

Enrolled House Bill 3378

Sponsored by Representative GOMBERG; Representatives ANDERSEN, GAMBA, JAVADI, Senators ANDERSON, REYNOLDS, WEBER

CHAPTER

AN ACT

Relating to tenant dwelling access to dwelling unit; amending ORS 90.320 and 458.395.

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

SECTION 1. ORS 90.320 is amended to read:

90.320. (1) A landlord shall at all times during the tenancy maintain the dwelling unit in a habitable condition. For purposes of this section, a dwelling unit shall be considered uninhabitable if it substantially lacks:

(a) Effective waterproofing and weather protection of roof and exterior walls, including windows and doors;

(b) Plumbing facilities that conform to applicable law in effect at the time of installation and are maintained in good working order;

(c) A water supply approved under applicable law that is:

(A) Under the control of the tenant or landlord and is capable of producing hot and cold running water;

(B) Furnished to appropriate fixtures;

(C) Connected to a sewage disposal system approved under applicable law; and

(D) Maintained so as to provide safe drinking water and to be in good working order to the extent that the system can be controlled by the landlord;

(d) Adequate heating facilities that conform to applicable law at the time of installation and are maintained in good working order;

(e) Electrical lighting with wiring and electrical equipment that conform to applicable law at the time of installation and is maintained in good working order;

(f) Buildings, grounds and appurtenances at the time of the commencement of the rental agreement in every part safe for normal and reasonably foreseeable uses, clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin, and all areas under control of the landlord kept in every part safe for normal and reasonably foreseeable uses, clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin;

(g) Except as otherwise provided by local ordinance or by written agreement between the landlord and the tenant, an adequate number of appropriate receptacles for garbage and rubbish in clean condition and good repair at the time of the commencement of the rental agreement, and the landlord shall provide and maintain appropriate serviceable receptacles thereafter and arrange for their removal;

(h) Floors, walls, ceilings, stairways and railings maintained in good repair;

(i) Ventilating, air conditioning and other facilities and appliances, including elevators, maintained in good repair if supplied or required to be supplied by the landlord;

(j) Safety from fire hazards, including a working smoke alarm or smoke detector, with working batteries if solely battery-operated, provided only at the beginning of any new tenancy when the tenant first takes possession of the premises, as provided in ORS 479.270, but not to include the tenant's testing of the smoke alarm or smoke detector as provided in ORS 90.325 (1);

(k) A carbon monoxide alarm, and the dwelling unit:

(A) Contains a carbon monoxide source; or

(B) Is located within a structure that contains a carbon monoxide source and the dwelling unit is connected to the room in which the carbon monoxide source is located by a door, ductwork or a ventilation shaft;

(L) Working locks for all dwelling entrance doors[, *and, unless contrary to applicable law,*] **and** latches for all windows, by which access may be had to [*that portion of the premises that the tenant is entitled under the rental agreement to occupy to the exclusion of others and keys for those locks that require keys; or*] **the dwelling unit;**

(m) A means of unlocking locks under paragraph (L) of this subsection, including access control systems operated by a software application operated on a tenant's mobile phone or other electronic device, provided that the landlord also offers the tenant at least one alternative means of access, including an access code or a fob, key card or other tangible key; or

[(m)] **(n)** For a dwelling unit in a building where building permits for its construction were issued on or after April 1, 2024, adequate cooling facilities that:

(A) Provide cooling in at least one room of the dwelling unit, not including a bathroom;

(B) Conform to applicable law at the time of installation and are maintained in good working order; and

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

(2) The landlord and tenant may agree in writing that the tenant is to perform specified repairs, maintenance tasks and minor remodeling only if:

(a) The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the landlord;

(b) The agreement does not diminish the obligations of the landlord to other tenants in the premises; and

(c) The terms and conditions of the agreement are clearly and fairly disclosed and adequate consideration for the agreement is specifically stated.

(3) Any provisions of this section that reasonably apply only to a structure that is used as a home, residence or sleeping place do not apply to a manufactured dwelling, recreational vehicle or floating home where the tenant owns the manufactured dwelling, recreational vehicle or floating home, rents the space and, in the case of a dwelling or home, the space is not in a facility. Manufactured dwelling or floating home tenancies in which the tenant owns the dwelling or home and rents space in a facility are governed by ORS 90.730 and not by this section.

SECTION 2. ORS 458.395 is amended to read:

458.395. The Housing and Community Services Department shall make available on the department's website:

(1) A list of dates and counties in which there exists an extreme heat event for a forecast zone in this state as defined in ORS 90.355. Dates published on the website must remain on the website for at least one year.

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

(a) Programs administered by the department;

(b) Information provided by the Oregon Health Authority regarding programs administered by the authority, including the list of eligible distribution entities compiled under ORS 431A.430 (5);

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

(d) Programs administered by the nongovernmental entity that administers public purpose charge moneys under ORS 757.612 (3)(d); and

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

Passed by House March 11, 2025

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate May 13, 2025

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State