

EVICTION MORATORIUM

The Governor has issued a new Executive Order, ensuring that Oregon renters are protected from eviction until December 31, 2020. **Landlords cannot evict tenants for nonpayment during this time.** Landlords also cannot use most kinds of no-cause notices until the end of the moratorium.

Landlords cannot charge late fees or other charges based on nonpayment of rent between April 1 and December 31, 2020. Landlords cannot report nonpayment of rent or fees to credit agencies. Landlords also cannot give notices of termination without cause (unless the landlord has sold the property or intends to move into the property) or file for an eviction based on a termination without cause between April 1 and December 31.

Tenants continue to have a grace period (until March 31, 2021) to pay back rent that came due between April 1, 2020 and September 30, 2020. **The grace period does not apply to rent that came due between October 1, 2020, and December 31, 2020.** Unless a new law is passed between now and the end of December, that rent will have to be paid all at once in January.

This Executive Order applies everywhere in Oregon.

Until December 31, 2020, no landlord in Oregon is allowed to do any of the following:

- Give a termination notice for nonpayment of rent, fees, utilities, or other charges
- Charge a late fee or penalty for nonpayment
- Give a termination notice without cause (unless the landlord has sold the rental to someone who plans to move in, or the landlord intends to move in to the rental or move a family member into the rental)
- Start an eviction case based on nonpayment
- Start an eviction case based on a termination without cause
- File for noncompliance with a stipulated agreement in eviction court if the eviction was based on nonpayment or a termination without cause
- Report a tenant to a credit agency for nonpayment of rent or a late fee
- Threaten to do any of these things

Tenants do NOT need to file a declaration in order to qualify for this relief. Any rent that came due between April 1, 2020, and September 30, 2020, must be paid by **March 31, 2021**. Starting on January 1, 2021, tenants need to pay their rent each month under the terms of the rental agreement. But tenants still have until the end of March, 2021, to pay back rent that built up between April and October.

Remember, starting on January 1, 2021, a landlord can evict a tenant for not paying rent under the terms of the rental agreement, but cannot evict a tenant for not paying any rent that was deferred **between April 1 and September 30**. Starting on January 1, 2021, a landlord **can evict** for unpaid rent that came due between October 1 and December 31.

Renters' obligations under the new law

Under the new law, a landlord can give the tenant a notice saying how much rent the tenant owes and will have to pay back by March 31, 2021.

Starting October 1, 2020 a landlord can also give a notice to the tenant requiring that the tenant tell the landlord within 14 days if the tenant plans to use the six-month grace period to pay back any rent owing.

- **It is extremely important that tenants respond to this notice.**
- Tenants can use the six-month grace period to pay back rent that came due from April 1, 2020, to September 30, 2020, but **cannot use the grace period for rent due from October 1, 2020 to December 31, 2020.**
- If a tenant does not tell the landlord that they plan to use the six-month grace period to pay back the deferred rent, the landlord can charge the tenant half a month's rent as a penalty.

Tenants can notify their landlord that they plan to use the six-month grace period by text, email, letter, or verbally. But tenants should be sure to keep a record of all of their communications with their landlords about their rent repayments.

FREQUENTLY ASKED QUESTIONS:

- Is a landlord allowed to give a tenant a notice saying that the tenant owes rent?
 - **YES.** A landlord is allowed to tell the tenant how much rent the tenant owes. But the landlord is not allowed to say that the landlord intends to evict for nonpayment of the rent that's owed until after December 31, 2020.
- Are a landlord and a tenant allowed to work out a payment plan to cover back rent?
 - **Yes.** A landlord and a tenant can come to an agreed repayment plan, but a tenant is not required to enter into any kind of payment plan. A tenant is only required to tell the landlord that they plan on paying back rent during the six-month grace period, and to pay back all of the rent that's owed on or before March 31, 2021. **Remember** that rent that comes due from October 1, 2020 to December 31, 2020 is **not eligible** for the grace period and must be paid in January.
- Can a landlord evict a tenant for nonpayment after December 31, 2020?
 - **Yes,** but only for rent that is due for October of 2020 or later. But a landlord cannot give a notice of termination or file for eviction based on rent that came due between April and September of 2020.

- What if the first year of my tenancy was up during one of the eviction moratoriums? Is a landlord allowed to give a no-cause termination notice?
 - **Yes.** If the first year of your tenancy ends (or ended) between April 1 and December 31, a landlord is allowed to give a no-cause notice of termination by January 30, 2021. If you and everyone else in your household had already lived in your place for a year before April 1, 2020, then the landlord is not allowed to give a no-cause termination unless the landlord has sold the place to someone who plans to move in, the landlord lives on the same property in a duplex or ADU (or you live on the same property as the landlord in a duplex or ADU), or the landlord plans to demolish or remodel the property.

- Can a landlord give me a notice of termination for cause, or file for eviction based on a notice for cause?
 - **Yes.** The new law only covers evictions for nonpayment of rent or no cause terminations. A landlord is still allowed to give a tenant a notice based on a violation of the rental agreement.

- What should I do if the landlord violates the new law?
 - You can tell the landlord in writing that you think they are violating the law.
 - You can contact the Oregon Law Center or Legal Aid Services of Oregon. You can find your local office here: <https://oregonlawhelp.org//resource/oregon-legal-aid-offices>
 - You can contact the Community Alliance of Tenants: <https://www.oregoncat.org/>
 - You can contact the Oregon State Bar's lawyer referral service: <https://www.osbar.org/public/ris/>

This information is changing very quickly. More information about housing issues related to the COVID-19 outbreak is available at OregonRentersRights.org and at oregonlawhelp.org/classroom/public-health-and-coronavirus-covid-19/housing-protections

If you would like to talk to an attorney about your rights, you can find contact information for a legal aid office near you at <https://oregonlawhelp.org/find-legal-help>.