

By: Senator(s) Carmichael, King

To: Veterans and Military  
Affairs

SENATE BILL NO. 3028

1 AN ACT TO CREATE THE INDIVIDUAL ASSISTANCE AND EMERGENCY  
2 TEMPORARY HOUSING ACT; TO DEFINE CERTAIN TERMS; TO PROVIDE THE  
3 GOVERNOR WITH THE POWER TO ACCEPT ASSISTANCE WHENEVER THE  
4 PRESIDENT OF THE UNITED STATES HAS DECLARED AN EMERGENCY OR A  
5 MAJOR DISASTER; TO PROVIDE FOR THE ADMINISTRATION OF GRANT  
6 PROGRAMS; TO PROVIDE FOR THE AMOUNT OF GRANTS; TO PROVIDE FOR A  
7 LIMITATION OF TIME FOR THE GOVERNOR TO REQUEST FEDERAL ASSISTANCE;  
8 TO AUTHORIZE FEDERAL AND STATE TEMPORARY HOUSING ASSISTANCE; TO  
9 PROVIDE FOR THE DESCRIPTION OF TEMPORARY HOUSING; TO PROVIDE  
10 CONDITIONS PRECEDENT FOR OBTAINING STATE TEMPORARY HOUSING PROGRAM  
11 ASSISTANCE; TO PROVIDE FOR PERIOD OF ELIGIBILITY FOR RECEIVING  
12 TEMPORARY HOUSING ASSISTANCE; TO REPEAL SECTIONS 43-41-1 THROUGH  
13 43-41-15, SECTIONS 43-41-301 THROUGH 43-41-321 AND SECTION  
14 43-41-505, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR FINANCIAL  
15 ASSISTANCE AND TEMPORARY HOUSING ASSISTANCE FOR DISASTER EMERGENCY  
16 VICTIMS; AND FOR RELATED PURPOSES.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

18 **SECTION 1.** The following shall be codified as Section  
19 33-15-201, Mississippi Code of 1972:

20 33-15-201. **Short Title.**

21 This article shall be known and may be cited as the  
22 "Individual Assistance and Emergency Temporary Housing Assistance  
23 Act."

24 **SECTION 2.** The following shall be codified as Section  
25 33-15-202, Mississippi Code of 1972:

26 33-15-202. **Legislative declaration of purpose.**

27 It is the intent of the Legislature and declared to be the  
28 policy of the state that funds to meet emergencies or major  
29 disasters shall always be made available.

30 **SECTION 3.** The following shall be codified as Section  
31 33-15-203, Mississippi Code of 1972:

32 33-15-203. **Definitions.**

33           The following words wherever used in this article shall,  
34 unless a different meaning clearly appears from the context, have  
35 the following meanings:

36           (a) "Necessary expense" means the cost of an item or  
37 service essential to an individual, family or household to  
38 mitigate or overcome an adverse condition caused by an emergency  
39 or major disaster.

40           (b) "Serious need" means a requirement for an item or  
41 service essential to an individual, family or household to prevent  
42 or reduce hardship, injury or loss caused by an emergency or major  
43 disaster.

44           (c) "Family" means a social unit, comprised of husband  
45 and wife and dependents, if any, or a head of a household, as  
46 these terms are defined in the Internal Revenue Code of 1954.

47           (d) "Individual" means a person who is not a member of  
48 a family as defined in paragraph (c).

49           (e) "Household" means a dwelling containing a single  
50 family or single family and other relatives not otherwise  
51 considered family as defined in paragraph (c).

52           (f) "Assistance from other means" means aid, including  
53 monetary or in-kind contributions from other governmental  
54 programs, insurance, voluntary or charitable organizations or from  
55 any sources other than those of the individual, family or  
56 household.

57           (g) "The Act" means the Robert T. Stafford Disaster  
58 Relief and Emergency Assistance Act (Public Law 93-288, as amended  
59 by PL 100-707 and PL 106-390).

