing Codes Division of the Department of Consumer and Business Ser-**
30 **vices and any other relevant state agencies;**

1 **“(B) Nonprofit organizations and utilities; and**

2 **“(C) Other incentive providers.**

3 **“(c) Rules adopted under this section may include:**

4 **“(A) Preferences for providing rebates that benefit low and moder-**
5 **ate income residential tenants;**

6 **“(B) Preferences for providing rebates to support heat pumps with**
7 **superior energy efficiency;**

8 **“(C) Provisions for determining eligibility and verification of heat**
9 **pumps; and**

10 **“(D) Policies and procedures for the administration and enforce-**
11 **ment of this section and section 14 of this 2022 Act, which may include**
12 **policies and procedures for audits and inspections.**

13 **“SECTION 13. (1) The State Department of Energy shall provide**
14 **grants for upgrades, including electrical and mechanical upgrades, to**
15 **facilitate the installation of heat pumps for owners of a dwelling unit**
16 **or a manufactured dwelling for whom a rebate has been reserved un-**
17 **der section 12 (3)(a) of this 2022 Act.**

18 **“(2) Grants made under this section must be made from moneys in**
19 **the Residential Heat Pump Fund established under section 14 of this**
20 **2022 Act. A grant may be made only if there are moneys available in**
21 **the fund to make the grant.**

22 **“(3)(a) The department shall adopt rules to administer the grant**
23 **program.**

24 **“(b) In adopting rules under this section, the department may co-**
25 **ordinate or consult with:**

26 **“(A) The Housing and Community Services Department, the Build-**
27 **ing Codes Division of the Department of Consumer and Business Ser-**
28 **vices, the United States Department of Energy and any other relevant**
29 **agencies;**

30 **“(B) Nonprofit organizations and utilities; and**

1 **“(C) Other incentive providers.**

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

3 **“(A) Preferences for providing grants that benefit low and moderate**
4 **income residential tenants;**

5 **“(B) Provisions for determining eligibility and verification of the**
6 **upgrades; and**

7 **“(C) Policies and procedures for the administration and enforce-**
8 **ment of this section.**

9 **“SECTION 14. (1) The Residential Heat Pump Fund is established**
10 **in the State Treasury, separate and distinct from the General Fund.**
11 **Moneys in the Residential Heat Pump Fund consist of:**

12 **“(a) Amounts donated to the fund;**

13 **“(b) Amounts appropriated or otherwise transferred to the fund by**
14 **the Legislative Assembly; and**

15 **“(c) Other amounts deposited into the fund from any public or pri-**
16 **vate source.**

17 **“(2) Moneys in the fund are continuously appropriated to the State**
18 **Department of Energy to be used to provide grants and rebates under**
19 **sections 12 and 13 of this 2022 Act and to pay the costs and expenses**
20 **of the department related to the administration and implementation**
21 **of sections 12 and 13 of this 2022 Act.**

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

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

26 **“(b) 25 percent must be reserved for loans for owners of units oc-**
27 **cupied by households whose income is less than 80 percent of the area**
28 **median income.**

29 **“SECTION 15. In addition to and not in lieu of any other appropri-**
30 **ation, there is appropriated to the State Department of Energy, for the**

1 biennium ending June 30, 2023, out of the General Fund, the amount
2 of \$15,000,000 for deposit into the Residential Heat Pump Fund estab-
3 lished under section 14 of this 2022 Act.

4 **“SECTION 16. (1) Sections 12 to 15 of this 2022 Act are repealed on**
5 **January 2, 2025.**

6 **“(2) On the date of the repeal of sections 12 to 15 of this 2022 Act**
7 **under subsection (1) of this section, any moneys in the Residential**
8 **Heat Pump Fund that are unexpended, unobligated and not subject to**
9 **any conditions or reservations under section 12 (3)(a) of this 2022 Act**
10 **are transferred to the General Fund.**

11
12 **“COMMUNITY COOLING CENTERS**
13

14 **“SECTION 17. (1) The State Department of Energy shall provide**
15 **grants to a nongovernmental entity that administers public purpose**
16 **charges under ORS 757.612 (3)(d) to enable the nongovernmental entity**
17 **to assist landlords in creating or operating, whenever there is an ex-**
18 **treme heat event as defined in section 2 of this 2022 Act for the county**
19 **of the premises, one or more private community cooling spaces avail-**
20 **able to the landlord’s tenants during the extreme heat event that are**
21 **on or near the premises and that maintain a temperature of not higher**
22 **than 80 degrees Fahrenheit.**

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

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

26 **“(b) Information to landlords regarding:**

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

28 **“(B) Private and government programs that may be used to create**
29 **or operate community cooling spaces; and**

30 **“(C) Best practices and model technical specifications for installing**

1 and operating various temporary and permanent community cooling
2 spaces.

3 “(c) Promoting the services of the nongovernmental entity under
4 this section.

5 **“SECTION 18.** In addition to and not in lieu of any other appropri-
6 ation, there is appropriated to the State Department of Energy, for the
7 biennium ending June 30, 2023, out of the General Fund, the amount
8 of \$1,000,000, to provide grants under section 17 of this 2022 Act.

9

10 **“COOLING NEEDS STUDY**

11

12 **“SECTION 19.** (1) The State Department of Energy shall study the
13 cooling and electrical needs of publicly supported housing as defined
14 in ORS 456.250, manufactured dwelling parks and recreational vehicle
15 parks. The study should detail information including but not limited
16 to the following:

17 **“(a) The prevalence of cooling facilities;**

18 **“(b) The need for cooling facilities;**

19 **“(c) Barriers to transitioning housing and parks to include cooling**
20 **facilities; and**

21 **“(d) When possible, specific scenarios for properties in development**
22 **or preservation to add cooling facilities.**

23 **“(2) The Building Codes Division of the Department of Consumer**
24 **and Business Services shall provide assistance in conducting the study**
25 **under this section.**

26 **“SECTION 20.** In addition to and not in lieu of any other appropri-
27 ation, there is appropriated to the State Department of Energy, for the
28 biennium ending June 30, 2023, out of the General Fund, the amount
29 of \$500,000, to perform the duties of the department under section 19
30 of this 2022 Act.

1 **“SECTION 21. Section 19 of this 2022 Act is repealed on January 2,**
2 **2025.**

3

4

“STATE DEPARTMENT OF ENERGY REPORTS

5

6 **“SECTION 22. No later than September 15, 2023, the State Depart-**
7 **ment of Energy shall provide a report to an appropriate interim com-**
8 **mittee of the Legislative Assembly in the manner provided in ORS**
9 **192.245 on:**

10 **“(1) The heat pump grants and rebates under sections 12 and 13 of**
11 **this 2022 Act;**

12 **“(2) The community cooling centers under section 17 of this 2022**
13 **Act; and**

14 **“(3) The results of the cooling needs study under section 19 of this**
15 **2022 Act.”.**

16 After line 39, insert:

17 **“(4) Warming or cooling shelters or facilities receiving grants under this**
18 **section shall notify 211Info, a public benefit corporation, regarding the**
19 **shelter’s location and capacity and shall keep the corporation updated with**
20 **the shelter’s hours and dates of operation.”.**

21
