

HOUSE AMENDMENTS TO HOUSE BILL 3521

By COMMITTEE ON HOUSING AND HOMELESSNESS

April 11

1 Delete lines 4 through 28 of the printed bill and insert:

2 “**SECTION 1.** ORS 90.297 is amended to read:

3 “90.297. (1) Except as provided in ORS 90.295 and in this section, a landlord may not charge a
4 deposit or fee, however designated, to an applicant who has applied to a landlord to enter a rental
5 agreement for a dwelling unit.

6 “(2) A landlord may charge a deposit[, *however designated,*] to an applicant for the purpose of
7 securing the execution of a rental agreement, **only** after approving the applicant’s application but
8 prior to entering into a rental agreement. **Before receiving the deposit,** the landlord must give the
9 applicant a written statement describing:

10 “(a) The amount of rent and the fees the landlord will charge and the deposits the landlord will
11 require; *[and]*

12 “(b) The terms of the agreement to execute a rental agreement; and

13 “(c) The conditions for refunding or retaining the deposit.

14 “(3) If a rental agreement is executed, the landlord shall either apply the deposit toward the
15 moneys due **to** the landlord under the rental agreement or refund *[it]* **the deposit** immediately to
16 the tenant.

17 “(4) If a rental agreement is not executed due to a failure by the applicant to comply with the
18 agreement to execute, the landlord may retain the deposit, **unless the applicant has rejected the**
19 **agreement due to the discovery of material defects relating to the premise’s habitability, as**
20 **described in ORS 90.320 (1).**

21 “(5) If a rental agreement is not executed due to a failure by the landlord to comply with the
22 agreement to execute **or due to a tenant’s rejection of the agreement based on uninhabitability**
23 **as described in subsection (4) of this section,** within *[four]* **five business** days the landlord shall
24 return the deposit to the applicant either by making the deposit available to the applicant at the
25 landlord’s customary place of business or by mailing the deposit by first class mail to the applicant.

26 “(6) If a landlord fails to comply with this section, the applicant or tenant[, *as the case may*
27 *be,*] may recover from the landlord:

28 “(a) The amount of any fee or deposit charged, *[plus \$150.]* **as provided in subsection (5) of**
29 **this section; and**

30 “(b) **If the repayment was not made timely under subsection (5) of this section, and the**
31 **failure to repay was not due to an act of God, a penalty equal to the greater of the deposit**
32 **or an amount agreed to by the parties.”.**
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