

# ORDINANCE No. 189890

\*Adopt emergency temporary moratorium on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from wage loss due to COVID-19 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In late December of 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China. On January 7, 2020, a novel coronavirus now known as COVID-19 was identified as the likely source of the illness.
2. On January 30, 2020, the World Health Organization (WHO) declared COVID-19 a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency, as the virus began to spread throughout the United States.
3. On February 28, 2020, Oregon had its first confirmed case of COVID-19 and on March 8, 2020, as confirmed cases continued to rise, Oregon Governor Kate Brown declared a State of Emergency, Executive Order 20-03, to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19.
4. On March 11, 2020, the WHO announced that COVID-19 is a global pandemic.
5. On March 12, 2020, Mayor Ted Wheeler declared the City of Portland to be in a State of Emergency due to the continued spread of COVID-19. The proclamation came as the number of presumptive or confirmed COVID-19 cases in the state of Oregon reached 21.
6. On March 12, 2020, Governor Brown issued Executive Order 20-05, "prohibiting large social, spiritual, and recreational gatherings of more than 250 people statewide, due to the COVID-19." The order is based on evidence that COVID-19 spreads person-to-person through coughing and sneezing, close personal contact such as touching or shaking hands, or touching an object or surface with the virus on it, and then touching your mouth, nose, or eyes. The symptoms are fever, cough, and difficulty breathing. Social distancing is consistent with mitigation strategies recommended by the Centers for Disease Control and Prevention (CDC) with regard to COVID-19, in order to slow the spread of the disease and

best practices, as currently known, to protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19.

7. On March 12, 2020, Governor Brown announced the closure of all Oregon K-12 schools through the end of March. School closures cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. For hourly wage earners, they are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take time off from work to stay at home.
8. Both large and smaller events across Portland are cancelling or being postponed due to the Governor's Executive order and recommendations at all levels of government to cancel large gatherings and practice social distancing amid concerns over spread of the virus.
9. Since the COVID-19 outbreak, sports events planned within the City were cancelled, including the Blazers NBA games, Winterhawks WHL games, Timbers upcoming soccer games, and NCAA games and the City's annual half-marathon.
10. Since the COVID-19 outbreak, most live theaters within the City have cancelled performances into April, many movie theaters, gyms, and spas have limited their capacities, restaurants and breweries have postponed events, retail outlets have closed their brick and mortar locations, and many restaurants have closed their dining rooms.
11. These cancellations, postponements, and closures will cause loss in revenue for the events and local businesses. This is expected to lead to hourly cutbacks and potentially termination of employees' jobs.
12. Workplaces are encouraging employees to stay home if they experience cold symptoms to protect other workers, vulnerable members of the population, and prevent the spread of the virus. For hourly wage earners, it is unlikely they will be paid for the time they take off.
13. This Ordinance is a temporary moratorium intended to promote stability and fairness within the residential rental market in the City during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, and public welfare and to enable tenants in the City, whose income and ability to work is affected due to COVID-19, to remain in their homes.
14. Displacement through eviction destabilizes the living situation of tenants and impacts the health of Portland residents by uprooting children from school, and disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the City.

15. During the COVID-19 pandemic outbreak, affected tenants who have lost income due to impact on the economy or their unemployment may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted.
16. The City is already in a declared state of housing emergency and an acceleration of evictions throughout the City will increase the current housing crises.
17. On March 17, 2020, Multnomah County issued an Addendum to Executive Rule No. 388 that imposed a moratorium on residential evictions as follows:
  1. A temporary moratorium is imposed on all residential evictions in Multnomah County for tenants on the basis of nonpayment of rent due to wage loss resulting from COVID-19.
    - a. To establish eligibility for this moratorium, affected tenants must:
      - i. Demonstrate substantial loss of income, through documentation or other objectively verifiable means, resulting from the COVID-19 pandemic, including County, state, and federal restrictions imposed to mitigate its spread; and
      - ii. Notify their landlords on or before the day that rent is due that they are unable to pay rent due to substantial loss of income as a result of the COVID-19 pandemic.
    - b. Nothing in this moratorium shall relieve tenants of liability for unpaid rent, which landlords may seek, and tenants must pay within six months after expiration of this emergency. No late fee may be charged or collected for rent that is delayed for the reasons stated in this moratorium; nor may a landlord seek rent that is delayed for the reasons stated in this moratorium through the eviction process.
18. Multnomah County intends to further codify by ordinance its residential eviction moratorium in the very near future.
19. On March 17, 2020, the Mayor issued Executive Order No.1 under the City's Declaration of Emergency to impose a moratorium on evictions in the City of Portland. To ensure alignment with Multnomah County and to provide a uniform set of rules for all residents of Multnomah County and the City of Portland, the Mayor's Executive Order provided:

