

1 AN ACT relating to emergencies and making an appropriation therefor.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 198A IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) There is hereby created a trust and agency fund, under the control of the*
6 *corporation, to be known as the Kentucky emergency rental assistance fund.*

7 *(2) If a state of emergency declared under KRS Chapter 39A exceeds a period of*
8 *thirty (30) days and includes a temporary cessation of evictions from residential*
9 *property as a measure to address the conditions forming the basis of the*
10 *emergency, a sum of five million dollars (\$5,000,000) shall be transferred to the*
11 *fund from the budget reserve trust fund established under KRS 48.705.*

12 *(3) In the event of the emergency described in subsection (2) of this section, funds in*
13 *the Kentucky emergency rental assistance fund shall be used for rental assistance*
14 *grants to benefit lessors and lessees of residential rental property in the manner*
15 *established by executive order, administrative regulation promulgated under KRS*
16 *Chapter 13A, Acts of the General Assembly, or operation of federal law.*

17 *(4) The fund may accept grants, distributions of federal funds, appropriations of the*
18 *General Assembly, private donations, or moneys from any other source.*

19 *(5) All moneys deposited to the fund that are not expended for the purposes*
20 *established in this section shall not lapse, and any interest earned on the fund*
21 *shall accrue to the account.*

22 *(6) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of*
23 *the fiscal year shall not lapse but shall be carried forward into the succeeding*
24 *fiscal year to be used for the purposes set forth in this section.*

25 *(7) Moneys in the fund are hereby appropriated for the purpose set forth in this*
26 *section.*

27 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 198A IS CREATED TO

1 READ AS FOLLOWS:

2 (1) In the event of an emergency described in Section 1 of this Act, funds in the
3 Kentucky emergency rental assistance fund shall be used for rental assistance
4 grants to benefit lessors and lessees of residential rental property requiring
5 assistance as a result of the emergency.

6 (2) Rental assistance grants shall be awarded by the corporation:

7 (a) In the manner established in this section;

8 (b) By executive order;

9 (c) Under administrative regulations promulgated by the corporation under
10 KRS Chapter 13A;

11 (d) By law;

12 (e) By legislative or executive action taken by a local government to create a
13 rental assistance program; or

14 (f) By federal law.

15 (3) The corporation shall promulgate administrative regulations under KRS Chapter
16 13A to implement this section, including developing application forms and other
17 forms necessary for the efficient distribution of rental assistance grants. All
18 rental assistance programs eligible for distributions from the fund shall:

19 (a) Require that rental assistance grants be applied to satisfy a lessee's current
20 due rental obligations and any rent arrearages;

21 (b) Prioritize grants to satisfy currently due rent and any arrearages before
22 making any payments for prospective rent due;

23 (c) Be paid directly to a lessor, except in circumstances described in paragraph
24 (f) of this subsection;

25 (d) Require submission of an application for assistance that may be submitted
26 by:

27 1. A lessee;

- 1 2. A lessor on behalf of a lessee with the lessee's written authorization;
2 3. A third party with the lessee's written authorization; or
3 4. A lessor without the lessee's written authorization upon certification
4 by the lessor to the corporation or other program providing rental
5 assistance, that the lessee owes the lessor current rent, arrearages, or
6 both, that may be satisfied with rental assistance funds;
- 7 (e) Authorize a lessor to agree to accept rental assistance grants on behalf of
8 lessees and require that assistance grants so accepted be paid directly to the
9 lessor to satisfy currently due rent or arrearages, or both. Acceptance of
10 rental assistance grants in partial satisfaction of rent owed shall not
11 constitute a lessor's waiver of the right to receive from the lessee the total
12 amount of rent owed unless otherwise agreed to in writing by the lessor and
13 the lessee;
- 14 (f) Authorize the payment of rental assistance grants to a lessee if a lessor has
15 not agreed to accept payment in accordance with paragraph (c) of this
16 subsection, provided the lessee remits payment of the funds to the lessor in
17 satisfaction of currently due rent or arrearages, or both. The corporation or
18 other program offering rental assistance grants shall provide a notice to
19 lessees that grants paid directly to a lessee shall be paid by the lessee to
20 satisfy rent obligations, and failure to pay to the lessor the grant funds
21 received shall result in denial of eligibility for future rental assistance
22 grants, and in the lessee's obligation to repay to the corporation or other
23 grant program any funds not properly remitted to the lessor; and
- 24 (g) Not require that a lessor waive any portion of rent due as a condition of
25 receiving payment of a rental assistance grant from the fund on a lessee's
26 behalf.

