

# House Bill 2346

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Tina Kotek for Department of Human Services)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest:** The Act creates a new office to provide human services in emergencies. The Act also provides that a person who is responsible for a fire may be liable for the costs of helping people affected by the fire. (Flesch Readability Score: 60.6).

Creates the Office of Resilience and Emergency Management within the Department of Human Services. Sets forth the powers and duties of the office.

Provides that a person who is willful, unlawful, malicious or negligent in the origin or spread of a fire is liable for the actual costs incurred by the department in providing services to individuals affected by the fire.

## A BILL FOR AN ACT

1  
2 Relating to emergency management.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The Office of Resilience and Emergency Management is established**  
5 **within the Department of Human Services.**

6 **(2) The office shall:**

7 **(a) Perform duties assigned to the department as described in the State of Oregon Com-**  
8 **prehensive Emergency Management Plan or successor documents;**

9 **(b) At the direction of the Director of Human Services, support the department in the**  
10 **delivery and administration of programs and services to ensure continuity of operations in**  
11 **the department and ensure ongoing access to the department's programs and services; and**

12 **(c) Perform other such duties as may be assigned to the office.**

13 **(3) The office may adopt rules necessary to carry out its duties.**

14 **SECTION 2. (1) The Office of Resilience and Emergency Management is under the**  
15 **supervision and control of the Chief of Resilience and Emergency Management, who is re-**  
16 **sponsible for the performance of the duties, functions and powers of the office.**

17 **(2) The Director of Human Services, with the approval of the Governor, shall appoint the**  
18 **Chief of Resilience and Emergency Management, who holds office at the pleasure of the di-**  
19 **rector.**

20 **(3) The chief shall be paid a salary as provided by law or, if not so provided, as prescribed**  
21 **by the director, with the approval of the Governor.**

22 **(4) For purposes of administration, subject to the approval of the director, the chief may**  
23 **organize and reorganize the office as the chief considers necessary to properly conduct the**  
24 **work of the office.**

25 **(5) The chief may divide the functions of the office into administrative divisions. Subject**  
26 **to the approval of the director, the chief may appoint an individual to administer each divi-**  
27 **sion. The administrator of each division serves at the pleasure of the chief and is not subject**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 to the provisions of ORS chapter 240. Each individual appointed under this subsection must  
 2 be well qualified by technical training and experience in the functions to be performed by the  
 3 individual.

4 **SECTION 3.** (1) The Office of Resilience and Emergency Management may assist first  
 5 responders with evacuations. The office may identify, locate and support the evacuation of  
 6 people, including vulnerable populations, who may need advance notice and additional as-  
 7 sistance in evacuation. The office may communicate the locations of vulnerable people and  
 8 the nature of any special needs to first responders or other emergency response personnel  
 9 to assist in safe and orderly evacuations.

10 (2) As used in this section, “vulnerable populations” includes, without limitation, people  
 11 who are elderly, people with disabilities or other medical or mental health conditions, people  
 12 with limited English proficiency, people with durable medical equipment and people with  
 13 hearing or sight impairments.

14 **SECTION 4.** (1) The Office of Resilience and Emergency Management may provide, or  
 15 assist in the provision of, mass care and human services as described in this section.

16 (2) To carry out its duties under this section, the office may coordinate with, enter into  
 17 contracts with, provide grants to and provide technical or direct support to public or private  
 18 entities.

19 (3) The office may carry out projects and functions to prevent, mitigate, prepare for,  
 20 respond to and recover from emergencies or disasters affecting people in this state.

21 (4)(a) The office may provide, or assist in providing, shelter or temporary housing for:

22 (A) People in Oregon displaced from their homes;

23 (B) People who arrive in Oregon seeking asylum or refugee status;

24 (C) People within the repatriation program operated by the United States Department  
 25 of Health and Human Services;

26 (D) People who cannot remain in their housing due to inaccessibility, damage, poor air  
 27 quality or other unsuitable environmental conditions or loss of utilities such as electrical,  
 28 water or sewer; and

29 (E) Any other people.

30 (b) To provide, or assist in providing, shelter or temporary housing to people, the office  
 31 may, without limitation:

32 (A) Provide direct support;

33 (B) Coordinate, contract with or provide grants to non-governmental organizations,  
 34 community-based organizations, faith-based organizations, nonprofit or not-for-profit organ-  
 35 izations or for-profit businesses to provide rental assistance;

36 (C) Assist with dwelling repairs;

37 (D) Provide manufactured housing;

38 (E) Provide emergency group shelter sites;

39 (F) Provide semipermanent and permanent construction;

40 (G) Provide referrals; and

41 (H) Identify and provide accessible housing or access to other sources of housing assist-  
 42 ance.

