

## **RETALIATION**

**(ORS 90.385)**

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.

**Oregon law prohibits landlords from retaliating against tenants. Basically, retaliation is when a landlord does any of the following:**

- Increases rent
- Decrease or stops services
- Attempts or threatens to evict a tenant

***After a tenant does any of the following:***

- Complains reasonably and in good faith to the landlord about something related to the tenancy
- Complains or threatens to complain to a governmental agency relating to the tenancy (like the bureau of buildings, or the fair housing council)
- Joins or starts a tenants' union
- Testifies against the landlord in court
- Has won an eviction case within the last 6 months (except if the tenant wins because their landlord gave the termination notice incorrectly)

If a landlord retaliates against a tenant, the tenant is entitled to two months' rent or twice the amount of damages, and may use the retaliation as a defense to an eviction. **However**, retaliation may not keep you from being evicted **if** you are behind in rent or if you or your guest caused the original problem.

Retaliation is very hard to prove in court, so documentation is extremely important. Examples of documentation include copies of letters to your landlord asking for repairs, letters with the landlord's response, statements from people who have seen the problem happen, photos of the apartment before and during the problem, or any kind of log or journal of events related to the retaliation. Because of how complicated it can be, talk to a lawyer before going to court about the retaliation. If you need an attorney we can refer you to one, or you can call the Oregon State Bar Attorney Referral Program at 1-800-452-8260 x387.