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PRESS RELEASE

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Oregon Legislature Adjourns First Special Session of 2020

SALEM – Today the Oregon Legislative Assembly adjourned its first special session of 2020. Governor Kate Brown called on the legislature to respond to the public health threat posed by the COVID-19 pandemic and enact police accountability reforms.

The Legislative Branch created a thorough mitigation plan to minimize the risk of spreading COVID-19 while completing the urgent work of the special session. Infectious disease experts from Oregon Health & Science University toured the Capitol and reviewed the legislature's written plan, which included physical distancing, face coverings, minimized staffing levels, and virtual-only public testimony.

Below are highlights of some of the bills approved in the three-day special session.

Residential and Commercial Rent, Eviction, and Foreclosure Protections

- House Bill 4204: Directs lenders to defer both residential and commercial mortgage payments during the pandemic emergency period until September 30, 2020 if a borrower is unable to pay due to the COVID-19 pandemic. Deferred payments would be due at the end of the loan, unless the borrower and lenders determine alternate, agreeable terms.
- House Bill 4213: Extends the moratorium on both commercial and residential no-cause evictions through September 30, 2020 and creates a six-month repayment grace period after the moratorium ends for tenants to repay their back rent accrued during the moratorium. During the repayment period, tenants may not be evicted for failure to repay their back rent, but they must keep paying their ongoing monthly rent. Negative credit reporting for non-payment of rent during the moratorium is prohibited, as is assessing late fees or other penalties for nonpayment during the moratorium period.

COVID-19 Response

The omnibus House Bill 4212 covers a variety of areas to support public health, individuals, local governments, courts and businesses during the COVID-19 pandemic:

- **Emergency shelter siting** – Temporarily waives all siting, design, and zoning regulations for local governments to develop low-barrier shelters and navigation centers to provide support for Oregonians experiencing unsheltered homelessness, who are at high-risk of virus transmission. Siting provisions are limited to 90 days.
- **Remote notary provisions** – Authorizes a pilot program to allow notaries to perform work using electronic technology to prevent the spread of COVID-19 and protect public health.
- **Enterprise zone deadline extension** – Delays the expiration date of enterprise zones in the state by six months, preventing a June 30 expiration.
- **Individual development account funds for pandemic relief** – Provides flexibility for individual development accounts to be used for emergency expenses.
- **COVID-19 race and ethnicity data** – Requires health care providers to collect data on race, ethnicity, preferred spoken and written languages, English proficiency, interpreter needs and disability status (REALD) during the provision of health services related to COVID-19. Directs OHA to adopt rules requiring providers to collect and report data, specifies timelines for data collection, and allows OHA to provide incentives to health care providers to comply with requirements. Data is confidential and used for public health purposes.
- **Safe public meetings** – Allows local governments and other public bodies to hold virtual meetings so they can continue to provide essential services and make decisions in a public and transparent manner, while preventing the spread of COVID-19 and protecting public health. The language specifies notice, quorum, social distancing, and recording requirements.
- **CARES Act payment protection** – Protects vulnerable Oregonians who receive CARES Act Recovery Rebate payments having portions of those payments withheld, so all relief money can be used to pay for essential needs like housing, food and medical needs. Payments are protected from any garnishment actions initiated before September 30, 2020.
- **Safe court proceedings** – Gives the Chief Justice the authority in certain circumstances to extend statutory deadlines for court appearances if the COVID-19 pandemic results in delay of court processes. Allows for up to a 60-day extension of the time to conduct a trial of a defendant accused of a person crime, beyond the current 180-day limit, only if the court finds 1) circumstances caused by the pandemic establish a good-cause delay of the trial; 2) clear and convincing evidence of the substantial and specific danger of physical injury or sexual victimization to the victim or members of the public should release occur; and 3) no release conditions could sufficiently mitigate that danger.

- **Temporary Physician Assistant Authorization** – Physician Assistants (PA) are given flexibility during the emergency period to practice at the top of their scope to aid in emergency response.

