



June 24, 2020

The Honorable Speaker Tina Kotek  
900 Court St. NE, Rm. 269900  
Salem, OR 97301

The Honorable Senate President Peter Courtney  
Court St. NE, S-201  
Salem, OR 97301

Dear Co-Chairs Kotek and Courtney:

As the impacts of the COVID-19 pandemic have devastated many businesses across Oregon, I am writing you today asking for your support to amend HB4212 to provide temporary and targeted liability protections to entities that are adhering to state and federal public health guidelines and rules to reduce the risk of COVID-19 exposure.

Due to Governor Brown's efforts through her executive orders the State has flattened the COVID-19 curve, but the changing regulatory environment has created immense liability and uncertainty for public and private sector employers.

Hayden Homes has operated in Oregon for over 30 years working in Jackson, Lane, Linn, Marion, Polk, Deschutes, and Umatilla counties. We operate over 30 job sites throughout the state, employ over 300 team members and hire well over 750 trade partners each year to build homes that meet the middle market for Oregonians. We are concerned that even though we are following state and federal public health guidelines, we are still at risk of a lawsuit from a customer or employee saying that we didn't do enough.

The ask is simple; please amend HB 4212 to include the language: ***"A person or entity acting in good faith shall not be subject to civil damages resulting from acts or omissions that complied with an executive order or regulation or were in accordance with guidance regarding COVID-19, unless the damages result from the person or entity's gross negligence or from the person or entity's reckless, wanton or intentional misconduct. This section applies to all causes of action that accrue during the complete duration of the COVID-19 emergency declaration, EO 20-03 issued March 9, 2020."***

This will allow for predictability and certainty for business to continue to move forward. We need confidence that our government leaders understand the challenges we all face during these uncertain times. Thank you in advance for your leadership and support in addressing these critical concerns.

Sincerely,

**Deborah Flagan**

Deborah Flagan | Vice President of Community Engagement  
541-350-3913 | dflagan@hayden-homes.com

2464 SW Glacier Place, Suite 110 | Redmond, Oregon 97756  
800-923-6607

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