60           (h) "Individuals and households program" means the  
61 federal assistance available to eligible individuals under a major  
62 disaster declaration by the president pursuant to the Robert T.  
63 Stafford Disaster Relief and Emergency Assistance Act.

64           (i) "Other Needs Assistance" means that component of  
65 the IHP program that provides a grant for individuals that

66 requires the state share twenty-five percent (25%) of the total  
67 cost according to Section 408 of the Stafford Act (42 USC 5174).

68 (j) "Federal regulations" means those regulations  
69 published in the Federal Register relating to the specific  
70 subject.

71 (k) "Emergency" means any occasion or instance for  
72 which, in the determination of the Governor or President, federal  
73 assistance is needed to supplement state and local efforts and  
74 capabilities to save lives and to protect property and public  
75 health and safety, or to lessen or avert the threat of a  
76 catastrophe in any part of the United States.

77 (l) "State of emergency" means that a state of  
78 emergency has been declared by the Governor pursuant to Section  
79 33-15-11(b)(17) to exist as a result of a man-made, technological  
80 or natural disaster and the local government has exhausted local  
81 resources and requires state assistance.

82 (m) "Federal assistance" means aid to disaster victims  
83 or state and local governments by federal agencies under the  
84 provisions of the Act.

85 (n) "Major disaster" means any hurricane, tornado,  
86 storm, flood, high water, wind-driven water, tidal wave,  
87 earthquake, volcanic eruption, landslide, snowstorm, drought,  
88 fire, explosions, acts of terrorism or other man-made,  
89 technological or natural disaster or catastrophe in the State of  
90 Mississippi which, in the determination of the President, causes  
91 damage of sufficient severity and magnitude to warrant major  
92 disaster assistance under the Federal Disaster Relief and  
93 Emergency Assistance Act and beyond emergency services of the  
94 state, local governments and disaster relief organizations in  
95 alleviating the damage, loss, hardship or suffering caused  
96 thereby.

97 (o) "Director" means the Director of Mississippi  
98 Emergency Management Agency, appointed pursuant to Section  
99 33-15-7.

100 (p) "Governor's authorized representative" means the  
101 person appointed by the Governor to administer federal disaster  
102 assistance programs on behalf of the state and local governments  
103 and are responsible for the state compliance with the FEMA-State  
104 Agreement.

105 (q) "State coordinating officer" means the person  
106 appointed by the Governor to act in cooperation with the federal  
107 coordinating officer appointed under Section 303(c) of the Act.

108 (r) "Temporary housing program" means rental of  
109 existing housing, apartments or commercial lodging provided by  
110 assistance from state government either individually or jointly to  
111 individuals, families or households made homeless by emergency or  
112 major disaster.

113 (s) "Voluntary organization" means any chartered or  
114 otherwise duly recognized tax-exempt local, state or national  
115 organized group that has provided or may provide services to  
116 states, local governments or individuals in a major disaster or  
117 emergency.

118 **SECTION 4.** The following shall be codified as Section  
119 33-15-205, Mississippi Code of 1972:

120 33-15-205. **Presidential declaration of emergency; power of**  
121 **Governor to accept assistance.**

122 Whenever the President of the United States, at the request  
123 of the Governor, has declared an emergency or a major disaster to  
124 exist in this state and the declaration includes Individual  
125 Assistance, the Governor is authorized:

126 (a) To accept a grant by the federal government,  
127 subject to such terms and conditions as may be imposed, including  
128 the required final audit by the State Auditor's Office, upon  
129 determination and with concurrence by the director that financial

130 assistance is essential to meet disaster-related necessary  
131 expenses or serious needs of individuals, families or households  
132 adversely affected by a major disaster that cannot be otherwise  
133 adequately met from other means of assistance.

134 (b) To enter into an agreement with the federal  
135 government, or any officer or agency thereof, pledging the state  
136 to participate in the funding of the Other Needs Assistance (ONA)  
137 program authorized in the Act, in an amount not to exceed  
138 twenty-five percent (25%) thereof, and if state funds are not  
139 otherwise available to the Governor, to accept an advance of the  
140 state share from the federal government to be repaid when the  
141 state is able to do so when appropriated for that purpose.

