

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE No. 880

ADOPTED

**An Emergency Ordinance Extending the 60-day
protection period in SB 278 (2021) to 90 days**

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1.

FINDINGS:

A. The County declared a state of Emergency on March 4, 2020 and has extended that declaration until November 9, 2021.

B. The Board finds that an actual emergency exists and that there is a need to enact this ordinance under the emergency provisions of Washington County Charter Chapter 5, Section 50(e)-(f).

C. Pursuant to Section 50, a unanimous vote of the Board is required to adopt an emergency ordinance.

D. 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.

E. 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.

Page 1 - An Ordinance Extending the 60-day protection period in SB 278 (2021) to 90 days

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

- 4 1. Deliver a termination notice for nonpayment; or
- 5 2. Initiate or continue an action for possession based on a termination notice for non-
6 payment.

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

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

19 I. In addition to the factual support in the CDC orders and SB 278, this action is deemed
20 necessary because:

- 21 1. There are currently approximately 6,500 Washington County households who have

1 applied for rental assistance. These individuals could face eviction if they do not receive
2 assistance before the 60-day period set in Senate Bill 278 expires, and

- 3 2. Historically, recovery from an economic downturn takes longer for communities of color.
4 Low-income communities of color have always faced disproportionate barriers to
5 economic opportunities that allow them to pay rising rents and other housing costs. But
6 the COVID-19 pandemic created additional obstacles for those communities, which will
7 continue to exist beyond the lifting of public health restrictions and the statewide eviction
8 moratorium. Statewide landlord data on renters' ability to pay rent has shown consistent
9 volatility in properties that are generally more affordable to low-income households, and
- 10 3. Extending the protection from eviction established by SB 278 will ensure that providers
11 have sufficient time to reach these households and process rent assistance applications,
12 mitigating further disproportionate impacts of the COVID-19 pandemic on local
13 communities of color, and
- 14 4. This Ordinance does not relieve tenants of the obligation to pay rent. It is designed to
15 provide sufficient time for both tenants and landlords to secure emergency financial
16 assistance as provided by funding designed to respond to the economic impacts of the
17 COVID-19 pandemic.

18 J. Washington County is committed to responding to the impacts of the COVID-19 pandemic.

19 SECTION 2.

20 The Board finds and takes public notice that it is in receipt of all information necessary to
21 consider this Ordinance in an adequate manner, and that this Ordinance complies with the ORS

Page 3 - An Ordinance Extending the 60-day protection period in SB 278 (2021) to 90 days

1 Chapter 431.

2 SECTION 3.

3 A. The Board hereby adopts and incorporates by reference Sections 2, 3, and 5 of SB 278 (2021
4 Regular Session); and

5 B. The Board hereby extends the timeline of 60 days established by SB 278 in Sections 2(2)(c) and
6 2(5)(b) to 90 days; and

7 C. The Board finds that this action is necessary to avoid mass evictions for non-payment of rent
8 directly attributed to the lingering impacts of COVID-19 pandemic, promote housing stability, and
9 protect the health and safety of community members in Washington County.

10 SECTION 4.

11 A. Nothing herein is intended, nor shall it be construed, as amending, replacing or otherwise
12 being in conflict with any other ordinances of Washington County unless expressly so stated.

13 B. If any section, clause, phrase, or word of this Ordinance, including the exhibit, shall for any
14 reason be held invalid, unconstitutional, or unenforceable by a body of competent jurisdiction, the
15 remainder of this Ordinance or its application and all portions not so stricken shall not be affected
16 thereby and shall remain in full force and effect.

17 C. The Office of County Counsel is authorized to codify this Ordinance and to make any technical
18 changes, not affecting its substance, as are reasonably necessary to accomplish codification.

19 SECTION 5.

20 This Ordinance shall take effect immediately upon adoption.

1 ENACTED this 21st day of September, 2021, being the
2 1st reading and 1st public hearing before the Board of County
3 Commissioners of Washington County, Oregon.

4 BOARD OF COUNTY COMMISSIONERS
5 FOR WASHINGTON COUNTY, OREGON

6
7 CHAIR



8
9 RECORDING SECRETARY



10 READING

PUBLIC HEARING

11 First **9/21/21**
12 Second
13 Third
14 Fourth
15 Fifth

First **9/21/21**
Second
Third
Fourth
Fifth

14 VOTE: *Aye:*
15 **Harrington, Treece, Fai, Rogers, Willey**

Nay:

16 Recording Secretary:

Date: **9/21/21**

17 