



Home of the Tualatin River National Wildlife Refuge

## RESOLUTION 2020-021

### RATIFYING THE CITY MANAGER'S EMERGENCY ORDER REGARDING EVICTIONS DURING COVID-19 EMERGENCY PERIOD

**WHEREAS**, the City of Sherwood previously enacted a local ordinance, SMC Chapter 2.38, pursuant to the authority granted by ORS Chapter 401 and the City Charter, that provides direction for the City, its officials, and others in the event that an emergency or disaster exists within the City, and which provides for executive responsibility in times of emergency and specifically delegates authority to the City Manager to declare a state of emergency and take other emergency actions; and

**WHEREAS**, pursuant to that authority, the City Manager declared a state of emergency relating to the COVID-19 pandemic at 1:30 pm on March 12, 2020, and subsequently issued an addendum to that declaration imposing a moratorium on residential and commercial evictions at 8:30 am on March 19, 2020; and

**WHEREAS**, although not required by SMC Chapter 2.38, the City Manager has requested that the City Council ratify these extraordinary actions by resolution; and

**WHEREAS**, having reviewed the declarations of the City Manager, the City Council has found them to be necessary and appropriate.

#### **NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The City Manager's Declaration of a State of Emergency, dated 1:30 pm on March 12, 2020, attached hereto as Exhibit A, and the City Manager's March 19, 2020 Addendum Imposing a Moratorium on Evictions, attached hereto as Exhibit B, are hereby ratified.

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 19<sup>th</sup> day of March, 2020.**

  
Keith Mays, Mayor

Attest:



Sylvia Murphy, MMC, City Recorder

**CITY OF SHERWOOD  
DECLARATION OF STATE OF EMERGENCY  
March 12, 2020**

WHEREAS, the City of Sherwood has enacted a local ordinance, Sherwood Municipal Code Chapter 2.38, pursuant to the authority granted by ORS Chapter 401 and the City Charter, that provides direction for the City, its officials, and others in the event that an emergency or disaster exists within the City, and which provides for executive responsibility in times of emergency and specifically delegates authority to declare a state of emergency to the City Manager; and

WHEREAS, the following conditions have resulted in the need for the declaration of a state of emergency:

Multiple cases of Coronavirus (COVID-19) have been detected in Washington County; and

The Washington County Board of Commissioners has declared a state of emergency relating to COVID-19 in Washington County, Oregon; and

The Governor of the State of Oregon has declared a state of emergency relating to COVID-19 in the State of Oregon; and

WHEREAS, the foregoing circumstances constitute a threat of imminent widespread or severe damage, injury to persons or property, human suffering, loss of life, and financial loss, which in the determination of the City Manager will cause such significant damage as to warrant disaster assistance from resources other than the City's to supplement the efforts and available City resources to alleviate the damage, loss, hardship or suffering caused; and

WHEREAS, the foregoing circumstances require a coordinated response beyond that which occurs routinely, and the required response cannot be achieved solely with the added resources acquired through mutual aid or cooperative assistance agreements; and

WHEREAS, the foregoing circumstances affect all of the territory within the City limits; and

WHEREAS, the foregoing circumstances are anticipated to remain in effect for a period of at least two weeks;

NOW, THEREFORE, IT IS DECLARED THAT A STATE OF EMERGENCY NOW EXISTS IN THE CITY OF SHERWOOD, ENCOMPASSING ALL OF THE AREA WITHIN THE CITY LIMITS; and

IT IS FURTHER DECLARED that the City and its officials shall be authorized to take such actions and issue such orders as are determined to be necessary to protect the public and property and to efficiently conduct activities that minimize or mitigate the effect of the emergency as described in SMC Chapter 2.38; and

IT IS FURTHER DECLARED that the City shall take all necessary steps authorized by law to coordinate response and recovery from this emergency, including, but not limited to, requesting assistance and potential reimbursements from the State of Oregon and the appropriate federal agencies, and it is declared that the City of Sherwood has expended all appropriate and available resources; and

IT IS FURTHER DECLARED that emergency procurements of goods and services are authorized pursuant to ORS 279B.080, ORS 279C.335(6), ORS 279.380(4), and all other applicable rules.

THIS DECLARATION IS EFFECTIVE ON MARCH 12, 2020 AT 1:30 P.M. AND SHALL REMAIN IN EFFECT UNTI 1:30 P.M. ON MARCH 26, 2020, UNLESS SUPERCEDED SOONER.

  
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Joseph Gall, ICMA-CM, City Manager

Date: 3/12/2020 Time: 1:30 pm

**CITY OF SHERWOOD  
DECLARATION OF STATE OF EMERGENCY  
March 12, 2020**

***March 19, 2020 Addendum Imposing a Moratorium on Evictions***

WHEREAS, I declared a state of emergency in the City of Sherwood due to COVID-19 in the Declaration of State of Emergency dated 1:30 p.m. on March 12, 2020; and

WHEREAS, the facts set forth in that declaration continue to exist, as well as the following additional facts:

The World Health Organization (WHO) has declared that COVID-19 is a global pandemic, which is particularly severe in high risk populations such as people with underlying medical conditions and the elderly, and the WHO has raised the health emergency to the highest level, requiring dramatic interventions to disrupt the spread of this disease; and

On March 13, 2020, the President of the United States declared a national emergency to allow the government to marshal additional resources to combat the virus; and

On March 17, 2020, the Governor of the State of Oregon announced new orders on social distancing measures, effective for at least four weeks, which include:

