

House Bill 3781

Sponsored by Representative LEVY E

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

Digest: Says that an owner is not at fault for an injury from a crime at an apartment complex if the owner makes sure to have security in place. (Flesch Readability Score: 63.6).

Creates a rebuttable presumption against negligence and liability for property damage, injuries or death that results from criminal activity in or around multifamily residential property if the owner or operator of the multifamily residential property implements certain security measures and completes certain training and assessments.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to a presumption against liability for claims that result from criminal activity in multi-
3 family residential property; and declaring an emergency.

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

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

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6 (a) **“Crime deterrence and safety training” means education that creates awareness of,**
7 **and enables proper and effective preparation for implementing, security principles, security**
8 **devices, crime prevention and reporting and other means for carrying out the security**
9 **measures described in this section.**

10 (b) **“Crime prevention through environmental design” means a planned use in a neigh-**
11 **borhood or community of access control, surveillance and territorial reinforcement to reduce**
12 **opportunities for criminal activity and to promote positive social interaction among legiti-**
13 **mate residents of the neighborhood or community.**

14 (c) **“Multifamily residential property” means a residential building or group of residential**
15 **buildings that consists of at least five dwelling units, such as an apartment buildings,**
16 **townhouses or condominiums.**

17 (2) **A court shall rebuttably presume in an action brought against an owner or operator**
18 **of a multifamily residential property for property damage, injury or death that results from**
19 **criminal activity on the premises of, or in the immediate vicinity of, the multifamily resi-**
20 **dential property that the owner or operator is not negligent or otherwise liable for the**
21 **property damage, injury or death if:**

22 (a) **A party other than an agent or employee of the owner or operator engages in the**
23 **criminal activity;**

24 (b) **The owner or operator demonstrates that the owner or operator has completed the**
25 **assessments and training described in subsection (5) of this section, and has complied with**
26 **recommendations provided in the assessments and timely conducted and updated the train-**
27 **ing; and**

28 (c) **The owner or operator establishes prima facie that the owner or operator imple-**

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 mented at least the following security measures, unless the structure and design of the
2 multifamily residential property does not permit, and cannot reasonably be modified to per-
3 mit, the implementation:

4 (A) A security camera system at points of entry into, and exit from, the multifamily
5 residential property that continuously records activity at a resolution and from angles that
6 enable an identification of persons and actions. The recordings must be stored and retrieva-
7 ble for a period of at least 30 days.

8 (B) Bright lighting at the entrances of dwelling units and in common areas of the
9 multifamily residential property such as parking lots, walkways, laundry rooms, decks and
10 porches. The lighting must be on, or must be controlled by a photocell or another device that
11 activates and maintains the lighting, from dusk until dawn or must illuminate in response
12 to sensed motion. Lighting in a parking lot must have an intensity of at least, on average,
13 1.8 foot-candles per square foot at 18 inches above the surface.

14 (C) Secure access points to all dwelling entrances and indoor common areas and fencing,
15 gates and secure access points that restrict access to outdoor common areas such as pools,
16 gardens or other areas with spaces that are not readily visible from outside the area. A
17 dwelling unit must provide at least a 1-inch deadbolt and a peephole or breakage-resistant
18 window on each entry door along with a tamper-resistant locking device on each window and
19 exterior sliding door. Access points may use as security measures electronic or smart locks,
20 passcodes, key fobs and other control measures.

21 (3) A court may give additional weight to the presumption described in subsection (2) of
22 this section if in addition to the security measures described in subsection (2) of this section
23 an owner or operator of a multifamily residential property demonstrates to the court's sat-
24 isfaction that the owner or operator implemented the following security measures:

25 (a) A watch program that encourages residents of the multifamily residential property
26 to form or join an organization that actively monitors activity in and around the multifamily
27 residential property for the purpose of preventing and reporting crime. The program may
28 include in-person patrols, social media reporting or other methods.

29 (b) Community rules that discourage loitering, unauthorized visitors or disruptive be-
30 haviors and that include adequate enforcement measures.

31 (c) Cooperation with local law enforcement that may include regular visits or patrols of
32 the multifamily residential property, safety presentations and awareness of the functions and
33 capabilities of law enforcement.

34 (d) Private security officers or patrol services for the multifamily residential property.

35 (e) Regular presentations, education or training about crime prevention and safety
36 measures for residents of the multifamily residential property.

37 (4) A plaintiff in an action may rebut the presumption described in subsection (2) of this
38 section if the plaintiff demonstrates with clear and convincing evidence that an owner or
39 operator willfully failed to:

40 (a) Properly install, operate, maintain, repair or replace, as appropriate, a security cam-
41 era system, lighting or secure access points in accordance with commercially reasonable
42 standards and as otherwise described in subsection (2) of this section;

43 (b) Provide security measures consistently and regularly to the extent that consistency
44 and regularity are necessary for the security measures to be effective; or

45 (c) Properly screen, train and monitor, in accordance with commercially reasonable

1 standards and applicable law, any employees, staff, agents, contractors, security officers or
2 other personnel with responsibility for installing, operating, maintaining, repairing or re-
3 placing a security measure or providing security services to residents of multifamily resi-
4 dential property.

5 (5) Appropriate assessments and training that an owner or operator of multifamily resi-
6 dential property must complete under subsection (2)(b) of this section consist of the following
7 elements:

8 (a) A crime prevention through environmental design assessment that meets standards
9 described in subsection (6) of this section and that a law enforcement agency conducted
10 within the three years before the date on which an action against the owner or operator
11 began. The assessment must include any applicable recommendations for:

12 (A) Security measures, upgrades or changes to the structure, layout or design of the
13 multifamily residential property that are needed for adequate or improved security; and

14 (B) Best practices for installing, operating, maintaining, repairing or replacing security
15 measures or for screening, training and monitoring employees, staff, agents, contractors,
16 security officers or other personnel with responsibility for implementing security measures
17 or providing security services.

18 (b) Crime deterrence and safety training for employees, staff, agents, contractors, secu-
19 rity officers or other personnel with responsibility for implementing security measures or
20 providing security services that occurs within 60 days after employment begins. The owner
21 or operator must review and update the crime deterrence and safety training at least once
22 every three years.

23 (6) The Department of Public Safety Standards and Training, not later than January 1,
24 2026, shall devise or approve appropriate standards for crime prevention through environ-
25 mental design assessments and crime deterrence and safety training and shall make the
26 standards available to law enforcement agencies within this state. The department may
27 conduct or approve training necessary to implement the standards that the department
28 makes available under this subsection.

29 SECTION 2. Section 1 of this 2025 Act applies to actions that commence on or after the
30 effective date of this 2025 Act.

31 SECTION 3. This 2025 Act being necessary for the immediate preservation of the public
32 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
33 on its passage.

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