142 **SECTION 5.** The following shall be codified as Section  
143 33-15-207, Mississippi Code of 1972:

144 33-15-207. **Filing request for federal assistance.**

145 In order to make federal Individual Assistance and Other  
146 Needs Assistance available to major disaster victims under this  
147 article, the Governor must request such assistance from the  
148 President of the United States. The Federal Emergency Management  
149 Agency must approve such a request and recommend the President of  
150 the United States make a major disaster declaration.

151 **SECTION 6.** The following shall be codified as Section  
152 33-15-209, Mississippi Code of 1972:

153 33-15-209. **Administration of grant programs.**

154 (1) The director shall develop a plan for the administration  
155 and implementation of the Individuals and Households Program and  
156 Other Needs Assistance pursuant to subsections 408(e) and (f) of  
157 the Act to be included in the Mississippi Emergency Operations  
158 Plan (MEOP), and it shall include, but not be limited to:

159 (a) Individuals, families or households who incur a  
160 necessary expense or serious need in the major disaster area may  
161 be eligible for assistance under this article without regard to  
162 their residency in the major disaster area or within the state.

163 (b) Individuals, families or households otherwise  
164 eligible for assistance under this article must obtain flood  
165 insurance as required by flood insurance regulations.

166 (2) Assistance under this article may be made available to  
167 meet necessary expense or serious needs by providing essential  
168 items or services that cannot be provided from other sources and  
169 except those covered by insurance as provided in current federal  
170 regulations.

171 (3) Under this article grants will not be made available for  
172 any item or service in the following categories:

173 (a) Business losses, including farm businesses.

174 (b) Improvement or additions to real or personal  
175 property.

176 (c) Landscaping.

177 (d) Real or person property used exclusively for  
178 recreations.

179 (e) Financial obligations incurred prior to the  
180 disaster.

181 (f) Any necessary expense or serious need or portion  
182 thereof for which assistance is available from other means but is  
183 refused by the individual, family or household.

184 (g) Should a case arise where it is determined that an  
185 individual, family or household has an expense or need not  
186 specifically identified as eligible; the state will provide a  
187 factual summary and forward it to the regional director, FEMA, for  
188 determination prior to making a state commitment.

189 (4) The director shall also develop a plan for  
190 administration and implementation of the Mississippi Temporary  
191 Housing Program (THP) to be included in the MEOP, and it shall  
192 include, but not be limited to:

193 (a) Establishing emergency conditions that warrant  
194 program activation.

195 (b) Developing application procedures and applicant  
196 eligibility criteria.

197 (c) Verifying applicant certification process.

198 (d) Establishing grant award limits based on fair  
199 market rent rates as identified and published by the U.S.  
200 Department of Housing and Urban Development.

201 (e) Maintaining program progress and financial  
202 reporting and budget requirements.

203 **SECTION 7.** The following shall be codified as Section  
204 33-15-211, Mississippi Code of 1972:

205 33-15-211. **Amount of grants.**

206 (1) In the case of a federally declared disaster, the state  
207 cost-share under this article shall be equal to twenty-five  
208 percent (25%) of the actual cost of implementing the Other Needs  
209 Assistance Program, and shall be made only on the condition that  
210 the federal government provides the remaining seventy-five percent  
211 (75%) of the ONA grant. In the event of a Governor's state of  
212 emergency declaration, the state grant under this article shall be  
213 equal to an amount established by the Director of the Mississippi  
214 Emergency Management Agency.

