

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 1296

Extending the 60 day protection period in SB 278 (2021) to 90 days and Declaring an Emergency.

The Multnomah County Board of Commissioners Finds:

A. On March 11, 2020, the Multnomah County Chair issued Executive Rule No. 388 declaring an emergency for the entire County to address the continued spread of the COVID-19 illness, loss of life, an extreme public health risk, and its significant economic impacts.

B. On March 17, 2020, an Addendum to Executive Rule No. 388 provided additional measures to address the emergency conditions.

C. On March 19, 2020, the Multnomah County Board of Commissioners ("Board") ratified Executive Order 388 and its Addendum and adopted Ordinance No. 1282 to address the impacts of COVID-19 by creating a countywide residential eviction moratorium and six- month repayment grace period. The purpose of these measures was to promote housing stability during the COVID-19 pandemic to allow County residents to stay home, and to avoid a preventable increase in homelessness due to the economic effects of COVID-19.

D. On April 1, 2020, and following the Board's action, the Governor of the State of Oregon issued a statewide moratorium on evictions with Executive Order 20-13.

E. On April 9, 2020, the Board adopted Resolution 2020-019 to continue the emergency declared in Executive Rule 388 and its Addendum until July 8, 2020.

F. On April 16, 2020, the Board adopted Ordinance 1284 to further address the impacts of COVID-19 and suspended enforcement of the County's residential eviction moratorium established by Ordinance 1282 while a statewide residential eviction moratorium was in place.

G. On July 2, 2020, the Board adopted Resolution 2020-059 to continue the emergency declared in Executive Rule 388 and its Addendum until September 30, 2020.

H. On September 24, 2020, the Board adopted Resolution 2020-080 to continue the emergency declared in Executive Rule 388 and its Addendum until January 8, 2021.

I. The State of Oregon provided statewide renter protections in HB 4213 (2020 First Special Session) with effective dates of April 1, 2020 to September 30, 2020. HB 4213 continued and refined the statewide residential eviction moratorium created by the Governor in Executive Order 20-13 and established a statewide six-month repayment grace period.

J. On September 24, 2020, the Board repealed Ordinance Nos. 1282 and 1284 and replaced them with Ordinance No. 1287 to provide continued renter protections in Multnomah County in response to COVID-19.

K. On December 17, 2020, the Board adopted Resolution 2020-110 to continue the emergency declared in Executive Rule 388 and its Addendum until July 2, 2021, or until rescinded.

L. The State of Oregon extended statewide renter protections in HB 4401 (2020 Third Special Session). HB 4401 extended the emergency period and the end of the repayment grace period until June 30, 2021.

M. The State of Oregon further extended statewide renter protections in SB 278 (2021 Regular Session). SB 278 provides that if a tenant provides the landlord with documentation that the tenant has applied for rental assistance, a landlord may not:

(A) Deliver a termination notice for nonpayment; or

(B) Initiate or continue an action for possession based on a termination notice for non-payment.

N. On June 24, 2021, the Board adopted Resolution 2021-058 to continue the emergency declared in Resolution 2020-110 and its Addendum until December 31, 2021, or until rescinded.

O. On September 4, 2020, the Center for Disease Control and Prevention ("CDC"), located within the U.S. Department of Health and Human Services, issued an Order temporarily halting evictions in the United States. Section 502 of Title V, Division N of the Consolidated Appropriations Act, 2021 extended the Order until January 31, 2021. With the extension of the Order, Congress also provided \$25 billion for emergency rental assistance for the payment of rent and rental arrears. Congress later provided an additional \$21.55 billion in emergency rental assistance when it passed the American Rescue Plan.

P. On January 29, 2021, following an assessment of the ongoing pandemic, the CDC renewed the Order until March 31, 2021. On March 28, the CDC renewed the Order until June 30, 2021. This Order further extends the prior Eviction Moratorium until July 31, 2021, while the Department of the Treasury disburses the remaining funds to state and local jurisdictions, and those grantees continue to accelerate efforts to deploy rental assistance on behalf of tenants.

Q. The County supports uniform implementation and enforcement of residential rental protections to ensure consistent renter protections that further address the COVID-19 public health emergency and address its significant and long lasting impacts in Multnomah County. In addition to the factual support in the CDC orders and SB 278, this action is deemed necessary because:

1. Of the estimated 15,148 households who have applied for state-funded rent assistance, approximately 10,202 reside in Multnomah County. The average total annual amount of short-term rent assistance distributed in Multnomah County under pre-pandemic conditions was approximately \$10 million. The County and its partners are now responsible for distributing almost \$100 million, requiring a significant reorganization and expansion of its systems. The scale of projected need as compared to other Oregon counties requires additional time for service providers to process applications, and to meet the legislative intent of Senate Bill 278.

2. Historically, recovery from an economic downturn takes longer for communities of color. Low-income communities of color have always faced disproportionate barriers to economic opportunities that allow them to pay rising rents and other housing costs. But the COVID-19 pandemic created additional obstacles for those communities, which will continue to exist beyond the lifting of public health restrictions and the statewide eviction moratorium. Statewide landlord data on renters' ability to pay rent has shown consistent volatility in properties that are generally more affordable to low-income households. The locations of these properties correlate with areas of Multnomah County where there are higher population rates of low-income households, communities of color, and higher rates of unvaccinated residents.
3. Despite overall improvement in national employment rates, employment in the leisure and hospitality industry in Multnomah County remains approximately 40 percent below pre-pandemic levels. Due to lower barriers to entry, many low-income Multnomah County residents depend on the leisure and hospitality industry for employment and income. The nature of this work generally does not allow for teleworking and often requires face-to-face interactions (restaurants, conventions, etc.). As such, the leisure and hospitality industry was one of the first sectors to lay off much of its workforce at the beginning of the pandemic, and therefore, will be one of the last to recover, placing many low-income residents at risk of eviction and in need of timely rent assistance.
4. Extending the protection from eviction established by SB 278 will ensure that providers have sufficient time to reach these households and process rent assistance applications, mitigating further disproportionate impacts of the COVID-19 pandemic on local communities of color.
5. This Ordinance does not relieve tenants of the obligation to pay rent. It is designed to provide sufficient time for both tenants and landlords to secure emergency financial assistance as provided by funding designed to respond to the economic impacts of the COVID-19 pandemic.

R. The County is committed to responding to the impacts of the COVID-19 pandemic.

Multnomah County Ordains as Follows:

1. It is now considered necessary to adopt and incorporate by reference Sections 2, 3, and 5 of SB 278 (2021 Regular Session), and extend the timeline of 60 days established by SB 278 in Sections 2(2)(c) and 2(5)(b) to 90 days;
2. This action is necessary to avoid mass evictions for non-payment of rent directly attributed to the lingering impacts of COVID-19 pandemic, promote housing stability, and protect the health and safety of community members in Multnomah County, and;
3. This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, an emergency is declared and this ordinance will take effect on July 9, 2021, and is rescinded on March 1, 2022.

FIRST READING AND ADOPTION:

July 8, 2021



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

REVIEWED:
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FOR MULTNOMAH COUNTY, OREGON

By *JM Madkour*

Jenny M. Madkour, County Attorney