

Temporary Relief for The Duration of Emergency Declaration Immediate Actions to be Taken by the Legislature by March 31st

Goal:

Help people stay in their homes and comply with public health guidelines. Experts tell us we must act now to prevent compounded growth in our infection rate. These recommendations are to help Oregonians get through the next 90 days. Longer-term recommendations will need to be identified by the committee as their work continues.

Rationale:

Short-term statutory and/or budget actions taken by the Legislature now will be done with the goal of slowing down or preventing the need for more costly, drastic actions later.

Priorities:

1. Stability for Individuals and Families (90-day plan)
2. Health Care System Needs
3. Short-Term Employer Support

RED – Suggestions from members

GREEN – Suggestions from Caucus Staff

BLUE – Thoughts staff had about some of the items.

PURPLE – Additional items that were added by the Co-Chairs after the initial draft was sent out.

NOTE:

Probably goes without saying, but... Important to note that these changes should only be done during the Emergency (if an emergency like this occurs again), but when the Emergency / 30 days after statutes should resume as originally intended.

Stability for Individuals and Families – 90 days or until emergency declaration is lifted, greater of.

Housing:

1. Moratorium on all for-cause residential and commercial evictions related to inability to pay rent due to financial impact of the COVID-19 pandemic:
 - Include payment plan requirements for those able to pay a portion of their rent.
2. Increase access to residential rental and mortgage assistance through Emergency Housing Assistance and other housing partners – allocate \$___.
 - Rental assistance provided as vouchers only, no cash to tenants – Findley
 - Stop all evictions and foreclosures – Olsen
 - There is nothing for landlords. They must also make mortgage payments. 3 months or 90 days without help will potentially foreclose on their property and then even renters are out of a home.
 - One may be able to pay their rent, but if it becomes too attractive then those who are able to pay may not submit payment and also attempt to delay or avoid a payment. Some type of objective means test would be needed for nearly all other considerations.

Food:

3. Provide additional support and flexibility to DHS to expedite SNAP benefits.
 - WIC (Women, Infants and Children) helps prevent or decrease premature births by supplementing the diets of pregnant women. WIC pays for essential items like milk, eggs, and baby formula. Some individuals might get both WIC and SNAP/TANF but not all.
 - TANF (Temporary Assistance for Need Families) is a temporary program to help people get by when they really need it. It provides Cash and Food services for a limited time to low-income families working toward self-sufficiency.
 - SNAP (Supplemental Nutrition Assistance Program) this is an “entitlement” program that you might know better as Food Stamps or the Oregon Trail Card.
 - SNAP, TANF, WIC; all three are programs in Oregon and each serve a very important role in everyday society while also serving a specific type / group of people. I don’t think that the Legislature wants to be accused of leaving one group out when attempting to help everyone through this crisis.
4. Support the state’s Food Bank network to purchase food and employ the National Guard to distribute food – allocate \$___.

- We all know that food that is sent to Portland is distributed Statewide while local food banks / pantries only help those individual locations. With the need statewide, we should ensure that if supplies go to the Food Bank HQ (downtown Portland) that they will in fact make it past Multnomah County.
- Is the National Guard the best to conduct this approach? If the Department of Education is currently doing this for students, perhaps they can help with the distribution of food for others as well...

Utilities:

5. Increase financial assistance directly to utilities to help low-income households and small businesses. Require PUC oversight to ensure accountability for fund distribution and so dollars are directed at appropriate customers.
 - Put on hold rulemaking and governors executive order for carbon. The significant impact of increasing utility prices in the face of this virus is irresponsible.
 - Halt rulemaking of carbon taxes. This is creating uncertainty in the business community and is also a misappropriation of OHA's time.
 - Director Pat Allen mentioned in the Committee hearing on Wednesday that anything not COVID-19 related was being halted. Why not simply make it official.

