

LEGAL RIGHTS OF THE POOR

by Ken Roth

Up until the mid-1960s welfare investigators conducted "midnight raids" on clients' homes to determine whether welfare mothers told the truth when they reported no man living in the house.

Likewise, until 1972, the Landlord-Tenant Law in Oregon could just as easily been called the Landlord Law. There were no tenants' rights.

Today, however, both welfare recipients and tenants have certain protections under the law, which were the focus of two workshops held recently in Astoria and sponsored by Clatsop Community Action.

In addition, the workshops spawned the formation of a Public Welfare Board and a coalition to develop a countywide legal services program for low income people; as well as a local lobbying effort to support Senate Bill 350, the two-parent welfare bill, which is probably the single most important piece of legislation for low income families this session.

So what is a welfare board?

By law, every county is required to have one to ensure clients' rights are recognized by the local welfare office. The board hears grievances and acts as liaison between clients and the office during disputes.

Until a few years ago Clatsop County had such a board; but for some unclear reasons the board disbanded.

Potential members of the new board include: Ron Gall, Karla Brown, Dan Gillespie, Julie Snyder and Sally Shippen. One seat has been reserved for the county commission, which must approve the board to make it official.

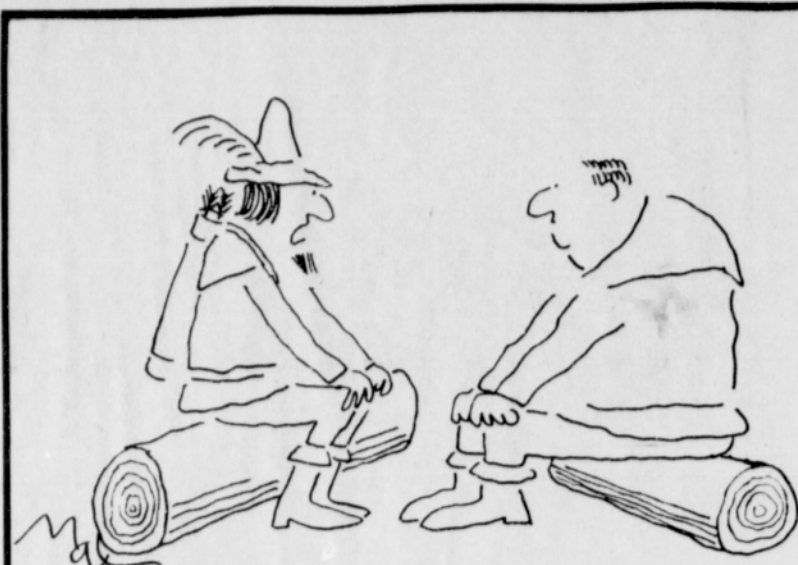
Legal services, on the other hand, are somewhat farther off.

The coalition, spearheaded by a five-member steering committee, is preparing a proposal to be delivered to the Clatsop County Bar later this month. The Bar invited Community Action Director Chuck Wilder to propose a plan for establishing a local lawyer referral, an idea endorsed by District Judge George F. Cole.

Anyone interested in helping shape that proposal should contact the Community Action Center, 1250 Duane Street, Room 222, Astoria, 325-6513; or any member of the steering committee, which includes: Margaret Frimoth, Women's Crisis Service; Ginger Peterson, Children's Services Division; or low income representatives Bruce Steffens, Dan Deaver or Charlotta "Charlie" Durant.

Up until 1979, Oregon had two-parent welfare legislation which provided for benefits to households where both adults were unemployed. That year, however, the legislature changed the law to provide benefits only to single-parent unemployed households.

Washington State passed similar legislation at the same time, but in 1981 returned to the two-parent program because of the drastic effects the one-parent legislation had on the breakups of low income families, according



"IT'S VERY DISCOURAGING, LITTLE JOHN. NO MATTER HOW MUCH WE ROB FROM THE RICH AND GIVE TO THE POOR, THE RICH STILL GET RICHER, AND THE POOR STILL GET POORER!"

to Doug Rogers, director of the Coalition to Keep Oregon Families Together (KOFT) and a keynote speaker at one of the workshops.

