



State Senator Kayse Jama

Senate District 24 (D-East Portland)

Native land of Multnomah, Wasco, Cowlitz, Kathlamet, Clackamas, Bands of Chinook, Tualatin Kalapuya, Molalla, and many other tribes that made their homes along the Columbia and Willamette Rivers

POLICY SUMMARY

Apr. 20, 2022

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Senate Bill 1536 - Renter Rights and Access to Cooling

In the summer of 2021, Oregon experienced a record heatwave, the 2nd worst natural disaster in our state's recorded history. Many people were made more vulnerable because they did not have access to life-saving, cooling technologies like air conditioning and heat pumps.

Most people who passed away are seniors, people with disabilities, or people with underlying medical conditions, especially those living in upper-level multifamily units or manufactured homes. To help protect more families, we must remove barriers to installing these appliances and incentivize the most efficient and effective devices.

On 3/24/2022, Governor Brown signed SB 1536 into laws, effective immediately.

Summary of Requirements:

- *Govern restrictions on “portable cooling devices”, which are defined to comprise “air conditioners and evaporative coolers, including devices mounted in a window or that are designed to sit on the floor.” This definition does not include devices whose installation or use would require alteration to the dwelling unit.*
- *Specify that landlords may not execute termination notices during extreme heat and must provide cooling assistance to tenants in manufactured dwellings, recreational vehicle parks, and multifamily structures with five or more dwelling units where fewer than half of units can install and use portable cooling devices, not including fans.*
- *Allow tenants in manufactured dwellings and recreational vehicles owned by landlords to make reasonable modifications for installation of cooling technology at tenants' expense.*

- *Allow tenants with medical vulnerabilities or mobility challenges, including children and youth with special health care needs and people with disabilities, plus tenants over the age of 65 or under the age of 10, to make reasonable modifications for installation and use of cooling technology at tenants' expense.*
- *Require Oregon Housing and Community Services, during extreme heat events, to post dates, counties affected, and information about relevant programs landlords may use to provide adequate cooling to tenants.*
- *Require landlords of dwelling units in which construction permits are issued on or after April 1, 2024 to provide adequate cooling facilities as part of habitability requirements.*

General Rules: *Landlords may not prohibit or restrict residents from installing or using a portable cooling device (including window units) of the renters choosing except for the broad restrictions discussed below:*

1. Optional restrictions on all portable cooling devices

The installation or use of the device may not:

- Violate building codes or state or federal law;
- Violate the device manufacturer's written safety guidelines for the device;
- Damage the premises or render the premises uninhabitable; or
- Require amperage to power the device that cannot be accommodated by the power service to the building.

Landlords may require that the device be:

- Installed or removed by the landlord or landlord's agent;
- Subject to inspection or servicing by the landlord or landlord's agent; or
- Removed from October 1 through April 30.

2. Optional restrictions on portable cooling devices for windows

The installation of the window device may not:

- Impede necessary egress from the dwelling;
- Interfere with the renter's ability to lock a window that is accessible from outside;
- Be used without being adequately drained to prevent damage to the dwelling unit or building;
- Be installed in a manner that does not prevent risk of falling.
- Require the use of brackets or other hardware that would damage or void the warranty of the window or frame, puncture the envelope of the building or otherwise cause significant damages.



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IMPORTANT: Landlords may only enforce the optional restrictions addressed above if they provide a written list of restrictions to the residents. The written restrictions must also state whether the landlord intends to operate a community cooling space, which is strictly optional. Regarding restrictions related to electrical amperage limitations wherein the property does have some capacity (but not enough for the entire community to use their own device), landlords must prioritize those with a disability who need portable cooling devices.