215 (2) An individual, family or household shall not receive a  
216 grant or grants under the provisions of this article aggregating  
217 more than the amount specified annually by the Federal Emergency  
218 Management Agency and published in the Federal Register with  
219 respect to any one (1) major disaster declared by the President.  
220 In the case of a federally declared disaster, such aggregate  
221 amount shall include both state and federal share of the grant.  
222 With respect to any one (1) disaster declared by the Governor's  
223 state of emergency, such amount of assistance shall not exceed an  
224 amount equal to one-half (1/2) of the amount of the Other Needs  
225 Assistance Program specified annually by the Federal Emergency  
226 Management Agency and published in the Federal Register and shall

227 include the total amount of rental assistance provided an  
228 applicant under the Mississippi Temporary Housing Program.

229 **SECTION 8.** The following shall be codified as Section  
230 33-15-213, Mississippi Code of 1972:

231 33-15-213. **Limitations of time for requesting assistance.**

232 (1) The time limitation for the Governor to request federal  
233 emergency or major disaster assistance shall be in accordance with  
234 current federal regulations.

235 (2) The time limitation for disaster applicants to request  
236 assistance and file applications under current federal regulations  
237 is sixty (60) days from the date of declaration of disaster by the  
238 President. The time limitation for applicants to request state  
239 rental assistance under the State Temporary Housing Program is  
240 thirty (30) days following the declaration of an emergency by the  
241 Governor.

242 **SECTION 9.** The following shall be codified as Section  
243 33-15-215, Mississippi Code of 1972:

244 33-15-215. **Federal temporary housing authorized; powers of  
245 Governor.**

246 Whenever disaster conditions arise that affect the lives and  
247 safety of a substantial number of residents of the State of  
248 Mississippi and the governing authority of the political  
249 subdivision wherein said disaster conditions exist makes a request  
250 to the Governor for federal major disaster assistance, and the  
251 Governor requests, and the President of the United States declares  
252 an emergency or a major disaster to exist in this state, the  
253 Governor is authorized:

254 (a) To arrange with any agency of the United States to  
255 provide for temporary housing units to be occupied by disaster  
256 victims and to make such units available to any political  
257 subdivision of the state.

258 (b) To assist any political subdivision of this state  
259 which is the locus of temporary housing units for disaster victims

260 by coordinating with any agency of the United States for such  
261 temporary housing to locate and prepare such sites to receive and  
262 utilize temporary housing units.

263 (c) Under such regulations as he shall prescribe, to  
264 temporarily suspend or modify for not to exceed sixty (60) days  
265 any public health, safety, zoning, transportation (within or  
266 across the state) or any other requirement of law or regulation  
267 within this state when, by proclamation, he deems such suspension  
268 or modification essential for any agency of the United States to  
269 provide temporary housing for disaster victims.

270 **SECTION 10.** The following shall be codified as Section  
271 33-15-217, Mississippi Code of 1972:

272 33-15-217. **State temporary housing authorized; powers of**  
273 **state and political subdivisions.**

274 State Temporary Housing Assistance under this article may be  
275 made available to those victims of an emergency or localized  
276 disaster who, as a result of a state of emergency declared by the  
277 Governor, require temporary housing assistance for reasons  
278 including, but not limited to, the following:

279 (a) Physical damage to the dwelling to the extent that  
280 it has been rendered uninhabitable for a period of no less than  
281 three (3) days.

282 (b) The dwelling has been determined uninhabitable as a  
283 result of an authorized governmental entity requiring evacuations  
284 of an area though the structure may be unharmed. This does not  
285 include subsequent condemnations for redevelopment of an area  
286 following a disaster.

287 (c) Impeded access to the dwelling that cannot be  
288 quickly alleviated by debris removal even though the structure may  
289 be unharmed.

290 (d) Extended interruption of essential utilities  
291 sufficient to constitute a health hazard.

292 (e) Eviction from a residence by the owner because of  
293 the owner's perennial need for housing as a direct result of the  
294 disaster.

295 (f) Eviction from residence by owner because of a  
296 financial hardship that is a direct result of the disaster.

297 (g) Other circumstances which cause temporary housing  
298 to be required and which are approved by the director.

