

**This handbook is intended as general legal information. It is not legal advice about your specific case. If you would like advice about your case, you must contact a lawyer. Contact information for legal aid programs is available at the end of this handbook.**

## RENTER'S HANDBOOK ON HARASSMENT/ HOSTILE LIVING ENVIRONMENT

Has a neighbor, an onsite manager, or a repair or maintenance worker used a racial slur or insult to you? Has someone said or done something that made you feel uncomfortable or unwelcome because of your gender, race, national origin, or religion? Are there rules or regulations that are aimed at families with children? Have you been subjected to sexual harassment? If you've experienced anything like this, or anything that makes you feel unwelcome or uncomfortable in your home because of your race, color, national origin, religion, sex, family status, or disability, your landlord has to respond to the problem and make sure that it doesn't continue.

If your landlord does not respond to the problem, you may have a housing discrimination claim against the landlord for allowing a **hostile living environment** to exist. However, the landlord can't respond to the problem unless you report it. And you can't prove that the landlord has allowed the hostile living environment to exist unless you can prove that you told the landlord about it.

This packet contains information about how to respond to discrimination in your rental housing. If you follow the steps suggested in *exactly the order they are laid out* and keep good records of all of the steps you take, it is more likely that you and your landlord will be able to reach a good resolution of the problem.

It is very important throughout the process to document all complaints and to keep records of your **written** communications with your landlord.

### **This packet contains the following:**

- Information about different kinds of discrimination
- Instructions for reporting the discrimination
- Letters and forms to use to write to your landlord about discrimination:
  - Letter 1 (first report)
  - Letter 2 (second report: hostile environment)
  - Letter 3 (third report: notice of intent to file fair housing complaint)
- Form to request early lease termination
- Verification form for early lease termination

## HOSTILE LIVING ENVIRONMENT DISCRIMINATION

- Both federal and state law require that landlords provide housing that is free from discrimination. Housing discrimination can take many forms, but here we'll focus on hostile living environment discrimination.
- A hostile living environment exists when someone on the property within the landlord's control — for example, a neighbor, a manager, or a maintenance person — commits an act of discrimination against a renter or someone in the renter's household, and the landlord doesn't do anything about it.
- Just like a landlord must keep your housing in good repair, your landlord also must keep your housing free of discrimination.
- Discrimination means treating someone differently because the person belongs to a particular race, color, or gender, because of the person's national origin or language, because of the person's sexual orientation or gender identity, because the person has children, or because the person has a disability or the landlord thinks the person has a disability.

### Hostile living environment discrimination can include any of the following actions:

- Slurs/ insults based on a person's identity
- Bigoted remarks (for example, "Everyone from Country X plays their music too loud.")
- Threats to physically harm because of a person's identity
- Threats to harm in other ways (for example, reporting someone's immigration status)
- Damage to property/ vandalism (for example, insulting graffiti)
- Sexual comments or propositions
- Comments or intrusive questions about a person's body or sexuality
- Comments or intrusive questions about a person's mental health
- Rules that are only enforced against one group of people

If you tell your landlord about any of these kinds of incidents, and the landlord fails to do anything about it, you have some important legal rights, including:

- The right to file a complaint with BOLI, HUD, or in court
- The right to ask for money damages for housing discrimination
- Under some circumstances, the right to break the lease, if the rental agreement is for a fixed term

**HOWEVER, the landlord is not required to do anything about the discrimination unless you tell the landlord about it.**

## GUIDELINES FOR REPORTING DISCRIMINATION

### STEP 1: REPORT (Letter 1)

If you experience discrimination in your housing, the first and most important step is to **TELL YOUR LANDLORD**. Don't assume that the landlord knows about the problem, and don't rely on a phone call or a text message to inform the landlord.

You should report the problem to the landlord in writing.

- You can call or text the landlord first, but you **must** follow up with a written complaint.
- You should **keep a copy** of the written complaint to prove that the landlord knew about the discrimination.

Write the landlord a letter about the discrimination.

The letter must have a **date** on it

The letter must **explain** the discrimination that happened, including the dates and times that it happened, and any witnesses

The letter should give the landlord a **deadline** to respond to the complaint. If the discrimination involves a serious threat to your safety, such as a threat of physical harm or other crime, a response within 24-48 hours is a reasonable request. For something less immediately threatening, a week to ten days is a reasonable amount of time.

If you have evidence of the discrimination — like a threatening text or email, a video of the incident, the names of witnesses, or photos of the vandalism — you should tell the landlord about the evidence and include a copy if possible. **BE SURE TO KEEP A COPY OF THE EVIDENCE FOR YOURSELF**. Do **not** trust your landlord to keep documents or other evidence safe.