#### **Section 6: County Moratorium to Supersede**

The City's emergency residential eviction moratorium shall apply

unless Multnomah County also imposes a moratorium on residential evictions, in which case Multnomah County's moratorium shall supersede and shall apply in all areas of the City.

20. In this emergency, it is imperative to provide all residents of Multnomah County, and all residents of the City of Portland throughout the tri-county area, uniform and consistent rules governing the moratorium on residential evictions.
21. All tenants that can pay rent are still expected to fulfill their monthly rent payments in accordance with their lease agreement.

NOW, THEREFORE, the Council directs:

- a. Consistent with the Mayor's Executive Order No. 1, Multnomah County's moratorium on residential evictions, as set forth above and as further codified by Multnomah County by ordinance, shall supersede and shall apply in all areas of the City of Portland. All residents of the City of Portland, wherever located in the tri-county area, shall be governed by the moratorium on residential evictions on the same terms as set forth in Multnomah County's Addendum to Executive Rule No. 388 issued on March 17, 2020, as set forth herein, and as further codified by Multnomah County by ordinance.
- b. In addition to any other remedy available by law, this ordinance shall be enforceable to fullest extent of the Portland City Code, including without limitation PCC 15.08.040 governing the enforcement of emergency orders.

Section 2. The Council declares that an emergency exists because there is a current and immediate threat to the health, life, and safety of residents that will be unable to pay rent due to the impacts of COVID-19 on the community and a need for immediate action to prevent evictions and possible homelessness of affected residents, that warrants this urgent measure, which finding is based upon the facts stated in the recitals above. Therefore, this ordinance shall be immediately effective upon its passage by the Council, and shall continue in full force and effect for the duration of the Mayor's March 12, 2020, declared State of Emergency due to the spread of COVID-19 (COVID-19 Emergency Declaration), and any extensions thereof.

Passed by the Council: MAR 18 2020

Commissioner: Mayor Ted Wheeler  
Prepared by:  
Date Prepared: March 18, 2020

**Mary Hull Caballero**  
Auditor of the City of Portland  
By   
Deputy

236-1

Agenda No. **ORDINANCE NO. 189890**  
Title

\*Adopt emergency temporary moratorium on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from wage loss due to COVID-19 (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Ted Wheeler</b>	CLERK USE: DATE FILED <u>3/18/20</u>
<b>COMMISSIONER APPROVAL</b>	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance & Administration - Wheeler	<small>Digitally signed by Mustafa Washington Date: 2020.03.18 14:43:52 -07'00'</small>
Position 1/Utilities - Fritz	By: <u>Karla Moore-Love</u> <small>Digitally signed by Karla Moore-Love Date: 2020.03.18 16:05:25 -07'00'</small> Deputy
Position 2/Works - Vacant	
Position 3/Affairs - Hardesty	
Position 4/Safety - Eudaly	
<b>BUREAU APPROVAL</b>	<b>ACTION TAKEN:</b>
Bureau: Mayor's Office Bureau Head:	
Prepared by: <b>Robert Taylor</b> Date Prepared: <b>3/17/20</b>	
<b>Impact Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
<b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date <b>3/18/20</b>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ <b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input checked="" type="checkbox"/> <b>Total amount of time needed:</b> <u>20</u> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Vacant		
3. Hardesty	✓	
4. Eudaly	✓	
Wheeler	✓	