

NEW STATEWIDE EVICTION MORATORIUM

There is a **new statewide eviction moratorium** ([HB 4401](#)) that will last until **June 30, 2021**. This means that, with limited exceptions, landlords cannot evict renters for nonpayment or without cause until July of 2021. These protections exist **everywhere in Oregon**.

The protections for renters under the new statewide moratorium are not automatic!

To be protected from eviction for nonpayment after December 31, 2020, renters must **fill out and sign a sworn declaration** of financial hardship and give it to their landlords in order to be protected from eviction. A version of this declaration is attached to this handout.

Under the new moratorium, **once a renter gives a signed declaration to their landlord, the landlord is not allowed to move forward with an eviction for nonpayment** until after the moratorium ends. The renter only has to give the landlord this form once. If a renter has not already given their landlord a signed declaration, **landlords are allowed to give termination notices** based on nonpayment of rent, fees, or utilities. But the landlord must also give the renter information about the moratorium protections, with a copy of the declaration, and must accept a signed declaration from the renter if the renter isn't able to pay the rent, fees or utilities.

The new statewide moratorium also allows landlords to give termination notices after the first year of occupancy if the landlord plans to demolish the rental, convert it to a different use, or make repairs that would require the renter to move out. Landlords are also allowed to give termination notices if the landlord has sold the rental to someone who plans to move into it, or if the landlord or a member of the landlord's family plans to move into the rental. Landlords must give at least 90 days' notice before terminating a tenancy for any of these reasons. Depending on how many rentals the landlord owns, the landlord may also have to pay the renter one month's rent.

Just like with the earlier moratoriums, the new moratorium allows landlords to give termination notices and file for eviction if the renter violates the rental agreement or the rules, or does something dangerous, illegal, or outrageous on the property.

Renters who give their landlords a signed declaration will have until June 30, 2021, to pay back money that they owe. **Renters who do not give their landlords a signed declaration will need to pay back rent from April 2020 through December 2020 by March 31, 2021.** After the moratorium ends on July 1, renters will owe their landlords any back rent, fees, or utilities that built up during any of the moratoriums. Before the moratorium ends, landlords are not allowed to charge late fees or to report debt to credit agencies.

Help with back rent

The new statewide moratorium also includes money for landlords to help pay back part of the rent. If you owe rent, consider contacting your landlord to ask if they will apply for money to help pay back the rent. Landlords can contact Oregon Housing and Community Services for information for how to apply. And renters can apply individually for rent assistance by accessing community resources by calling 2-1-1 or visiting www.211info.org.

FREQUENTLY ASKED QUESTIONS

Can my landlord give me a nonpayment termination notice?

Yes. If a renter hasn't given their landlord a signed declaration, a landlord can give a renter a notice of termination for nonpayment. **But**, the landlord **must include with the notice a copy of a declaration** for the renter to sign if the renter is unable to pay because of financial problems. The landlord also has to give the renter at least **ten days** to respond and return the declaration. If the renter signs the declaration and gives it back to the landlord, the landlord cannot file an eviction case until the moratorium ends on June 30, 2021. A copy of the declaration is at the end of this handout.

What do renters have to do to be protected under the new statewide moratorium?

To be protected from eviction for nonpayment under the new moratorium, renters must fill out and sign a sworn declaration that says the renter can't pay their rent, fees, or utilities because of a financial hardship. There's a copy of the declaration that renters must sign at the end of this handout.

After January 1, you can also find copies of the declaration at www.courts.oregon.gov.

A renter is protected from eviction for nonpayment if the renter gives a signed form to their landlord that truthfully says **all of the following**:

- I can't pay my all of the rent/ fees/ utilities that came due on or after April 1, 2020
- I have experienced **one or more** of the following financial hardships since March 16, 2020 that impact my ability to pay rent/ fees/ utilities:
 - Loss of household income (for example, if a family member moves out or loses a job)
 - Increased medical expenses
 - Loss of work or wages (including a layoff, reduced hours, or reduced pay)
 - Increased childcare responsibilities or responsibilities to care for a person with a disability or a person who is elderly, injured or sick (for example, taking care of children who are not in school)
 - Increased costs for childcare or caring for a person with a disability or a person who is elderly, injured or sick
 - Other circumstances that have reduced my income or increased my expenses
- If I receive any kind of public assistance, it isn't enough to cover my increased expenses or loss of income.
- I understand that I still owe rent to my landlord and will need to pay it at the end of the moratorium.

Renters must sign a declaration stating that these statements are true. There are serious legal penalties if someone signs a declaration that isn't true, so renters **should not** sign a declaration unless they can agree with the statements above.

If a renter can truthfully sign the declaration, then the renter should sign it and give it to their landlord. After the landlord receives a signed declaration, the landlord **cannot** give a notice for nonpayment or threaten or try to evict for nonpayment until after **June 30, 2021**.

Does the reason I can't pay my rent/ fees/ utilities have to be related to the COVID pandemic?

No. A renter can sign a declaration and give it to their landlord if the renter is experiencing financial problems for any reason, including issues related to the COVID pandemic, the Oregon wildfires, problems getting unemployment, or any other reason that has caused your income to go down or your expenses to go up.

Can the landlord require me to prove that I've lost income or had more expenses?

No. The only document that the landlord is allowed to require is the signed declaration. Renters do not have to provide additional documents or information.