A statewide cancellation of all events and gatherings larger than 25 people—exempting essential locations like workplaces, grocery stores, pharmacies, and retail stores. It is additionally recommended that Oregonians avoid gatherings of 10 people or more; and

Restrictions on restaurants, bars, and other establishments that offer food or beverages for sale to allow only carry-out and delivery with no on-site consumption permitted; and

An urgent request that all businesses assess their practices, implement strong social distancing measures, and close their doors temporarily if they cannot put the Governor's guidance in place; and

WHEREAS, the rapidly evolving nature of this emergency has made it impracticable to list each action that the City and City Manager will take to preserve the health, welfare and safety of the community, and this addendum reserves all powers available under law; and

WHEREAS, as a result of the rate of spread and the recommendations and orders intended to mitigate the impacts, the COVID-19 crisis has had a severe negative effect on the local economy, and particularly the retail, restaurant, entertainment, and hospitality industries, among others, resulting in layoffs and reduced work hours for a significant percentage of the workforce and loss of income, and in some cases closures, for businesses; and

WHEREAS, the economic welfare of many families are dependent on the health of small businesses most at risk of impacts from the COVID-19 outbreak; and

WHEREAS, layoffs and substantially reduced work hours will lead to widespread economic hardship that will disproportionately impact low- and moderate-income workers resulting in lost wages and the inability to pay for basic household expenses, including rent; and

WHEREAS, residential evictions result in a loss of housing and create housing instability, potentially increasing the number of people experiencing homelessness and creating a heightened risk of disease transmission; and

WHEREAS, jurisdictions across the region and the nation are considering or have implemented eviction prevention to provide housing stability to dislocated workers during this unprecedented public health emergency; and

WHEREAS, commercial evictions may result in closure of businesses, which in turn will result in further loss of employment, exacerbating these effects, negatively impacting the availability of essential goods and services including food, and causing long-term damage to the local economy and its ability to recover from the COVID-19 pandemic; and

WHEREAS, Article XI, section 2, and Article IV, section 1(5), of the Oregon Constitution grant cities broad police powers to enact policies and regulations tailored to the needs of the city; and

WHEREAS, SMC Chapter 2.38 grants the City Manager broad authority in the event of an emergency; and

WHEREAS, a temporary moratorium on residential evictions during the COVID-19 outbreak is expected to protect the public health, safety, and welfare by reducing the number of individuals and families entering into homelessness during this epidemic, which means lowering the number of people who may develop the disease or spread the disease; and

WHEREAS, a temporary moratorium on commercial evictions during the COVID-19 outbreak is expected to protect the public health, safety, and welfare by protecting the ability of businesses to provide employment during and after this pandemic, thus reducing the likelihood of the above-described impacts on employees, and helping to ensure the continued availability of essential goods and services including food; and

WHEREAS, in order to encourage Sherwood residents and businesses to comply with closures and prevent further spread of COVID-19, the City must protect its residents and businesses from the fear of potential eviction due to economic dislocation; and

WHEREAS, the ability to maintain housing and the availability of essential goods and services during this pandemic is a public health imperative; and

WHEREAS, the state of emergency necessitates the utilization of emergency powers granted to the City Manager pursuant to SMC Chapter 2.38; and

WHEREAS, SMC 2.38.040(D) authorizes the City Manager "to take such actions and issue such written orders as deemed by him/her to be necessary and prudent to protect the public's health and safety as well as to protect both private and public property within and without the city"; and

WHEREAS, the local state of emergency due to COVID-19 requires the issuance of an additional declaration that is specifically aimed at a moratorium on residential and commercial evictions during the state of emergency in order to keep people housed and protect the public safety, health, and welfare as set forth herein.

NOW, THEREFORE, IT IS DECLARED THAT:

Section 1. This declaration is intended as an addendum to the March 12, 2020 Declaration of Emergency and provides additional measures to address these emergency conditions.

Section 2. A temporary moratorium is imposed on all residential and commercial evictions in the City of Sherwood for tenants on the basis of nonpayment of rent due to wage loss or loss of business revenue resulting from COVID-19.

Section 3. To establish eligibility for this moratorium, affected tenants must:

- a. Demonstrate substantial loss of income, through documentation or other objectively verifiable means, resulting from the COVID-19 pandemic, including federal, state, county or City of Sherwood 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 due to substantial loss of income as a result of the COVID-19 pandemic.

Section 4. Nothing in this moratorium shall relieve tenants of liability for unpaid rent, which landlords may seek, and tenants must pay within six months after expiration of the City of Sherwood's declaration of emergency, including any extensions thereof. No late fee may be charged or collected for rent that is delayed for the reasons stated in this moratorium, nor may a landlord seek rent that is delayed for the reasons stated in this moratorium through the eviction process.

Section 5. Any place of lodging within the City of Sherwood must accept and/or retain housing any individual whose payment is subsidized either by the City of Sherwood or Washington County or a contractor of either the City of Sherwood or Washington County.

Section 6. Refusal to accept or retain housing of individuals whose payment is subsidized either by the City, Washington County or a contractor of either the City or Washington County during the period in which the City of Sherwood's declaration of emergency is in effect, including any extensions thereof, will be subject to fines and penalties to the greatest extent possible.

Section 7. These temporary measures shall remain in effect for the duration of the declaration of emergency set forth in the March 12, 2020 Declaration of State of Emergency, and for such time as that declaration may be extended.

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Joseph Gall, ICMA-CM, City Manager

Date: 3/19/2020 Time: 8:30 am