EXECUTIVE ORDER NO. 20-37

EXTENDING HOUSE BILL 4204'S MORTGAGE FORECLOSURE MORATORIUM UNTIL DECEMBER 31, 2020

Since January 2020, the State of Oregon has been engaged in responding to the public health threat posed by the novel infectious coronavirus (COVID-19). As the threat escalated, the State's response elevated to meet the threat. On March 8, 2020, I declared a state of emergency pursuant to ORS 401.165 *et seq*., and directed certain immediate response actions. Thereafter, the World Health Organization declared that the COVID-19 outbreak is a global pandemic, and the President of the United States declared the COVID-19 outbreak a national emergency.

During March and April 2020, as the coronavirus continued to spread around the world, I took a series of actions aimed at slowing the spread of COVID-19 in Oregon, and to mitigate the public health and economic impacts of the pandemic. These actions included but were not limited to limitations on gatherings; closing schools; taking steps to protect those in congregate living situations; declaring an abnormal market disruption; banning on-site consumption of food and drink at food establishments statewide; suspending in-person instructional activities at higher education institutions; ordering the postponement of non-urgent health care procedures in order to conserve personal protective equipment (PPE) and hospital beds; and imposing a temporary moratorium on residential and commercial evictions. On March 23, 2020, I ordered Oregonians to "Stay Home, Save Lives," directing individuals to stay home to the greatest extent possible, ordering the closure of specified retail businesses, requiring physical distancing measures for other public and private facilities, and imposing requirements for outdoor areas and licensed childcare.

Those actions helped prevent and control the spread of COVID-19 in Oregon, and increased the state's preparedness to live with this virus until a vaccine or cure can be found. Accordingly, in late April and early May 2020, I began to take steps to ease the restrictions mentioned above, including allowing for the gradual resumption of non-urgent health care procedures, reopening certain outdoor recreation opportunities, allowing small gatherings, and easing restrictions around childcare and certain retail businesses. I signed executive orders directing the State to begin a phased, data-driven, and regionally tailored approach to reopening social, economic, and other activities in Oregon.

Although physical distancing, the "Stay Home, Save Lives" order, and the other essential actions mentioned above have helped slow the spread of COVID-19 in Oregon, State and local public health officials have advised that the virus is

Contains Recycled Materials

continuing to circulate in the community and have expected the number of cases to increase as restrictions are lifted. Indeed, as reopening has moved forward in recent months, case numbers have continued to climb in Oregon. As we have seen in recent months, spikes in cases can occur rapidly, even in counties where case numbers had previously been low. During the last few months, rising case numbers have required the State to temporarily pause the reopening process for a substantial fraction of the state's population, to issue additional requirements for the use of face coverings in many indoor and outdoor spaces, to help slow the spread of the virus. Additionally, outbreaks and community spread in certain counties have required us to reimpose restrictions at times, to maintain public health and safety. Continued work is necessary to bring virus levels down to where it is safe for K-12 schools across the state to reopen for in-person instruction.

While Oregon continues to cautiously reopen sectors of its economy, this virus remains very dangerous, and the ongoing spread of the novel coronavirus continues to seriously threaten the lives and health of Oregonians statewide. As of today, there are at least 26,713 cases and 459 deaths in Oregon, with more than 183,000 deaths from COVID-19 nationwide. Spikes of cases are occurring across the country following reopening, and while Oregon is in better position than many states, Oregon too is seeing rising case numbers as reopening proceeds. Cases of COVID-19 have been detected in all corners of the state, as the virus knows no boundaries.

Making sure that Oregonians can remain in their homes and that Oregon businesses can continue to provide necessary goods and services has been an essential part of Oregon's COVID-19 emergency response. During its first special session earlier this summer, the Legislative Assembly enacted House Bill 4204, which imposes a temporary mortgage foreclosure moratorium until September 30, 2020, unless the Governor specifies a later end-date for the foreclosure moratorium via executive order. At this time, it is clear that an extension of House Bill 4204's temporary foreclosure moratorium is necessary to prevent the removal of Oregonians from their homes by foreclosure, which would result in serious health, safety, welfare, and financial consequences, and which would undermine key efforts to prevent the spread of COVID-19 as set forth in my prior directives. Extension of that moratorium is also necessary to protect businesses at risk of foreclosure, and businesses operating within premises at risk of foreclosure, many of which provide necessary goods and services during this emergency. Additionally, extension of House Bill 4204's foreclosure moratorium will provide necessary relief to mortgagors that are leasing property to residential tenants, allowing them needed flexibility to continue to work with tenants who are struggling.

Contains Recycled Materials

EXECUTIVE ORDER NO. 20-37
PAGE THREE

The directives set forth in this Executive Order are temporary, with a limited scope and duration. They address the immediate needs identified above, pursuant to my emergency powers, but do not otherwise undermine contractual bargains, interfere with parties' reasonable expectations, or prevent parties from safeguarding or reinstating their rights. The directives of this Executive Order are appropriate, necessary, and reasonable means by which to implement the significant and legitimate public purpose of responding to the declaration of a state of emergency I issued on March 8, 2020.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

Pursuant to section 1(2)(b) of House Bill 4204 (first special session, 2020), and pursuant to my emergency powers under ORS 401.168, ORS 401.175, ORS 401.188, and ORS 433.441, I hereby extend the mortgage foreclosure moratorium "emergency period" underlying the provisions of House Bill 4204, to December 31, 2020.

This Executive Order is issued under the authority conferred to the Governor by ORS 401.165 to 401.236. Pursuant to ORS 401.192(1), the directives set forth in this Executive Order shall have the full force and effect of law, and any existing laws, ordinances, rules and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers. This Executive Order is effective immediately, and remains in effect until December 31, 2020, unless extended or terminated earlier by the Governor.

Done at Salem, Oregon, this 31st day of August, 2020.

Kate Brown

Kate Brown
GOVERNOR

ATTEST:

Bev Clarno

Bev Clarno
SECRETARY OF STATE

Contains Recycled Materials