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Governor Kate Brown on the Oregon Cares Fund Settlement

March 12, 2021

Salem, OR—Governor Kate Brown today announced a settlement agreement in the primary lawsuit challenging the Oregon Cares Fund, the innovative program crafted by community members and funded by the legislature that directs a portion of the state's CARES (Coronavirus Aid, Relief, and Economic Security) Act funding to address the disparate impacts of COVID-19 faced by Black Oregonians. Governor Brown also committed to increasing state agency data collection efforts, which will facilitate further investments targeted for communities of color and vulnerable populations.

In July 2020, the state legislature directed federal CARES Act funding to a range of communities and local industries. Those efforts included a partnership with Black leadership across Oregon to stand up the Oregon Cares Fund, in collaboration with The Contingent (an Oregon nonprofit organization) and the Black United Fund of Oregon. To date, the fund has distributed more than $50 million in timely, targeted

relief to Black-owned businesses, Black-led nonprofits, and Black families in Oregon that demonstrate financial adversity due to COVID-19.

“As a state, we have a duty to aid those in need, particularly Oregonians who suffer from systemic racism and are disproportionately impacted by COVID-19,” said Governor Brown. “The Oregon Cares Fund has been an enormous success, and has provided urgent relief to Black Oregonians, Black-led nonprofits, and Black-owned businesses, which are less likely to have access to federal aid.”

Last October, the state was named in a lawsuit challenging the fund. That lawsuit, Great Northern Resources, Inc. v. Coba, held up distribution of approximately $9 million remaining in the Oregon Cares Fund, even though the fund’s application deadline had passed and applicants had an immediate need for relief. There are two components to the settlement. Under one component, the parties would ask the court to immediately release $5.3 million, which would be immediately distributed to Black-identifying and Black-owned applicants. Under the other component, the remainder of the fund would be released for those applicants if the court approves a class-action settlement.

Going forward, Governor Brown committed to working with legislators, agency directors, and stakeholders to increase the state’s collection of disaggregated data on race and ethnicity. That data will allow the legislature to make additional targeted investments to populations most impacted and in need of state resources.

"Rather than spending taxpayer money on years of litigation in this lawsuit, we need to focus on increasing the state’s data collection efforts so we have the information we need to invest in the communities that have faced ongoing systemic oppression and exclusion,” said Governor Brown. “I look forward to working with legislators, agency directors, and key community partners, to carry out this important work.”

“The resounding success of the Oregon Cares Fund demonstrates the impact of state government when it appropriately responds to the needs of community members," said one of the fund’s architects, Nkenge Harmon Johnson, chief executive of the Urban League of Portland. "I am pleased to continue organizing with community leaders across Oregon and collaborating with state officials so that future relief funds

will be prioritized for communities with the greatest needs. Grants from the Oregon Cares Fund saved Oregon jobs and small businesses. In nearly every county in Oregon, the fund helped children and families who are struggling to survive the pandemic. The fund also illustrated the wisdom of addressing disproportionate impacts on the Black Oregonians through narrowly tailored remedies."

The Oregon Cares Act settlement agreement complements the state's work on racial justice and equity initiatives. The Governor remains committed to putting Oregon's underserved and under-resourced communities at the forefront of recovery plans and believes state governmentmust take proactive and anti-racist measures to build a more equitable Oregon. Additionally, during the coming legislative session, the Legislature will consider several pieces of legislation that will benefit communities of color and vulnerable populations, such as addressing current discrimination in rental criteria, criminal justice reform, diversifying our educator workforce while better serving children and students of color in our education system, environmental justice and other key priorities centered in and around racial justice.

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