

2014 landlord-tenant law changes are on their way

BY JUSTIN BURI
CONTRIBUTING WRITER

Justin Buri is the deputy director of Community Alliance of Tenants. Formed in 1996, the Community Alliance of Tenants (CAT) is Oregon's only statewide, grassroots, tenant-controlled, tenant-rights organization.

Renters in Oregon had more reasons to celebrate this holiday season, as new tenant protections were added to Oregon's Landlord-Tenant Law Jan. 1, 2014. The Community Alliance of Tenants (CAT) is Oregon's only grassroots, tenant-led renters rights organization, and had a busy and successful year in 2013, fighting and winning to expand housing opportunities for hardworking Oregon tenants.

Helping tenants with Section 8 vouchers was our greatest achievement in 2013, but don't get too excited yet. That law doesn't kick in until July 1. From then on, landlords will no longer be able to say "I don't accept Section 8" and must give Section 8 tenants the same fair shot as every other applicant.

Section 8 wasn't the only big win CAT achieved in 2013. We also won other significant protections for tenants in three key areas: for tenants who have trouble getting accepted into housing because of previous evictions, arrests or convictions; limits to how a landlord can require a tenant to obtain renters' insurance; and how a landlord can charge a non-compliance fee. These protections will help Oregon tenants find and keep their housing — not get taken advantage of or overcharged while they are living there, because everyone should have the opportunity to live in a safe, decent, affordable home.

Rental applications and the screening process

Some tenants have a hard time getting into housing because of previous evictions, bad credit, previous arrests or criminal convictions, or because they got a bad reference from a previous landlord. We respect the right of landlords to carefully evaluate a rental applicant, but the screening process should be fair and honest.

Here are the ways that tenants with "high barriers" will have an easier time getting into housing in 2014:

- A landlord cannot consider a previous eviction that was dismissed, won by the tenant, or older than 5 years.
- A landlord cannot consider any arrest that is not pending and did not result in a conviction.
- A landlord can only consider certain crimes that resulted in a conviction: drug-related crimes, a sex offense, a person crime, a crime involving financial fraud, or

any crime that would reasonably threaten or adversely affect the property of the landlord or neighbor, or would threaten the health, safety or right to peaceful enjoyment of the premises by residents, the landlord, or someone employed by the landlord

Non-Compliance Fees

Under the law, a landlord can charge a tenant a fee when the tenant breaks a rule or violates the lease, but the landlord has to follow certain rules to prevent abuse.

A landlord can now charge a non-compliance fee for two additional violations: Smoking in a non-smoking building, unit or common area; and keeping an unauthorized pet when the lease prohibits pets. (Disabled tenants with service or companion animals should ask for a "reasonable accommodation" so they can live with their animal.)

In the event of a first violation, the landlord must issue a written warning that describes the violation and what fees will be charged if the tenant commits the same offense.

On the second violation within one year, the landlord may charge a \$50 fee.

For a third violation, and any others (within one year): the landlord can charge \$50 plus 5 percent of the monthly rent payment.

For some violations, the landlord can terminate the tenancy, by giving the tenant a 30-day for-cause termination notice, but cannot charge a fee and terminate for the same violation.

The landlord cannot deduct a fee from rent. A landlord cannot deduct a late fee or non-compliance fee from a rent payment and claim that the tenant still owes rent. A rent check goes to pay rent first, and any other outstanding fees or balances only after rent is paid in full.

The landlord must assess the fee within 30 days. This means that, "Hey, I'm charging you for this thing that happened 6 months ago" won't work unless the landlord has documentation that the tenant was notified and assessed the fee within 30 days of the violation.

Renters' Insurance

We at CAT think that renters' insurance is a good idea if it's not too expensive. It can help protect your property from theft or damage, and it can help protect you from big bills if you accidentally cause damage to

your apartment, like if you leave the stove or water faucet on. Until now, no one was really sure if landlords could require a tenant to buy renters' insurance as part of the lease, but now it is clear, and tenants have some great protections so it isn't overly burdensome.

If renters insurance is required, the landlord must notify the tenant before the lease is signed, along with the amount of coverage required (up to \$100,000 in most cases).

The landlord must also carry insurance and show proof if the tenant asks.

A landlord cannot use the insurance requirement to unreasonably harass the tenant.

Low-income tenants who earn less than 50 percent of the median family income, or tenants living in subsidized housing are exempt from any requirement to buy renters' insurance.

Any claim by the landlord to the tenant's insurance must be an amount greater than the tenant's security deposit, and cannot be for normal wear and tear, an act of God or damage caused by the landlord.

If the landlord files a frivolous claim against the tenant's insurance, the tenant can sue for any damages, plus \$500.

Know your rights, protect yourself

Landlord-tenant law in Oregon can be detailed, complicated and confusing. It's important that tenants know what the law is and what their rights are so they can protect themselves when they are looking for housing, signing a lease and while they are living there. We spend so much money on and time in our homes, and we should all have the right to feel secure and safe. Knowing your rights, and documenting when something goes wrong is the best way to ensure that tenants are healthy, safe and free from abuse or harassment from the landlord. If you have any questions, please call the Renters' Rights Hotline at 503-288-0130, or visit our website at www.oregoncat.org.



Where senior and disabled adults receive the care and respect they deserve.

Call us for more information
(503)223-2144

1337 S.W. Washington, Portland, OR 97205
www.tafthome.org

creating community,
creating change, together



We are—

- } Hospitality & Friendship
- } Community change through the Homeless Bill of Rights Campaign
- } Working together for nonviolence & justice
- } And don't forget: fun!



All are welcome ~
Monday-Friday, 10am - 2:30pm

133 NW 6th Ave. in Portland
503-222-5694

www.sistersoftheroad.org



Dignity



Poverty