

Southern Oregon Tenant-Landlord Rent Assistance Guide for COVID-19

This handbook has information for both tenants and landlords about the law relating to rent payments and evictions during the COVID-19 pandemic, and about rent assistance that may be available. It may also be helpful to public officials, courts, and those trying to help landlords and tenants during this difficult time.

The information included here has been compiled and reviewed by various Oregon tenant and landlord advocates and public agencies; it is offered in good faith but should not be considered legal advice.

For more specific legal advice, tenants can contact Legal Aid Services of Oregon or the Oregon Law Center (contact information for local offices is available in the Resources section of this handbook). Landlords or tenants can contact the Oregon State Bar Lawyer referral service, their own attorney, or one of the private landlord/ tenant attorneys listed at the end of the handbook, in the Resources section.

- More information and assistance is available for **tenants** at [OregonLawHelp.org](https://www.oregonlawhelp.org).
- Information for **landlords** is available from the Oregon State Bar at [osbar.org/public/legalinfo/landlordtenant.html](https://www.osbar.org/public/legalinfo/landlordtenant.html) and from the following landlord associations:
 - **Multifamily NW** (<https://www.multifamilynw.org/>)
 - **Oregon Rental Housing Association** (<https://www.oregonrentalhousing.com/>)
 - **Rental Housing Alliance Oregon** (<https://rhaoregon.org/>)
 - **Southern Oregon Rental Owners Association** (<https://soroa.net>)

Table of Contents

This handbook contains information on the following topics:

1. Statewide eviction moratorium and rent repayment grace period	3
2. Court evictions	4
3. Rent assistance	5
4. Frequently Asked Questions	6
5. Resources	8
• Community Action Agencies	8
• Legal Resources	9
• Private landlord tenant attorneys	10

ATTACHMENTS

- Covid-19 Eviction Moratorium: 5 Step Tenant Protections One-pager
- Suspensión del desalojo debido al COVID-19: Protecciones para arrendatarios en cinco pasos
- Covid-19 Rent Relief Assistance Flyer in English
- Covid-19 Rent Relief Assistance Flyer in Spanish

1. Statewide eviction moratorium and rent repayment grace period

The Oregon Legislature enacted HB 4213 on June 30, 2020. HB 4213 extends and expands on the Governor's earlier eviction moratorium. This law applies everywhere in Oregon, including to tenancies for manufactured home parks and RV parks.

Under the new law, landlords cannot give a termination notice or file an eviction based on nonpayment of rent that came due between April 1, 2020, and September 30, 2020. This is called the “**emergency period.**” In addition, during the emergency period, landlords cannot give a notice of termination without cause, or file for eviction based on a notice of termination without cause. The only exception is that a landlord is allowed to give a tenant a 90-day notice to terminate the tenancy if the landlord is selling the home to a buyer who plans to move in.

Tenants have until March 31, 2021, to pay back any rent that came due between April 1 and September 30. The law refers to this 6-month extension as the “**grace period.**” Landlords cannot charge any late fees for the rent that came due between April 1 and September 30, and cannot report the nonpayment to credit agencies. However, after March 31, 2021, landlords may give nonpayment notices and then file for eviction if tenants have not paid back all of the rent that they owe.

Starting October 1, 2020, tenants must pay rent that comes due starting in October. Landlords can give termination notices and file evictions based on nonpayment of October's rent or rent that comes due after October. But landlords cannot give a notice of termination or file an eviction based on rent that came due between April 1 and September 30, until after the grace period ends on March 31, 2021.

During the emergency period, landlords are allowed to tell tenants the amount of rent they owe. Any notice about the rent that is owed must also state that tenants cannot be evicted for nonpayment until after September 30, 2020. Landlords and tenants can agree to a repayment plan, or to partial rent payments, but tenants are not required to agree to any repayment plan.

