

B-Engrossed House Bill 3525

Ordered by the House June 18
Including House Amendments dated April 16 and June 18

Sponsored by Representatives HARTMAN, OWENS, HELM; Representatives GAMBA, GOMBERG, MCDONALD, NATHANSON, WALTERS, Senators MANNING JR, MEEK, PHAM K

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

Digest: This Act requires landlords to test tenants' wells for contaminants. (Flesch Readability Score: 61.3).

Requires, for each dwelling unit rented by a landlord for which the source of drinking water is an exempt well **in a ground water management area**, that the landlord collect and test samples of drinking water from the dwelling unit for arsenic, coliform bacteria, lead and nitrates. Requires the Oregon Health Authority to adopt implementation rules. Becomes operative on *[June 1, 2026]* **January 1, 2027**.

A BILL FOR AN ACT

Relating to exempt wells that supply ground water for domestic purposes.

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

SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 90.

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

(a) "Contaminants" includes arsenic, coliform bacteria, lead and nitrates.

(b) "Exempt well" means a well used for purposes exempt under ORS 537.545 (1)(b) or (d).

(2) If a dwelling unit has an exempt well or wells as a source of drinking water and is within a ground water management area, as defined in ORS 468B.150, the landlord shall collect and test samples of drinking water for the unit.

(3) A landlord shall ensure that each source for which drinking water is collected under subsection (5)(a) of this section is tested as follows:

(a) The water must be tested for arsenic no later than 30 days after installing the exempt well.

(b) Except as provided in subsection (4) of this section, the drinking water must be tested for each contaminant at least once each year.

(4) Following a test that indicates that the drinking water does not contain contaminants that exceed the maximum contaminant levels in drinking water as most recently published by the United States Environmental Protection Agency, the landlord is not required to test drinking water for contaminants for four years, if the test is:

(a) The first test conducted for the dwelling unit;

(b) The first test conducted after an extension allowed under this subsection; or

(c) The second successful annual test conducted over two consecutive years following a failed test.

(5) A landlord subject to this section:

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 (a) Shall collect samples of water from a dwelling unit's primary faucet used for drinking
2 and cooking water and may collect supplementary samples of water from a dwelling unit's
3 other faucets of drinking water or from a dwelling unit's wellhead;

4 (b) May delegate the landlord's duty to collect samples of drinking water under paragraph
5 (a) of this subsection to a tenant if the landlord and the tenant agree to the delegation in
6 writing and the agreement is made in good faith and for adequate consideration; and

7 (c) Shall, when submitting samples of drinking water collected under this section to a
8 laboratory for testing:

9 (A) Inform the laboratory that the testing is required pursuant to this section; and

10 (B) Request that the laboratory report the results of the test to the Oregon Health Au-
11 thority.

12 (6) A laboratory conducting a test pursuant to this section:

13 (a) Must be accredited under the environmental laboratory accreditation program estab-
14 lished under ORS 438.615;

15 (b) Shall electronically report the results of the test to the authority in a form and
16 manner prescribed by the authority, which may include reporting of the results through
17 electronic mail using a spreadsheet; and

18 (c) Shall send the full laboratory report to the landlord, and to the tenant if requested
19 by the landlord, in a form showing the absence or presence of coliform bacteria and the
20 concentration of other contaminants in milligrams per liter or parts per million.

21 (7) Each time the landlord has drinking water tested for a contaminant under this sec-
22 tion, the landlord shall provide the results of the test to the tenant within 30 days after re-
23 ceiving the results in a form:

24 (a) As provided to the landlord under subsection (6)(c) of this section; or

25 (b) Showing only the tests performed and whether the dwelling unit passed or failed each
26 test and notifying the tenant that the tenant may obtain or inspect the full laboratory report
27 upon request. This form must be substantially in the format adopted by the authority under
28 subsection (10)(a) of this section.

29 (8) Prior to entering into a rental agreement for a dwelling unit for which a landlord
30 must collect and test drinking water under this section, the landlord must provide to the
31 tenant written notice providing:

32 (a) That the dwelling unit has an exempt well as a source of drinking water and is within
33 a ground water management area, as defined in ORS 468B.150;

34 (b) The dates and the results of the most recent test for each contaminant, in a form
35 described in subsection (7) of this section, or a statement that the contaminant has not yet
36 been tested for; and

37 (c) The latest date by which the next test for each contaminant must be conducted.

38 (9) If the results of a test conducted under this section indicate that the drinking water
39 collected under this section contains any amount of coliform bacteria or an amount of other
40 contaminants that exceeds the maximum contaminant levels in drinking water as most re-
41 cently published by the United States Environmental Protection Agency, the landlord shall,
42 as soon as practicable:

43 (a) Provide the results of the test to the tenant as required under subsection (7) of this
44 section;

45 (b) Provide the tenant with the handout adopted by the authority under subsection (10)(b)

1 of this section; and

2 (c) Thereafter retest the exempt well according to a schedule set by rule by the author-
3 ity, notwithstanding subsections (3) and (4) of this section.

4 (10) The authority shall adopt rules to implement this section, including rules specifying
5 the content of:

6 (a) A form that a landlord subject to this section must use to provide information de-
7 scribed in subsection (7)(b) of this section. The form must include:

8 (A) A section that must be filled out by the landlord to indicate, in plain language,
9 whether the dwelling unit passed or failed each test; and

10 (B) A section that may be filled out by the landlord to indicate the absence or presence
11 in the drinking water of coliform bacteria and the concentration of other contaminants in
12 milligrams per liter or parts per million.

13 (b) A handout providing information on testing drinking water for contaminants and the
14 impact that drinking water that contains contaminants can have on a person's health.

15 (11) This section does not apply to a dwelling unit that is part of a premises subject to
16 regulation under ORS 448.119 to 448.285, 454.235 and 454.255, as described in ORS 448.119.

17 (12) Information received by the authority under this section may only be used as pro-
18 vided in this section and for the benefit of the landlord, tenant or applicant of the dwelling
19 unit. Any records collected or created by the authority under this section must note that the
20 data has not been controlled for quality and may not be used for determining location-
21 specific ground water quality.

22 SECTION 3. Before June 1, 2027, and notwithstanding section 2 (3)(b) of this 2025 Act, for
23 each dwelling unit that is subject to section 2 (2) of this 2025 Act on the operative date
24 specified in section 4 of this 2025 Act, the landlord shall sample and test for all contaminants
25 as described in section 2 (5) of this 2025 Act.

26 SECTION 4. (1) Section 2 of this 2025 Act becomes operative on January 1, 2027.

27 (2) The Oregon Health Authority may take any action before the operative date specified
28 in subsection (1) of this section that is necessary for the authority to exercise, on and after
29 the operative date specified in subsection (1) of this section, all of the duties, functions and
30 powers conferred on the authority by section 2 of this 2025 Act.
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