43 (5) The office may provide, or assist in providing, food and water, including prepared  
 44 meals and foodstuffs:

45 (a) To people who are in shelter;

- 1       **(b) For respite services;**  
 2       **(c) To displaced people;**  
 3       **(d) To support operations of the Oregon Health Authority; and**  
 4       **(e) To any people or communities served by the Department of Human Services.**  
 5       **(6) The office may provide ice, water, water vessels and related equipment to people who**  
 6 **are experiencing a shortage of potable water due to drought, contamination, temporary dis-**  
 7 **ruption of water delivery systems or other water supply disruptions.**  
 8       **(7) The office may provide hygiene and sanitation services, including, without limitation:**  
 9       **(a) Temporary restrooms or shower facilities;**  
 10       **(b) Laundry facilities or services;**  
 11       **(c) Sewage or wastewater removal;**  
 12       **(d) Trash removal; and**  
 13       **(e) Personal hygiene kits.**  
 14       **(8) The office may deliver emergency first aid and personal care services to people in**  
 15 **need of such services due to a disaster or large-scale emergency.**  
 16       **(9) The office may provide bulk distribution of emergency items to people in need of such**  
 17 **items due to an emergency or disaster.**  
 18       **(10) The office may collect information about people impacted by an adverse event and**  
 19 **provide that information to family members or others only for the purposes of safety, family**  
 20 **assistance, reunification, disaster recovery, impact assessment for case management and**  
 21 **wrap-around services.**  
 22       **(11) The office may take actions to reunify individuals who have been separated or im-**  
 23 **acted by an adverse event, emergency or disaster.**  
 24       **(12) The office may, in collaboration with the State Department of Agriculture, support**  
 25 **sheltering or temporary housing for household pets, support animals and service animals.**  
 26       **(13) The office may receive and distribute usable donated goods.**  
 27       **(14) The office may assist people in becoming prepared, building resilience, achieving re-**  
 28 **covery and making progress toward stability and self-sufficiency, in relation to adverse ad-**  
 29 **vents, emergencies or disasters. Such assistance may include replacement of personal**  
 30 **property impacted by an adverse event, emergency or disaster.**  
 31       **(15) The office may assist individuals with identifying and applying for local, state or**  
 32 **federal benefits or resources.**  
 33       **(16) The office may implement or support the implementation of an individual assistance**  
 34 **program to help people impacted by a disaster recover, including:**  
 35       **(a) Programs to replace destroyed personal property;**  
 36       **(b) Assistance in obtaining loans, food assistance, crisis counseling, unemployment ben-**  
 37 **efits, legal services or other federal and state benefits; and**  
 38       **(c) Support and services for special needs populations.**  
 39       **(17) At the request of the United States Department of Health and Human Services, the**  
 40 **office may provide support for emergency repatriation when United States citizens or their**  
 41 **dependents are officially processed back into the United States under conditions where mass**  
 42 **care services are required due to a large-scale incident, including natural disaster, war or**  
 43 **other adverse event.**  
 44       **(18) The office may assess community social service needs in preparation for and follow-**  
 45 **ing a disaster or emergency, identify areas of critical need and individuals with access and**

1 functional needs or limited English proficiency, identify key partners in service delivery and  
 2 promote the independence of community members.

3 (19) The office may provide guidance to local governments, state agencies and federal  
 4 agencies in aiding local and tribal partners in providing for the social service needs of com-  
 5 munities.

6 (20) The office may assess the impact of a natural, technological or human-caused inci-  
 7 dent and support the stabilization of:

8 (a) Individuals;

9 (b) Local, state, tribal and nongovernmental social service delivery systems;

10 (c) Food, shelter and hydration lifelines;

11 (d) Department of Human Services programs, workforce, facilities and infrastructure;  
 12 and

13 (e) Facilities regulated or operated by the department.

14 (21) The office may provide clear and accessible recovery communications to communi-  
 15 ties regarding access to social services.

16 (22) The office may carry out all other human services programs and functions delegated  
 17 to the office or department by or in accordance with provisions of state or federal law.

18 **SECTION 5.** (1) If a person is willful, unlawful, malicious or negligent in the origin or  
 19 subsequent spread of a fire, the person is liable for payment of the actual costs incurred by  
 20 the Department of Human Services in supporting, relocating, evacuating, sheltering, feeding,  
 21 hydrating and delivering other services to individuals who were displaced or affected by that  
 22 fire. The person shall pay the costs within 90 days after the date on which the first written  
 23 demand for payment of the costs is mailed by the department to the person. If the amount  
 24 is not paid within such 90-day period, such amount shall bear interest at 10 percent per year  
 25 from the date on which the first written demand for the payment of the costs was mailed  
 26 by the department. Amounts due may be recovered in an action prosecuted in the name of  
 27 the State of Oregon.

28 (2) An itemized statement of the actual costs incurred by the department constitutes  
 29 prima facie evidence of the actual costs in any proceeding authorized by this section.

30 (3) The actual costs in cases covered by this section shall constitute a general lien upon  
 31 the real and personal property of a person liable for such costs. A written notice of the lien,  
 32 containing a description of the property and a statement of the actual costs, shall be certi-  
 33 fied under oath by the Director of Human Services or the director's designee and filed in the  
 34 office of the county clerk of the county in which the lands and personal property are situated  
 35 within 12 months after the calendar year within which the fire originated, and may be fore-  
 36 closed in the manner provided by law for foreclosure of liens for labor and material. In any  
 37 proceeding to foreclose a lien created under this subsection, recovery for the plaintiff shall  
 38 include, in addition to the amount of the actual costs, interest on such amount at the rate  
 39 of 10 percent per year from the date of the filing of the written notice of the lien.

40 (4) Upon request of the department, the district attorney for the district in which the  
 41 lands and personal property are situated or the Attorney General shall prosecute such action  
 42 or foreclose the lien in the name of the State of Oregon. Liens provided for in this section  
 43 shall cease to exist unless suit for foreclosure is instituted within 12 months from the date  
 44 of filing under subsection (3) of this section.

45 (5) In any action under subsection (1) of this section to recover actual costs and in any

1 **proceeding to foreclose any lien created by subsection (3) of this section, the court shall**  
2 **award, in addition to costs and disbursements, reasonable attorney fees at trial and on appeal**  
3 **to the prevailing party.**

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