

## **UPDATED information on evictions (FEDs) in Oregon**

As you know, the COVID-19 outbreak is causing many changes in Oregon. The United States Congress, Oregon's Governor, and the Chief Justice of the Oregon Supreme Court have all passed temporary rules that **temporarily prevent most (but not all) evictions from moving forward**. The new rules apply at different stages of evictions. Congress's new law applies **only to federally subsidized housing**.

Oregon's Governor issued an Executive Order on April 1, 2020. Until **June 30, 2020**, the Order prohibits all landlords in Oregon from doing the following:

- giving termination notices for nonpayment of rent, fees, utilities, or other charges
- charging late fees or penalties for nonpayment
- giving termination notices without cause
- starting an eviction case based on nonpayment (even for notices given before April 1, 2020)
- starting an eviction case based on a termination without cause (even for notices given before April 1, 2020)
- requesting a writ of execution based on noncompliance with a stipulated agreement (if the eviction was based on nonpayment or a termination without cause)

The Executive Order requires that tenants tell their landlord that they will not be able to pay their rent as soon as possible. It also requires tenants to pay as much of their rent as they can afford to. Rent (but not late fees) will continue to build up, even though landlords are not allowed to give termination notices until after **June 30**. **A sample letter to use to tell your landlord that you cannot pay full rent is attached at the end of this information sheet.**

The Chief Justice's updated Order **postpones court hearings on evictions until July 1, 2020**. Previously, evictions were postponed until June 1. The new Order gives tenants an extra month before evictions can start. This Order applies to **all** evictions, with a **possible exception** for evictions based on a 24 hour notice for violence or outrageous conduct.

For evictions that have **already had a hearing that resulted in an order for the tenant to move out**, the Governor issued another Executive Order. That Order says that sheriffs are not allowed to remove people from their homes, if the eviction was based on **nonpayment of rent** or a **termination without cause**. The Governor's Order **does not apply** to evictions based on other reasons, like a violation of a rental agreement. Sheriffs are not allowed to remove people from their homes for nonpayment or without cause until **after June 30, 2020**.

Congress has also passed a law, the CARES Act, which applies to **anyone with federally subsidized housing**. This includes **public housing**, housing where part of the rent is paid with a **Section 8 (Housing Choice) voucher**, and **low income tax credit (LIHTC)** housing. If you live in any type of housing that requires you to tell your landlord whenever your income changes, or to certify your income every year, this law probably applies to you. Under the CARES Act, a landlord is not allowed to start an eviction case based on nonpayment of rent, fees, or other charges, until **July 26, 2020**. Your landlord is also not allowed to give a termination notice for nonpayment of rent, fees, or other charges between March 27 and July 26, 2020. However, your rent and other charges are still building up during this period. After July 26, your landlord must give at least **30 days' notice** before terminating your tenancy for nonpayment of rent, fees, or other charges.

It is always against the law for a landlord to physically remove a tenant, to change the locks to keep a tenant out of their home, or to shut off the utilities to try to remove a tenant. Only the sheriff can use force to remove you, and even then only after a court order. If your landlord tries to physically remove you from your home, you should call the police.

**Different rules may apply depending on the county that you live in. Go to your county's website, or call to see if other rules apply. Or contact your local Legal Aid or Oregon Law Center Office.**

### IF YOU CANNOT PAY YOUR RENT:

- Your landlord is not allowed to give you a termination notice, charge you a late fee, or file an eviction based on nonpayment of rent, fees, utilities, or other charges.
- You should tell your landlord in writing as soon as possible that you won't be able to pay. Be sure to keep a copy of anything that you give to your landlord.
- You should pay as much of your rent as you can afford, given the financial needs of you and your family.
- Until June 30, 2020, it is illegal for your landlord to give you a termination notice or file for eviction because of nonpayment or without cause. Your rent is still due after June 30.
- It is illegal for your landlord to charge you any late fees until June 30, 2020.
- If your landlord gives you a notice for nonpayment, charges you a late fee, or files for eviction, it is a misdemeanor. You should contact a lawyer if at all possible.

