

## **ORDINANCE No. 190156**

\*Adopt emergency temporary moratorium on evictions for residential tenants throughout the City of Portland (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. On March 12, 2020, Mayor Ted Wheeler executed a Declaration of Emergency for the City of Portland due to the continued spread of the COVID-19 virus which creates an extreme risk to public health, government and business continuity and the local economy of the City of Portland.
2. On March 17, 2020, Mayor Wheeler executed an Executive Order establishing a moratorium on residential evictions in the City of Portland due to the COVID-19 emergency.
3. On March 17, 2020, Multnomah County Chair Deborah Kafoury amended Executive Rule No. 388 establishing a countywide residential eviction moratorium due to the COVID-19 pandemic
4. On March 18, 2020, Portland City Council adopted Ordinance No. 189890, affirming that the City eviction moratorium was superseded by the County Executive Rule No. 388, and that the County moratorium applies in all areas of the City.
5. On March 19, 2020, Multnomah County Chair Deborah Kafoury, in coordination with Portland Mayor Ted Wheeler and the City of Portland, presented Executive Order No. 388 and Ordinance No. 1282 to the Multnomah County Board of Commissioners, and the order and ordinance were ratified and adopted. These actions established a countywide residential eviction moratorium, superseding the City moratorium, to promote housing stability during the COVID-19 pandemic to allow county residents to stay home, and to avoid a preventable increase in homelessness due to the economic effects of COVID-19.
6. On April 1, 2020, Oregon Governor Kate Brown issued Executive Order No. 20-13 to declare a statewide moratorium on residential and non-residential evictions due to the COVID-19 pandemic.
7. On April 16, 2020, Multnomah County Board of Commissioners suspended enforcement of Ordinance 1284, to align with the Governor's Executive Order 20-13 for uniform statewide enforcement of a residential eviction moratorium.

8. On May 1, 2020, Oregon Governor Kate Brown issued Executive Order No. 20-24 to extend Executive Order No. 20-03 through July 6, 2020.
9. On June 26, 2020, during the 2020 1<sup>st</sup> Special Legislative Session, the Oregon House of Representatives adopted House Bill 4213, which was subsequently adopted by the Oregon Senate on June 30, 2020, and signed by Oregon Governor Kate Brown on June 30, 2020, establishing a temporary eviction moratorium on residential and non-residential evictions, and other protections, through September 30, 2020.
10. On June 30, 2020, Oregon Governor Kate Brown issued Executive Order No. 20-30 to extend Executive Order No. 20-03 through September 4, 2020, and to rescind Executive Order No. 20-13 due to the enrollment of House Bill 4213 of the 2020 1<sup>st</sup> Special Session codifying the temporary eviction moratorium.
11. On September 4, 2020, the Center for Disease Control and Prevention (“CDC”), located within the U.S. Department of Health and Human Services, issued an Agency Order temporarily halting residential evictions to prevent the further spread of COVID-19 effective through December 31, 2020. See Federal Register, [85 FR 55292](#). The CDC Agency Order provides a lesser level of renter protections than HB 4213, Executive Order 20-13, and County and City ordinances. Under the CDC Agency Order’s terms, it does not apply in any State, local, territorial, or tribal area with a moratorium on residential evictions that provides the same or greater level of public-health protection than the requirements listed in the Agency Order.
12. Pursuant to HB 4213, the State residential and non-residential eviction moratorium will expire on September 30, 2020.
13. On September 24, 2020, to provide continued renter protections in Multnomah County, the County adopted Ordinance No. 1287, repealing and replacing Ordinance No. 1282 and 1284 and adopting Section 3 of HB 4213, with only those modifications necessary to adopt that provision into County Code.
14. 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, to the greatest extent practical.
15. In addition, there is a need within the City of Portland to create an exemption for affordable housing providers to ensure that the development of affordable housing units is not impeded by the moratorium.

16. The provisions of this Ordinance might affect the terms and conditions of certain contracts entered into in the City. Any such effects are not substantial because the provisions have a limited scope and duration and are necessary to protect the public health, safety and welfare. Therefore, this Ordinance does not undermine a contractual bargain, interfere with a party's reasonable expectations, or prevent a party from safeguarding or reinstating the party's rights. Even if it did, this action is appropriate and reasonable to carry out the significant and legitimate public purpose of responding to the declarations of emergency issued at the city, county, state and federal levels.

NOW, THEREFORE, the Council directs:

- a. Multnomah County's moratorium on residential evictions, incorporated herein and attached hereto as Exhibit A, 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 Ordinance No. 1287 issued on September 24, 2020, as amended from time to time, and as set forth herein.
- b. Within the City of Portland, wherever located in the tri-county area, a landlord who 1) offers relocation payments to tenant(s), pursuant to the Federal Uniform Relocation Assistance and Real Property Acquisition Act, that are greater than \$10,000, and 2) issues an eviction predicated on replacing the structure with regulated affordable housing that will be affordable for more than 60 years at 60% AMI or less, is not prohibited from issuing an eviction under the adopted moratorium.
- c. In addition to any other remedy available by law, this ordinance shall be enforceable to fullest extent of the Portland City Code.
- d. If any provision of the this Ordinance, including the incorporated Exhibit A, or its application to any person or circumstance is held to be invalid, then the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of the Ordinance, including the incorporated Exhibit A, are severable.

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 specified in Exhibit A.

Passed by the Council: September 30, 2020

Commissioner: Mayor Ted Wheeler

Prepared by: Tia Williams

Date Prepared: September 24, 2020

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

By *Keelan McClymont*  
Deputy

784-1  
 Agenda No.  
**ORDINANCE NO. 190156**  
 Title

**\*Adopt emergency temporary moratorium on evictions for residential tenants throughout the City of Portland (Ordinance)**

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Wheeler</b>	CLERK USE: DATE FILED <u>September 29, 2020</u>
<b>COMMISSIONER APPROVAL</b> Finance & Administration – Mayor Wheeler Position 1/Utilities - Fritz Position 2/Works - Ryan Position 3/Affairs - Hardesty Position 4/Safety – Eudaly	Mary Hull Caballero Auditor of the City of Portland  By: <u><i>Keelan McClymont</i></u> Deputy
<b>BUREAU APPROVAL</b> Bureau: Mayor's Office Bureau Head: Ted Wheeler	<b>ACTION TAKEN:</b>
Prepared by: T. Williams Date Prepared: 9/24/20	
<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>September 30<sup>th</sup> 2020</b>	

**AGENDA**

**TIME CERTAIN**   
 Start time: \_\_\_\_\_

**Total amount of time needed:** \_\_\_\_\_  
 (for presentation, testimony and discussion)

**CONSENT**

**REGULAR**   
**Total amount of time needed: 20 min**  
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz <i>[Signature]</i>	1. Fritz	✓	
2. Ryan <i>[Signature]</i>	2. Ryan	✓	
3. Hardesty <i>[Signature]</i>	3. Hardesty	✓	
4. Eudaly <i>Chloe Eudaly</i>	4. Eudaly	✓	
Wheeler <i>[Signature]</i>	Wheeler	✓	