What if I can't sign the declaration?

If a renter can't truthfully sign the declaration, the renter is not protected from eviction based on nonpayment of rent, fees, or utilities that come due after December 31, 2020. However, renters have until **March 31, 2021**, to pay back money that they owe from **April 1, 2020, to December 31, 2020**.

How should I give the declaration to my landlord?

Renters can give their landlord the declaration in different ways, including:

- By mail
- In person
- By email
- By text message

Renters should **always** keep a copy of any communications they send to their landlord.

When can I give the declaration to my landlord?

Renters can give a signed declaration to their landlord **at any time at or before the first appearance in an eviction case**. Renters don't need to wait to give the declaration until they get a nonpayment notice from their landlord. Renters can give the declaration to their landlord even if the landlord **has already filed an eviction case**, but they have to give the declaration to the landlord **at or before the first appearance in court**. **Renters should give the declaration form to their landlord as soon as possible.**

What if I owe money to my landlord from before April 1, 2020?

If a renter owes rent, fees, or utilities that came due before April 1, 2020, that debt is not covered by the moratorium. The landlord is allowed to send a notice and/ or evict based on nonpayment of that money.

Is my landlord allowed to charge me late fees?

No. If a renter gives their landlord a signed declaration, the landlord cannot charge any late fees for nonpayment until the end of the moratorium. The landlord also is not allowed to report unpaid rent, fees, or utilities to credit agencies.

Is my landlord allowed to give me a no cause notice?

Maybe. A landlord cannot use a no-cause termination notice. But under the new moratorium, even if the renter has given their landlord a signed declaration, a landlord is allowed to give a 90 day notice based on landlord reasons if the landlord:

- Is going to demolish the rental, convert it to a different use, or do repairs or renovations that make the rental unsafe to live in

- Has sold the rental to someone who plans to move in and live in it
- Plans to move in to the rental and live in it, or have a family member move in

Can my landlord sue me to collect unpaid rent, instead of trying to evict me?

No. Until the end of the moratorium on June 30, 2021, landlords are not allowed to sue renters who are protected by the moratorium to try to collect unpaid rent.

What happens when the statewide moratorium is over?

That depends. Landlords can apply for help from the state to pay back rent that's owed. If the landlord gets help from the state, then the landlord has to agree not to try to evict renters based on the unpaid rent. If landlords don't get help from the state, then landlords can sue for the unpaid rent, or file for eviction after the statewide moratorium ends on June 30, 2021.

How does rent assistance work?

There's rent assistance available for landlords and for renters. For your landlord to apply for rent assistance, your landlord will need you to give them a signed declaration. Renters can apply for rent assistance by calling 2-1-1 or visiting www.211info.org

What if my landlord threatens or harasses me because I haven't paid rent?

Landlords are allowed to tell renters that they owe rent. But landlords aren't allowed to threaten or harass renters because of unpaid rent. Landlords also aren't allowed to limit services or retaliate against renters who haven't paid rent. If your landlord threatens to evict you or lock you out after you've given the landlord a signed declaration, or if the landlord takes other action that makes it harder for you to live in your home, your landlord may be liable for a penalty of up to three months' rent. If your landlord is threatening or harassing you, consider contacting a lawyer for help. 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>.

What if the landlord doesn't follow the moratorium and tries to evict me anyway?

If a landlord violates the moratorium, renters can sue the landlord for a penalty of three months' rent. If a landlord evicts a renter in violation of the moratorium, locks a renter out, or turns off the utilities to force a renter out, renters can also get a court order forcing the landlord to allow them back into their home. If you think your landlord is violating the moratorium, you should consider getting legal help.

Please turn to the next page for a copy of the declaration for renters. Copies of the declaration, and translations of the declaration into Spanish, Korean, Russian, Vietnamese and Chinese are available at www.courts.oregon.gov

DECLARATION OF FINANCIAL HARDSHIP FOR EVICTIION PROTECTION

This form may be given to the landlord in person, by first class mail or, if available, by sending a copy or photograph by e-mail or text message

I, *(tenant's name)*: _____, am a tenant at *(address)*:

I am unable to pay my obligations under the rental agreement because of I have been impacted by one or more of the following since March 16, 2020:

- Loss of household income
- Loss of work or wages
- Increased medical expenses
- Increased child care responsibilities or responsibilities to care for a person with a disability or a person who is elderly, injured, or sick
- Increased costs for child care or caring for a person with a disability or a person who is elderly, injured, or sick
- Other circumstances that have reduced my income or increased my expenses.

Any public assistance, including unemployment insurance, pandemic unemployment assistance, and other public assistance that I have received on or after March 16, 2020 does not fully make up for my loss of income or increased expenses.

I understand that I still owe my rent, which must be paid by July 1, 2021

I understand that I must comply with other obligations that I may have under my rental agreement

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Date

Tenant Signature *(only one required)*

Name (printed)

This form is available at:

(Spanish) Este formulario está disponible en español en:

(Russian) Бланк этого документа можно получить на русском языке в:

(Vietnamese) Đơn này có bằng tiếng Việt tại:

(Traditional Chinese) 本表格的繁体中文版在:

(Korean) 한국어로 번역된 양식은 다음 웹 사이트에서 찾을 수 있습니다:

<https://www.courts.oregon.gov/forms/Pages/landlord-tenant.aspx>