

FEES & FINES

Oregon law has strict rules about what kinds of fees and fines a landlord can charge a tenant. This handout lists all of the fees and fines that a landlord is allowed to charge. It also describes some common types of unlawful fees or fines. If a landlord charges a tenant an unlawful fee or fine, the landlord may be liable for a penalty of two times the amount of the fee, or \$300, whichever is more.

If you think that your landlord may be charging you an unlawful fee or fine, you should consider contacting a lawyer.

What's the difference between a fee and a fine?

Legally, there isn't any difference. Either a fee or a fine is money that a landlord charges a tenant that is not refundable. This means that a fee or a fine is different from a deposit. A deposit has to be refundable. If your landlord charges you a "nonrefundable deposit," that's not really a deposit — it's a fee.

What kinds of fees can a landlord charge a tenant?

First, it's important to remember that a landlord is not allowed to charge **any** fees or fines unless they are described in a written rental agreement. That means that if you don't have a rental agreement that's in writing, your landlord can't legally charge you any fees or fines. That also means that if a fee isn't listed in your rental agreement, the landlord can't charge you for it.

A landlord can charge a fee or fine for these things without giving a written warning first:

If a landlord lists a fee or fine in a written rental agreement, the landlord can charge fees for:

- A late rent payment
- A bounced check
- Removing or tampering with a smoke alarm (no more than \$250)
- Breaking a lease (no more than 1.5 times the monthly rent)
- In a manufactured home park, violating a pet policy (no more than \$50)

A landlord must give a written warning before charging fees or fines for these things:

If a landlord gives a tenant a written warning first, **and** the fee is in the written rental agreement, a landlord can also charge a fee for:

- A late utility or service charge payment (no more than \$50)
- Not cleaning up waste from a pet or service animal outside your home (no more than \$50)
- Not cleaning up trash, litter, or other waste outside your home (no more than \$50)
- Parking violations (no more than \$50)
- Improper use of a vehicle (for example, speeding in the parking lot) (no more than \$50)
- Smoking in a clearly designated nonsmoking unit or area (no more than \$250)
- Keeping an unauthorized pet (no more than \$250)

Can a landlord charge me a fee and give me a notice of termination for the same thing?

No. If a tenant violates the rental agreement, the landlord can charge a fee, if the fee is listed in the rental agreement and is one of the fees allowed under Oregon law. Or, the landlord can give the tenant a termination notice for violating the rental agreement.

A landlord is not allowed to charge a fee and give a notice of termination for the same thing.

Can a landlord charge me for fixing things, or for replacing a key?

Yes. A landlord can charge a tenant to repair damage that was caused by the tenant, someone in the tenant's household, or a guest. A landlord can't charge to repair damage that was caused by domestic violence, or by an act of god (like a flood, a wildfire, or a tree falling down in a storm).

A landlord can also charge a tenant to replace a key.

Can a landlord charge me a fee if I pay my rent by credit card?

Maybe. If the landlord allows tenants to pay by cash or check, then the landlord can charge a processing fee to use a credit card.

Can a landlord charge me for renter's insurance?

Maybe. If the rental agreement says that tenants are required to have renter's insurance, **and** if the tenant's income is above 50% of the area median income, then the landlord can require renter's insurance. But the landlord can't require a tenant to pay for any specific kind of renter's insurance, or to buy the insurance through the landlord.

Can a landlord evict me if I don't pay a fee?

Maybe. If the fee is a lawful fee, the landlord can give a tenant a 30-day notice of termination if the tenant doesn't pay the fee. But the landlord must give the tenant at least 14 days to pay the fee. The landlord can't use a 72 hour nonpayment of rent notice to evict a tenant for not paying a fee.

What are some common kinds of unlawful fees?

Remember, a fee has to be described in a written rental agreement **and** allowed by the law. Even if a fee is in a rental agreement, these types of common fees are illegal:

- Fees for leaving items on a porch or patio
- Fees for serving a notice
- Fees for noise violations

What if a landlord charges me an unlawful fee?

If a landlord charges a tenant a fee that's not allowed, or if the landlord charges a fee that's more than what the law allows, a tenant can sue the landlord for two times the amount of the unlawful fee, or \$300, whichever is more.

If you would like to talk to an attorney about your rights, you can find contact information for a legal aid office near you at <https://oregonlawhelp.org/find-legal-help>.