

Noise, Smoking and Neighbor Complaints

Are you having noise problems with your neighbors?

There is nothing specific in Oregon landlord-tenant law that regulates neighbor-to-neighbor activity or noise. So if the offending noise is coming from another tenant, try talking to that neighbor first. Most noisemakers don't realize they are disturbing others. **It pays to keep good relations with your neighbors – you never know when you'll need them!**

Be aware that normal "kid noise" (such as a baby crying or kids playing) is protected under federal and state Fair Housing (anti-discrimination) law. In other words, families with kids can't be penalized for noise that arises from children's normal activity.

If you feel uncomfortable talking with your neighbors, or if talking with them hasn't worked, try writing your neighbor a letter. In the letter:

- Be calm and polite
- Document the specific incidences of noise
- Negotiate a compromise, if possible
- Keep a copy of the letter!

You can also try the free and professional mediation services that many communities offer. Mediation is a voluntary process where people with disputes come together, sit down with a mediator, and talk about ways to solve their dispute. In Portland, the number for Resolutions Northwest, the local free service is 503-595-4890. (Call the Oregon Mediation Association for other referrals: (503) 872-9775)

You can usually call the police to make a complaint about noise. In **Portland**, the **Police Bureau** focuses on responding to complaints between 10:00 pm and 7:00 am. The **non-emergency** number for the **Portland Police** is **503-823-4636**. Check to see if your city or county has a noise ordinance. Ask if there is enforcement of the ordinance. In **Portland**, you can call **Noise Control Hotline** at **503-823-7350** and make a complaint about commercial/industrial noise, noise across property lines, or noise from televisions, stereos or other machinery that can be heard from outside the unit. If the noise is bothersome to other neighbors, have them call and complain as well.

If the letter and/or mediation don't work, try resolving the problem with your landlord. Ultimately, your landlord is responsible for ensuring the peaceful enjoyment of the premises for all the tenants. Your landlord is also responsible for enforcing any rules they might have around noise. Write your landlord a "repair request letter", and include copies of the letter(s) you sent to your neighbors and any additional documentation of the noise and your attempts to resolve the problem.

You can also try asking your landlord to move you to another unit or to install floor and wall carpets or other materials that might help absorb sound. As long as you complain to your landlord in a reasonable manner at reasonable times, you are protected against retaliation. For example, your landlord can't raise your rent or threaten to kick you out because you've complained to them or have called the police about a noise problem.

Oregon Landlord-Tenant Smoking Disclosure Law

Oregon tenants are protected by the Oregon Landlord smoking disclosure law, which requires landlords to provide their smoking policy in writing before a lease is signed. Renters will know for certain that they will be living in a healthy and safe smoke-free environment. Be sure to ask your landlord if you are not aware of the policy – you have the right to know.

The law states that any Oregon rental agreement must include a disclosure of the smoking policy for the premises on which the dwelling is located. The disclosure must state whether smoking is prohibited on the premises, allowed on the entire premises or allowed in limited areas on the premises. If the smoking policy allows smoking in limited areas on the premises, the disclosure must identify the areas on the premises where smoking is allowed. Exempts from requirement rental agreements in which owner of manufactured dwelling or floating home secures the right to locate dwelling or home on real property of another. This act is also added to or made part of ORS 479.250 to 479.3002

Frequently asked questions about the law:

Q. What is a Smoking Policy?

A. A Smoking Policy simply states whether or not smoking is allowed on the property and if so, whether there are any restrictions as to where one can smoke on the property. It does not require landlords to restrict smoking, it simply mandates that landlords inform renters if and/or where smoking is allowed

Q. Is it legal for my landlord to ban smoking on the property?

A. Yes. No-smoking rules are legal. Smoking is not a protected under federal, state, or local fair housing laws; therefore, a landlord can have rules restricting it, just as they may have a “no-pets” policy.

Q. Why would a landlord have a no-smoking rule?

A. Many landlords adopt no-smoking policies to protect their properties from damage and fire hazards and to protect their residents from the effects of secondhand smoke.

Q. Why is this law good for renters?

A. This law gives renters the information they need to make an informed decision about where they will live. It assures that landlords and renters are in agreement about if and/or where smoking is allowed on the property. With this new law, you will know what to expect before you move in regarding smoking and the place you are renting.

If you choose to smoke and want the freedom to do so in a rental home, you will know which properties allow this.

Q: Are there other smoking laws that relate to rental housing?

A. Under Oregon law, smoking is prohibited in all indoor common areas and anywhere an employee must enter as part of their duties, such as an office. Doorways, windows, vents and air intakes must be smoke-free within 10 feet of a building in Oregon.

**For more information about the landlord disclosure law, go to
www.smokefreehousinginfo.com**