

**CITY OF BROOKINGS  
STATE OF OREGON**

**RESOLUTION 20-R-1176**

**A RESOLUTION OF THE CITY OF BROOKINGS TEMPORARILY AND PARTIALLY RESTRICTING  
THE RENTAL OF TRANSIENT LODGING FACILITIES TO CERTAIN PERSONS**

**WHEREAS**, the City of Brookings Council declared that a local State of Emergency exists for the City of Brookings under ORS 401.309 on March 23, 2020, Resolution 20-R-1174; and

**WHEREAS**, the Curry County Board of Commissioners declared that a local State of Emergency exists for Curry County under ORS 401.309 on March 18, 2020, Resolution No. R2020-08; and

**WHEREAS**, on March 8<sup>th</sup>, 2020, Oregon Governor Kate Brown moved Executive Order 20-03, Declaration of Emergency due to Corona Virus (COVID-19) outbreak in Oregon; and

**WHEREAS**, on March 12<sup>th</sup>, 2020, Oregon Governor Kate Brown moved Executive Order 20-05 Prohibiting Large Gatherings Due to Coronavirus (COVID-19) Outbreak in Oregon; and

**WHEREAS**, on March 17<sup>th</sup>, 2020, Oregon Governor Kate Brown moved Executive Order 20-06 Declaration of Abnormal Disruption of the Market due to COVID-19; and

**WHEREAS**, on March 17<sup>th</sup>, 2020, Oregon Governor Kate Brown moved Executive Order 20-07 Prohibiting On-Premises Consumption of Food or Drink and Gatherings of More Than 25 People; and

**WHEREAS**, on March 17<sup>th</sup>, 2020, Oregon Governor Kate Brown moved Executive Order 20-08 School Closures and the Provision of School-based and Child Care Services in Response to Coronavirus (COVID-19) Outbreak; and

**WHEREAS**, on March 19<sup>th</sup>, 2020, Oregon Governor Kate Brown moved Executive Order 20-09 Suspension of In-Person Instructional Activities at Higher Education Institutions in Response to Coronavirus (COVID-19) Outbreak; and

**WHEREAS**, on March 19<sup>th</sup>, 2020, Oregon Governor Kate Brown moved Executive Order 20-10 Preserving Personal Protective Equipment and Hospital Beds, Protecting Health Care Workers, Postponing Non-urgent Health Care Procedures, and Restricting Visitation in Response to Coronavirus (COVID-19) Outbreaks; and

**WHEREAS**, on March 22<sup>nd</sup>, 2020, Oregon Governor Kate Brown moved Executive Order 20-11 Enacting a Temporary Moratorium on Residential Evictions for Nonpayment in Response to Coronavirus (COVID-19); and

**WHEREAS**, on March 23<sup>rd</sup>, 2020, Oregon Governor Kate Brown moved Executive Order 20-12 Ordering Stay Home, Saves Lives: Ordering Oregonians to Stay at Home, Closing Specified Retail Businesses, Requiring Social Distancing Measures for Other Public and Private Facilities, and Imposing Requirements for Outdoor Areas and Licensed Childcare Facilities; and

**WHEREAS**, the Coronavirus (COVID-19) has greater health impacts to older populations and those with existing health conditions; and

**WHEREAS**, according to the US Census, Curry County's resident population of 50+ years of age is 55.7%, with a median age of 55.6 years; and

**WHEREAS**, according to the US Census, Curry County's resident population of 60+ years of age of full adults is 57.26%, having homes with at least one person 60+ years of age at 55.45%; and

**WHEREAS**, the 2018 Curry Health Risk Assessment by Advantage Health statistics show that Chronic Lower Respiratory Disease (CLRD) is the third leading cause of death in Curry County; and

**WHEREAS**, as of the date of this Resolution, there have been no presumptive of positive cases of Coronavirus (COVID-19) identified in Curry County; and

**WHEREAS**, the City of Brookings, Curry County, and our coastal communities have limited health care resources for in hospital patient care to treat Coronavirus (COVID-19) positive cases; and

**WHEREAS**, the City of Brookings and our coastal communities have limited supplies and resources for the needs of our residents or for people visiting our City and communities; and

