

Frequently Asked Questions for Tenants After the Oregon Wildfires

1. What should I do if my home was completely destroyed by the fire?

“Completely destroyed” means there is no part of the building left that a person could live in. If the home you rent was **completely destroyed**, then your rental agreement should end unless you and your landlord agree otherwise, or something in your rental agreement says something different.

If you want your rental agreement to end, you should contact your landlord in writing as soon as possible. Ask your landlord to confirm in writing that your rental agreement has ended because of the fire. Your landlord should return your security deposit and the remaining rent that you paid for the month of September. Include an address where the landlord can send the deposit and remaining rent.

If you are not able to contact your landlord, or if the landlord will not confirm that your tenancy is over, you should take photos to show that your home has been destroyed. **Don't go to your home unless it's safe to do so.** If your landlord says that your rental agreement did not end, even though the home is destroyed, **you do not have to pay any rent to the landlord.** If you need legal help, go to OregonLawHelp.org and look for the legal aid office in the county where you're currently located.

If you do **not** want your rental agreement to end, you should contact your landlord in writing and ask if they plan to rebuild or replace your home. You should also confirm in writing that you will not have to pay rent until you can move back in. It may take a long time for the landlord to be able to rebuild the home, so you should be prepared for your landlord to say that the rental agreement is over.

It's always best to communicate with your landlord in writing. You can mail letters to your landlord, but you might also want to send copies of the letters that you send by email or text, if you know your landlord's contact information. Keep copies of any communication that you send to your landlord.

2. What if my home was damaged by the fire, but wasn't completely destroyed?

First, be sure to wait until it's safe for you to return home. Once you're able to return home, gather any documents that relate to your rental. This could include your rental agreement, rent receipts, utility bills, and insurance documents. Take pictures of the condition of the home. **If a government agency has put a notice on your door that says your home is not safe to live in**, do not go inside. Take a picture of the notice, if possible.

If your home was damaged, but not destroyed, contact your landlord **in writing** as soon as possible. List the parts of your home that need to be repaired, and include pictures, if possible. Ask your landlord if they intend to repair your home, and when they plan to begin. If the damage to the home reduces its rental value, you can also tell the landlord that you plan to deduct part of the rent to cover the reduced rental value. For example, you might deduct part of the rent if one of the bedrooms in your house can't be used, or if your rental agreement included a garage, but the garage is now destroyed.

If your home is so badly damaged that it's not safe for you to live in it (for example, if there is no running water, or if the roof is damaged), tell your landlord that until the repairs are complete, you will not be paying rent, but will be using your rent money to pay for housing and living expenses elsewhere. Also tell your landlord that you do not intend to abandon your home. Include a way for the landlord to contact you about the repairs.

If a government agency has put a notice on your door that says your home is not safe or lawful to live in, you have the right to end your rental agreement right away. If you want to end your tenancy, tell your landlord, in writing. If a government agency has put a notice on your door that says your home is not safe or lawful to live in, your landlord has the right to end your tenancy by giving you a 24 hour written notice. Your landlord has 14 days from the day that the tenancy ends to return your security deposit (including last month's rent, if you paid that in advance) and all of the rent for the remainder of the month.

If your landlord does not return your deposit and the remainder of the rent, you have a claim against your landlord for two times the money that the landlord owed you.

3. What should I do if I have a subsidized tenancy?

If you rented your home with the rental assistance (like HUD "Section 8" or "VASH"), you should still follow the advice above. In addition, contact your housing caseworker, **in writing**, immediately. If your tenancy has ended, either because the home was destroyed or an agency said it was unsafe to live in, you need to tell your caseworker. You have a right to a new voucher to rent another place. If you've had your voucher for longer than a year, you can transfer it (called "porting") to anywhere else in the United States. If you want to move away and have **not** had your voucher for a year, ask your housing caseworker if they will make an exception and let you "port" sooner, because of the fires.

Usually, tenants have 60 days to find a new home to rent with their voucher. Because of the fires, this might be difficult for many. You can request an extension on your voucher if you need more time, but it's very important that you let your caseworker know, **in writing**, that you are trying but cannot find a new place, *before* the 60-day deadline.

If your housing caseworker will not give you a moving voucher, or if they will not extend the time for you to keep your voucher, or for other issues with your subsidized housing, you should go to OregonLawHelp.org and look for the legal aid office near you.

4. I owned a manufactured home and rented a space in a park. My home was completely destroyed in the fire. What do I do?

Legal Aid/Oregon Law Center has prepared a separate info page on issues with manufactured homes. That, and more information about your rights, including insurance matters and other issues, is available at OregonLawHelp.org.

