

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 LOCKOUTS AND OUSTERS

Did your landlord change the locks or prevent you from entering a space that you are renting? Did your landlord turn off your utilities (water, electricity, hot water, or other essential service)? If you are a renter and your landlord has done any of these things, you have legal rights. This handbook contains information about those rights and a sample letter you can use if you have been locked out or threatened with a lockout.

YOUR LANDLORD MUST GET A COURT ORDER TO EVICT YOU!

Oregon law requires a landlord to use the court system to evict you. The only legal way to force you out of your home is for the landlord to go to court and get an order that requires you to leave. It is against the law for your landlord to:

- lock you out
- remove your personal property from your home
- turn off water, power, or heat, or
- threaten to do any of those things

It does not matter whether you are behind on your rent. Even if you haven't paid rent, your landlord cannot physically remove you or attempt to force you out by turning off your utilities. ORS 105.105, 105.110.

What should I do if my landlord locks me out or cuts off my utilities?

If your landlord unlawfully locks you out or forces you to move by removing your personal property, removing a door, or turning off utilities, you have options!

Option 1:

- Tell your landlord that it is illegal and ask to be let back into your home. A sample letter you can give to your landlord is included at the end of this packet.
- If that doesn't work, see if you can get in through a window or another door. You have the right to enter your home. But it's a good idea to only do this if you have identification on you that will prove that you live there.
- If the landlord refuses to let you back in and you cannot get in on your own, you can call the police. They will sometimes help, especially if you can prove that you live there. But the police may say that it is a civil dispute and that they will not help you. If so, contact a lawyer.
- If you need help finding an attorney, you can contact the Oregon State Bar Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.
- You can also contact your local legal aid office. Contact information for local offices is available at this website: <https://oregonlawhelp.org/find-legal-help>

Option 2:

You can file a lawsuit and ask the court to order your landlord to let you back into your home and/ or turn the utilities back on. You will probably need a lawyer's help to do this.

Option 3:

You can end your tenancy, even if you're in the middle of a lease, and not pay any more rent.

No matter which option you choose, you can also sue for money damages.

Whether you choose Option 1, Option 2, or Option 3, you may can sue your landlord for damages. You can ask the court to award you either two months' rent **or** whatever your actual financial loss was as a result of the lockout or ouster, whichever is larger. ORS 90.375. Your actual financial loss could include things like:

- money that you spent to stay in a hotel while you were locked out
- the cost of replacing spoiled food
- the cost of a locksmith

You can also sue for another month's rent or actual damages if the landlord entered your home without giving you 24 hours' notice beforehand (for example, to change the locks). ORS 90.322.

How to sue your landlord

You can hire a lawyer to file a lawsuit or you can file a claim in Small Claims Court without an attorney. Some lawyers will represent you for free if they think there's a good chance of collecting fees from your landlord.

- If you need help finding an attorney, you can contact the Oregon State Bar Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.
- You can also contact your local legal aid office. Contact information for local offices is available at this website: <https://oregonlawhelp.org/find-legal-help>

Small Claims Court: For more information about Small Claims Court, including how to complete court forms, how to file your case, and what to expect from the process visit our website at www.oregonrentersrights.org or contact Legal Aid Services of Oregon at (503) 224-4086 and ask for a copy of our Renter's Handbook on Small Claims Court.

What if I live in a hotel or motel? Can they kick me out?

If the law considers you to be a tenant in the hotel or motel room, then the owner/landlord **cannot legally change the locks** or remove your things. This is true even if you owe rent.

You are legally a tenant, even if you live in a hotel or motel room, if the following are true:

- You have lived in the same room for 30 days or more, **or**
- You pay rent weekly or monthly, **or**
- The hotel/ motel does not clean your room or provide clean sheets/ towels at least every two days

If you have lived in a hotel or motel for more than 30 days, and the owner or manager locks you out, you can do the following:

- **IMPORTANT: KEEP YOUR KEY!** If you give up your key to your landlord, you may be giving up your rights.
- Tell your landlord that it is illegal and ask to be let back into your home/room. A sample letter you can give to your landlord is included at the end of this handbook.
- You can also use your key to return to your room if the key still works and no one stops you.
- You may also call the police, who may advise your landlord that he/she needs to use the eviction process to terminate your tenancy.
- The police may say that it is a civil dispute and that they will not help you. If so, contact a lawyer. If you need assistance finding an attorney, you may contact the Oregon State Bar Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.
- If your landlord will not let you back in, you can immediately file a lawsuit to ask the court to order your landlord let you back into your home.

What if the hotel/ motel calls the police to remove me from my room?

The owner or manager might try to have the police remove you. If you are legally a tenant, then the police cannot remove you without a court order. If the police are called, you may have to show the police that you are legally a tenant. Some options to show that you are a tenant:

- Show the police officer rent receipts, mail, or identification with the hotel address
- Show the police officer this handbook.