There are sample letters included at the end of this packet. Start with Letter 1. You can fill in the blanks or write your own version. Any letter that you send should include the following:

- Your name and address
- Landlord's name and address
- Date you're sending the letter
- Specific information about the discrimination
- Evidence, if any is available
- Deadline for a response

You can mail the letter or deliver it personally to the landlord. If you mail it, you should send it regular first class mail — not registered or certified mail, as that can slow down the response time.

- If you want proof that you mailed the letter, you can ask for a certificate of mailing from the post office at the time that you mail the letter.
- Be sure to keep a copy of the letter. You can take a picture of the letter with your phone, if you have one.

## STEP 2: SECOND REPORT: Hostile environment (Letter 2)

If your landlord does not respond to your first complaint, or if the landlord takes some steps to solve the problem but the discrimination continues, then the landlord has allowed a hostile living environment to exist.

You can send your landlord Letter 2, included in this packet, to explain that the discrimination has continued and that there is now a hostile living environment. You can also write your own letter, but it should include the following information:

- Your name and address
- Landlord's name and address
- Date you're sending the letter
- Date of Letter 1
- Specific information about the ongoing discrimination
- If you know, what steps the landlord took to fix the problem and why it didn't work
- Statement that you will have a fair housing claim for hostile living environment discrimination if the landlord does not fix the problem
- Deadline for a response

## Step 3: FILE A COMPLAINT

If the landlord still refuses to deal with the discrimination, you may have other options.

Call the Fair Housing Council of Oregon (FHCO) at (503) 223-8197 ext. 2. Tell them that you have made two written complaints about discrimination and that your landlord hasn't done anything. FHCO can help you file a complaint with HUD or BOLI.

Contact BOLI directly. The Civil Rights Division will take a complaint about housing discrimination and do an investigation. You can start the process online at [https://www.oregon.gov/boli/CRD/Pages/C\\_q\\_terms.aspx](https://www.oregon.gov/boli/CRD/Pages/C_q_terms.aspx), or you can call 971-673-0764. You have **ONE YEAR** from the date of your first complaint to your landlord to make this complaint to BOLI.

Contact Legal Aid or the Oregon Law Center for your area. You can find out the number for your local office at <https://oregonlawhelp.org//resource/oregon-legal-aid-offices>

## STEP 4: OTHER OPTIONS

If the discrimination is causing you to feel unsafe in your home, and you have somewhere to move to, under some circumstances you may have the right to terminate your fixed-term lease early.

The discrimination must involve **all four** of the following:

- The discrimination has taken the form of **unwanted contact** (such as physical contact or attempted physical contact, entering your living space uninvited, following you in a way that makes you feel unsafe, or a specific threat of physical harm);
- There have been **two or more** unwanted contacts;
- You or someone in your household was frightened by the contacts; **and**
- You were afraid for your personal safety or the safety of someone in your household because of the contacts.

If all four of the above are present, the discrimination may fit the legal definition of stalking. ORS 90.453 permits renters to terminate their rental agreement with 14 days' notice without paying a lease break penalty because of stalking.

- The renter must terminate their rental agreement within 90 days of the last incident of stalking.
- You must give your landlord notice in writing that you are going to break your lease because of stalking. A form you can use is included in this packet.
- Your landlord can ask you to verify the stalking. To have someone verify the stalking, you will need a law enforcement officer, lawyer, health professional, or victim's advocate to sign a form. A copy of the form is also included.
- If you report the incidents to the Fair Housing Council or to Legal Aid, an advocate may be able to sign the form for you.
- If you call the police to report the incidents, a police officer can sign the form for you.
- You are not required to apply for or receive a restraining order based on the stalking to break the lease early, but a restraining order also counts as verification.

If the landlord refuses to allow you to break your lease early, even after you've provided the verification, please contact Legal Aid Services of Oregon or the Oregon Law Center for your area.

**Please turn to the next page for sample letters that you can use when communicating with your landlord.**

**Be sure to keep a copy of all of the letters that you send.**

If you would like to talk to an attorney about your rights, you can find contact information for a legal aid office near you at <https://oregonlawhelp.org/find-legal-help>.

Letter 1

Date: \_\_\_\_\_

Dear Landlord:

I am writing to notify you about the following incident(s) of discrimination.

