



# Overview of Disaster Declaration Process and Emergency Powers

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# Overview

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- Update on the recent Federal Disaster Declaration
  - Approved Public Assistance Request
  - Denied Individual Assistance Request
- Multnomah County State of Emergency
  - Process
  - Powers



# Emergency Declarations

If a hurricane strikes, we can blame the president for not being there; we can blame Congress and FEMA; we can blame the state governments; but in the end, it's the mayors and the local city governments that have to be prepared for emergencies and be prepared to act.

Michael Bloomberg



# Major Disaster Declaration for Oregon

- The President approved a Major Disaster Declaration (FEMA-4258-DR-OR) for the State of Oregon as a result of severe winter storms, straight-line winds, flooding, landslides, and mudslides during the period of **December 6 – 23, 2015**.
- **Public Assistance** (Categories A-G) designated for Clatsop, Columbia, Coos, Curry, Lane, Lincoln, Linn, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties.
- The Federal share will be no less than **75% of the approved eligible costs**.



# Public Assistance

- **Public Assistance**

Public Assistance is aid to state or local governments to pay part of the costs of rebuilding a community's damaged infrastructure. Public Assistance may include debris removal, emergency protective measures and public services, repair of damaged public property, loans needed by communities for essential government functions and grants for public schools.



# Individual Assistance Programs

- **Disaster Housing** may be available for up to 18 months, using local resources, for displaced persons whose residences were heavily damaged or destroyed. Funding also can be provided for housing repairs and replacement of damaged items to make homes habitable.
- **Disaster Grants**, are available to help meet other serious disaster related needs and necessary expenses not covered by insurance and other aid programs. These may include replacement of personal property, and transportation, medical, dental and funeral expenses.
- **Low-Interest Disaster Loans** are available after a disaster for homeowners and renters from the U.S. Small Business Administration (SBA) to cover uninsured property losses. Loans may be available for repair or replacement of homes, automobiles, clothing or other damaged personal property. Loans are also available to businesses for property loss and economic injury.
- **Other Disaster Aid Programs** include crisis counseling, disaster-related unemployment assistance, legal aid and assistance with income tax, Social Security and Veteran's benefits. Other state or local help may also be available.



# Federal Declarations - Process

- State to FEMA region
- FEMA region to FEMA HQ
- FEMA HQ to President
- Immediate or deliberative
  - Initial Damage Assessment
  - Preliminary Damage Assessment
  - Damage and Cost Thresholds – FY16 State \$1.41 per capita; County \$3.57 per capita



# Individual Assistance Criteria

- **Concentration of damages to individuals.** High concentrations of damages to individuals, such as destroyed and damaged housing, may indicate a greater need for Federal assistance than widespread and scattered damages throughout a State.
- **Trauma.** The degree of trauma to the State and communities is considered, with special attention to large numbers of injuries and deaths, large scale disruptions to normal community functions and services, and emergency needs, such as extended or widespread losses of power or water.
- **Special Populations.** FEMA considers the impact of the disaster on special populations, such as the low-income, the elderly, and the unemployed. Special consideration is also given to the effect of the disaster on American Indian and Alaskan Native tribal populations.
- **Voluntary agency assistance.** The capabilities of local and State voluntary, faith, and community-based organizations are taken into consideration, as these entities play an important role in meeting both the emergency and recovery needs of individuals impacted by disasters.
- **Insurance.** Stafford Act assistance is supplemental in nature, and therefore the level of insurance coverage is taken into account.





# Public Assistance Process



# State Declarations

- State of Emergency (ORS 401.165)
- Emergency Conflagration Act (ORS 476.510)
- Public Health Emergency (ORS 433.441)
- Drought Declaration (ORS 536.740)
- ODOT Emergency Waivers (ORS 823.012)
- Energy Resource Emergency (ORS 176.775)
- Emergency Quarantine Order (ORS 561.510)



# Local Emergency Declarations - Conditions

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- ORS 401.025 – Emergency means a human created or natural event or circumstance that causes or threatens widespread loss of life, injury to person or property, human suffering, or financial loss....
- Local declaration with request for assistance:
  - Cities must submit requests for assistance through the County, with expectation that the county will first try and assist (Emergency Declaration Guidelines 2015)



# Multnomah County Code (MCC)

## – Chapter 25

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- MCC § 25.410 - MCC § 25.490
  - Emergency Management.
  - Incident Command System.
  - Succession; Authority.
  - Declaration of Emergency.
  - Regulation of Persons and Property.
  - Price Gouging Prohibited.
  - Violation of Curfew of Emergency Regulation.
  - Emergency Service Workers – Volunteers.



# MCC § 25.440 Succession: Authority.

- Chair
- Most senior member of the Board
- Sheriff
- Chair's designated interim
- Sheriff's designated interim



# Multnomah County State of Emergency

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- When the county determines that a state of emergency exists, the document declaring a county emergency must:
  - (1) State the nature of the emergency;
  - (2) Designate the geographic boundaries of the impacted area;
  - (3) Provide a preliminary or initial damage assessment including property loss, injuries and deaths;
  - (4) State the known emergency equipment and supplies, needed to accomplish emergency tasks;
  - (5) State the duration that the area will remain an emergency area.
- The emergency declaration will continue until the Chair finds that emergency conditions no longer exist. The state of emergency may be terminated at any time, but may not last for more than 30 days. A declaration of emergency may be extended or terminated by the Board.



# Multnomah County Emergency Powers

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- Order mandatory evacuations of residents and other individuals when doing so is necessary for public safety or when necessary for the efficient conduct of activities that minimize or mitigate the effects of the emergency
- Designate an area within the county or over which the county may exercise police jurisdiction, an emergency area
- Publicly announce or proclaim a curfew for the area that fixes the hours during which all persons other than authorized official personnel are prohibited from being on the streets, in parks or other public places without authorization of the Sheriff
- Commit county resources for emergency response, restoration or recovery; (S-1 2011) Chapter 25 - Non-departmental 7
- Redirect county funds for emergency use and suspend standard county procurement procedures
- Suspend any county code, resolution, executive rule, administrative rule, guideline or practice if compliance with such provision would in any way prevent, hinder, or delay necessary action in coping with the emergency
- Direct county officers and employees to perform or facilitate emergency services
- Act on appropriate requests for compensation, commandeer or utilize any private property if deemed necessary to cope with the emergency
- Order any other action necessary to address and alleviate the emergency.



# Governor's Powers under ORS 401

- Assume complete control of all emergency operations in the area specified in a proclamation of a state of emergency issued under ORS [401.165 \(Declaration of state of emergency\)](#), direct all rescue and salvage work and do all things deemed advisable and necessary to alleviate the immediate conditions.
- Assume control of all police and law enforcement activities in such area, including the activities of all local police and peace officers.
- Close all roads and highways in such area to traffic or by order of the Governor limit the travel on such roads to such extent as the Governor deems necessary and expedient.





# Multnomah County - Price Gouging (MCC § 25.470)

- During a disaster declared by the Governor or an emergency declared by the Chair, the value received for goods and services sold within the designated disaster area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at, or immediately before, the time of the emergency. However, the value received may include reasonable expenses and a charge for any attendant business risk, in addition to the cost of the goods and services that necessarily are incurred in procuring the goods and services during the emergency. Each sale or offer for sale violating this provision constitutes a separate offense



# Stafford Act Emergencies

