

**Tips to comply  
with  
Governor  
Brown's Executive  
Order 20-25  
Safe and Strong  
Oregon**



OREGON  
ASSOCIATION  
OF REALTORS®

## Governor Brown's [Executive Order 20-25](#) Safe and Strong Oregon

**Updated May 27, 2020**

- Rescinds and replaces [EO 20-12](#) (Stay Home, Save Lives)
- To find guidance referred to in this document, and to check for new guidance that may be issued, visit <https://govstatus.egov.com/or-covid-19>.

### **Baseline/Statewide Requirements (Everyone Must Follow, Unless Specifically Noted Below)**

#### **General**

- Individuals stay at or near their home or place of residence, if possible\*
- Individuals prohibited from patronizing businesses that remain closed or from engaging in any conduct prohibited by an EO or inconsistent with OHA guidance
- If individuals leave their home they must maintain 6ft physical distance if possible and adhere to all OHA guidance including on distancing and face coverings

\*Individuals in Phase 1 counties can travel locally to businesses and events that are allowed to operate in those counties.

#### **Gatherings\***

- Civic, cultural and religious gatherings of 25+ prohibited. Under 25 allowed if at least 6ft distance can be maintained between individuals of different households and other OHA distancing guidelines can be followed
- Social and recreational gatherings still prohibited above 10 people. Only allowed below ten people if 6ft distance can be maintained between individuals of different households

These gatherings rules only apply to the types of gatherings described above not to work, school, grocery, retails, etc. These other activities have their own rules. \*Phase 1 counties have separate rules (see below).

#### **Food and drink\***

- No on-site consumption of food and beverage allowed
- Take-out, drive-through and delivery allowed but must maintain 6ft distance between customers. Must maintain 6ft distance between employees, when possible

Phase 1 counties have their own rules (see below).

### ***Businesses that remain closed unless/until opened under Phase-1 or otherwise directed by Governor***

- Long list, nearly identical to original Stay Home, Save Lives order

### ***Businesses that are allowed statewide that weren't before***

- Ski resorts, art galleries, boutiques, furniture stores and jewelry shops
- Any other retail not specifically prohibited by the order and that follows all guidance from OHA

Businesses that don't follow OHA guidance will be closed. See <https://govstatus.egov.com/or-covid-19>

### ***Workplace restrictions***

- Work in offices prohibited when telework or remote work options are available in light of position, duties, and equipment/network adequacy
- For any businesses that continue to conduct some office work, a person must be put in charge of ensuring physical distancing requirements are met by employees and by any customers
- Must comply with all relevant OHA guidance

Employers who do not comply will be closed. See guidance at <https://govstatus.egov.com/or-covid-19>

### ***Government Buildings (State Executive Branch only, does not apply to other arms of Govt)***

- To the extent possible, closed to the public in-person and to provide services remotely; if not possible, contact between staff and the public should be by-appointment, when feasible; physical distancing measures must be established and enforced, to maximum extent possible
- Offices must remote/telework if possible. When not possible, must designate a person to ensure compliance with physical distancing

### ***Outdoor Recreation***

- Individuals can recreate outside so long as they can maintain physical distancing and follow OHA guidance on outdoor recreation.
- Private and public campgrounds have option of opening if they can comply with OHA guidance.
- Playgrounds, sport courts and pools remain closed.

### ***Travel***

- Individuals should minimize non-essential travel and travel the minimum distance required to complete their essential tasks.

### **Schools**

- Schools/higher-ed remain closed in-person; working on plan for re-opening 2020 school year. Specific guidance on schools for spring and summer available at <https://govstatus.egov.com/or-covid-19>.

### **Child Care**

- Still subject to [EO 20-19](#), which requires facilities to be approved to operate as emergency childcare facilities. Summer camps (day camps only) allowed to operate with limitations. Specific guidance for child care and camps available at <https://govstatus.egov.com/or-covid-19>.

