

Reduced rental value

Note: Information provided by the Community Alliance of Tenants is for general educational use only. It is not a substitute for the advice of an attorney.

Under Oregon law (ORS 90.320), landlords have to keep their rental units in good condition. In the City of Portland, 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.

In order to get some money back from your landlord, here are some steps you can take:

- 1) Figure out how much less your apartment was worth each month because of your problem. For example, do you want full rent reimbursement for the days the problem was going on, partial reimbursement, etc. What do you think is fair?
- 2) Write a demand letter to the landlord. Keep a copy for your records! Keep the letter very professional and businesslike. Include in your letter 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 will be willing 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.

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.