

COVID-19 Information Affecting Landlords



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Landlords across Oregon are now subject to several different restrictions—as well as some relief—from various levels and branches of government. Below is a summary. We encourage you to visit [Multifamily NW](#) and the [Oregon Rental Housing Association](#) for additional information on developments affecting landlords and access to forms that may be helpful to landlords.

Federal CARES Act

Eviction Ban (Section 4024)

The CARES Act (federal stimulus legislation passed last Friday) bans landlords from initiating eviction proceedings for nonpayment of rent for 120 days in properties where landlords receive federal funds or have a federally-backed mortgage. The law also bans these same landlords from issuing notices to vacate for 120 days. Tenants are not required to show COVID-19 related causes of nonpayment.

Mortgage Forbearance and Foreclosure Ban (Sections 4022 and 4033)

- Borrowers with mortgages on properties designed for 1-4 families can request 180 days forbearance from their mortgage servicer if they are unable to pay due to COVID-19, and up to an additional 180 days. Mortgage servicers are required to grant the request upon attestation of the borrower's hardship without additional documentation and with no fees, penalties, or interest beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the mortgage contract.
- Mortgage servicers of federally-backed mortgage loans on properties designed for 1-4 families are also prohibited from initiating judicial or non-judicial foreclosure proceedings for 60 days beginning March 18, 2020.
- Borrowers with federally-backed loans for multi-family properties (more than 4 units) can request (verbally or in writing) forbearance from their mortgage servicer for 30 days for COVID-19 related financial hardships. Servicers are required to document the hardship and provide the 30 day forbearance, along with up to two additional 30 day forbearances (for a total of 90 days) if the hardship persists and the requests are made at least 15 days prior to the expiration of the current forbearance period. To qualify, multifamily borrowers must comply with the eviction and notice moratorium described above (Section 4024).

State Eviction Moratorium

Governor Brown has issued bans on residential and commercial evictions through June 30, 2020. Violation of the bans is a Class C misdemeanor.

Residential

Governor Brown's [Executive Order 20-11](#) of March 22, as amended by her order of April 1, prevents law enforcement officials from delivering any notice or enforcing any eviction for nonpayment through 6-30.

Governor Brown's [Executive Order 20-13](#) of April 1 bans landlords from terminating a residential rental agreement or pursuing eviction, for nonpayment (defining nonpayment to include no-cause evictions under ORS 90.427), from April 1 through June 30 unless the Order is terminated or extended by the Governor. Under this order evictions for reasons other than nonpayment are allowed.

Tenants are not required to show COVID-19 related causes of nonpayment. However, they are required to notify the landlord as soon as reasonably possible; and shall make partial rent payments to the extent the tenant is financially able to do so. The Order does not relieve tenants of their obligation to pay the rent, utilities and other charges owed, once the moratorium is lifted. However, landlords may not cause late charges or other penalties to accrue during the moratorium.

Commercial

Governor Brown's [Executive Order 20-13](#) bans landlords from terminating a commercial lease agreement or pursuing eviction for nonpayment, or any no cause eviction, from April 1 through June 30 unless the order is terminated or extended by the Governor.

Commercial tenants are required to provide the landlord, within 30 calendar days of unpaid rent being due, with documentation or other evidence that nonpayment is caused by, in whole or in part, directly or indirectly, the COVID-19 pandemic. Acceptable documentation or other evidence includes, without limitation, proof of loss of income due to any governmental restrictions imposed to mitigate the spread of COVID-19. Tenants must notify the landlord as soon as reasonably possible; and shall make partial rent payments to the extent the tenant is financially able to do so.

Commercial evictions for reasons other than nonpayment are not banned.

The Order does not relieve tenants of their obligation to pay the rent, utilities and other charges owed, once the moratorium is lifted. However, landlords may not cause late charges or other penalties to accrue during the moratorium.

Chief Justice's Orders

The Chief Justice of the Oregon Supreme Court [has ordered](#) that all non-essential proceedings be postponed until after **June 1, 2020**. This includes Forcible Entry and Detainer (FED) proceedings (eviction proceedings). The order allows for a landlord to file an action for eviction but the dispute will not be adjudicated until after June 1. Landlords can still request an order from the court that tenants pay rent. Local presiding judges can allow proceedings to happen before June 1 if they consult with the parties and determine that the proceeding can happen either remotely or with the proper social distancing measures in place.

Local Bans

Multnomah County has issued its own residential [eviction ban](#) as have several other jurisdictions including but not limited to [Clackamas County](#), [Gresham](#), [Hillsboro](#), and Beaverton. **Check with your local jurisdictions to read what local bans are in place.** Landlords must follow the state eviction ban and the federal ban (if it applies to them), which tend to be more restrictive than the local bans (the state and federal ban do not require proof of hardship). Generally, by following the state and federal bans, landlords will be also be complying with the local bans. One area where the local bans tend to be more specific, and thus would control, is with respect to the timeframe for repayment of rent. Several local jurisdictions (including up and down the coast) have also issued bans on short-term rentals. **Check with your local jurisdictions to read what bans are in place.**

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