

Community Alliance of Tenants – Tenant Education

Information is for general information purposes only, and is not a substitute for the advice of an attorney.

Getting Repairs Made



Under Oregon law, landlords must keep their rental units in good condition (ORS 90.320). In the cities of Portland, Gresham, Eugene, Salem, Corvallis, Tigard and Beaverton there's also housing codes that require buildings to be kept in good condition. If the landlord is not doing repairs, there are some steps you can take. **Even if you sign a lease addendum, a landlord cannot use this for the purpose of evading obligations ORS 90.320(2)(a).**

1. Fill out repair request forms (you can make your own if needed), and send them to the landlord. Fill out as many as needed. Make sure you keep a copy of each request!

NOTE: If you make a repair request in writing, the landlord can enter your home without notice for 7 days after your written request in order to make the repair. You have the right to restrict their access to your home to reasonable times. Put any restrictions in writing.

2. If you are not getting a response, write a letter to your landlord asking that they respond in writing to let you know when they will complete the repairs. Give them a deadline to respond (for example 10 days if non-essential). Send your letter with a certificate of mailing (this is a receipt that proves you mailed something)- **NOT** by certified mail (your landlord could refuse to sign that they received it). **Keep a copy for your files.**

3. Write a follow-up letter if you do not hear from the landlord. Shorten the deadline (to 5 days or less). State that you will pursue legal remedies under the law and/or in the City of Portland (or your city if it has a building code). Again, get a certificate of mailing for the letter and keep a copy for your files.

4. If your repairs are still not completed, and if you live in a city that has a building code (see list below) an inspector will examine your unit and write up code violations. They will send a letter to your landlord and will fine her/him if they do not fix the problems within a certain amount of time. Most systems are complaint driven, so make sure to call back if 30 days pass, and again after 6 months, and before you move if the problem isn't fixed. If your building had been cited before you moved in and your landlord rented it without fixing the problems, you may be entitled to two months rent or twice the actual damages. Keep a copy of the report for your files.

Cities with building codes are: Portland 503-823-2633, Gresham 503-618-2248, Beaverton 503-526-2270, Tigard 503-718-2441, Eugene 541-682-8282, Salem 503-588-6241, Corvallis 541-766-6944, Monmouth 503-751-0138 and Tualatin 503-691-4822

5. You can ask/sue for reduced rental value. See page four for more details.

6. If you are still having repair problems, you can contact an attorney who can assist you in taking further action.

IMPORTANT NOTE! CAT does not recommend withholding rent or deducting repair costs from rent as a means to getting repairs done, unless you are represented by an attorney. Both actions are risky and complicated and might leave you vulnerable to eviction for non-payment of rent. An attorney can also talk to you about collecting money for the time your place was not in good repair.

General Tips

TALK TO YOUR NEIGHBORS! Often repairs are needed in many units. If tenants advocate together for repairs to get done, it is harder for your landlord to ignore requests, or to single a tenant out for retaliation. You can also write your repair letters together.

DOES MY LANDLORD HAVE TO MAKE REPAIRS?

Yes. According to ORS 90.320 the landlord must keep your place and the common areas in good repair. This means that the unit must not substantially lack the following:

1. Effective waterproofing and weather protection;
 2. Plumbing facilities maintained in good working order;
 3. Hot and cold running water connected to a sewage system;
 4. Safe drinking water;
 5. Smoke detectors installed and working when you move in (but tenants must test the detectors every 6 months, replace batteries when needed, and give the landlord written notice if the detectors are broken);
 6. Safety from fire hazards;
 7. Appliances and air conditioning in working order if they are provided by the landlord;
 8. Good ventilation;
 9. Working keys, locks and window latches;
 10. No garbage, rodents or cockroaches in your place or common areas around the building when you move in or throughout the tenancy;
 11. Garbage containers and garbage service, unless you agree otherwise in writing or unless there is a local ordinance that doesn't require this;
 12. Adequate plumbing, heating and electrical equipment kept in good working order;
 13. Walls, floors, ceilings, stairways and railings in good repair;
 14. The place must be clean and in good repair when you move in; and
- The areas under the control of the landlord must be safe for normal and expected use.

DOCUMENT! It is illegal for the landlord to retaliate or try to get back at you for standing

up for your rights. Retaliation can be difficult to prove, so documentation is so important. Create a log to document the problems with your home, the landlord's response to your requests (if any), any verbal conversations, when the problem started, etc. Make sure to include dates and times where at all possible. Take photos and/or video of the problem if possible or use old photos that document the problem even if they were taken for some other reason. Ask a friend to look at the problem so they could be a witness if needed. Save copies of EVERYTHING you send to or get from the landlord.

Reduced rental value

Under Oregon law (ORS 90.320), landlords have to keep their rental units in good condition. In the City of Portland and some other cities in Oregon, there is also a city housing code that requires a building to be kept in good condition.

Tenants are entitled to reduced rental value for any time that the landlord was not in compliance with the law or the rental agreement **UNLESS** the landlord neither knew nor reasonably should have known of the problem and:

- a. the tenant knew or reasonably should have known of the problem and didn't tell the landlord...; or
- b. the problem was caused by the tenant or a guest of the tenant.