299 **SECTION 11.** The following shall be codified as Section  
300 33-15-219, Mississippi Code of 1972:

301 33-15-219. **Description of temporary housing.**

302 Temporary housing shall be limited to minimum accommodations  
303 necessary for adequate housing for periods longer than that  
304 provided through the operation and use of community emergency  
305 shelters. Temporary housing accommodations may include, but not  
306 be limited to:

307 (a) Unoccupied, available housing of the United States  
308 when made available by the appropriate federal agency.

309 (b) Mobile homes, travel trailers or other readily  
310 fabricated dwellings provided by the appropriate federal agency.

311 (c) Rental properties when deemed by the appropriate  
312 federal agency to be the most economical means available.

313 (d) Rental properties and apartments or commercial  
314 lodging obtained with state temporary housing program grant  
315 proceeds.

316 **SECTION 12.** The following shall be codified as Section  
317 33-15-221, Mississippi Code of 1972:

318 33-15-221. **Conditions precedent for obtaining state  
319 temporary housing program assistance.**

320 When temporary housing assistance is provided based on the  
321 guidelines outlined in Section 33-15-217, the following conditions  
322 are imposed:

323 (a) An applicant is expected to expend the grant  
324 proceeds to secure adequate temporary housing for purposes stated

325 in their application for assistance. Refusal by the applicant to  
326 abide by this provision shall result in his forfeiture of  
327 eligibility for additional temporary housing assistance.

328 (b) Temporary housing assistance proceeds shall not be  
329 provided for nor expended for providing minimal home repairs or  
330 replacing lost or damaged personal property.

331 (c) Temporary housing assistance shall not be made  
332 available to those individuals, families or households with  
333 insurance coverage which provides full cost of alternate living  
334 arrangements except when, as determined by the appropriate  
335 authority, adequate alternate housing is not readily available or  
336 the receipt of insurance benefits are uncertain or inadequate to  
337 meet temporary housing needs. Individuals, families or households  
338 who qualify for and accept state assistance under the exception  
339 shall repay or pledge to repay to the state government, from any  
340 insurance proceeds for temporary housing to which they are  
341 entitled, an amount equivalent to the fair market value of the  
342 housing provided by the state. Temporary housing assistance shall  
343 not be made available to any individual, family or household for  
344 use as a vacation or recreational residence.

345 **SECTION 13.** The following shall be codified as Section  
346 33-15-223, Mississippi Code of 1972:

347 33-15-223. Period of eligibility for receiving temporary  
348 housing assistance.

349 (1) The period of eligibility for any individual, family or  
350 household applicant receiving assistance under the State Temporary  
351 Housing Program shall be from one (1) to three (3) months  
352 determined on the basis of need. Each temporary housing applicant  
353 shall endeavor to place himself in adequate alternate housing at  
354 the earliest possible time during the period assistance is being  
355 provided.

356 (2) Each occupant's eligibility for continued assistance  
357 shall be recertified every thirty (30) days. Thereafter, provided

358 no adequate alternate housing exists, assistance shall be  
359 continued for another thirty-day period, not to exceed ninety (90)  
360 days. All rental assistance is based on the fair market value of  
361 rental rates in the applicant's particular area according to the  
362 rate schedule published by the U.S. Department of Housing and  
363 Urban Development.

364       **SECTION 14.** Sections 43-41-1, 43-41-3, 43-41-5, 43-41-7,  
365 43-41-9, 43-41-11, 43-41-13, 43-41-15, 43-41-301, 43-41-303,  
366 43-41-305, 43-41-307, 43-41-309, 43-41-311, 43-41-313, 43-41-315,  
367 43-41-317, 43-41-319, 43-41-321 and 43-41-505, Mississippi Code of  
368 1972, which provide for financial and temporary housing assistance  
369 for disaster emergency victims, are hereby repealed.

370       **SECTION 15.** Sections 1 through 13 of this act shall be  
371 codified as Article 2, Chapter 15, Title 33, Mississippi Code of  
372 1972.

373       **SECTION 16.** This act shall take effect and be in force from  
374 and after July 1, 2004.