

HB 3521-3
(LC 573)
2/25/25 (RLM/ps)

Requested by Representative HARTMAN

**PROPOSED AMENDMENTS TO
HOUSE BILL 3521**

1 On page 1 of the printed bill, delete lines 4 through 28 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 land-
4 lord may not charge a deposit or fee, however designated, to an applicant
5 who has applied to a landlord to enter a rental agreement for a dwelling
6 unit.

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

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

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

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

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

19 “(4) If a rental agreement is not executed due to a failure by the applicant
20 to comply with the agreement to execute, the landlord may retain the
21 deposit, **unless the applicant has rejected the agreement due to the**

1 **discovery of material defects relating to the premise's habitability, as**
2 **described in ORS 90.320 (1).**

3 “(5) If a rental agreement is not executed due to a failure by the landlord
4 to comply with the agreement to execute **or due to a tenant's rejection**
5 **of the agreement based on uninhabitability as described in subsection**
6 **(4) of this section,** within four days the landlord shall return the deposit
7 to the applicant either by making the deposit available to the applicant at
8 the landlord's customary place of business or by mailing the deposit by first
9 class mail to the applicant.

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

12 “(a) The amount of any fee or deposit charged, [*plus*] **as provided in**
13 **subsection (5) of this section;**

14 “(b) **If the repayment was not made timely under subsection (5) of**
15 **this section, and the failure to repay was not due to an act of God, a**
16 **penalty equal to the greater of the deposit or an amount agreed to by**
17 **the parties; and**

18 (c) \$150.”.

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