

Retaliation (ORS 90.385)

Oregon law prohibits landlords from retaliating against tenants by:

- Increasing rent
- Decreasing or stopping services
- Attempting to or threatening to evict a tenant

After and because a tenant does any of the following:

- Complains reasonably and in good faith to the landlord about something related to the tenancy
- Has asserted or expressed an intent to assert his/her legal rights as a tenant.
- Complains or threatens to complain to a governmental agency relating to the tenancy (like the bureau of buildings, or the fair housing council)
- Joins or starts a tenants' union
- Testifies against the landlord in court
- Has won an eviction case within the last 6 months (except if the tenant wins because their landlord gave the termination notice incorrectly)

In May 2013, the Oregon Supreme Court handed all Oregon tenants a major victory when their ruling in a case made it clear that **tenants in Oregon have the right to complain about their tenancies without being retaliated against by their landlord**. Tenants do not need to prove the landlord's intent for the retaliation. They only need to show that the landlord's action would *not* have occurred if the tenant *had not* complained or performed another protected action.

If a landlord retaliates against a tenant, the tenant is entitled to two months' rent or twice the amount of damages, and may use the retaliation as a defense to an eviction. **However**, retaliation may not keep you from being evicted if you were behind in rent when you received a move-out notice* or if you or your guest caused a building code violation.

Retaliation is very hard to prove in court. Documentation is extremely important! Examples of documentation include copies of letters to your landlord asking for repairs, letters with the landlord's response, statements from people who have seen the problem happen, photos of the apartment before and during the problem, or any kind of log or journal of events related to the retaliation.

Because of how complicated it can be, talk to a landlord-tenant attorney before going to court about the retaliation. A good lawyer can help save your home and protect your rights. If you need an attorney the Renters' Rights Hotline can refer you to one, or you can call the Oregon State Bar Attorney Referral Service at 503-684-3763.

[*In 2011, the Legislature passed a law to clarify that in order for the landlord to take advantage of this exception, the tenant must have been behind in rent at the time of the notice, not behind in rent at any time. This law went into effect January 1, 2012.]