

Requested by Representative HARTMAN

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3521**

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 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*] **five business** days the landlord shall re-  
7 turn the deposit to the applicant either by making the deposit available to  
8 the applicant at the landlord’s customary place of business or by mailing the  
9 deposit by first 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 \$150.*] **as provided**  
13 **in subsection (5) of this section; and**

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.”.**

18

\_\_\_\_\_