

## **EMERGENCY ORDER OF THE MAYOR NO. 2020-01**

### **ADDITIONAL EMERGENCY MEASURES FOR THE COVID-19 EMERGENCY**

- A. Under ORS 401.309 and TMC 1-07, the City Council declared an emergency related to COVID-19 on March 23, 2020 by Resolution No. 5488-20.
- B. Section 1 of Resolution No. 5488-20 authorizes the Mayor to issue additional public safety and health orders related to the COVID-19 emergency.
- C. I find the COVID-19 emergency has caused a need for a moratorium on residential and commercial evictions to protect life or property or to prevent or minimize danger to lives or property.
- D. The spread of COVID-19 has caused widespread closures and cancellations within the City, the region, and across the country, and public health officials recommend at a minimum isolation and social distancing.
- E. As the response to this public health emergency escalates, the City anticipates that many residents will experience direct economic impacts. The Federal government, State of Oregon, and Washington County have all declared emergencies.
- F. To slow the rapid spread of COVID-19, the Governor has issued a statewide limitation on gatherings that has resulted in the temporary closure of many offices as well as the postponement or cancellation of hundreds of concerts, plays, professional sporting events, trade shows, and other events, all of which have had a direct economic impact on City residents and businesses.
- G. Additionally, the Governor has ordered that no establishment may offer or allow on-site consumption of food or drink, which has resulted in the closure of numerous restaurants, taverns, brewpubs and similar establishments.
- H. The Governor has also announced the closure of all Oregon K-12 schools and institutions of higher education through the end of April.
- I. The economic impacts of these necessary and important actions have resulted in numerous City residents losing their jobs or decreases in their incomes, making it extremely difficult or impossible to make residential rent payments.
- J. The City must avoid the creation of an additional economic and public health emergency that would result from subjecting more households to homelessness because of the economic impacts of COVID-19. Additionally, in order to encourage City residents to comply with closures and prevent further spread of COVID-19, the City must protect residents from the fear of potential eviction due to economic dislocation. The ability to maintain housing during this pandemic is a public health imperative.
- K. The economic impacts of these necessary and important actions have also resulted in local businesses suffering a severe decline in business, which has brought about

staff layoffs, cancellations, closures and the inability of various businesses to make commercial lease payments.

- L. The City must also avoid the additional economic and public health emergency that would result from business evictions caused by the economic impacts of COVID-19. The overall impact on the City's economic health, as well as the increased burden on the City's ability to provide public services during this state of emergency due to vacant commercial properties creates a significant danger to both life and property in the City.

**Now, Therefore, Based on the Forgoing Findings, I Declare the Following public safety and health Measures Are Imminently Necessary Under the Circumstances for the Protection of Life and Property and to Prevent or Minimize Danger to Lives or Property:**

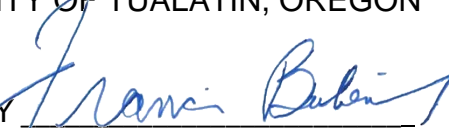
1. A temporary moratorium is imposed on all residential evictions in the City of Tualatin for tenants on the basis of the nonpayment of rent, late charges, utility charges, or any other service charge or fee, due to wage loss resulting from COVID-19.
2. A temporary moratorium is imposed on all commercial evictions in the City of Tualatin for tenants on the basis of nonpayment of rent, late charges, utility charges, or any other service charge or fee, due to the loss of business income resulting from COVID-19.
3. To establish eligibility for this moratorium, affected tenants must:
  - (a) demonstrate substantial wage loss or loss of business income, through documentation or other objectively verifiable means, resulting from the COVID-19 pandemic, including County, state, and federal restrictions imposed to mitigate its spread; and
  - (b) notify their landlords on or before the day that rent is due that they are unable to pay rent, fees or charges due to substantial wage loss or loss of business income as a result of the COVID- 19 pandemic. Acceptable documentation includes but is not limited to proof of: loss of employment, reduction of wages, the need for care of family members, including children who have been kept out of school, illness, and lower gross receipts or closures due to government imposed restrictions.
4. Nothing in this moratorium shall relieve residential or commercial tenants of liability for unpaid rent, charges or fees, which landlords may seek, and tenants must pay within six months after expiration of this emergency. No late fee may be charged or collected for rent charges or fees that are delayed for the reasons stated in this moratorium; nor may a landlord seek rent, charges or fees that are delayed for the reasons stated in this moratorium through the eviction process.
5. Pursuant to TMC 1-7-070 any person who violates the measures set forth in this order commits a civil infraction and shall be subject to a fine of \$500 for each day that a tenant is unable to access their residential or commercial unit due to an eviction taken in violation of this order.

6. Tenants are authorized to use this moratorium as an affirmative defense in any eviction proceeding or seek injunctive relief in any court of competent jurisdiction to enforce the protections provided herein.
7. This order shall take effect immediately and shall remain in effect for the duration of the state of emergency, provided that section 4 above shall remain in effect for six months after the expiration of the state of emergency.

**Dated and effective this 2<sup>nd</sup> day of April, 2020.**

CITY OF TUALATIN, OREGON

BY



MAYOR FRANK BUBENIK