



VETERANS' JUSTICE PROJECT

A Service of Metropolitan Public Defenders

Practice Pointer: Can a Landlord require a tenant to maintain liability insurance?

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Colleagues,

An issue has recently come up about a Landlord who has required a Participant to maintain Liability Insurance.

[ORS 90.222](#) covers Renter's liability insurance. A Landlord may contractually require a Tenant to maintain liability insurance in Oregon under two substantial conditions:

ORS 90.222(5). A landlord may require that a tenant obtain or maintain renter's liability insurance only if the landlord obtains and maintains comparable liability insurance and provides documentation to any tenant who requests the documentation, orally or in writing. The landlord may provide documentation to a tenant in person, by mail or by posting in a common area or office. The documentation may consist of a current certificate of coverage. A written rental agreement that requires a tenant to obtain and maintain renter's liability insurance must include a description of the requirements of this subsection.

ORS 90.222(8). A landlord may not require a tenant to obtain or maintain renter's liability insurance if the household income of the tenant is equal to or less than 50 percent of the area median income, adjusted for family size as measured up to a five-person family, as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.

ORS 90.222(5) is a pretty standard provision of many leases. Concerning ORS 90.222(8), however, most Landlords often have no easy way to know if the Tenant's household income is \leq 50% of the area median (or even where to find the area median). Our Participants, however, frequently fall into that category; and it is a technical deficiency that could win a case for us in the event of an allegation of noncompliance that forms the basis of an eviction.

As always, this information is here to assist you in issue spotting. (There are other provisions in the law which might come up.) Please feel free to bring these issues to my attention, when appropriate.