If the officer tells you to leave or you will be arrested, ask for the name and badge number of the officer and call a landlord tenant attorney. **You may need to leave to avoid arrest. Your safety comes first.** But even if the police make you leave, you can sue the landlord to force them to let you back in. Again, keep your key!

- If you need help finding an attorney, you can contact the Oregon State Bar Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.
- You can also contact your local legal aid office. Contact information for local offices is available at this website: <https://oregonlawhelp.org/find-legal-help>

Can I sue the hotel/ motel for money damages?

- Yes. If the owner or manager forces you to leave, you can file a lawsuit. You can ask the court to award you either two months' rent **or** whatever your actual financial loss was as a result of the lockout or ouster, whichever is larger. ORS 90.375.
- You can also sue for another month's rent or actual damages if the owner or manager entered your room without giving you 24 hours' notice beforehand (for example, to change the locks). ORS 90.322.

What if I live in drug/ alcohol free housing? Can the landlord kick me out?

There are special rules for some types of drug and alcohol free housing. In some situations, the landlord is allowed to require you to move out without taking you to court. But the landlord has to give you 24 hours' written notice first.

If you live in drug or alcohol free housing, that is not a rehab facility, and your landlord has forced you to leave, or is threatening to force you to leave, you should consider contacting a lawyer for more information about your rights.

- If you need help finding an attorney, you can contact the Oregon State Bar Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.
- You can also contact your local legal aid office. Contact information for local offices is available at this website: <https://oregonlawhelp.org/find-legal-help>

Turn to the next page for a sample letter to give your landlord if you have been locked out, threatened with a lockout, or if your utilities have been shut off.

Date: _____

Dear Landlord:

I am a tenant at _____. I am writing because I was locked out/threatened with a lockout or ouster (landlord turned off utilities or removed personal property) on (date) _____.

Oregon law prohibits lockouts and ouster. Without a court order, it is against the law for a landlord to lock a tenant out, threaten to lock a tenant out, remove a tenant's personal property from the tenant's home, turn off water, power or heat, or threaten to do any of those things. Tenants may only be removed from the property by a sheriff acting pursuant to a court order. ORS 105.105, 105.110.

If you lock me out or force me to move by removing my personal property, removing a door, or turning off my utilities, the law allows me to end my tenancy or immediately file a lawsuit seeking an order forcing you to allow me to return at once. Additionally, I can sue you for damages, which could include up to three months' rent for a lockout and an unlawful entry plus court costs and attorney fees. ORS 90.375, 90.322.

Please comply with your legal obligations by letting me back into my home and stopping any further attempts to lock me out or oust me from my home. I have attached copies of the laws referenced in this letter.

Sincerely,

_____ [Tenant Signature and Printed Name]

ORS 90.322 Landlord or agent access to premises; remedies.

(8) If the landlord makes an unlawful entry or a lawful entry in an unreasonable manner or makes repeated demands for entry otherwise lawful but that have the effect of unreasonably harassing the tenant, the tenant may obtain injunctive relief to prevent the reoccurrence of the conduct or may terminate the rental agreement pursuant to ORS 90.360 (1). In addition, the tenant may recover actual damages not less than an amount equal to one week's rent in the case of a week-to-week tenancy or one month's rent in all other cases.

ORS 90.375 Effect of unlawful ouster or exclusion; willful diminution of services.

If a landlord unlawfully removes or excludes the tenant from the premises, seriously attempts or seriously threatens unlawfully to remove or exclude the tenant from the premises or willfully diminishes or seriously attempts or seriously threatens unlawfully to diminish services to the tenant by interrupting or causing the interruption of heat, running water, hot water, electric or other essential service, the tenant may obtain injunctive relief to recover possession or may terminate the rental agreement and recover an amount up to two months' periodic rent or twice the actual damages sustained by the tenant, whichever is greater. If the rental agreement is terminated the landlord shall return all security deposits and prepaid rent recoverable under ORS 90.300. The tenant need not terminate the rental agreement, obtain injunctive relief or recover possession to recover damages under this section.

ORS 105.105 Entry to be lawful and peaceable only.

No person shall enter upon any land, tenement or other real property unless the right of entry is given by law. When the right of entry is given by law the entry shall be made in a peaceable manner and without force.

ORS 105.110 Action for forcible entry or wrongful detainer.

When a forcible entry is made upon any premises, or when an entry is made in a peaceable manner and possession is held by force, the person entitled to the premises may maintain in the county where the property is situated an action to recover the possession of the premises in the circuit court or before any justice of the peace of the county.

LIST OF ATTORNEYS WHO REPRESENT RENTERS

Jane L. Moisan
971.258.1292
PeoplesLawProject@gmail.com

Megan Van Kent
503 893-5545
vankentlaw@gmail.com

David Lawrence
503.295.3651
dlawrencelegal@gmail.com

Troy Pickard
503.592.0606
troy@portlanddefender.com

Scott Staab
503.929.9262
skstaab@yahoo.com

Ann Witte
503-477-4690
awitteatty@gmail.com

Harry Ainsworth
503-417-0476
hainsworth03@yahoo.com