EXECUTIVE ORDER NO. 20-13

TEMPORARY MORATORIUM ON CERTAIN EVICTIONS AND TERMINATIONS OF RENTAL AGREEMENTS AND LEASES, IN RESPONSE TO CORONAVIRUS (COVID-19) OUTBREAK

On February 28, 2020, I appointed the State of Oregon's Coronavirus Response Team.

On February 29, 2020, the Department of Human Services issued strict guidelines, restricting visitation at congregated care facilities, including nursing homes.

On March 2, 2020, the State of Oregon Emergency Coordination Center was activated.

On March 8, 2020, I declared an emergency under ORS 401.165 *et seq*. due to the public health threat posed by the novel infectious coronavirus (COVID-19).

On March 12, 2020, I prohibited gatherings of 250 or more people, and announced a statewide closure of Oregon K-12 schools from March 16, 2020, through March 31, 2020.

On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency.

On March 17, 2020, I prohibited gatherings of 25 or more people, banned on-site consumption of food and drink at food establishments statewide, and extended school closures until April 28, 2020. I also encouraged all businesses not subject to the prohibitions to implement social distancing protocols.

On March 18, 2020, I suspended in-person instructional activities at higher education institutions through April 28, 2020.

On March 22, 2020, I imposed a temporary moratorium on residential evictions for nonpayment, prohibiting law enforcement from serving, delivering, or acting on any notice, order or writ of termination of tenancy, relating to residential evictions for nonpayment.

Contains Recycled Materials

On March 23, 2020, I ordered Oregonians to "Stay Home, Save Lives," directing individuals to stay home to the greatest extent possible, ordering the closure of specified retail businesses, requiring social distancing measures for other public and private facilities, and imposing requirements for outdoor areas and licensed childcare facilities.

COVID-19 may cause respiratory disease leading to serious illness or death. The World Health Organization considers COVID-19 to be a global pandemic. COVID-19 spreads person-to-person through coughing, sneezing, and close personal contact, including touching a surface with the virus on it and then touching your mouth, nose, or eyes.

To reduce spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) has recommended community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of people and social distancing in smaller gatherings.

State and local public health officials advise that the virus is circulating in the community and expect the number of cases to increase. The CDC reports that COVID-19 is most contagious when the individual is most symptomatic but may also spread before symptoms appear.

The number of COVID-19 cases continues to rise in Oregon. On March 8, 2020, at the time I declared an emergency, there were 14 presumptive or confirmed cases in Oregon. As of today, there are at least 736 cases and 19 deaths.

In a short time, COVID-19 has spread rapidly. To slow the spread of COVID-19 in Oregon, to protect the health and lives of Oregonians, particularly those at highest risk, and to help avoid overwhelming local and regional healthcare capacity, I find that immediate implementation of additional measures is necessary.

Executive Order 20-12 requires individuals to stay at home, to the greatest extent possible. That order, in turn, requires protections against residential tenant evictions, so tenants can remain at home during this emergency. Executive Order 20-11 prohibits law enforcement from enforcing residential tenant eviction notices and orders. Given the ongoing public health emergency, further action is necessary to prevent termination of residential leases and the initiation of eviction

Contains Recycled Materials

proceedings during this emergency. These further actions will strengthen the existing protections for residential tenants, ensuring they can stay home to the greatest extent possible, consistent with my prior directives.

The ongoing emergency also requires protections for tenants of non-residential property, so businesses that are permitted to operate can continue to provide necessary goods and services, and other businesses can continue to comply with necessary closures and restrictions mandated by my prior Executive Orders. Every business in Oregon has been impacted by COVID-19. Many businesses are struggling to assess how long they can maintain operations or remain closed—in compliance with essential public health directives and orders—without full income. Many are operating at less than full capacity, if at all, and have seen a significant loss of income due to necessary government restrictions imposed to mitigate the spread of COVID-19. Without further action, many businesses across the state may face termination of leases or eviction, which could interrupt the provision of necessary goods and services during this emergency, and impact the livelihood of Oregonians.

For those reasons, a temporary moratorium on terminations of residential and non-residential rental agreements and evictions on the basis of nonpayment is necessary during this emergency, to protect the public health, safety and welfare of all Oregonians. The moratorium set forth in this Executive Order is temporary, with a limited scope and duration. It addresses the immediate needs identified above, pursuant to my emergency powers, but does not otherwise undermine contractual bargains, interfere with parties' reasonable expectations, or prevent parties from safeguarding or reinstating their rights. The directives of this Executive Order are appropriate, necessary, and reasonable means by which to implement the significant and legitimate public purpose of responding to the declaration of a state of emergency I issued on March 8, 2020.

