

(Including Amendments to Resolve Conflicts)

## C-Engrossed House Bill 3525

Ordered by the Senate June 26  
Including House Amendments dated April 16 and June 18 and Senate  
Amendments dated June 26

Sponsored by Representatives HARTMAN, OWENS, HELM; Representatives GAMBA, GOMBERG, LIVELY,  
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 **quality** 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 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**

**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 failed test.

2 (5) A landlord subject to this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (a) Provide the results of the test to the tenant as required under subsection (7) of this

1 **section;**

2 **(b) Provide the tenant with the handout adopted by the authority under subsection (10)(b)**  
3 **of this section; and**

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

6 **(10) The authority shall adopt rules to implement this section, including rules specifying**  
7 **the content of:**

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

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

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

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

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

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

24 **SECTION 2a.** If Senate Bill 1154 becomes law, section 2 of this 2025 Act is amended to read:

25 **Sec. 2.** (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

44 (5) A landlord subject to this section:

45 (a) Shall collect samples of water from a dwelling unit's primary faucet used for drinking and

1 cooking water and may collect supplementary samples of water from a dwelling unit's other faucets  
2 of drinking water or from a dwelling unit's wellhead;

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

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

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

9 (B) Request that the laboratory report the results of the test to the Oregon Health Authority.

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

11 (a) Must be accredited under the environmental laboratory accreditation program established  
12 under ORS 438.615;

13 (b) Shall electronically report the results of the test to the authority in a form and manner  
14 prescribed by the authority, which may include reporting of the results through electronic mail us-  
15 ing a spreadsheet; and

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

19 (7) Each time the landlord has drinking water tested for a contaminant under this section, the  
20 landlord shall provide the results of the test to the tenant within 30 days after receiving the results  
21 in a form:

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

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

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

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

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

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

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

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

41 (b) Provide the tenant with the handout adopted by the authority under subsection (10)(b) of this  
42 section; and

43 (c) Thereafter retest the exempt well according to a schedule set by rule by the authority,  
44 notwithstanding subsections (3) and (4) of this section.

45 (10) The authority shall adopt rules to implement this section, including rules specifying the

content of:

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

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

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

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

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

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

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

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

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

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