




Community **Action**

Helping people. Changing lives.

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AGENDA

- **Overview/Resources**
 - **Utility and Service fees associated with rental**
 - **Potential ramifications for failing to pay Utility or Service fees**
 - **Utilities owed on unit moving in**
 - **Protection from retaliations**
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LANDLORD – TENANT LAW IN OREGON

Oregon Residential Landlord and Tenant Act

Legal Aid Services of Oregon

Community Education Series 2016

www.oregonlawhelp.org

Reference:

<https://oregonlawhelp.org/files/CCDACC15-944D-570E-7F1F-7BBF3DEC0018/attachments/A079CC0A-3355-484D-92DE-7A54FC25D1B6/landlord-tenant-law-2016-final.pdf>

UTILITY & SERVICE FEES

Facts

- Landlord can charge utility or service fee if the landlord is billed directly
- Landlords cannot charge tenant higher amount for utility than they were billed by provider
- Landlord can charge up to 10% more than the cost to them for services like cable and internet

EVICTIONS & UTILITY FEES

- Tenants cannot be issued a notice for nonpayment of rent if tenant fails to pay utility fee
- If a tenant receives a 72-HR or 144-HR notice for nonpayment of rent they can prevent from being evicted by paying only the rent and not the utility charge for the notice period
- Tenants who haven't paid the utility charge can be evicted on a 30-day for-cause notice

For-Cause notice

The notice must describe a violation of the rental agreement and allow the tenant to remedy the situation within a specified amount of time.

MOVING IN

What if you can't get utility services because a former tenant owes money to the provider?

- 1) Pay the bill and deduct it from your rent
- 2) Reach an agreement with the landlord as to how the bill will be paid and get it in writing
- 3) End tenancy and explain the reason to landlord (landlord has 4 days to return prepaid rent and security deposit)

AFTER YOU MOVE IN

What if the landlord fails to pay money to the provider?

- 1) Pay the bill and deduct it from your rent
 - 2) Give the landlord a 72-HR notice to pay – move out if they don't pay
- * If the utility service is not restored and the tenant moves, the landlord is required to return prepaid rent and refundable security deposits within 4 days.

PROTECTION FROM RETALIATION

Landlord may not retaliate for making complaints about need for utility services.

Forms of retaliation:

- **Increased rent**
- **Decreasing services**
- **Serving an eviction notice**
- **Threatening eviction**
- **File and eviction case**



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