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COVID-19 and the Oregon Moratorium on Commercial Evictions

By the Business Practice Group

Landlords who own commercial property in Oregon should be aware of recent developments affecting their ability to evict tenants for failing to pay rent during the COVID-19 pandemic. Effective April 1, 2020, Oregon Governor Kate Brown issued [Executive Order 20-13](#), which places a 90-day moratorium on the termination of leases and related eviction proceedings under certain circumstances. The provisions of the Order distinguish between residential and non-residential tenancies.

Executive Order 20-13:

For landlords who own non-residential properties in Oregon, this means:

- A landlord cannot:
 - Terminate a tenant's lease for failing to pay rent (including utility charges and other service charges and fees);
 - Take any action, judicial or otherwise, to evict or dispossess a tenant for failing to pay rent; or
 - Charge or collect late charges or other penalties arising from the failure to pay rent during the period of the moratorium.
 - NOTE: A landlord retains the right to terminate a lease for causes *other than* the failure to pay rent. However, a landlord may not be able, as a practical matter, to pursue eviction or dispossession remedies against tenants for non-monetary defaults during this time due to limited court operations and the [postponement](#) by the Chief Justice of the Oregon Supreme Court of most tenancy related proceedings.
- A tenant must:
 - Notify the landlord as soon as is reasonably possible that the tenant is or will be unable to pay the rent in full, when due;