Starting October 1, 2020, a landlord may give a tenant a notice that requires the tenant to tell the landlord if the tenant plans to use the grace period to pay back the rent the tenant owes. The purpose of this provision is to encourage communication and compromise between landlords and tenants. Tenants have 14 days to tell the landlord if they plan to use the grace period. If the tenant does not respond to the landlord's notice, the landlord can require the tenant to pay a penalty of one half of one month's rent after March 31, 2021. However, even if the tenant does not respond to the landlord's notice, the tenant is still allowed to use the grace period to pay back their rent.

If a landlord violates HB 4213, by giving a notice of termination for nonpayment or filing for eviction for nonpayment of rent that came due between April 1 and September 30, or by giving a notice of termination without cause or filing for eviction based on a termination without cause between April 1 and September 30, or by doing anything else to interfere with a tenancy because of a tenant's nonpayment, a tenant can file a lawsuit and ask for three months' rent as a penalty.

Landlord notices under this law must be in writing and delivered as required by ORS 90.155. Tenant notices may be written, oral, voicemail, or email, but tenants and landlords should both keep records of all communications with each other.

2. Court evictions

Oregon law provides that landlords cannot legally evict tenants without going to court. If a landlord tries to force a tenant out without a court order, the landlord can be liable for financial penalties and can lose the right to evict the tenant.

Court evictions were temporarily put on hold between April 1 and July 1, 2020. Landlords could file eviction cases, but courts postponed almost all hearings due to COVID-19. After July 1, 2020, courts were allowed to begin eviction cases again, as long as the court could open safely. Some courts have resumed eviction hearings, while others have not. Currently, different courts have different rules and procedures in place to make sure that everyone who comes to court can do so safely. Some courts are processing these cases remotely, by phone, or internet; some are still doing them in person with social distancing. If you have a court case coming up, or are planning to file a court case, you should contact your local court to find out what their current procedures are. You can find information for your local court at courts.oregon.gov/courts

Because of Oregon's current financial circumstances, courts are operating with reduced staff. Staff reductions and court closures, in addition to postponed hearings, mean that there is a backlog of cases, including eviction cases. Courts that have re-opened are beginning to work through their cases, starting with the oldest cases. If a landlord files an eviction case, the landlord should expect a delay before the court is able to hear a new case, especially in counties with larger populations and more evictions.

HB 4213 prohibits landlords from giving notices or filing evictions based on nonpayment of rent that came due between April 1 and September 30, 2020. It also prohibits landlords from giving notices of termination without cause or filing an eviction based on a termination without cause. A landlord is allowed to file for eviction based on a notice of termination for nonpayment that was issued before April 1, or for rent that comes due after September 30. A landlord can also get and enforce a judgment of restitution for the sheriff to remove a tenant based on nonpayment of rent that came due before April 1, or after September 30.

In addition, landlords are still allowed to give notices of termination and file for eviction based on tenant misconduct or violations of the rental agreement, other than nonpayment of rent. Evictions based on tenant violations of the rental agreement or misconduct are allowed to move forward, although it is likely that there will be delays in more populated counties. If a landlord gets a judgment allowing them to evict a tenant, the landlord can move forward with restitution, including having the sheriff lock a tenant out.

Tenants seeking representation in eviction cases should contact their local Legal Aid or Oregon Law Center office. Landlords seeking representation should contact the Oregon State Bar. In addition, a list of private sector landlord/tenant attorneys is attached at the end of this handbook.

3. Rent Assistance

In order to prevent evictions based on back rent that came due between April 1 and September 30, Oregon has set aside funds to help tenants pay their back rent. These funds may also be used to pay future rent due for October and following months. They are being distributed by local community action agencies. A list of those agencies, along with contact information, can be found at the end of this handbook. Tenants can also call 2-1-1 or go to 211info.org for more information about applying for rent assistance. There is no charge for tenants to apply for assistance or to call 2-1-1.

