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ORHA | SB 1536 the tenant right to cooling bill



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The tenant right to cooling bill

Housing providers experienced some welcome relief in the 2022 long session. Because of negotiations with legislators related to Senate Bill 891, we only had one bill become law, the tenant right to cooling bill. The bill takes effect immediately.

In recent years Oregon has experienced some extremely high temperatures. Not everyone can tolerate the extreme heat, especial those of advanced age or with illnesses. Many individuals died due to extreme heat. Legislators worked with Housing Provider associations to address concerns they may have with allowing tenants to have portable cooling devices while addressing the need for cooling.

Landlords must allow portable free standing air conditioners and window mounted air conditioners under the following conditions:

- The installation cannot do damage to the property.
- The installation cannot violate building codes.
- The installation must comply with manufacturer's written safety guidelines.
- The unit does not draw more amperage than the building can accommodate.
- The installation cannot block egress from the dwelling unit, this means it cannot be installed in the only egress window of a bedroom.
- The installation cannot interfere with the ability to lock windows accessible from the outside (1st floor windows)
- The installation cannot use brackets or hardware that would void the warranty of the window.
- The installation cannot puncture the envelope of the building (no holes).
- The device must have adequate drainage to avoid damage to the building.
- The installation must be done in a way to prevent the device from falling.
- The landlord has the option to require installation by landlord.
- The installation is subject to inspection by landlord.

- Air conditioners must be uninstalled by October 1st and not re-installed before April 30.
- Restrictions on cooling devices must be in writing and delivered to tenants or the landlord cannot enforce the restrictions.
- If you have to limit cooling devices in the building, you must prioritize tenants with disabilities that require cooling.
- If you give a notice of termination for violation of cooling restrictions you must include that the date of termination is extended by one day for every day that the county of the residence is in an “extreme heat event” as defined by NOAA, you can find information about “extreme heat events” on the website for the Oregon Department of Housing and Community Services.
- Homeowners’ and condominium owners’ associations must follow these same guidelines.
- The installation of portable cooling devices on historic buildings cannot require the removal of historic architectural features.

Other parts of the law:

New construction where permits are issued after April 1, 2024 must have one room that is not a bathroom serviced by a cooling system.

A landlord is immune from liability for any claim for damages, injury or death caused by a portable cooling device installed by the tenant.

To see the full law please

visit: <https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/SB1536/Enrolled>