Here are some steps you can take to try to get reduced rental value from your landlord:

1. Figure out how much less your apartment was worth each month because of your problem. Think about how much of your apartment you couldn't use or had to use less than usual. What do you think is fair? You can ask for whatever portion seems to match how much less you could use your place.
2. Write a demand letter to the landlord. Keep a copy for your records! Keep the letter very professional and civil. Include in your letter the dates and times your problem was going on. Remember, if you end up having to sue your landlord, you will be showing this letter to a judge. You can include the Oregon statute number that allows for reduced rental value, which is ORS 90.360(2). (ORS stands for Oregon Revised Statutes). In the letter, ask your landlord to respond to you in writing within a certain number of days, for example 1 week or 10 days, whatever you think is reasonable.
3. If the landlord doesn't respond, write a follow-up letter this time shortening the amount of time you give the landlord to respond. You can also include that if the landlord doesn't respond, you will pursue further legal action. Remember keep a copy for your files.
4. If the landlord still doesn't respond there are a couple of options. One is to get an attorney to write another follow-up letter. You can also file a suit in small claims court for the money.

NOTES & TIPS:

DON'T WITHHOLD RENT unless you are being advised to do so by an attorney who has agreed to represent you in eviction court. Very often, a landlord will serve you with a 72-hour termination notice if you withhold rent.

PREPARE FOR COURT: If you do end up having to sue in small claims court, go down to the courthouse and watch a couple of cases. Judges can be unpredictable, even if it feels like you have a clear-cut case. Get a feel for the judges; what type of evidence is compelling to them and how to handle yourself in court. Landlords are often much more accustomed to small claims court that tenants are, so it is very important to be prepared. You can't bring a lawyer to represent you in small claims court, but you can talk to one ahead of time to help you get organized and give you tips on how to navigate the system. You can also learn about small claims court by visiting www.osbar.org/public/legalinfo/1061.htm or calling 503-620- 3000 or 800-452-4776, tape 1061

TALK TO YOUR NEIGHBORS. If tenants advocate together, it is harder for your landlord to ignore requests or to single a tenant out for retaliation. You can also write your demand letter together.

DOCUMENTATION! DOCUMENTATION!! DOCUMENTATION!!! It is illegal for the landlord to retaliate or try to get back at you for standing up for your rights. While it is illegal, retaliation can be difficult to prove. This is why documentation is so important. Create a log or diary to document the problems with your home, the landlord's response (if any), any verbal conversations, when the problem began etc. Make sure to include dates and time where at all possible. Take photos and/or video the problem if possible as well.

CAT Repair Flow Chart

- ★ Write letter or fill out repair request under ORS 90.320
- ★ **Keep copy for your records**
- ★ Send by certificate of mailing/proof of mailing
- ★ Remember that your landlord can enter your home for 7 days without notice unless you restrict access in your letter
- ★ Do not withhold rent unless you have discussed with an attorney; you could end up with an eviction on your record
- ★ Talk to your neighbors, there's power in numbers!



- ★ Write 2nd letter
- ★ Include a response deadline and date when repairs will be made and that you may seek legal remedies under the law (ORS 90.360 to 90.368)
- ★ Send by certificate of mail
- ★ Take pictures
- ★ **Keep a copy for your records**



- ★ Call an inspector
- ★ Keep a copy of the report
- ★ Ask/sue for reduced rental value under ORS 90.360 (2)
- ★ Make sure to get a response in writing
- ★ Keep copies of the letter and response
- ★ **CAT suggests to consult a lawyer if tenant pursues lawsuit**

First Repair Letter Request

(Date)

Dear (Landlord or owner),

I would like to inform you of the following problems in my unit. Please fix these problems as soon as possible, and let me know in writing of your plan to take care of this repair request as soon as you get this letter. As I am sure you are aware, Oregon law requires that Landlords to keep rentals in livable condition. (ORS 90.320)

I want to be present when people enter my home to make the repairs. It is convenient for me to have someone do the repairs between ____ (time) **am/pm** and ____ (time) **am/pm** on (days). This consent to enter expires seven days from the date on this letter.

Come in any time for the next seven days during business hours.

List of repairs

Kitchen

sink refrigerator stove oven floor walls range hood/fan
dishwasher ceiling window
 light cabinets garbage disposal countertop Mold Other

Bathroom

sink toilet bathtub/shower cabinets walls floor ceiling window
 fan light door
 mirror/medicine cabinet countertop Mold Other

Living/Dining room

walls floor ceiling window light door Mold Other

Bedroom(s)

walls floor ceiling window light door Mold Other

Hall

walls floor ceiling window light door Mold Other

General

electrical outlets outside area heating water heater thermostat

air conditioner stairs/railings exterior walls Mold

I am requesting a 24-hour notice of entry before anyone inspects or repairs my unit.

It is unlawful for a landlord to respond to this request by sending an eviction notice, increasing rent or otherwise retaliating [ORS 90.385]. Thank you for your anticipated cooperation.

Sincerely,

_____Name

_____Address Apt # _____

SECOND SAMPLE LETTER REQUESTING REPAIRS

(Date)

Dear (Landlord or owner),

We have discussed needed repairs on numerous occasions (add date or dates if known). As I am sure you are aware, Oregon Law requires landlords to keep rentals in a livable condition (ORS 90.320). These requirements are very specific. The repairs needed to satisfy the law are as follows: (list the needed repairs).

To date, you have not made any attempts to complete these repairs. Please respond to this request in writing by (date). If no response is received by (date), I will pursue tenant remedies as stated in the Landlord/ Tenant Act and in the City of _____ with code enforcement.

I want to be present when people enter to make the repairs. It is convenient for me to have someone do the repairs between _____ **am/pm** and _____ **am/pm** on **(days)**. This consent to enter expires seven days from the date on this letter.

I am requesting a 24-hour notice of entry before anyone inspects or repairs my unit.

It is unlawful for a landlord to respond to this request by sending an eviction notice, increasing rent or otherwise retaliating [ORS 90.385]. Thank you for your anticipated cooperation.

Sincerely,

_____Name

_____Address Apt # _____