

## Community Alliance of Tenants – Tenant Education

*Information is for general information purposes only, and is not a substitute for the advice of an attorney.*

# Uninhabitable Rental Units



Conditions such as mold, unstable lead paint, serious housing code violations, and lack of essential services such as water, heat and electricity can make a rental unit uninhabitable, and/or unsafe.

### Asking for Repairs

Tenants should inform landlords immediately about the issues listed above, or other unsafe conditions, and request repairs. It is best to inform the landlord in writing. The Community Alliance of Tenants (CAT) can provide guidance regarding asking for repairs. Contact CAT at 503-288-0130 or [www.oregoncat.org](http://www.oregoncat.org)

### Terminating the Tenancy

Tenants living in uninhabitable units are still considered tenants unless the rental agreement or lease is legally terminated by the tenant or landlord.

Tenants who want to terminate their tenancy due to uninhabitable conditions or lack of essential services in their unit should do so as allowed by the ORLTA (Oregon Residential Landlord and Tenant Act) and/or the tenant's rental agreement (for example, 90.365 provides that a tenant can terminate with 48 hours' notice for failure to provide an essential service, or 90.360 provides that they can terminate fixed term lease with 30 days' notice for habitability violations).

If a landlord terminates the rental agreement or lease, and the tenant feels that the termination is illegal or retaliatory, they may contact an attorney or Legal Aid Services of Oregon.

### Returning to the Unit and Temporary Housing

If the tenant wishes to return to the unit after the uninhabitable conditions or lack of essential services have been addressed, and the landlord has not terminated the rental agreement or lease, the tenant can seek temporary housing in the following ways:

- ★ Ask the landlord to provide temporary housing in another unit at the property, or at another property owned by the landlord.

- ★ Ask that the landlord allow the tenant to apply their rent while the unit is uninhabitable to the costs of temporary housing. Landlords should look at ORS 90.365 of the ORLTA to see their responsibilities to tenants when they fail to provide essential services, which makes a unit uninhabitable.

## **Legal Assistance**

Tenants may seek the assistance of an attorney or Legal Aid Services of Oregon for advice and/or representation in negotiating the provision of, or payment for, temporary housing with their landlord as well as other possible claims.

Prepared by Legal Aid Services of Oregon, November 2010

## **Information for Tenants of Fire Damaged Units**

### **Terminating the Tenancy**

Tenants of a fire damaged unit are still considered tenants unless the rental agreement or lease is legally terminated by the tenant or landlord.

Tenants who want to terminate their tenancy at the fire damaged unit should do so as allowed by the ORLTA (Oregon Residential Landlord and Tenant Act) and/or the tenant's rental agreement (for example, 90.365 provides that a tenant can terminate with 48 hours' notice for failure to provide an essential service, or 90.360 provides that they can terminate fixed term lease with 30 days' notice for habitability violations)

If a landlord terminates the rental agreement or lease, and the tenant feels that the termination is illegal or retaliatory, they may contact an attorney or Legal Aid Services of Oregon.

## **Returning to the Unit and Temporary Housing**

If the tenant wishes to return to the unit after the fire damage has been repaired, and the landlord has not terminated the rental agreement or lease, the tenant can seek temporary housing in the following ways:

- ★ Ask the landlord to provide temporary housing in another unit at the property, or at another property owned by the landlord
- ★ Ask that the landlord to excuse the tenant from paying rent while the unit is uninhabitable so that the tenant can use rent funds to pay for temporary housing. Landlords should look at 90.365 of the Oregon Landlord Tenant Law to see their responsibilities to tenants when they fail to provide essential services, which makes a unit uninhabitable.

### **Legal Assistance**

Tenants may seek the assistance of an attorney or Legal Aid Services of Oregon for advice and/or representation in negotiating the provision of, or payment for, temporary housing with their landlord along with property loss associated with a fire.

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