

In the Matter of Extending Statutory)	CHIEF JUSTICE ORDER
Time Periods and Time)	No. 21-031
Requirements in Forcible Entry and)	
Detainer (FED) Proceedings)	ORDER EXTENDING STATUTORY TIME
)	PERIODS AND TIME REQUIREMENTS IN
)	FORCIBLE ENTRY AND DETAINER (FED)
)	PROCEEDINGS

I HEREBY FIND AS FOLLOWS:

1. ORS 1.002 provides that:
 - a. The Chief Justice of the Oregon Supreme Court is the administrative head of the judicial department of government in this state; shall exercise administrative authority and supervision over the courts of this state consistent with applicable provisions of law; and, to facilitate exercise of that administrative authority and supervision, may make rules and issue orders as appropriate or take any other action appropriate to perform the functions of the office of Chief Justice; and
 - b. The Chief Justice may delegate the exercise of any powers specified in ORS 1.002 to the Presiding Judge of a court.
2. ORS 1.171(2) provides that, to facilitate exercise of administration and supervision over the circuit court of the district consistent with applicable provisions of law, the Presiding Judge may apportion and otherwise regulate the disposition of the judicial business of the circuit court of the judicial district, and make rules, issue orders, and take other appropriate action to that exercise; and ORS 1.171(3) provides that the Presiding Judge may assign actions and proceedings pending before a court to other judges of the judicial district for hearing and disposition.
3. On March 8, 2020, Governor Kate Brown signed Executive Order 20-03, which declared a state of emergency because of the threat that the COVID-19 coronavirus posed to public health and safety (hereafter, "COVID-19 state of emergency"). On June 25, 2021, Governor Brown issued Executive Order 21-15, which extended the COVID-19 state of emergency to December 31, 2021.
4. Section 6(1)(a)(A) of Oregon Laws 2020, chapter 12, provides that, during a declared COVID-19 state of emergency and continuing for 60 days after the declaration or any extension is no longer in effect, and upon a finding of good cause, the Chief Justice may extend or suspend any time period or time requirement established by statute or rule that applies in any case, action or proceeding after its initiation in any circuit court.
5. Section 6(4) of Oregon Laws 2020, chapter 12, provides that, during a declared COVID-19 state of emergency and continuing for 90 days after the declaration or any extension is no longer in effect,
 - a. Notwithstanding any other statute or rule to the contrary, the Chief Justice may direct or permit any appearance before a court or magistrate to be by telephone, other two-way electronic communication device, or simultaneous electronic transmission; and

- b. If an appearance is set to occur as just described, a Presiding Judge instead may order that the appearance be in person if, upon the request of a party, the judge determines that there is a particular need for an in-person hearing or that a party has a constitutional right to an in-person hearing.
6. Section 6(5) of Oregon Laws 2020, chapter 12, provides that the Chief Justice may delegate the exercise of any powers described in subparagraphs 4 or 5 to the Presiding Judge of a court.
7. In Executive Order 21-15, Governor Brown stated that her most recent extension of the COVID-19 state of emergency was essential for continuing flexibility for statewide recovery, including as to statutes drafted to end once the state of emergency ends, such as those providing for extension of certain court deadlines. Executive Order 21-15 states that that continued flexibility during the recovery period will help Oregon manage the transition back to “normal order” in a manner that is smooth and less disruptive.
8. On June 28, 2021, I issued Chief Justice Order (CJO) 21-025 (Establishing Updated Directives Relating to Court Operations), which included, in paragraph 5, an exercise of my authority as described in paragraph 4 of these findings as to certain statutory time periods and time requirements that apply in Forcible Entry and Detainer (FED) proceedings.
9. Congress has passed the CARES Act providing for millions of dollars in emergency federal rent assistance. Oregon is still in the process of distributing that emergency rental assistance to landlords and tenants. Oregon agencies need additional time to ensure that those rent assistance dollars are delivered to landlords, to prevent eviction filings and to pay landlords for past-due rent.
10. For the reasons given by Governor Brown in declaring a COVID-19 state of emergency and in extending that state of emergency, and for the reasons stated in paragraph 9 above, I find that good cause, as that term is used in Oregon Laws, chapter 12, section 6(1)(a) and described in paragraph 4 of these findings, exists to extend statutory time periods and time requirements in FED proceedings, as updated and set out in this order.

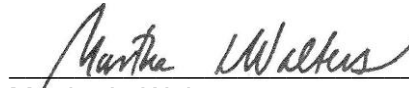
I HEREBY ORDER, pursuant to ORS 1.002 and Oregon Laws 2020, chapter 12, section 6, that:

1. This order applies to FED proceedings filed under ORS 105.110 and extends or provides authority to extend statutory time periods and time requirements during the COVID-19 state of emergency as described below, and continuing for 60 days after the declaration of that state of emergency is no longer in effect.
2. Notwithstanding ORS 105.135(2), in a case in which nonpayment of rent is alleged as a basis for eviction, the date of a first appearance shall be 21 days after the next judicial day following payment of filing fees, unless no judge is available for first appearance at that time, in which case the clerk may extend the first appearance date for up to seven additional days. In all other cases, a first appearance may be scheduled within 14 days after the next judicial day following payment of filing fees.
3. Notwithstanding ORS 105.137(6), in a case in which nonpayment of rent is alleged as a basis for eviction, the date of trial shall be no earlier than 20 and no later than 30 days

from the date of first appearance. In all other cases, a trial may be scheduled within 30 days from the date of first appearance.

4. An attorney representing a party at a first appearance or at trial may appear by remote means, with no need to file a motion requiring court approval.
5. This order supersedes:
 - a. Paragraph 5 of CJO 21-025 (Establishing Updated Directives Relating to Court Operations) (Forcible Entry and Detainer (FED) Proceedings) (June 28, 2021); and
 - b. Any provision of any Presiding Judge Order currently in effect that conflicts with paragraph 2, 3, or 4 of this order.
6. This order takes effect immediately. The authority granted by this order terminates 60 days after the declaration of the COVID-19 state of emergency or any extension is no longer in effect, or on further Chief Justice Order, whichever first occurs.

Dated this 19th day of August, 2021.



Martha L. Walters
Chief Justice