Contains Recycled Materials

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:

Pursuant to ORS 433.441(3), ORS 401.168(1), ORS 401.175(3), and ORS 401.188(2) to (3), I am ordering a moratorium on certain terminations of residential rental agreements and non-residential leases, as set forth below:

1. Residential Tenancies.

   a. During this moratorium, landlords of residential properties in Oregon shall not, for reason of nonpayment as defined in paragraph 1(b) of this Executive Order, terminate any tenant's rental agreement; take any action, judicial or otherwise, relating to residential evictions pursuant to or arising under ORS 105.105 through 105.168, including, without limitation, filing, serving, delivering or acting on any notice, order or writ of termination or the equivalent; or otherwise interfere in any way with such tenant's right to possession of the tenant's dwelling unit.

   b. The term "nonpayment" as used in paragraph 1 of this Executive Order means any nonpayment of rent, late charges, utility charges, or any other service charge or fee, as described in ORS 90.392(2)(a) or (c), 90.394, or 90.630(1)(d) or (10), or any termination without cause under ORS 90.427. All other terms used in paragraph 1 of this Executive Order shall have the same meanings as set forth in ORS chapters 90 or 105.

   c. Nothing in paragraph 1 of this Executive Order relieves a residential tenant's obligation to pay rent, utility charges, or any other service charges or fees, except for late charges or other penalties arising from nonpayment which are specifically waived by and during this moratorium. Additionally, paragraph 1 of this Executive Order does not apply to the termination of residential rental agreements for causes other than nonpayment.

   d. This Executive Order reaffirms and is consistent with Executive Order 20-11, which prohibits law enforcement officers in Oregon from serving, delivering or acting on any notice, order or writ of termination of tenancy or the equivalent or any judicial action,

Contains Recycled Materials

pursuant to or arising under ORS 105.105 through 105.168, that relates to residential evictions for nonpayment.

2. Non-Residential Tenancies.

a. During this moratorium, landlords of non-residential properties in Oregon shall not, for reason of nonpayment as defined in paragraph 2(b) of this Executive Order, terminate any tenant's lease; take any action, judicial or otherwise, relating to non-residential evictions pursuant to or arising under ORS 105.105 through 105.168, including, without limitation, filing, serving, delivering or acting on any notice, order or writ of termination or the equivalent; or otherwise interfere with such tenant's right to possession of the leased premises.

b. The term "nonpayment" as used in paragraph 2 of this Executive Order means nonpayment of rent, late charges, utility charges, or any other service charge or fee, as described in the lease or in ORS 91.090, 91.210 or 91.220. All other terms used in paragraph 2 of this Executive Order shall have the same meanings as set forth in ORS chapters 91 or 105.

c. Paragraph 2 of this Executive Order shall apply if a tenant provides the landlord, within 30 calendar days of unpaid rent being due, with documentation or other evidence that nonpayment is caused by, in whole or in part, directly or indirectly, the COVID-19 pandemic. Acceptable documentation or other evidence includes, without limitation, proof of loss of income due to any governmental restrictions imposed to mitigate the spread of COVID-19.

d. Nothing in paragraph 2 of this Executive Order relieves a non-residential tenant's obligation to pay rent, utility charges, or any other service charges or fees, except for late charges or other penalties arising from nonpayment which are specifically waived by and during this moratorium. Additionally, paragraph 2 of this Executive Order does not apply to the termination of leases for causes other than nonpayment.

Contains Recycled Materials

EXECUTIVE ORDER NO. 20-13
PAGE SIX

3. During this moratorium, any residential or non-residential tenant who is or will be unable to pay the full rent when due under a rental agreement or lease, shall notify the landlord as soon as reasonably possible; and shall make partial rent payments to the extent the tenant is financially able to do so.

4. Any person found to be in violation of this Executive Order is subject to the penalties described in ORS 401.990.

This Executive Order is issued under the authority conferred to the Governor by ORS 401.165 to 401.236. Pursuant to ORS 401.192(1), the directives set forth in this Executive Order shall have the full force and effect of law, and any existing laws, ordinances, rules and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers.

This Executive Order is effective immediately, and remains in effect for 90 days unless extended or terminated earlier by the Governor.

Done at Salem, Oregon this 1st day of April, 2020.

Kate Brown

Kate Brown
GOVERNOR

ATTEST:

Bev Clarno

Bev Clarno
SECRETARY OF STATE

Contains Recycled Materials