

Oregon Eviction and Housing Rights in the Age of Covid-19

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Overview

- ❖ Typical Eviction Process in Oregon
 - ❖ Oregon Revised Statutes, Chapter 90
 - ❖ Types of Eviction Notices, including NonPayment of Rent
- ❖ Statewide Protections for Renters
- ❖ Renters in: Multnomah County & City of Portland
- ❖ Renters in: Federally Subsidized Housing
- ❖ Steps to Take to Be Protected
- ❖ If You Have a Mortgage
- ❖ Resources

Reminder – all information within is accurate as of April 22, 2020. Laws and ordinances MAY (and will) CHANGE throughout the emergency. Please consult a lawyer if you have specific legal questions.

Typical Oregon Eviction Process

1. Termination Notice or Expiration of Rental Agreement
2. If no move out → Landlord files in court
3. First Appearance in court
4. Settlement Agreement or request a Trial → may lead to move-out date
5. If move-out date is missed, Court may order a final move-out date
6. If final move-out date is missed, Sheriff may execute eviction

It is always illegal for the landlord to physically remove the tenant, or to change the locks or shut off utilities to try to keep a tenant out or make a tenant leave.

Types of Termination Notices

- ❖ Violations of rental agreement (fix-able)
 - ❖ e.g., unauthorized occupant
- ❖ Inflict/threaten personal injury, substantial damage, outrageous acts
- ❖ Violating drug- and alcohol-free housing
- ❖ *Several other reasons*
- ❖ **Nonpayment or Late Rent** (ORS 90.394)

Non-Payment of Rent Notices

- ❖ ORS 90.394

- ❖ Week to Week tenancy:

 - ❖ on the fifth day of rental period, 72 hours' notice to pay rent

- ❖ **All other tenancies:**

 - ❖ **On the eighth day of rental period, 72 hours' notice** (1st -> 8th -> 11th)

 - ❖ On the fifth day of the rental period, 144 hours' notice

- ❖ Full vs. partial payments

Statewide Protections for Renters

Chief Justice Order – amended 3/27/20:

- All eviction **first appearance hearings** and **trials** postponed until 6/1/20 (may be exceptions)

Governor’s Executive Order 20-11: Issued 3/22/20 – valid through June 20, 2020

- **Law enforcement** prohibited from serving, delivering, or acting on any notice, order or writ of termination of tenancy, relating to residential evictions for **nonpayment or without cause** (includes orders issued *before 3/22*)

Governor’s Executive Order 20-13: Issued 4/1/20 – valid through **June 30, 2020.**

- **Landlord** prohibited from **terminating rental agreement** or taking any action relating to eviction based on **nonpayment of rent or late/utility/service charges/fees** or **without cause** (No filing, serving, delivering or acting on any notice, order or writ of termination; or interfering with tenant's right to possession of dwelling unit) (Includes notices given *before 4/1/20*)
- Tenant must **eventually** pay all rent, utility, and services charges, but **late charges** for this period of time **are waived**.
- Tenant must **notify** landlord as soon as possible and make **partial** rent payments if able.

Multnomah County & City of Portland – Additional Renter Protections

County Ordinance 1284 adopted 4/16/20, City's Executive Order No. 1 issued 03/17/20

6 Month Repayment Grace Period

- ❖ Begins after the Governor's order is lifted or the County's emergency declaration ends, whichever is later (**currently July 9, 2020**)
- ❖ Starting July 10, tenants have **6 months** to repay past-due rent (**currently until 1/10/21**).
- ❖ Previous April 1 deadline re:notification does not apply
 - ❖ Notify landlord **ASAP**
- ❖ No requirement to enter into a payment plan
- ❖ All statewide protections apply
 - ❖ court postponements, no evictions based on prior nonpayment/no cause
- ❖ Includes ALL of **MULTNOMAH COUNTY** (even outside Portland) and ALL of **CITY OF PORTLAND** (even outside of Multnomah County)

Federally Subsidized Housing – Additional Renter Protections

- ❖ CARES Act: No eviction cases or termination notices for nonpayment from March 27 – July 25
 - ❖ **After July 25, landlord must give 30 days’ notice to evict**
 - ❖ Includes “federally-backed mortgages”
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Info from Legal Aid Services

of Oregon: How Do I Know

If This Applies?

- Public housing (HUD housing)
- Low-Income Housing Tax Credit (LIHTC)
- Section 8 Housing Choice Voucher
- Section 8 Project-Based Voucher
- Housing for the Elderly/ Disabled
- VASH Voucher
- Rural Development Housing

Do I live in federally subsidized housing?

If you answer yes to **any** of the following questions, it is likely that you live in subsidized housing. To make sure, you can contact your local housing authority, your landlord, or your local Legal Aid or Oregon Law Center office.

- Do you pay a rent that is based on your income?
- When you applied to your current housing, did you have to show that you had an income that was below a certain amount in order to move in?
- Do you have to tell your landlord and/or a housing authority caseworker whenever your income changes?
- Have you ever paid zero rent in your current housing?
- Does your rental agreement say “HUD Model Lease” on it anywhere?
- Does your rental agreement say “Tax Credit Housing” or “Section 42 Housing” on it anywhere?
- Have you ever gotten papers from your landlord that said “Violence Against Women Act” on them?

How Do I Get Protected Now?

Everyone Statewide: (through June 30)

- ❖ Notify the landlord **ASAP in writing** (great samples at oregonrentersrights.org)
- ❖ Must make **partial rent payments** if financially able
- ❖ Keep careful records of all letters sent to landlord and any payments made
- ❖ If landlord gives notice/charges late fee/files for eviction based on nonpayment, it is a **crime** – contact a lawyer if possible
- ❖ Future rent (after 6/30) will be due on regular schedule (unless new Governor's order)

When is rent due? Unless local protections apply, back-due rent must be paid after June 30 (or unless new Governor's order)

- ❖ In **Multnomah County:** Right now, all back-due rent due by January 10, 2021
- ❖ **Other local protections may apply** – check your jurisdiction (e.g. Beaverton, Hillsboro...)

What if...

- ❖ I get an eviction notice based on non-payment of rent or no-cause?
 - ❖ Before June 30
 - ❖ After July 1
- ❖ I get another type of eviction notice from landlord?
- ❖ I get a notice from the court?
- ❖ My landlord tries to make me sign a repayment agreement?

Mortgages

- ❖ CARES Act: Protects “federally-backed” loans
 - ❖ purchased, securitized, owned, insured, or guaranteed by Fannie Mae or Freddie Mac, or owned, insured, or guaranteed by FHA, VA, or USDA.
- ❖ Prohibition on most foreclosure-related actions for at least 60 days starting 3/18/20
- ❖ If affected by Covid-19, can also: request a forbearance for up to 180 days, and then another forbearance for up to 180 days
 - ❖ (ends at the end of 2020 or end of emergency, whichever is earlier)

Legal resources for additional help with housing law

❖ Legal Aid Services of Oregon and Oregon Law Center

❖ oregonlawhelp.org

❖ oregonrentersrights.org → Lots of sample letters

❖ Community Alliance of Tenants

❖ oregoncat.org / Renter's Rights Hotline

❖ Oregon State Bar

❖ osbar.org

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