

LASO Portland Regional Office

Weather-Related Disasters: Legal Information for Tenants

The following legal information and resources are for Oregon tenants who experienced damage to their homes due to weather-related natural disasters.

This information and resources are for general information purposes only. None of this information should be considered legal advice.

RELOCATION DURING REPAIRS

Does my landlord have to pay to temporarily relocate me if my home has been damaged in a weather-related disaster?

Unfortunately, the law generally does not require landlords to relocate tenants even when there are things like water pipes that have burst, fire damage, or any other major habitability problem.

However, under Oregon Revised Statutes (“ORS”) 90.365, if a tenant provided their landlord with proper written notice about the uninhabitable conditions and the landlord does not make repairs within 48 hours, the tenant could terminate the tenancy or could pay out of pocket themselves to obtain comparable substitute housing and then have a claim against the landlord if the substitute housing costs more than the tenant’s current rent for their home.

LEGAL CLAIMS AGAINST LANDLORDS FOR WEATHER-RELATED DAMAGES

If a tenant’s home is damaged by a natural disaster, it is possible they may have claims against their landlord for financial compensation, but this would depend on several factors, primarily whether the landlord was negligent in failing to prevent the damage or in failing timely to repair it.

Example: A water pipe burst due to cold weather. Potential considerations would be:

1. Where the pipe burst (on the property or off of it), who is responsible for maintaining the pipe (the landlord or a municipal agency) and,
2. How fast the landlord’s response was to fix it given all the circumstances (such as difficulty of repair persons being able to access the property while the weather event was still in effect).
3. What damages to the tenant’s property occurred, if any? Tenants may still be able to recover for “reduced rental value” even if their personal property was not damaged.

LASO has a Renter’s Handbook on Repairs which is available here:

<https://www.oregonrentersrights.org/repairs> This handbook includes sample letters to a landlord to demand repairs and discusses the option under ORS 90.368 for a tenant to make their own repairs (up to \$300 cost) if their landlord is not responding promptly, and then deduct from their rent their costs up to the \$300 limit.

To explore potential legal claims against a landlord or for more information about relevant statutes of limitations, you should consult with an attorney immediately. Contact information for attorney referral services are listed at the end of this handout.

For tenants who have had flooding due to a burst water pipe, they may want to make a demand in writing to the landlord that they begin remediation immediately by installing a dehumidifier and running it constantly. Landlords (as well as tenants who are able to purchase their own dehumidifier) can install a dehumidifier while they wait for professional remediation. Dehumidifiers can be set up to self-drain and can provide quick and substantial results to mitigate the damage of water intrusion. Dehumidifiers can be ordered online or purchased from major retail stores.

Could LASO Represent Me in a Repairs Case?

Unfortunately, Legal Aid has very limited resources. LASO's Portland Regional Office prioritizes cases where there are substantial habitability defects that pose a high risk to a tenant's health and safety, particularly where children may be harmed.

OTHER OPTIONS/RESOURCES

Renters Insurance

If a tenant has a renter's insurance policy, they should contact the insurance company to ask that they pay for temporary relocation. Such policies often (but not always) pay for some amount of time for a tenant to be housed in alternative accommodations when their homes become uninhabitable due to weather, flooding, fire, or other natural disaster.

Information on what to do when water pipes burst and how to take steps to prevent it:

<https://www.koin.com/local/portland-water-bureau-shares-what-to-do-if-you-get-a-burst-pipe/amp/>

<https://www.portland.gov/water/news/2024/1/16/what-do-if-water-pipes-freeze-leak-or-burst-temperatures-rise>

Information on Replacing SNAP Benefits for Food Lost During a Natural Disaster/Power Outage:

Households receiving SNAP are able to request replacement of benefits that purchased food lost due to power outages caused by the winter storms. To request replacement benefits an individual will need to complete the follow steps:

- 1) Submit a signed, written statement of when the loss (power outage occurred) and which food items and the cost of food items that were lost. As a reminder, only food purchased with SNAP can be replaced. Households can also complete the following form

(<https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/de0349d.pdf>) which will include all the information needed.

2) Turn in the form **within 10 days** of the power outage. Forms can be submitted by email (Oregon.Benefits@odhsoha.oregon.gov), by mail (ONE Customer Service Center PO Box 14015 Salem, OR 97309) or in person to any ODHS office.

Additional information can be found at the following website: <https://www.oregon.gov/odhs/food/pages/snap-replacement.aspx>

Other Resources

Call **Red Cross** for potential short-term temporary relocation assistance:
<https://www.redcross.org/local/oregon.html> ; 1-800-RED-CROSS (1-800-733-2767)

Call **211** for additional potential resources in your area including rental assistance for relocating, if necessary.

If you wish to contact a private attorney to discuss your possible claims, you can call the Oregon State Bar (“OSB”) Lawyer Referral Service at 503-684-3763. Lower-cost legal services may be obtained by contacting the OSB Lawyer Referral Service Modest Means program at 503-684-3763 or online at <https://www.osbar.org/public/ris/>. You can also ask legal questions on the American Bar Association’s Free Legal Answers website: <https://oregon.freelegalanswers.org/>