Health Insurance Premiums:

6. Establish a grace period provision for non-payment of insurance premiums for the duration of the emergency declaration (retroactive if possible). Require the acceptance of payment plans for those unable to pay their full commercial premium without fee or penalty.
 - Elongate grace period from 14-days to 30-days in all other circumstances outside of the declaration as proposed by HB 4110 (2020).
 - In case curious, HB 4110 was a Rep. Holvey bill. It passed the House 57-0 and died at the Senate Desk upon adjournment.
 - Allow whatever health code waivers are necessary so restaurants or others who want to donate can provide food to food banks. - Thatcher
 - Enhance distribution by school buses to families who want to pick up on those routes. - Thatcher

Unemployment Insurance:

7. Stabilize the UI fund by redirecting the current estimated corporate kicker for this biennium from the state school fund to the UI Fund.
 - What is the constitutionality of such an action?
 - The Corporate Kicker was placed into the Constitution saying it has to go to the state school fund. (Article 9 Section 14).
 - The Catastrophic Disaster language of the Constitution says in Art. 10a S. 4 that the Legislature can hold the amount going back to the taxpayers (if 10a is declared).

- Can we withhold the corporate amount without making a change to the constitution? When we take money during session it is usually taking the money from the peoples portion not the corporate portion.
- 8. Temporarily improve access to UI benefits:
 - Waive work search requirements.
 - Waive one-week waiting period.
 - Clarify existing “good cause” provision to account for COVID-19 related actions.
 - Provide unemployment benefits to workers who are forced to quit their jobs due to objective risk and in order to avoid exposure to the virus.
 - Permit use for UI for quarantined workers.
 - Allow UI for those taking care of family members affected by COVID-19 or primary mode of dependency has been altered by compliance with public health declarations.
 - The Governor’s Office has made it very clear multiple times that nothing should be done if it will jeopardize the Federal Match for UI funding. Are we sure that all of these items will be pass that test? To my knowledge, no one from Employment has looked at / discussed these options.
- Let’s not bring everyone on OHP right now, we’ll pay for it in the long run, but encourage people needing help to seek it at local health clinics or OHSU clinics using state dollars (Thatcher)

Oregon Family Leave Act

- 9. Amend definition to cover leave for parents during statewide public health emergencies.
 - Is this permanent or is there a sunset provision? Is this only for this emergency?

High-Risk Households (seniors, people with disabilities, people with underlying health issues):

- 10. Increasing ability of community partners to do outreach and respond to basic needs of self-quarantined individuals – allocate \$___.
 - Allow participants in the IDA (Individual Development Accounts) the ability to access part of the funds during the emergency. Program is located in the Treasurer’s Office. Its purpose is to help Oregon’s individuals and families engage in financial literacy, prioritize long term thinking and invest in themselves and their families. (Sen. Thomsen)

Health Care System Needs – for the duration of the declaration.

- 11. Establish an “any willing provider” provision or similar strategy to eliminate out-of-network status for individuals seeking care and for providers seeking reimbursement for care provided. Apply this policy to all services related to COVID-19. Ensure balance billing protections for consumers apply.
 - Provide “Bed Tax” relief for any additional capacity in all care facilities during declared emergency. - Findley
 - Allow Zoom+Care reciprocity in Rural Oregon - Findley
 - Allow Dentist to continue to provide care for patients. - Findley

12. Direct money to OHSU for the purpose of statewide bed coordination for the duration of the declaration – allocate \$__.
13. Establish Good Samaritan liability protections for the first-responder workforce.
14. Workforce requirements to increase available staffing throughout the declaration:
 - Privilege by proxy and credentialing across hospitals.
 - Maximize retired NPs and active National Provider Identifiers (NPI). Waive statutory barriers to reentry.
 - Open the workforce to out-of-state licensees. Waive statutory barriers to practice.
 - Ensure all practitioners who have a role in COVID-19 response are maximizing their licensure.
 - **Establish full reciprocity with any medical provider with a license in good standing in any state to work in Oregon during the emergency. - Findley**
15. Increase child care specifically for first responders and essential personnel while schools are closed.
 - If someone gives up their spot in a Daycare facility for a First Responder family, when the emergency is over, they should be able to get their spot back at the Daycare. Some families have waited months to get their child into a daycare facility, and they run the risk of loosing their spot if this isn't the case.
 - Utilize hotels that are having no business for sick beds. Pay hotel for this use so they can also stay in business and pay their mortgage/property tax on the building.
 - Utilize College and University Dorm Rooms that are sitting empty as potential sick beds. Compensation could be given to the private colleges if this were to be the case for use of facilities...
 - There needs to be a relief for small business hospitals that are supposedly non-essential or elected surgeries to continue operations. Not all non-elected procedures use PPE. If their revenue is compromised because of the executives EO- it's more likely they'll be bought quickly by insurance companies/hospital systems that are still collecting full value premiums even though patients can't receive full scale of services (ie eye surgeries, hip replacements etc). This whole model would move Oregon closure to one payer delivery of care. (state run or "preferred partner" run vs. private independent practices).

