

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 786
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10434-MM-81

Short Title: Emergency Management Changes. (Public)

Sponsors: Representatives Jones, Bell, Szoka, and Hunter (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO LAWS RELATED TO EMERGENCY MANAGEMENT,
3 AS RECOMMENDED BY THE DEPARTMENT OF PUBLIC SAFETY.

4 The General Assembly of North Carolina enacts:

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6 **PART I. FLEXIBILITY FOR NORTH CAROLINA OFFICE OF RECOVERY AND**
7 **RESILIENCY (NCORR) HOUSING FUNDING TO BE USED FOR MULTIFAMILY**
8 **HOUSING**

9 **SECTION 1.1.** Notwithstanding any other provision of law or a provision of the
10 Committee Report described in Section 6.1 of S.L. 2018-136, funds allocated to the Department
11 of Public Safety, Office of Recovery and Resiliency, the Homeowner Repair and Rehabilitation
12 Fund, may be used for the development of affordable rental and owner-occupied single and
13 multifamily housing.

14
15 **PART II. EXPAND USE OF HURRICANE MATTHEW DISASTER RELIEF ACT**
16 **(DRA) FUNDS TO SUBSEQUENT DISASTERS AND ALLOW THOSE FUNDS TO BE**
17 **USED BEFORE A SURVIVOR IS FOUND TO BE INELIGIBLE FOR OTHER**
18 **RESOURCES**

19 **SECTION 2.1.** Section 2 of S.L. 2017-119 reads as rewritten:

20 "SECTION 2. Applicability. – (a) Except as provided in subsection (b) of this section, this
21 act applies in the North Carolina counties that were any of the following:

- 22 (1) Declared a major disaster by the President of the United States under the
23 Stafford Act (P.L. 93-288) as a result of Hurricane Matthew, wildfires in the
24 western part of the State, Tropical Storm Julia, ~~or~~ Tropical Storm
25 ~~Hermine~~.Hermine, or any subsequent storm.
- 26 (2) Part of the emergency area set forth in any of the following gubernatorial
27 executive orders: Executive Order No. 97 (September 1, 2016), Executive
28 Order No. 103 (September 22, 2016), Executive Order No. 107 (October 3,
29 2016), Executive Order No. 115 (November 16, 2016), or Executive Order
30 No. 116."

31 **SECTION 2.2.** Section 4 of S.L. 2017-119 reads as rewritten:

32 "SECTION 4. Limitation. – The Governor may not use the funds described in this act to
33 make budget adjustments under G.S. 143C-6-4 or to make reallocations under
34 G.S. 166A-19.40(c). Nothing in this act shall be construed to prohibit the Governor from
35 exercising the Governor's authority under these statutes with respect to funds other than those
36 described in this act.



1 The Governor shall also ensure that funds allocated in this act are expended in a manner that
2 does not ~~adversely affect any person's or entity's eligibility for federal funds that are made~~
3 ~~available, or that are anticipated to be made available, duplicate federal disaster benefits already~~
4 ~~provided to a person or entity as a result of Hurricane Matthew, the western North Carolina~~
5 ~~wildfires, or Tropical Storms Julia and Hermine. The Governor shall also, to the extent~~
6 ~~practicable, avoid using State funds to cover costs that will be, or likely will be, covered by~~
7 ~~federal funds, Hermine, or any subsequent storm."~~
8

9 **PART III. PROVIDE FLEXIBILITY FOR HURRICANE MATTHEW AND**
10 **HURRICANE FLORENCE DRA FUNDS TO BE USED AT ALL INCOME LEVELS**

11 **SECTION 3.1.** Section 1 of S.L. 2017-119 reads as rewritten:

12 **"SECTION 1.** If Senate Bill 257 of the 2017 Regular Session becomes law, one hundred
13 million dollars (\$100,000,000) reserved as Supplemental Disaster Recovery Funds in that act
14 shall be allocated as follows:

15 (1) Housing. – Twenty-five million dollars (\$25,000,000) to be allocated to the
16 following agencies and entities for housing-related matters:

17 a. Twenty million dollars (\$20,000,000) to the Department of Public
18 Safety, Division of Emergency Management, for the following:

19 1. For repair of owner-occupied ~~low-to-moderate-income~~
20 housing not covered by Community Development Block Grant
21 Disaster Recovery Program funding.

