

1. Can A Landlord Legally Change The Lock Or Remove My Things When I Live In A Hotel?

No. If the law considers the hotel or motel room to be your home, then the landlord cannot legally change the locks or remove your things. This is true even if you owe rent.

2. When Does The Law Consider A Hotel Room To Be A Home?

When the renter intended to make the hotel or motel room a relatively permanent residence. If you have lived in the room for more than 30 days and you have no other home it is almost certainly your residence.

- a. Have you lived there more than 30 days? **Yes**
- b. If you have lived there more than 30 days, do you have any other residence? **No**
- c. Is maid and linen service provided at least daily or every two days? **No**
- d. Is rent charged on a daily basis and collected no more than 6 days in advance? **No**

3. How Can A Landlord Legally Remove A Person Living In A Hotel Or Motel?

A landlord can give one of the following eviction notices to terminate a tenancy in a hotel or motel:

- (a) 4 day notice for nonpayment of rent if rent paid on weekly basis
- (b) 10 day notice without cause when rent is paid weekly or daily;
- (c) 30 day notice without cause when rent is paid monthly; or
- (d) 24 hour notice for extreme cases of violence or intentional destruction of property. If you do not move during the notice period, then the landlord must file an

FED in court. If the landlord wins in court, the sheriff will force you to move. The landlord cannot legally lock you out even after notice period has run or even after court.

4. What Should I Do If The Landlord Locks Me Out, Threatens To Lock Me Out, Or Removes My Things?

Contact Legal Aid Services of Oregon, Multnomah Office, immediately at 224-4086, 700 SW Taylor Street, Suite 300, Portland, OR 97205. You may call collect. **WARNING:** If you voluntarily give up your key to your landlord, you may be giving up your rights.

5. What Can Legal Aid Do?

Legal Aid may be able to settle your case. Depending on your case, Legal Aid may file a lawsuit on your behalf seeking a court order permitting you to return to your room immediately, court costs and attorney fees. Additionally, you may have a damage claim against your landlord for up to three months' rent for the unlawful lockout and an unlawful entry into your room. If you cannot return to your room, Transitional Projects Shelter at 475 NW Glisan, 223-4121, or if you are a woman, Jean's Place, 18 N.E. 11th, 823-4926 may be able to provide you with temporary shelter. You should contact Legal Aid the next day. **KEEP YOUR KEY!**

6. What Can I Do If They Lock Me Out At Night Or When Legal Aid Is Not Open?

Ask your landlord to let you back into your home. If your key still works and no one stops you, go to your room.

You may also want to call the police, who may advise your landlord that he/she needs to use the eviction process to terminate your tenancy.

7. Does This Advice Change If My Rent Was Paid By Someone Else?

No. Welfare, LIEAP, FEMA, the Red Cross, Salvation Army, Pilot Project and many other social service agencies pay for rent in hotels/motels in Portland. If the rent was paid for you by an agency or someone else for you, the law remains the same. If you are a guest of a tenant paying rent or a sub-tenant, the landlord must still file an FED.

8. Does This Advice Change If I Am In A Special Drug Or Alcohol Program?

The advice may be different depending on the type of programs, what agreements you entered and length of stay. Talk to a lawyer or Legal Aid about your individual case.

9. What Should I Do If My Landlord Calls The Police?

Show the police officer rent receipts, mail or identification with the hotel address, or this brochure. If the officer tells you to leave or you will be arrested, ask for the name and badge number of the officer and call Legal Aid. If Legal Aid is not open you may have to leave if you want to avoid arrest. Call Legal Aid the next day.

HOTEL LOCKOUTS Your Rights As A Tenant In A Hotel/Motel 2000 Copyright © 1999 by Multnomah County Legal Aid Service, Inc.

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.

Community alliance of tenants
renters' rights hotline 503.288.0130
www.oregoncat.org

**Legal Aid
224-4086
700 SW Taylor, Suite 300
Portland, OR 97205**

**NO CHARGE TO
CLIENTS**

**YOU MAY CALL
COLLECT**