Tenants are responsible for applying for rent assistance. If a tenant qualifies, and if funds are available, the rent assistance will be paid directly to the tenant's landlord. Landlords are allowed to encourage tenants to apply for rent assistance but cannot require it. At this time, landlords are not allowed to apply for assistance on behalf of their tenants. Landlords whose tenants are seeking rent assistance should be prepared to provide confirmation of the need for rent assistance as a condition of receiving payment. Some agencies may require the landlord to provide their tax ID number and/ or an IRS W-9 form to receive payment.

Tenants should be prepared to apply for rent assistance more than once, as funds are likely to come in batches. If no funds are available at one time, additional funds may be available later. Tenants should keep applying.

Not all tenants will qualify for rent assistance. Tenants must be able to show that their income has been affected by COVID-19, or that they are unable to work or at greater risk from eviction because of being at higher risk from COVID-19. Most counties require that tenants have lower incomes to qualify for assistance. This would include tenants who have temporarily lost or had reduced income because of COVID-19. The income level for eligibility will depend on the county. If tenants need help paying their rent, they should ask for help as soon as possible.

4. Frequently Asked Questions

- Is a landlord allowed to give a tenant a notice saying that the tenant owes rent?
 - **Yes.** Under the new law, a landlord may remind the tenant that rent is still owed, although the tenant cannot be evicted for failure to pay rent before September 30. After September 30, the landlord can give the tenant a notice reminding the tenant that the back rent is still owed and that rents that come due starting in October must be paid on time. The landlord can also give a notice requiring the tenant to contact the landlord within 14 days about whether the tenant intends to rely on the grace period to pay the back rent before March 31, 2021. For October rent, and any rent that comes due after October, landlords can give the usual nonpayment of rent notices.
- Are a landlord and a tenant allowed to work out a payment plan to cover back rent?
 - **Yes.** A landlord and a tenant can come to an agreed repayment plan, but a tenant is not required to enter into any kind of payment plan. A tenant is only required to tell the landlord that they plan on paying back rent during the six-month grace period, and to pay back all of the rent that's owed on or before March 31, 2021.
- Can a landlord evict a tenant for nonpayment after October 1, 2020?
 - **Yes,** but only for rent that is due for October or later. If a tenant doesn't pay October rent (or November, December, etc.) the landlord is allowed to give a notice of termination for nonpayment and, if the tenant doesn't pay, the landlord can file for eviction. But a landlord cannot give a notice of termination or file for eviction based on rent that came due between April and September of 2020, until after March 31, 2021.
- What if the first year of a tenancy was up during the eviction moratorium? Is a landlord allowed to give a no-cause termination notice?
 - **Yes,** after September 30. If the first year of a tenancy ends (or ended) between April 1 and September 30, a landlord is allowed to give a no-cause notice of termination by October 30, 2020. If all of the tenants in a household had already lived in the rental for a year before April 1, 2020, then the landlord is not allowed to give a no-cause termination unless the landlord or an immediate family member intends to move in, the landlord has sold the place to someone who plans to move in, the landlord lives on the same property in a duplex or Auxiliary Dwelling Unit (ADU), the tenant lives on the same property as the landlord in a duplex or ADU, or the landlord plans to demolish or remodel the property.
- Can a landlord give a notice of termination for cause, or file for eviction based on a notice for cause?
 - **Yes.** The new law only prohibits evictions for nonpayment of rent or no cause terminations during the emergency period. A landlord is still allowed to give a tenant a notice based on the tenant's violation of the rental agreement or the law.

- Are there resources for tenants to get help repaying their back rent?
 - **Yes.** Contact the Community Action Agency that serves your county (next page). Page 11 of this document contains a list of additional Jackson County organizations that can help. You can also call 2-1-1 or visit 211info.org

