Rights of Domestic Violence, Sexual Assault and Stalking Survivors

The landlord may evict the abuser, other household members can stay
If a tenant commits a criminal act of physical violence related to domestic violence, sexual assault or stalking against a co-tenant, the landlord may give 24 hours notice to terminate the rental agreement with the abuser only. The landlord may not terminate the rental agreement with any other tenants and may not require the remaining tenants to pay additional rent or an additional deposit or fee because the abuser left. (ORS 90.445)

Breaking your lease early
If you (or a child living with you) have been the victim of domestic violence, sexual assault or stalking within the past 90 days, you have the right to be released from your lease or rental agreement with a 14-day notice to your landlord. (ORS 90.453)

- Make a request to your landlord in writing. (See Sample Form 1 below)
- Provide proof of the abuse by giving your landlord one of the following:
    - a copy of a court protective order;
    - a copy of a police report showing that you or a child living with you has been the victim of domestic violence, sexual assault or stalking;
    - a statement from a "qualified third party" (like a police officer, medical professional, lawyer or victim advocate) stating you have reported an act of domestic violence, sexual assault or stalking. (See Sample Form 3 below)

Your landlord cannot charge you a lease-break fee in this circumstance. Your landlord cannot charge you for rent or damages that were incurred after your lease-break date. Remaining tenants will continue to be responsible for rent. "Immediate family members" may leave with you if you break your lease under these laws. All other tenants must stay.

Changing your locks for safety
If you (or a child living with you) have been the victim of domestic violence, sexual assault or stalking, you have the right to have your locks changed. (ORS 90.459). Your landlord must promptly change your locks or give you permission to change your locks if you notify your landlord that you (or a child living with you) are a victim of domestic violence, sexual assault or stalking and that you want your locks changed. This notice can be verbal, but written notice is always safest. (See Sample Form 2 below).

If the abuser lives with you as a **co-tenant**, you must first provide your landlord with a court document that orders the abuser to move out before you or your landlord may change the locks. Your landlord should not allow the abuser into the unit without your permission, unless a court orders the entry. The abuser is jointly responsible for the rent and any damages to the unit until that person's tenancy ends.

If the abuser is **not a co-tenant**, you do not need to provide proof to your landlord that the violence occurred. If your landlord refuses or takes too long to change your locks, you can change the locks without the landlord's permission, but you must give a copy of the new key to the landlord. You are responsible for the cost of changing your locks, but the landlord should not insist you pay for the lock change before changing the locks.

Discrimination because of domestic violence, sexual assault or stalking
Landlords are not allowed to treat survivors of domestic violence, sexual assault or stalking differently because of that experience. This means that landlords cannot threaten to or try to kick someone out just because they are the survivor, or refuse to rent to them because of their experience as a survivor. (ORS 90.449).

SAMPLE FORMS

Sample Form 1: Notice to Landlord to Terminate Lease with a 14-day Notice.

(Date)
Dear (landlord's name),

I am a tenant at (your address). I (or a minor child who lives with me) am a victim of domestic violence, sexual assault or stalking within the past 90 days. Pursuant to the Oregon Residential and Landlord Tenant Act, this is my 14-day notice that I will end my rental agreement on _____(enter a date 14 days from today and add three days if mailing). I have enclosed (choose one):

- a copy of my protection order,
- a copy of a police report showing that I (or a minor child who lives with me) was the victim of an act of domestic violence, sexual assault or stalking, or,
- a statement from a qualified third party stating that I have reported an act of domestic violence, sexual assault or stalking.

Sincerely,
(Your name and address)

Sample Form 2: Request to Change Locks for Safety.

(Date)
Dear (landlord's name),

Pursuant to the Oregon Residential and Landlord Tenant Act, I write to request that you promptly change the locks to my unit. I am a victim of domestic violence, sexual assault or stalking. (If you are the only tenant on the lease you do not need to provide verification of the violence.) (If the abuser is on the lease): Enclosed please find a copy of the restraining order that orders the abuser out of the dwelling unit.

Thank you for your assistance.

Sincerely,
(Your name and address)

Sample Form 3: Qualified Third Party Verification

(Name of qualified third party)
(Name of tenant)

PART 1. STATEMENT BY TENANT

I, _____ (Name of tenant), do hereby state as follows:

(A) I or a minor member of my household have been a victim of domestic violence, sexual assault or stalking, as those terms are 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 tenant)
(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)