### **Transit**

- *Open for modified operations. Guidance available at <https://govstatus.egov.com/or-covid-19>.*

## **Phase-1 Counties (All Counties Other than Mult., and Wash.)**

### **Gatherings**

- Local gatherings of up to 25 for any purpose allowed if physical distancing is maintained. *Local* travel to these gatherings is allowed

### **Businesses**

- Food and drink establishments can open for limited on-site consumption
- Personal care establishments and facilities can open for limited services (salons, gyms, etc.)
- Other businesses may be allowed to open as identified in OHA guidance or by Governor

These businesses must follow OHA Phase-1 guidance, including guidance specific to their sector. All statewide and Phase 1 sector-specific guidance is posted at <https://govstatus.egov.com/or-covid-19>.

### **Enforcement and Penalties**

- EO 20-25 is a public health law enforced under [ORS 431A.010](#) which gives the Oregon Health Authority broad powers to investigate, enter premises, and assess fines of up to \$500 per day for violations, among other powers.

- Violation of the order is also a Class C Misdemeanor under [ORS 401.990](#).

## ***Open Houses***

Open houses were never either specifically allowed or specifically banned. However there were—and continue to be—restrictions in place that a traditional, unmodified open house likely could not comply with but that a modified version of an open house may be able to comply with.

Under the Governor’s latest [Executive Order 20-25](#) there are currently restrictions in place on gatherings of more than 10 people (counties not in Phase 1) or 25 people (counties in Phase 1). In all cases, people at gatherings (and otherwise) must maintain 6ft distance between people from different households. Additionally, the Governor and OHA recommend that everyone wear masks when in public. OAR has a [summary of the latest orders](#) on our website, with links to further information.

Whether or not someone can hold an “open house” will depend upon their ability to meet the guidelines. A traditional, unregulated open house would not be able to meet these guidelines because it there would be no way of guaranteeing 6ft between individuals who are not from the same household.

However, an “open house” by appointment only, or where the REALTOR® has marked off 6 ft. distances for people to line up outside while only one family at a time tours home and the REALTOR® and family stay 6 ft. apart may comply.

In addition to the requirements physical distancing and the face covering guidelines, firms holding open houses would be wise to comply with other [guidelines for employers](#) from the Oregon Health Authority that may be relevant to an open house setting. While these guidelines are intended for workplaces, they provide best practices including:

- Restricting use of any shared items or equipment and disinfect equipment between uses.
- Ensuring that alcohol-based (60-95%) hand sanitizer is provided
- Regularly disinfecting commonly touched surfaces as well as high traffic areas and performing other environmental cleaning.
- Reinforcing that meticulous hand hygiene, coughing into the elbow, and other hygiene practices are of utmost importance. The Oregon Health Authority has [signs/posters](#) that can be posted.

Additionally, anyone considering holding a modified “open house” that does meet the Governor’s/OHA’s guidelines should be sure to work with the seller to include additional safety precautions that the seller would like, as well as to communicate clearly in advance to prospective buyers/visitors (in advertising the open house as well in front of the house) what the protocols are for the modified “open house” so that anyone coming to tour the home has clear

expectations. Also, firms holding open houses should direct people to the [OHA guidance for the general public](#).

### ***A Note on Face Coverings***

Note that on the face coverings issue, the Governor and the Oregon Health Authority recommend that they be worn anytime that a person is in public and especially where it may be difficult to maintain 6ft distancing. However the Governor also has issued some specific [guidance on face coverings](#) alerting businesses that are requiring customers and visitors to wear face coverings need to develop a policy and post clear signs about any such requirements. The policy must:

- Provide exceptions to the policy to accommodate people with certain health conditions, or children under two years of age
- Take into account that places of public accommodation must make reasonable modifications to their policy to allow people with disabilities to access their services
- Take into account that requiring people to wear face coverings affects people differently including people of color who may have heightened concerns about racial profiling and harassment due to wearing face coverings in public, and to
- Consider whether to provide face coverings for customers or visitors who do not have one.

While the Governor's/OHA's guidance does not specifically mention it, in our case these policies and notifications related to face coverings are also important for complying with Fair Housing laws.