27 ➔Section 3. KRS 39A.100 is amended to read as follows:

- 1 (1) In the event of the occurrence or threatened or impending occurrence of any of the
2 situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, the
3 Governor may declare, in writing, that a state of emergency exists. The Governor
4 shall have and may exercise the following emergency powers during the period in
5 which the state of emergency exists:
- 6 (a) To enforce all laws, and administrative regulations relating to disaster and
7 emergency response and to assume direct operational control of all disaster
8 and emergency response forces and activities in the Commonwealth;
- 9 (b) To require state agencies and to request local governments, local agencies, and
10 special districts to respond to the emergency or disaster in the manner
11 directed;
- 12 (c) To seize, take, or condemn property, excluding firearms and ammunition,
13 components of firearms and ammunition, or a combination thereof, for the
14 protection of the public or at the request of the President, the Armed Forces,
15 or the Federal Emergency Management Agency of the United States,
16 including:
- 17 1. All means of transportation and communication;
18 2. All stocks of fuel of whatever nature;
19 3. Food, clothing, equipment, materials, medicines, and all supplies; and
20 4. Facilities, including buildings and plants;
- 21 (d) To sell, lend, give, or distribute any of the property under paragraph (c) of this
22 subsection among the inhabitants of the Commonwealth and to account to the
23 State Treasurer for any funds received for the property;
- 24 (e) To make compensation for the property seized, taken, or condemned under
25 paragraph (c) of this subsection;
- 26 (f) To exclude all nonessential, unauthorized, disruptive, or otherwise
27 uncooperative personnel from the scene of the emergency, and to command

1 those persons or groups assembled at the scene to disperse. A person who
 2 refuses to leave an area in which a written order of evacuation has been issued
 3 in accordance with a written declaration of emergency or a disaster may be
 4 forcibly removed to a place of safety or shelter, or may, if this is resisted, be
 5 arrested by a peace officer. Forcible removal or arrest shall not be exercised as
 6 options until all reasonable efforts for voluntary compliance have been
 7 exhausted;

- 8 (g) To declare curfews and establish their limits;
- 9 (h) To prohibit or limit the sale or consumption of goods, excluding firearms and
 10 ammunition, components of firearms and ammunition, or a combination
 11 thereof, or commodities for the duration of the emergency;
- 12 (i) To grant emergency authority to pharmacists pursuant to KRS 315.500, for the
 13 duration of the emergency;
- 14 (j) Except as prohibited by this section or other law, to perform and exercise
 15 other functions, powers, and duties deemed necessary to promote and secure
 16 the safety and protection of the civilian population;
- 17 (k) To request any assistance from agencies of the United States as necessary and
 18 appropriate to meet the needs of the people of the Commonwealth; and
- 19 (l) Upon the recommendation of the Secretary of State, to declare by executive
 20 order a different time, place, or manner for holding elections in an election
 21 area for which a state of emergency has been declared for part or all of the
 22 election area. The election shall be held within thirty-five (35) days from the
 23 date of the suspended or delayed election. The State Board of Elections shall
 24 establish procedures for election officials to follow. Any procedures
 25 established under this paragraph shall be subject to the approval of the
 26 Secretary of State and the Governor by respective executive orders.

27 (2) **The Governor's emergency powers described in subsection (1) of this section**

1 *shall not suspend or modify the provisions of KRS Chapter 383, or KRS 65.875.*

2 **(3)** In the event of the occurrence or threatened or impending occurrence of any of the
3 situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, which in
4 the judgment of a local chief executive officer is of such severity or complexity as
5 to require the exercise of extraordinary emergency measures, the county
6 judge/executive of a county other than an urban-county government, or mayor of a
7 city or urban-county government, or chief executive of other local governments or
8 their designees as provided by ordinance of the affected county, city, or urban-
9 county may declare in writing that a state of emergency exists, and thereafter,
10 subject to any orders of the Governor, shall have and may exercise for the period as
11 the state of emergency exists or continues, the following emergency powers:

12 (a) To enforce all laws and administrative regulations relating to disaster and
13 emergency response and to direct all local disaster and emergency response
14 forces and operations in the affected county, city, urban-county, or charter
15 county;

16 (b) To exclude all nonessential, unauthorized, disruptive, or uncooperative
17 personnel from the scene of the emergency, and to command persons or
18 groups of persons at the scene to disperse. A person who refuses to leave an
19 area in which a written order of evacuation has been issued in accordance with
20 a written declaration of emergency or a disaster may be forcibly removed to a
21 place of safety or shelter, or may, if this is resisted, be arrested by a peace
22 officer. Forcible removal or arrest shall not be exercised as options until all
23 reasonable efforts for voluntary compliance have been exhausted;

24 (c) To declare curfews and establish their limits;

25 (d) To order immediate purchase or rental of, contract for, or otherwise procure,
26 without regard to procurement codes or budget requirements, the goods and
27 services essential for protection of public health and safety or to maintain or to

1 restore essential public services; and

2 (e) To request emergency assistance from any local government or special district
3 and, through the Governor, to request emergency assistance from any state
4 agency and to initiate requests for federal assistance as are necessary for
5 protection of public health and safety or for continuation of essential public
6 services.

7 ~~(4)~~~~(3)~~ Nothing in this section shall be construed to allow any governmental entity to
8 impose additional restrictions on the lawful possession, transfer, sale, transport,
9 carrying, storage, display, or use of firearms and ammunition or components of
10 firearms and ammunition.

11 ➔Section 4. KRS 214.020 is amended to read as follows:

12 When the Cabinet for Health and Family Services believes that there is a probability that
13 any infectious or contagious disease will invade this state, it shall take such action and
14 adopt and enforce such rules and regulations as it deems efficient in preventing the
15 introduction or spread of such infectious or contagious disease or diseases within this
16 state, and to accomplish these objects shall establish and strictly maintain quarantine and
17 isolation at such places as it deems proper. **Such actions shall be in effect for thirty (30)**
18 **days unless extended by the General Assembly.**