

Discrimination Against Tenants

IMPORTANT: This is an excerpt from the 2016 [Landlord-Tenant Law in Oregon](#) booklet, available online at <http://www.OregonLawHelp.org>. It is for general educational use only. **It is not a substitute for the advice of an attorney.** *If you have a specific legal question, you should contact an attorney.* The information here is accurate as of March 2016. Please remember that the law is always changing through the actions of the courts, the legislature, and agencies.

TIME LIMIT WARNING: Under state and federal laws there are time limits for taking action to enforce your rights. Most lawsuits related to the rental agreement and the Oregon Residential Landlord and Tenant Act must be filed (started in court) within one year of the incident. There may be other — shorter — time limits that apply in other cases. Ask a lawyer about the time limits that could apply in your situation.

Can a landlord evict me, refuse to rent to me, or treat me differently because of my sex, race, color, religion, marital status, sexual orientation, gender identity, national origin, physical handicap, mental handicap, because I have a service or companion animal, or because of my source of income?

No. If you think that the landlord is treating you differently because you fit into one of these categories, contact a lawyer (<http://oregonlawhelp.org/find-legal-help>) and/or the [Fair Housing Council of Oregon](http://www.fhco.org/) (<http://www.fhco.org/>).

There is one exception to the general rule stated above: a landlord can discriminate based on sex when the landlord rents a space in the landlord's own residence and all occupants share some common space within the residence. 42 USC §§ 3601-3617, ORS 659A.421(8).

It is not legal to refuse to rent to a person with disabilities because that person has an animal that is needed to help this person due to a disability. Landlords cannot charge additional rent or fees for a service or companion animal.

State law also prohibits discrimination because of a tenant's source of income (for example welfare). State law prohibits a landlord from discriminating against applicants and tenants with Section 8 vouchers or other forms of government rental assistance. **ORS 659A.**

For more information about discrimination and Section 8 vouchers, see these video resources: <http://oregonlawhelp.org/issues/housing/section-8-housing-discrimination>

Does a landlord have to make a unit accessible if I have a disability?

If you live in federally-subsidized housing (see this resource: [Federally-Subsidized Housing](#)), the landlord has to permit and pay for changes to the unit in order to reasonably accommodate your disability, unless doing so would impose an undue financial and administrative burden on the landlord or is a fundamental alteration. Examples of reasonable accommodation include assigning you a parking space near the door, installing a ramp, or changing a rule.

Private landlords, as a general rule, must permit you to make changes to the unit to reasonably accommodate your disability, but are not required to pay.

Contact a lawyer (<http://oregonlawhelp.org/find-legal-help>) and/or the [Fair Housing Council of Oregon](http://www.fhco.org/) (<http://www.fhco.org/>) if you have questions about reasonable accommodations in rental units.

Can a landlord refuse to rent to me or treat me differently because I have children?

A landlord may not refuse to rent to you, evict you, or treat you differently because you have children. There are exceptions for certain federally subsidized projects, for projects where all of the tenants are over 62, for projects where 80% of the tenants are over 55, and when the landlord rents space in the landlord's own residence if all occupants share some common space within the residence. In all other cases, if your landlord is discriminating against you because you have children, contact a lawyer (<http://oregonlawhelp.org/find-legal-help>) and/or the **Fair Housing Council of Oregon** (<http://www.fhco.org/>).

Can a landlord refuse to rent to me or treat me differently because I am or have been a victim of domestic violence, dating violence, stalking, or sexual assault?

A landlord may not treat you differently because you are or have been a victim of domestic violence, dating violence, stalking, or sexual assault. A landlord is not allowed to deny your application, evict you, threaten to evict you, increase rent, decrease services, or fail to renew your lease because:

- 1) you are a victim (present or past);
- 2) of a violation of the rental agreement caused by an incident of domestic violence, dating violence, sexual assault, or stalking;
- 3) of criminal activity or police response related to domestic violence, dating violence, stalking, or sexual assault where the tenant is the victim; or
- 4) because of a bad landlord reference caused by having been a victim of or an incident of domestic violence, dating violence, stalking, or sexual assault.

A landlord is also not allowed to have different rules or standards for you because you are a victim. If your landlord is discriminating against you because you are a victim, contact a lawyer (<http://oregonlawhelp.org/find-legal-help>) and/or the **Fair Housing Council of Oregon** (<http://www.fhco.org/>).

Can a landlord rent to me if I am younger than 18?

Yes. Oregon law says that if you are at least 16-years old, or if you are pregnant with a child who will live with you, you can enter into rental agreements and be held responsible for paying rent and utilities. Minors who are younger than 16 or who are not pregnant can also sign a binding rental agreement under some circumstances. However, under state law, landlords are not required to rent to people who are under age 21 or over age 45. But some city ordinances make it illegal to discriminate against a person because of his or her age.

Can a landlord refuse to rent to me because a former landlord tried to evict me from another place?

If you won the earlier eviction court case or the eviction court case was dismissed, it is illegal for the new landlord to refuse to rent you because of that earlier eviction case. Also, a landlord may not refuse to rent to you based on an eviction judgment against you that is more than five years old. **ORS 90.303.**