Police Accountability

- House Bill 4201: Establishes a Joint Committee on Transparent Policing and Use of Force Reform to continue making progress on police reform. The committee is directed to examine policies to improve transparency in investigations and complaints regarding use of force by police officers; increase transparency in police protocols and process to build public trust; examine policies that reduce the prevalence of serious physical injury or death caused by use of force, the authorization of use of force under state law, and the disparate impact on communities of color; determine most appropriate policy for independent review of deadly force; and make recommendations to the Judiciary committees by December 31, 2020.
- House Bill 4203: Declares that a peace officer is not justified or reasonable in any circumstance to use physical force that impedes “the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person” unless it is a circumstance in which an officer may use deadly force as provided by ORS 161.239. Rules will be adopted prohibiting the training of this force, except as a defensive maneuver.
- HB 4205: Requires police and reserve officers to intervene to prevent or stop another officer from engaging in an act they know, or should reasonably know is misconduct. Misconduct is defined as “unjustified or excessive force that is objectively unreasonable under the circumstances or in violation of the law enforcement agency's use of force policy; sexual harassment or sexual misconduct; discrimination against a person based on protected class; committing a crime; or violation of the minimum standards for fitness for public safety personnel.” The bill requires the officer to report the misconduct as soon as possible, but no later than 72 hours after the misconduct; failure to report is grounds for discipline. DPSST will provide an annual report to the legislature on the rule adopted for implementation.
- HB 4207: Requires the Department of Public Safety Standards and Training (DPSST) to establish a statewide online public database of records for officers whose certification has been revoked or suspended and specifies the information to be provided as well as timeline for posting. The bill brings current grounds for revocation or suspension of certification by DPSST from rules into statute. Law enforcement agencies are required to request and review applicant's personnel files from current or prior employing law enforcement agencies and liability protection is provided for requesting and supplying agencies. Clarification is given that both violation and criminal convictions for marijuana possession are not grounds for mandatory suspension or revocation of certification.
- HB 4208: Prohibits law enforcement agencies from using tear gas for crowd control, except for circumstances that meet the definition of a riot in ORS 166.015. Before using tear gas in the event of a riot, law enforcement must 1) announce their intent to use tear

gas; 2) allow sufficient time for individuals to evacuate the area; 3) announce for a second time that they intend to use tear gas.

- SB 1604: Under current processes, when an internal investigation finds misconduct of a police officer, the Chief of Police would apply a discipline guide that has been agreed to by the public employer and the collective bargaining unit. In response, the officer has the option to grieve the decision all the way to arbitration. The arbitrator has the power to either disagree with the finding, agree with the finding and uphold the discipline, or agree with the decision but substitute a different discipline. Under this measure if the arbitrator agrees misconduct occurred they must impose the discipline required by the matrix.

Other Urgent Needs

- SB 1601: Prevents citations from being issued for expired driver licenses, permits, and vehicle registrations and further directs courts to dismiss any citation for specified offenses between March 1, 2020 and December 31, 2020. SB 1601 also provides flexibility for transit providers by allowing Oregon's Statewide Transportation Improvement Fund (STIF) to be used to maintain existing service. Previously, the STIF was reserved for transit expansion or improvement. Additionally, SB 1601A merges the Elderly and Disabled Transportation Fund with the STIF and requires the Oregon Transportation Commission to dedicate a portion of the fund to transit for older adults and individuals with disabilities.
- HB 4210: Removes authority of courts to impose driving privilege suspensions for failure to pay traffic-related fines or comply with requirements ordered in lieu of fines.
- House Bill 4214: Modifies Oregon's dependency code to align with the federal Indian Child Welfare Act (ICWA) and requires the Oregon Department of Human Services to provide biennial reports about American Indian and Alaska Native children in the child welfare system.
- SB 1603: The Rural Telecommunications Act establishes the Broadband Fund to support projects for planning or developing broadband service infrastructure, and for the administration of the Oregon Broadband Office. Subjects sale of all retail telecommunications services, retail commercial mobile radio services, and retail interconnected voice over Internet protocol services to the universal service fund surcharge to support the Broadband Fund.
- HB 4202: Makes technical changes and clarifications to the commercial activity tax that the legislature approved in 2019. These changes include technical clarifications and exempting six small, Oregon dairies.

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