**WHEREAS**, the City of Brookings resources are limited during this emergency time, along with first responder resources; and

**WHEREAS**, Governor Brown and the Oregon Health Authority have issued the Executive Orders listed above and protocols for state residents for social distancing and to stay home and stay healthy to reduce the spread and flatten the curve of the Coronavirus (COVID-19) as to not overwhelm the state's limited health care resources; and

**WHEREAS**, despite the Governor's "Stay Home" order, the City of Brookings and our coastal communities continue to experience an influx of visitors who are likely violating the Governor's order and the City has observed that such visitors commonly gather on the beach or in public in groups larger than ten people and such violations increase the risk of Coronavirus (COVID-19) spread in the City of Brookings, Curry County and our coastal communities; and

**WHEREAS**, the City of Brookings supports the long term success of our business community and encourages tourism, while recognizing that some business and tourism activities must be temporarily restricted because they encourage violations of Governor Brown's Executive Orders and violate the protocols from the Oregon Health Authority, in addition to adding stress on critical pandemic-fighting resources ; and

**WHEREAS**, the City of Brookings recognizes that during this time unlimited and increased Transient Lodging Facilities (TLF) rentals require increased housekeeping, laundry, maintenance, grocery-shopping, and other interactions, all of which increases the risk of virus spread; and

**WHEREAS**, the City has already asked Governor Brown to issue a similar restriction on TLF rentals and such restriction has not yet been issued; and

**WHEREAS**, the City Council and Mayor find that there is a causal nexus between a reasonable, temporary, and limited restriction of TLF rentals to certain persons and protecting the health, life, safety and welfare of the public while the successfully managing City resources during this pandemic; and

WHEREAS, the City Council and Mayor find that this reasonable, temporary, and limited restriction on certain TLF rentals is the least restrictive method of containing and minimizing our community's exposure to the virus in TLFs and in the visiting population;

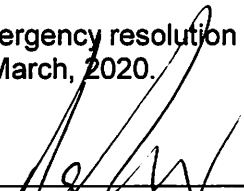
WHEREAS, the City desires to address the serious public health, life and safety emergency posed by the unlimited, unrestricted rentals of Transient Lodging Facilities within the City of Brookings to persons who are likely in violation of the Governor's "Stay Home" order; and

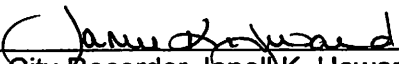
WHEREAS, the City reasonably expects that the influx of visitors to the City will soon increase due to school schedules, weekend travel, and Spring Break, thus increasing the risk of virus spread and likelihood of disease and death;

**NOW THEREFORE BE IT RESOLVED THAT:**

1. **Temporary, Partial Restriction on the Rental of Transient Lodging Facilities ("TLF").** Effective Friday, March 27, 2020 at 5:00 pm, the City of Brookings hereby temporarily restricts the rental of TLF's (which shall be defined as a "hotel" under Brookings Municipal Code 310.010A) until May 1<sup>st</sup>, 2020. Rental of TLFs during this time shall be limited to: persons in the trucking industry; victims of domestic violence; health care workers, government workers, first responders, and other persons deemed by the City, County or the State to be essential or necessary during the pandemic; persons seeking to use the TLF to responsibly quarantine themselves (if allowed by the TLF owner); and residents of the City of Brookings or any residents with a 97415 zip code
2. **Extension of Restriction by City Manager.** This temporary, partial restriction may be extended by the City Manager for up to one additional month as long as the Governor's "Stay Home" travel restrictions are similarly extended.
3. **Appeal.** TLF owners who wish to appeal this temporary, partial restriction may do so by providing, in writing, the following: 1) proof that a person not listed in Section 1 above has requested lodging during the Restriction time period; and 2) a showing that the TLF rental to such a person will not increase the risk of virus spread within the City. The Council hereby delegates to the City Manager the authority to make the final appeal decision. Such final appeal decision shall be provided in writing to the appellant within two business days.

Emergency resolution passed by the City Council March 26, 2020 ; dated and effective this 26<sup>th</sup> day of March, 2020.

  
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Mayor Jake Piper

Attest:  
  
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City Recorder Janelle K. Howard