### IF YOU HAVE NOT GONE TO COURT YET ON YOUR EVICTION CASE:

- All eviction first appearances are **postponed** until after **July 1, 2020**. If you got a court summons that says you need to go to court for an eviction **on or after March 19, 2020, do not go to court** until you get more information in the mail telling you when your new court appearance will be.
  - You will get more information in the mail from the court about rescheduling your court appearance. You do not need to call the court.
  - Your court appearance will be rescheduled automatically. After your court appearance is rescheduled, **you must attend the rescheduled appearance or the landlord will win automatically.**
- If you have **already gone to court** for a first appearance, **and you have a trial scheduled** for your eviction, that trial will be **postponed**. If you have a trial scheduled for on or after March 19, 2020, do not go to court.
  - You will get more information in the mail from the court about rescheduling your trial.
  - After your trial is rescheduled, **you must attend the rescheduled trial or the landlord will win automatically.**
- **If you already have a trial scheduled**, it is possible that the landlord will ask the court to order you to pay rent into court between now and the new trial date. You will get a copy of the landlord's request for an order to pay rent into court in the mail, and you have a right to ask the judge for a hearing on whether it's fair for you to pay rent into court. We don't know yet if courts will grant those requests. **You do not have to pay rent into court unless the judge orders you to do so.** If you do not have a trial scheduled, you do not have to pay rent into court.
- **If your landlord gives you a 24 hour notice of termination for violence or outrageous conduct, it's possible that the court may schedule a hearing on your case.** We don't know yet if courts will schedule these hearings, but the Chief Justice Order makes that a possibility. Your local county court will decide. If you do receive a 24 hour notice, **check your mail every day** for information from the court.

**IF YOU HAVE ALREADY GONE TO COURT  
AND THERE IS A JUDGMENT THAT SAYS YOU HAVE TO MOVE OUT:**

- The Governor's Order says that sheriffs cannot enforce eviction judgments in cases where the eviction was about **nonpayment of rent** or if the eviction was based on a **notice of termination without cause**.
- If your landlord got an eviction judgment against you, either after a trial or if you did not comply with a stipulated agreement, read this section carefully:
  - If your eviction case was about **nonpayment of rent** (usually a 72 hour notice), then **the sheriff cannot evict you until the epidemic emergency is over**. The sheriff will still be able to evict you after the emergency is over, unless you come to a written agreement with your landlord or the landlord accepts your rent. If the landlord agrees to accept your rent, make sure to get a receipt!
  - If your eviction case was about a **notice of termination without cause**, then **the sheriff cannot evict you until the COVID-19 emergency is over**. The sheriff will still be able to evict you after the emergency is over, unless you come to a written agreement with your landlord or the landlord accepts your rent. If the landlord agrees to accept your rent, make sure to get a receipt!
  - **If your eviction case was about something else (usually a notice of termination for cause, either a 30 day notice, a 10 day notice, or a 24 hour notice), then the sheriff is still allowed to evict you.** Some counties are suspending evictions in all kinds of cases. You should contact your local sheriff's department to find out if your county is enforcing eviction judgments during the COVID-19 epidemic.

**ONLY IF YOU LIVE IN SUBSIDIZED HOUSING:**

- **If you pay a reduced rent or a rent that is based on your income, live in public housing, and/or get a voucher that pays part of your rent, you are probably covered by the new CARES Act.**
  - If you think that you are covered by this law but aren't sure, you can ask your landlord, ask your housing authority caseworker if you have one, or contact your local Legal Aid or Oregon Law Center office.
- If you got a termination notice for nonpayment of rent, fees, or other charges before March 27, 2020, your landlord is not allowed to file an eviction case against you until July 26, 2020.
  - If you got a termination notice for a reason **other than nonpayment**, the landlord is allowed to file an eviction case, but there will not be a court hearing until June 1, 2020.
  - If the notice is a 24 hour notice for violence or outrageous conduct, it is **possible** that there will be a court hearing.
- If your landlord did not give you a termination notice before March 27, 2020, your landlord is not allowed to give you a termination notice for nonpayment until **July 26, 2020**.
  - The termination notice must give you at least 30 days before the tenancy terminates.
  - If your landlord gives you a termination notice before July 26, 2020, contact your local Legal Aid or Oregon Law Center office.

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

Tenant's name and address:

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Date: \_\_\_\_\_

Dear Landlord:

As you know, we are currently in a state of emergency because of the COVID-19 epidemic. As required by Governor's Executive Order 20-13, I am notifying you that I am currently unable to pay my full rent.

- ☐ I am financially able to pay part of my rent. I can pay \$\_\_\_\_\_ this month.  
☐ I am not financially able to pay any part of my rent.

Executive Order 20-13, Section 1, says that you cannot give me a termination notice based on nonpayment of rent, fees, or utilities, or a termination without cause, while the state of emergency is in effect. You also cannot file an eviction based on nonpayment of rent, fees, or utilities, or without cause. Doing any of those things is a misdemeanor.

I understand that my rent will still be due and payable when the emergency is over.

Sincerely,

\_\_\_\_\_ (tenant name)