Under a single-parent benefit program, one parent must leave the household so that the other parent — in most cases, the mother — and children can receive benefits.

Some thirty-five county residents pledged their support to the lobbying effort during the workshops.

"I think the thing that really impressed me about the workshops — particularly the legal services one — was people's willingness to participate," Community Action Chairman Rick Woodruff said. "We accomplished exactly what we set out to do — get people together to help themselves. And I think that's important for us as an organization to keep in mind: give people the tools and cultivate them — nurture is probably a better word — to help themselves. Because people really want to do it on their own. They don't want someone doing it for them."

What follows is a summary of the welfare and tenants' rights issues covered by the workshops.

WELFARE RIGHTS

You have a right to apply for any program Adult and Family Services (AFS) operates. Your application must be approved or denied within the following time limits:

Food stamps — thirty days.

Expedited food stamps — five days.

Emergency assistance — you have a right to an interview within twenty-four hours. If denied, you have a right to a hearing within five working days and a hearing decision within three working days after the hearing.

All other AFS programs — forty-five days.

You can avoid many problems with the AFS programs by using the following suggestions: Have a friend or relative go to the welfare office with you. You have the right to have anyone you wish to be with you during the interviews with AFS workers.

Always keep every paper the welfare department gives you regarding your case. A file folder with pockets is good for this purpose.

Never mail or give welfare your only copy of anything. Always keep a copy in case the original is lost in the mail or after it arrives at the welfare office. Papers can be lost or misplaced.

Keep a welfare notebook. Record all conversations you have with your caseworker or other welfare office staff, which includes the date, time of day, and who you talked with. This record can be used as evidence if you run into problems and need to go to a hearing. Caseworkers also tend to be more careful if they know you are keeping records.

Get decisions in writing. No AFS decision is valid unless it is in writing. A ten day notice from AFS is required for any changes that will reduce or end your benefits unless you voluntarily agree to such reduction or termination.

Periodically ask to see your file. You do have a right to see your file. If you disagree with anything in the file, you have a right to put your disagreement in writing and have it included in your file.

If you feel you have been treated rudely or unfairly, you have a right to speak to a supervisor or the branch manager.

Demand to be shown the regulation justi-

fying any AFS action you do not like. AFS policy manuals contain the rules which govern public assistance. (Policy Manual, Volume II covers ADC; Volume VI covers food stamps.) You have a right to look at these manuals anytime you are in the welfare office and especially if AFS is proposing to reduce or terminate your grant. Ask the worker to make you a copy of any rules they are applying in your case.

File for a fair hearing. If you think that your grant has been reduced or terminated unfairly, be sure to file for a fair hearing within ten days of the date the "notice of planned action" was mailed to you so that your benefits will be continued until the hearing. Even if you have waited too long to receive continued benefits you have thirty days to apply for a fair hearing in the food stamp program.

If using these tools does not resolve your problem, or you need help or more information, contact Clatsop Community Action at 325-6513.

TENANTS' RIGHTS

To claim your rights you have to know them. This is especially true for renters dealing with landlords. In Oregon renters have basic rights to a liveable dwelling and freedom from harassment by landlords. By knowing Oregon laws, renters can solve many of the problems they face with landlords.

A landlord cannot evict or refuse to rent to you because of sex, race, color, marital status, national origin or physical or mental handicap. If you think you are being discriminated against, contact the Oregon Bureau of Labor, Civil Rights Division. In Portland, the number is 229-5741. In Eugene, 686-7623. In Salem, 378-3297. You can also call Legal Services or Clatsop Community Action.

A landlord can legally refuse to rent to you if you have children or are on welfare. The exception is if the housing is federally subsidized. Hopefully this will be changed in the future.

