

RULES (ORS 90.262)

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 landlord-tenant law requires that a landlord follow some guidelines in order to impose or enforce rules. Under Oregon law, a rule or regulation must be all of the following or it cannot be enforced against a tenant:

1. The rule's purpose must be either:

To promote the convenience, safety or welfare of the tenants in the premises; or

To preserve the landlord's property from abusive use; or

To make a fair distribution of services and facilities that are available to tenants.

2. The rule must be related to the purpose for the rule.

3. It must apply to all tenants in the premises in a fair manner.

4. It must be clear enough for the tenant to know what to do to follow the rule.

5. The landlord's purpose for the rule must not be to let the landlord out of his/ her responsibilities under the rental agreement.

6. The tenant must have written notice of the rule when the rental agreement is signed, or when the landlord makes the rule.

Other Important Information about Rules:

Rules must be reasonable. For example, a landlord could not enforce a "No Guests" rule.

Landlords cannot discriminate against or "single-out" certain tenants with rules (ORS 659.033 (1)(c)). For example, in most housing, a landlord cannot impose a set of "Kid's Rules" to be enforced only against children. If a rule has a discriminatory impact on a tenant based on their race, national origin, color, religion, disability, sex, marital status, source of income, age (some cities), sexual orientation (some cities), gender identity (some cities) or because there are kids in the family, the tenant should call the **Fair Housing Council** at 223-8295 or 1-800-424-3247.

Landlords are also obligated to honor a reasonable request for an adjustment of rules that a tenant needs because of their disability (ORS 659. 430 (2)(b)).

Landlords must give notice before a substantial rule change. If a landlord and tenant have a month-to-month rental contract, the law assumes that the agreement renews every 30 days, and can change with 30 days' notice. So in order for a landlord to enforce a substantial rule change, s/he would need to give the tenant 30 days' written notice of the rule change.

If the tenant and the landlord have a fixed-term tenancy (a lease), the landlord cannot make a substantial change to the rules of a rental agreement during the tenancy without the tenant's consent.

CAUTION: Before you refuse to obey a rule, get legal advice. Under Oregon law, most landlords can give tenants a 30-day termination notice without cause. There are a few defenses, but these can be very hard to prove, even with a lawyer. You also risk having an eviction on your record and having difficulty finding another place to rent.