5. I rented a manufactured home in a park. What should I do?

If you rented a manufactured home that you did not own, your rights are the same as other renters.

Sample letters to use when communicating about wildfire issues

We have prepared sample letters that you can fill out and use when communicating with your landlord or your housing caseworker. You can also copy the letters or change them to make them more useful to you. It's very important that you **keep a copy** of all communications that you send. Consider sending copies of these letters by email so that you can prove when they were sent.

This section contains the following letters:

1. My home was destroyed and I want my tenancy to end
2. My home was destroyed and I do not want my tenancy to end
3. My home was damaged and I want my tenancy to end
4. My home was damaged and I want you to make repairs
5. From subsidized tenants to caseworkers: My home was damaged or destroyed and I want to move

Your name and address:

Landlord's name and address:

Re: My home was destroyed and I want my tenancy to end

Dear Landlord:

As you probably know, the home I rent from you has been completely destroyed by the recent wildfires. Because the home has been destroyed, and there is no part of it that I can live in, the rental agreement between us has ended. I would like to move on and search for other housing as soon as possible.

Please respond in writing as soon as possible to confirm that the rental agreement between us has ended because of the fire. Please also return my deposit and the remainder of the rent that I paid for September, dated from the date of the fire. The address that you can send the deposit and rent refund to is:

If you disagree that the rental agreement between us has ended, please tell me in writing.

Thank you for your help in this difficult time.

Sincerely,

_____ (your signature)
_____ (your name)
_____ (date)

Your name and address:

Landlord's name and address:

Re: My home was destroyed but I do not want my tenancy to end

Dear Landlord:

As you probably know, the home I rent from you has been completely destroyed by the recent wildfires. Even though the home has been destroyed, I would like to continue to rent from you, if that's possible.

Please contact me in writing at this address to let me know if you are willing to continue my tenancy:

I will not be able to pay rent until the home has been replaced and I can move back in. I'm willing to consider transferring to another home if you have one available.

Please contact me in writing to let me know if you are willing to continue my tenancy. If you believe that our rental agreement has ended, please let me know. If you intend to end our rental agreement, you must return my deposit and the remainder of the rent that I paid for September. Please send it to the address above.

Thank you for your help in this difficult time.

Sincerely,

(your signature)

(your name)

(date)

Your name and address:

Landlord's name and address:

Re: My home was damaged and I want my tenancy to end

Dear Landlord:

As you probably know, the home I rent from has been seriously damaged by the recent fires. The damage to the home includes: (list most serious damage)

Because the home has been so seriously damaged, there is no part of it that I can currently live in. I would like the rental agreement between us to end so that I can find another place to live.

If you agree that the rental agreement between us has ended because of the damage to the home, please confirm in writing. If you do not agree that the rental agreement has ended

Please respond in writing as soon as possible to confirm that the rental agreement between us has ended because of the fire. Please also return my deposit and the remainder of the rent that I paid for September, dated from the date of the fire. The address that you can send the deposit and rent refund to is:

If you disagree that the rental agreement between us has ended, please tell me in writing. I am not required to pay any rent until the home has been repaired and I can live in it again.

Thank you for your help in this difficult time.

Sincerely,

(your signature)
(your name)
(date)

Your name and address:

Landlord's name and address:

Re: My home was damaged and I want you to make repairs

Dear Landlord:

As you probably know, the home I rent from has been seriously damaged by the recent fires. The damage to the home includes: (list most serious damage)

Although the home has been damaged, I want to continue renting from you. Please contact me in writing to let me know when you plan to make repairs to the home.

Because of the damage to the home, I believe that the rental value of the home is less than the amount I was paying. Until the repairs are completed, I plan to deduct \$_____ from the rent to cover the diminished rental value of the home. Please contact me in writing if you disagree that the home has lost rental value, or if you intend to complete repairs before my rent is due.

Thank you for your help in this difficult time.

Sincerely,

(your signature)
(your name)
(date)

Your name and address:

Re: My home was damaged or destroyed and I want to move

Dear Housing Authority Caseworker:

As you may know, the home that I rent at the address above has been destroyed or seriously damaged by the recent wildfires. I need to move as soon as possible. I know that I need to request a voucher from the housing authority in order to move. Please respond as soon as possible to help me start the process of requesting a new voucher.

I can be reached at:

Thank you for your help in this difficult time.

Sincerely,

_____ (your signature)
_____ (your name)
_____ (date)