

## REPAIRS, HABITABILITY, AND RENT

Renters can defend against eviction for nonpayment in some cases if the landlord has failed to make repairs, or if there is something wrong with the rental (like mice, rats, roaches, or other pests, or a serious mold problem). If you owe rent, and if there's something wrong with your home that makes it worth less than the rent you're being charged, there are steps that you can take that might protect your home.

### **If there's a problem with your home, tell your landlord in writing.**

In most cases, it is very hard to defend against an eviction if the renter has never told the landlord about the need for repairs or other problems. Even if you've called your landlord or told them about the problem in person, you should put something in writing about the problem and send it to your landlord.

- Make sure that there's a date on what you send to the landlord
- If possible, take photos of the problem
- Be sure to keep a copy of all communications that you send to the landlord

### **Figure out how much less your home is worth because of the problem.**

Depending on how serious the problem is, renters have a right to what's called "reduced rental value." This means that if your home is worth less than the rent that's being charged because of repair issues or other problems, your landlord shouldn't charge you the full rent.

Most problems will not mean that the rent is reduced to \$0. Be realistic about how big of a problem it is. For example, if you can't use one burner of your stove, that probably will only reduce the rental value a little bit. But if there's no heat in your home, that could reduce the rental value by more than half, especially if you've had to pay for space heaters or other ways to solve the problem. Different kinds of problems will reduce the rent by different amounts, depending on how big the problems are.

### **Keep track of any extra money you've had to pay because of the problem.**

If you've had to pay money because of the problem — like buying extra food because the fridge doesn't work, or paying for electricity or a space heater because the heat doesn't work — keep receipts or other documents that show how much you paid.

## **If you think that you might be evicted because of rent that you owe, you may be able to use repair issues or other problems as a defense. But that will only work if you've documented the problem. Keep written records and photos.**

Until December 31, 2020, landlords are not allowed to give termination notice or evict for nonpayment. This is called an "eviction moratorium." We don't know right now if the moratorium will be extended past the end of 2020. This information is changing quickly. Please check back with your local legal aid office for more information about the eviction moratorium.

You can find contact information for a legal aid office near you at <https://oregonlawhelp.org/find-legal-help>.