

## Community Alliance of Tenants – Tenant Education

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

# Utility-bills ORS 90.315



**What Utilities or Services Can I be Charged for Under Oregon Landlord-Tenant Law?** Under Oregon law, “utility or service” includes but isn’t limited to **electricity, natural or liquid propane gas, oil, water, hot water, heat, air conditioner, cable television, direct satellite or other video subscription service, internet access or usage, sewer service and garbage collection and disposal.**

### **What Utilities am I Responsible For?**

You are responsible for any utilities that you agreed to pay for in your rental contract. (Note: In Portland, landlords are responsible for providing (or starting) garbage service, but they can bill the tenant for it). If you are on a month-to-month rental contract, the landlord

can change the terms of the agreement with a written 30-days notice. If you have a fixed term lease, such as a 1year or 6month lease, your landlord cannot change the rules without your consent (OR 90.262).

### **What if I Can’t Get Service Started or if My Landlord Has it Shut Off?**

If you can’t start your utility service because a) the prior tenant didn’t pay the bill or b) the landlord didn’t pay the bill, you have the right to end your tenancy immediately if you haven’t moved in. If you have moved in, the law gives you the right to give 72-hours notice to the landlord that you are ending the tenancy and get all your money back, or to pay the utility bill and subtract it from your rent. **However, it is generally a bad idea to withhold money from your rent, because your landlord could try to evict you. This may damage your rental history and make it difficult for you to rent in the future. Talk to an attorney before withholding part of your rent.**

**If your landlord is responsible for paying for your utility, but allows it to get shut off, you may be entitled to damages amounting to no less than 2 month’s rent. Talk to an attorney! What if I’m Being Charged For Utility Usage Outside of My Home?**

Landlords can charge tenants for utility costs for common areas, like a laundry room or a hallway. **The rental agreement must describe charges** for the common areas separately and distinctly from the charges for your unit. Your landlord must tell you in writing before or at the time you sign the rental contract if the utility you pay directly to the service provider (like the electric company) benefits the landlord or other tenants and is delivered to any area other than your home. If your landlord violates this law, you may be entitled to recover an amount equal to twice your damages or one month’s rent (whichever is greater).

## **How Can My Landlord Divide the Utility Bill?**

Landlords do not have to provide individual meters for each unit in order to bill tenants for utilities. In other words, landlords are allowed divide up a bill that they receive and bill each tenant a certain amount. **In Oregon, there is no law about how a landlord must divide up an utility bill.** So it is legal for landlords to charge you for utilities based upon the number of residents in the unit and the size of the unit. Landlords cannot charge a tenant more because the landlord is discriminating against that tenant (because of the tenant's race, for example) or because the tenant has asserted their rights in some way.

**If the rental agreement doesn't describe the method the landlord uses to divide up the utility bill, the tenant is entitled to see a copy of the bill.**

## **If My Landlord Directly Bills Me, Can He/She Charge an Utility Service or Fee?**

Yes, but only for the following utilities: **direct satellite, cable television, internet access, or other video subscription service AND ONLY IF:**

- a.** this service charge or fee was listed in your rental agreement when your tenancy began (landlords cannot force existing tenants to pay a new utility service charge or fee);
- b.** the service charge or fee is no greater than 10% of the utility cost;
- c.** the total cost of the utility and service charge or fee is less than what it would typically cost to get the service directly from a provider; and the rental agreement describes the service charge or fee separately and distinctly from the utility cost and any bill or notice that you get from your landlord also separates the charges.

## **CAT Utilities/Energy Resource List**

**Many programs have different (often lower) income requirements. Check with the individual programs to see if you qualify. \$\$ = financial help with utilities.**

### **Multnomah County**

Department of County Human Services (503-988-6295 x22312) Renters may qualify for free weatherization assistance, but the landlord must agree to have the work done. There's often a long waiting list for this program. If your furnace or heat source is not working, you may be eligible for faster assistance.

### **City of Portland**

**Community Energy Project (503-284-6827)** Offers free weatherization and water conservation workshops and materials to low-income Portland residents that will lower utility costs. These workshops are great!!

**\$\$ Impact NW's Energy Assistance (503-988-6020)** Works with families to make sure they are able to pay their bills during difficult financial times, while connecting them with resources that help them transition out of poverty into self-sufficiency. Information and referrals available in multiple languages.

**Leak Adjustment (503-823-7770)** Under certain conditions, water or sewer bills may be adjusted. Each customer account is eligible to receive one adjustment during a 12-month period for an underground or outdoor leak that does not go into the sewer system and one adjustment for a leak that does go into the sewer system (such as a toilet leak.)

Customers may request adjustments after leaks have been repaired. A city staff person will check the water meter to verify that the leak has been fixed.

**Sewer Backflow Prevention Device (for Landlords) (503-823-7740)** The city of Portland will pay \$1500 towards the cost of installing a backflow prevention device.

### **Utilities Assistance Statewide**

**\$\$ Community Action Programs (CAP) Call 211** for contact information for your local CAP. Each county in Oregon has a CAP that offers utilities assistance in which eligible households may receive a small quarterly discount on both sewer and water bills. They also provide free

weatherization services to low-income households, both single and multi-family homes may be eligible. Priority is given to households with young children, elders, and persons with disabilities.

### **Heat Assistance Statewide**

#### **\$\$ Low Income Energy Assistance Program (LIEAP) (December – March)**

This is a first come, first serve, once-a-year energy assistance program. LIEAP offers a grant to low-income residents who use electricity, gas, oil, or wood as their heating source. Callers should contact their local Community Action Program (in the metro area, call 211 to find this out). Seniors and or individuals who have a disability could contact the LIEAP program. LIEAP, occasionally, has additional funding during the winter months for relocation and/or energy assistance. Contact Courtney Keating at (503)988-7478 or 211 for further information. [www.oregon.gov/OHCS/Pages/SOS\\_Low\\_Income\\_Energy\\_Assistance\\_Oregon.aspx](http://www.oregon.gov/OHCS/Pages/SOS_Low_Income_Energy_Assistance_Oregon.aspx)

**State Home Oil Weatherization Program (oil, kerosene, propane, wood – 1-800-452-8660)** SHOW offers a free energy audit and money back on weatherization improvements in homes. [www.oregon.gov/ENERGY/CONS/Pages/res/weather/weahome.aspx](http://www.oregon.gov/ENERGY/CONS/Pages/res/weather/weahome.aspx)

**Oregon HEAT (503-612-3790)** Develops and coordinates resources to help low-income Oregonians meet their energy needs and achieve energy self-reliance through energy education and advocacy. [www.oregonheat.org](http://www.oregonheat.org)

**Public Utility Commission (503-378-6600)** Ensures customers receive utility service at fair and reasonable rates. Their customer service staff can help resolve billing and service conflicts between customers and companies. [www.puc.state.or.us](http://www.puc.state.or.us)

**\$\$ NW Natural Gas Customers Gas Assistance Program (GAP)** Offers assistance with natural gas bills for low-income NW Natural customers usually between \$50-\$100. Contact NW Natural gas or local Community Action Program. [www.nwnatural.com/AboutNWNatural/Community/CorporateContributions/NonProfitPartnerships](http://www.nwnatural.com/AboutNWNatural/Community/CorporateContributions/NonProfitPartnerships)

### **For Weatherization/Energy Assistance Information:**

\$\$ Washington County Residents **Community Action Org. at 503-906-6550.**

\$\$ Clackamas County Residents **Clackamas Co. Weatherization 503-650-3338**