Describe incident (use additional sheets if necessary):

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This incident involved disparate treatment because of my (check all that apply):

- race
- color
- religion
- sex (gender)
- familial status
- national origin
- handicap (disability)

The following individuals were witnesses to the discrimination:

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Please contact me no later than \_\_\_\_\_ to discuss how this discrimination will be addressed.  
Failure to respond appropriately to reports of discrimination is a fair housing violation.

Thank you,

\_\_\_\_\_ (renter name)

\_\_\_\_\_ (renter address)

Date: \_\_\_\_\_

Dear Landlord:

I wrote to you on \_\_\_\_\_ (date of Letter 1) to notify you about an incident of discrimination. In response to my first complaint, you took the following steps:

\_\_\_\_\_

\_\_\_\_\_

However, the problem has not been solved, and the discrimination has continued. Describe ongoing incident(s) (use additional sheets if necessary):

\_\_\_\_\_

\_\_\_\_\_

If the discrimination continues, you will be legally responsible for the presence of a hostile living environment, which is a violation of federal and state fair housing law. Please respond as soon as possible to discuss how this problem will be resolved.

Thank you,

\_\_\_\_\_ (renter name)

\_\_\_\_\_ (renter address)

Date: \_\_\_\_\_

Dear Landlord:

I wrote to you on \_\_\_\_\_ (date of Letter 1) and \_\_\_\_\_ (date of Letter 2) to notify you of ongoing discrimination in my housing. The problem has not been resolved.

With this letter, I am notifying you of my intention to file a complaint with BOLI and/ or HUD, and to take additional legal steps as necessary. Please do not delete, destroy, tamper with, or take any other steps to alter any files, notes, communications, or other documents that you have generated or received in relation to my housing discrimination complaints. You have a legal obligation to preserve all of the documents or other communications related to my discrimination complaints until such time as the matter is resolved.

Thank you,

\_\_\_\_\_ (renter name)

\_\_\_\_\_ (renter address)



**EARLY TERMINATION OF RENTAL AGREEMENT**

ORS 90.453 permits a renter to terminate a fixed-term rental agreement without penalty if the renter has been the victim of domestic violence, sexual assault, or stalking. Because of the ongoing discrimination in my housing, I or a member of my household have been victims of stalking, as defined by ORS 90.100(44). The most recent incident of stalking occurred on \_\_\_\_\_, a date that is less than 90 days from today's date.

Accordingly, I will terminate my rental agreement with you effective \_\_\_\_\_, a date that is at least 14 days from today's date, or 17 days if this notice is sent by first class mail.

This termination includes the following members of my household:

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Thank you,

\_\_\_\_\_ (Renter name)

\_\_\_\_\_ (Renter address)

**QUALIFIED THIRD PARTY VERIFICATION**

\_\_\_\_\_  
Name of qualified third party

\_\_\_\_\_  
Name of renter

**PART 1. STATEMENT BY TENANT**

I, \_\_\_\_\_(Name of renter), do hereby state as follows:

(A) I or a minor member of my household have been a victim of stalking, as that term is defined in ORS 90.100.

(B) The most recent incident(s) that I rely on in support of this statement occurred on the following date(s): \_\_\_\_\_.

\_\_\_The time since the most recent incident took place is less than 90 days; or

\_\_\_The time since the most recent incident took place is less than 90 days if periods when the perpetrator was incarcerated or was living more than 100 miles from my home are not counted. The perpetrator was incarcerated from \_\_\_\_\_ to \_\_\_\_\_. The perpetrator lived more than 100 miles from my home from \_\_\_\_\_ to \_\_\_\_\_.

(C) I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

\_\_\_\_\_  
(Signature of renter)

Date: \_\_\_\_\_

PART 2. STATEMENT BY QUALIFIED THIRD PARTY

I, \_\_\_\_\_(Name of qualified third party), do hereby verify as follows:

(A) I am a law enforcement officer, attorney or licensed health professional or a victim’s advocate with a victims services provider, as defined in ORS 90.453.

(B) My name, business address and business telephone are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(C) The person who signed the statement above has informed me that the person or a minor member of the person’s household is a victim of domestic violence, sexual assault or stalking, based on incidents that occurred on the dates listed above.

(D) I reasonably believe the statement of the person above that the person or a minor member of the person’s household is a victim of domestic violence, sexual assault or stalking, as those terms are defined in ORS 90.100. I understand that the person who made the statement may use this document as a basis for gaining a release from the rental agreement with the person’s landlord.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

\_\_\_\_\_

(Signature of qualified third party making this statement)

Date:\_\_\_\_\_

## LIST OF ATTORNEYS WHO REPRESENT RENTERS

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