A landlord can refuse to rent to you if you are a homosexual. Hopefully this also will be changed in the future. Contact your local gay/lesbian rights organization for more information.

The landlord has a right to enter your house or apartment only if you are given twenty-four hours written or spoken notice and the visit is at a reasonable time. A repair person hired by the landlord has the right to enter if the landlord gives you twenty-four hours written notice identifying the repair and saying that s/he can enter when needed to do repairs.

The landlord can enter with no notice in case of an emergency or if you are gone more than seven days without letting the landlord know you will be away.

If your landlord enters your place illegally, you can sue for at least one month's rent.

You have protection if a landlord takes retaliation against you. Retaliation is when your landlord takes action against you for exercising your tenant rights. Common forms of retaliation are rent increases, evictions and decreasing or cutting off services. Retaliation is illegal and can be fought in court. Be sure your rent is paid and you have not violated your rental agreement so the landlord will not have an excuse to evict you.

As a tenant, you have a right to:

— Complain to the landlord or a government agency about conditions at your place which violate the landlord/tenant law or the building codes and which affect your health and safety.

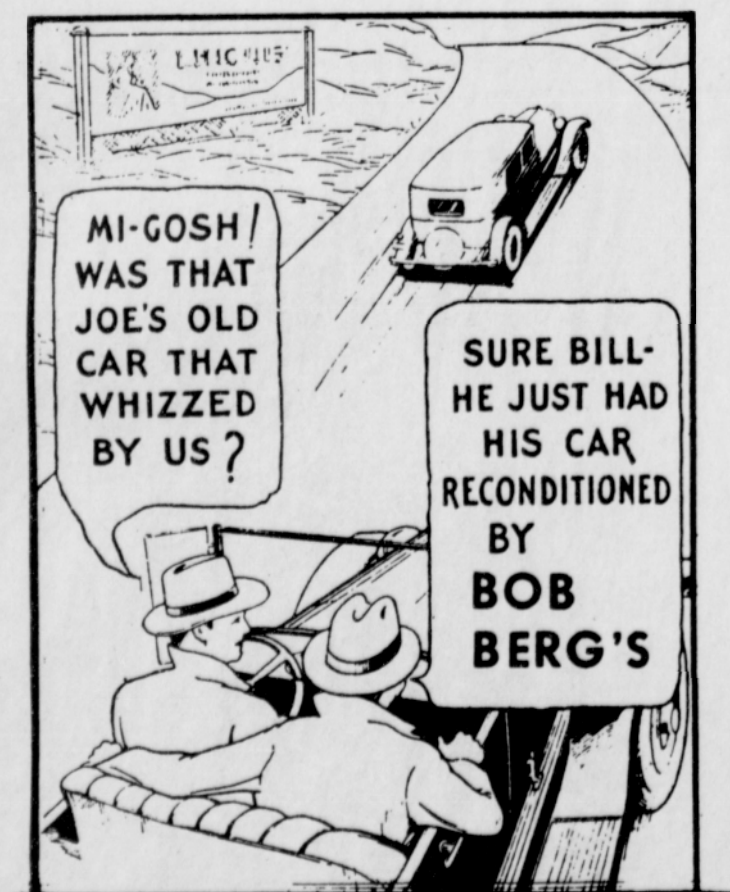
— Complain to the landlord about illegal actions on his/her part such as unlawful entry, stopping or decreasing utility services or failing to give the required thirty days notice of a rent increase.

— Organize or join a tenants' union or similar group. A tenants' union is a group of people who have organized themselves to protect their interests as tenants and their tenants' rights.

— Take the landlord to court or testify against him/her in a legal action.

— Pay to restore essential services and deduct the expense from your rent if the landlord fails to provide these services (as long as you have gone through the correct steps to notify the landlord).

If you think your landlord is retaliating against you for exercising your rights, contact a lawyer immediately. You may be able to sue the landlord, collect money damages and/or block any move by the landlord to evict you.



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