

Community Alliance of Tenants – Tenant Education

Information is for general information purposes only, and is not a substitute for the advice of an attorney.

The Importance of Documentation

Documentation is the single most important action you can take to protect your rights!



Keeping good records and communicating in writing help to:

1. Increase credibility
2. Clearly demonstrate the effort of the tenant and the lack of response of the landlord
3. Hold the landlord accountable
4. May help to provide protection against retaliation

- ★ Documentation may help protect you from retaliation by your landlord. It is illegal for the landlord to retaliate (90.385) or try to get back at you for standing up for your rights in a reasonable way; however, retaliation can be extremely difficult to prove, so documentation is very important.
- ★ Documentation may help you get your deposit back if you feel that the landlord has kept some or all of your deposit unfairly.
- ★ Documentation may help if there are questions as to whether the rent is late or not and may save you late rental fees.

Good documentation is extremely important if you should ever have to go to court over a dispute with your landlord.

Instead of having conversations with your landlord by phone or in person, try to keep all communications written. Write a letter to your landlord instead of calling them, and ask your landlord to respond to you in writing. **Keep a copy for your records.** Keep the tone of your letters clear and professional.

IMPORTANT INFORMATION ABOUT MAILING:

For proof of mailing, send any written correspondence with a Certificate of Mailing from the post office. This is a receipt that proves you mailed something and is different than Certified Mail (which has to be signed by the person receiving it, who can refuse to sign it.) Keep the certificate of mailing receipt with your records.

Get Organized!

- **Create a log or diary** to document any problems you are having with your rental home, whatever the problem; repairs, rules, utility issues, access, etc. If you have to talk to your landlord in person or over the phone, make sure to include dates and times of any conversations that you have had and a brief description of what was said between the two of you. Ask for written verification of any agreed upon changes or agreements between you and your landlord. If your landlord doesn't provide the requested written verification, you can document the agreements in a letter, keep a copy of the letter for your records, and mail it to the landlord using a certificate of mailing. Have a notebook and pen by the phone or in a convenient location that will serve as a rental diary for the duration of your tenancy.

- **Keep all your documents**, i.e., receipts, rental agreement (lease), move-in/ move-out unit inventory and condition report forms, any correspondence between you and your landlord, and any other document that has to do with your tenancy together in a secure place – such as a file cabinet, a shoe box, a manila folder or anyplace that will help to keep your documents organized and easily accessible. We also recommend that you keep all documentation for at least three years after the date you move out.

Some examples of when, what and how to document are as follows:

1. SCREENING - If your prospective landlord charges an application fee, they must tell you in **writing** (90.304) what the screening process is, what exactly they check, how much the screening fee is, and how you can correct this information if it is incorrect.

2. PAYMENTS - Landlords must give receipts for any payment you make, if you ask for one (90.140). If you pay rent, deposits or fees with a money order, be sure to keep the money order stub as your proof of payment, but it is a good idea to also get a written receipt from your landlord or manager. If you pay with cash, **always, always** ask for a receipt in writing, as this will be the only proof that you have paid whether it be for rent, fees or deposits. If you pay by check, an original or a copy can be obtained from your bank.

3. REPAIRS - CAT recommends that when you ask for repair requests that you do so in writing. **Keep a copy for your records.** This provides written documentation that a request was made. A written repair request is useful for another reason; you can request that access to your rental unit be limited to times that are convenient for you within reason. Special Note: You should not withhold rent if repairs are not made, unless advised to do so by an attorney.

4. VERBAL STATEMENTS – If the landlord verbally agrees to anything, for example, telling you it is okay to paint your rental unit, pay on the 10th of the

month instead of the 1st, allows you or someone else make a repair etc., **make sure you get this in writing** before you proceed; although verbal agreements are legal and binding (90.100(32)) they are hard to prove in a court of law.

5. MOVE-OUT NOTICE - When moving out, give your 30-day notice **in writing** (90.427). **Keep a copy for your records.** Be sure to include in your notice a forwarding address so your landlord knows where to send your deposit.

6. MOVE-IN and MOVE-OUT DOCUMENTATION- It is very important to document the condition of the rental unit upon move-in and move-out. This can be done by taking photographs or video taping the rental unit both at the beginning of your tenancy and at the end, and by filling out a unit inventory and condition report form. A copy of this form can be downloaded from the CAT website at www.oregoncat.org or requested by calling the Renters' Rights Hotline at (503) 288-0130 if you don't have access to the internet.

First, ask your landlord or manager, in writing, to do the unit inventory and condition report with you. **Keep a copy for your records.** In your letter you can state that if they are not able to do so, you will do your own unit inventory and will send them a copy.

It is also a good idea to send copies of photos documenting the condition of the rental unit along with the move-in and move-out forms to yourself, and leave them in a sealed, dated envelope in the event that you end up in court. Keep copies for **three years** after move out.

7. LETTER OF REFERENCE - If you are having a positive rental experience and are on good terms with your landlord, it is a good idea to get a letter of reference from that landlord in **writing** sometime during the move-out process. It is not unheard of that your past landlord (who would give you a good reference) cannot be reached for one reason or another. It is wise to plan ahead and make sure that you get the good reference that you deserve.

RECAP: Documentation is the easiest and most effective way you can protect your rights as a renter: remember to do everything in writing, keep copies for your records and send all mail by certificate of mailing.