- Are there resources for landlords who can't pay their mortgages?
 - **Yes.** Forbearance programs are available under both the federal CARES Act and HB 4204 for landlords who own rental properties with federally backed mortgages, such as those backed by Fannie Mae and Freddie Mac. Other lenders are following these guidelines; contact your lender directly to determine what relief is available. Owners of larger complexes with loans securitized by Residential Mortgage-Backed Securities (RMBS) or Commercial Mortgage-Backed Securities (CMBS) should also contact their lender to determine their options.
 - To determine if your federally-backed mortgage is subject to forbearance, go to:
 - Fannie Mae - <https://www.knowyouroptions.com/loanlookup>
 - Freddie Mac - <https://ww3.freddie.mac.com/loanlookup/>
 - Even if your mortgage is not backed by the federal government, other lenders are required to offer a deferral of mortgage payments under state law until September 30, 2020. You may be eligible to defer mortgage payments, as many banks and mortgage servicers are enacting their own deferment programs – call your mortgage servicer for more information. Other resources on actions by banks in Oregon can be found at: <https://www.oregonbankers.com/coronavirus-response.html>

5. Resources

This section includes contact information for the following resources:

- Community Action Agencies by county
- Legal Aid/ Oregon Law Center offices by county
- Private landlord/ tenant lawyers

Community Action Agencies

Rent assistance funding has been distributed to local Community Action Agencies across Oregon. You can find your local agency listed below by county. Call your agency or go to their website for more information about how to apply for rent assistance, and for information about who is eligible for assistance. Or, you can call 2-1-1 or visit 211info.org

- JACKSON COUNTY
ACCESS
www.accesshelps.org
(541) 779-9020
- JOSEPHINE COUNTY
United Community Action Network
www.ucanap.org
(541) 956-4050
- KLAMATH COUNTY
Klamath/Lake Community Action Services
www.klcas.org
(541) 882-3500

Legal Resources

- Legal Aid Services of Oregon and the Oregon Law Center have local offices throughout the state. Legal help is available for **tenants with low incomes**. Representation is **not available for landlords**. The following offices serve residents of southern Oregon. Please be aware that many offices are closed for walk-in appointments during the COVID-19 pandemic. You should call your local office before you go.

JACKSON COUNTY

Center for Non-Profit Legal Services
225 W. Main Street (P.O. Box 1586)
Medford, OR 97501
(541) 779-7291
www.cnpls.org

JOSEPHINE COUNTY

OLC Grants Pass Office
424 NW 6th Street, Suite 102
(P.O. Box 429)
Grants Pass, OR 97528
(541) 476-1058

KLAMATH COUNTY

LASO Klamath Falls Regional Office
832 Klamath Avenue
Klamath Falls, OR 97601
(541) 273-0533, or 1(800) 480-9160

- Landlords may contact one of these landlord groups for referrals:
 - Multifamily NW (<https://www.multifamilynw.org/>)
 - Oregon Rental Housing Association (<https://www.oregonrentalhousing.com/>)
 - Rental Housing Alliance Oregon (<https://rhaoregon.org/>)
 - Southern Oregon Rental Owners Association (<https://soroa.net>)
- The [Oregon State Bar Lawyer Referral Service](#) can connect you with attorneys in your area for a one-time consultation for \$35. If you qualify for the Modest Means Program, you may be able to get representation at a reduced rate. These services are available to both landlords and tenants. Contact the Oregon State Bar at osbar.org or at 503-684-3763/ 800-452-7636.

Private landlord tenant attorneys

This is a list of attorneys who regularly represent landlords and/ or tenants:

- Jane L. Moisan (tenants only)
971.258.1292
PeoplesLawProject@gmail.com
- David Lawrence
503.295.3651
dlawrencelegal@gmail.com
- Troy Pickard (tenants only)
503.592.0606
troy@portlanddefender.com
- Scott Staab
503.929.9262
skstaab@yahoo.com
- Ann Witte
503.477.4690
awitteatty@gmail.com
- Harry Ainsworth
503.417.0476
hainsworth03@yahoo.com
- Mark Passannante
503.294.0910
markgpassannante@gmail.com
- Frank Wall
503.223.6066
fwall@ipns.com
- Charles Kovas
503.496.5543
charleskovaslaw@gmail.com
- Brian D. Cox (landlords only)
541.683.7151
bcox@coxassociates.info
- Michael J. Stout
541.776.2020
mstout@stoutlawllc.com
- Matthew G. Shepard
503.385.0121
atty@mshepardlaw.com
- Warren Allen LLP
(landlords only)
503.255.8795
contact@warrenallen.com
- Greenspoon Marder LLP (landlords only)
503.227.2805
<https://www.gmlaw.com/contact-us/>