22 2. For repair of ~~low-to-moderate-income~~ rental housing not
23 covered by Community Development Block Grant Disaster
24 Recovery Program funding.

25 3. To be used for housing elevation, acquisition, and mitigation
26 reconstruction for homes not covered by Hazard Mitigation
27 Grant Program.

28 4. To provide State Acquisition Relocation funds, which enable
29 ~~low-to-moderate-income~~ homeowners to purchase homes.

30 5. To provide flood insurance subsidies.

31 6. To provide temporary housing for storm victims.

32 7. To hire Community Development Specialists to administer
33 programs authorized under this act and under S.L. 2016-124.

34 8. To provide repairs to public housing in Princeville and
35 Lumberton."

36 **SECTION 3.2.** Section 5.6(b) of S.L. 2018-5 reads as rewritten:

37 "(5) Housing. – Twenty-five million fourteen thousand seven hundred seventy-six
38 dollars (\$25,014,776) to the Department of Public Safety, Division of
39 Emergency Management, for the following housing-related matters:

40 a. To be used for housing elevation, acquisition, and mitigation
41 reconstruction for homes not covered by Hazard Mitigation Grant
42 Program.

43 b. To provide State Acquisition Relocation funds, which enable ~~low-to~~
44 ~~moderate-income~~ homeowners to purchase homes.

45 c. To provide flood insurance subsidies."
46

47 **PART IV. AUTHORIZE LOCAL GOVERNMENTS TO UTILIZE THE STATE POOL**
48 **OF PREQUALIFIED CONSTRUCTION CONTRACTORS FOR REBUILDING**
49 **EFFORTS WHERE THE LOCAL GOVERNMENT IS CARRYING OUT THIS TASK.**

50 **SECTION 4.1.** G.S. 166A-19.15(f)(1) reads as rewritten:

1 "(1) To appropriate and expend funds, make contracts, obtain and distribute
 2 equipment, materials, and supplies for emergency management purposes and
 3 to provide for the health and safety of persons and property, including
 4 emergency assistance, consistent with this Article. This authority includes
 5 awarding contracts for the repair, rehabilitation, or construction of private
 6 residential structures funded by State or federal funds following a disaster
 7 declared by the Governor under G.S. 166A-19.21 covering the political
 8 subdivision. Notwithstanding Article 8 of Chapter 143 of the General Statutes,
 9 a political subdivision is authorized to contract directly with contractors
 10 prequalified by the Division pursuant to 166A-19.12(23) on the basis of price,
 11 qualification, capacity, and any other objective criteria established by the
 12 political subdivision."

13 **SECTION 4.2.** G.S. 143-129(e) reads as rewritten:

14 "(e) Exceptions. – The requirements of this Article do not apply to:

15 ...

16 (13) Contracts for disaster recovery private residential construction or repair
 17 awarded pursuant to G.S. 166A-19.12(23) and 166A-19.15(f)(1)."

18
 19 **PART V. REVISE THE DISASTER RECOVERY ACT OF 2016 TO ACCURATELY**
 20 **REFLECT HOW FUNDING AND REIMBURSEMENT WORKS IN THE COMMUNITY**
 21 **DEVELOPMENT BLOCK GRANT FOR DISASTER RECOVERY PROGRAM**

22 **SECTION 5.1.** Section 5.11.(a) of S.L. 2016-124 reads as rewritten:

23 "**SECTION 5.11.(a)** Notwithstanding any other provision of law, all Community
 24 Development Block Grant Disaster Recovery ~~Program funds awards~~ received by the Department
 25 ~~of Commerce by the State~~ in response to the declarations and executive orders described in
 26 Section 3.1 of this act, or in subsequent federally declared disasters, shall be transferred to
 27 ~~the Emergency Management Division of administered by the North Carolina Office of Recovery~~
 28 and Resiliency of the Department of Public Safety, Safety, including circumstances where the
 29 designated grantee is an agency other than the North Carolina Office of Recovery and
 30 Resiliency."

31
 32 **PART VI. TYPE III DISASTER DECLARATION EXTENDED**

33 **SECTION 6.1.** Pursuant to G.S. 166A-19.21(c)(3), the Type III disaster declaration
 34 as defined by G.S. 166A-19.21(b)(3) and issued by Executive Order 120, dated December 9,
 35 2016, is extended for an additional 24 months.

36
 37 **PART VII. EFFECTIVE DATE**

38 **SECTION 7.1.** This act is effective when it becomes law.