COVID-19 Eviction Moratorium: 5-Step Tenant Protections

STEP 1: Know Your Rights

The Oregon Legislature passed a law so landlords in Oregon can't do the following until **October 1**:

1. Give a notice of termination for nonpayment of rent or fees due between April 1 and September 30;
2. Give a notice of termination without cause;
3. Report unpaid rent or fees to credit agencies; or
4. Charge fees for late rent

After the eviction moratorium ends on October 1, renters have until March 31, 2021 to catch up on any rent payments they missed between April and October 2020. But landlords can give notices of termination or file evictions for other reasons, both during and after the moratorium. Get more information at

OregonLawHelp.org.

STEP 2: Write to Your Landlord

If you think you might struggle to pay rent, tell your landlord in writing and save a copy. Many programs assist renters prior to falling behind or help renters get caught up on rent. Ask for help right away.

STEP 3: Seek help

As soon as you know you need help with rent, ask for it. You may qualify for help with rent, energy, and more. Due to the large number of requests, there may be a waiting period to qualify for and/or get assistance.

STEP 4: Contact one of these agencies:

- ACCESS: 541-414-0308; covid@accesshlems.org
- Family Nurturing Center: 541-779-5242; familynurturingcenter.org
- Options for Helping Residents of Ashland (OHRA): 541-631-1135; helpingashland.org
- St. Vincent de Paul: 541-772-3828; stvincentdepaulmedford.info
- Unete: 541-245-1625; UneteOregon@email.com
- United Way: 541-773-5339; unitedwayofjacksoncounty.org

STEP 5: Get Ready

If you don't pay October's rent, your landlord can give you a notice of termination for nonpayment of October's rent, and then file for eviction if you don't pay your rent. You may also get a notice from your landlord requiring you to tell them within 14 days if you plan to use the six-month grace period to pay back any outstanding rent. **You must respond and tell your landlord if you plan to use the grace period.** (It's best to respond in writing, and to keep a copy.) [The Oregon Law Center](http://TheOregonLawCenter) and the [Community Alliance of Tenants](http://CommunityAllianceofTenants) have sample letters you can use to let your landlord know that you plan to use the grace period. **If you don't tell your landlord, they can charge a penalty of half of one month's rent, after March 31, 2020.** However, you will still be able to use the 6-month repayment period for past rent.

Remember, you have to catch up on any rent you didn't pay between April and October 2020 by March 31, 2021. This information can be complex. Please visit [The Oregon Law Center](http://TheOregonLawCenter) and the [Community Alliance of Tenants](http://CommunityAllianceofTenants) websites for more in-depth information.

Take Care of Yourself

These are difficult times and continued stress can affect sleep, mental health and relationships. 211 provides resources and NAMI Oregon has a free mental health hotline for support.

COVID-19 RELATED RENTAL RELIEF ASSISTANCE

FUNDS AVAILABLE TO ASSIST WITH RENT OWED

Who Can it Help?

Renters in Jackson County who have been affected by COVID-19. Must meet income criteria.

How to Get Assistance?

ACCESS

541-414-0308
covid@accesshelps.org

Family Nurturing Center

541-779-5242
familynurturingcenter.org

United Way

541-773-5339
unitedwayofjacksoncounty.org

UNETE

541-245-1625
uneteoregon@gmail.com

OHRA

541-631-1135
helpingashland.org

St. Vincent de Paul

541-772-3828
stvincentdepaulmedford.info

To apply for energy assistance online, visit:
accesshelps.org/energy-assistance

*if you have applied in the past and you have had a change in housing needs, please call to update your information.

Funding provided through the federal CARES act and Oregon Housing and Community Services by the state legislature through the Rental Relief Program