Short-Term Employer Support

16. Establish a 90-day pause on workers' comp payments for businesses paying for coverage through SAIF.

- Are these balanced in a trust fund that businesses will have to pay back at higher rates no matter what moving forward?

17. Waive UI charges to employers during the emergency.

18. Require all state-chartered banks/lenders to:

- Accept interest-only payments for duration of the emergency declaration and 30-days after.
- Prohibit defaults during declaration and mandate payment plans to cover principal unpaid during the emergency period.
- Offer 0% interest loans for the period of the declaration and 30-days after.
- Prohibit commercial and residential foreclosures.
 - What is the financial impact of this action? The prohibition of foreclosures could have other unintended consequences...

19. Repurpose flexible funds within Business Oregon to provide direct relief to certain impacted sectors.

20. Improve access to child care:

- Ease regulatory requirements on substitute and family, friends, and neighbors (FFN) providers to cover provider shortages. Ease background checks and training requirements for an emergency pool of FFN child care providers.
 - Businesses need legal protection if they are not doing background checks.
- Authority to reduce licensure requirements to set up childcare in ad hoc facilities.
 - Again, there should to be some sort of legal protection from lawsuits if this is implemented.

21. Cover businesses for non-continuity of operations through insurance policies:

- Most property & casualty insurance policies only cover loss of property or loss of sales, but loss of sales is not covered by civil authorities closing establishments.

22. Permit liquor sales for *takeout* food orders to aide restaurant sales during dining room closures.

- Based on the OHA/GOV call 3/19 this is set to happen through Executive Order in the coming days. The EO will be for growlers at wineries and breweries in Oregon.

23. Permit businesses to suspend liquor liability insurance if not selling liquor due to adherence to public health declarations. Permit a business to retain an active liquor license while liability insurance is suspended.

- Moratorium on all payroll taxes for the purposes of paying into a paid family leave program (PFL doesn't start in Oregon until 2021) - Olsen
- Suspension of the cap on overtime manufacturing during this time. The undue hardship exemptions should allow exemption during the COVID-19 crisis and allow all manufacturers to take exception so workers can work overtime. HB 3458 in 2017 created this law.

ADDED BY THE CO-CHAIRS after the initial draft was sent out:

24. Identify areas to streamline regulatory reporting and active rule-making during the declaration
25. Establish a centralized resource for small businesses and employees who are trying to access the state's new and existing programs.

Other Ideas on what can be done...

TAXES:

- Defer March 2020 and future CAT Payments through duration of emergency. – *Olsen, Thatcher and Findley*
- Moratorium on all payroll taxes for the purposes of paying into a paid family leave program (PFL doesn't start in Oregon until 2021) - Olsen
- Stop all property taxes until the pandemic ends – perhaps move property tax payments from Nov. 15 to Jan. 15 - Olsen
- Send the Kicker to citizens as a check instead of a credit for those who have not filed yet.
- The Federal Government has postponed tax day until July 15th, is this an option for Oregon citizens as well (for state taxes?)
- Require DOR set up 0% interest payment plans on all state taxes due during the period of the declaration and 30 days after. Prohibit penalties during declaration and mandate payment plans to cover principle unpaid during the emergency period. Prohibit tax liens. (See number 20, above, and apply it to the Department of Revenue for payments due on taxes) (Thatcher)
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TRANSPORTATION

- Allow New Car Dealers to deliver new vehicles to personal address (might be better if this was all Auto Dealerships and not just new auto dealerships). - Findley

- Eliminate State Fuel tax until July 1 – Help lower the cost of fuel in the state. - Olsen
- Have auto dealers and car mechanics listed as essential services. - Thomsen

EVENTS

- Cancel track meet in Eugene and use resources for low-income, homeless and elderly. - Olsen

GROCERY STORES

- Prohibit cloth bags in grocery stores to prevent the spread of the disease - Olsen
- Allow the use of clean, new plastic bags at grocery locations. Grocery stores are the most travelled location at this current time. A new plastic bag (that does not cost 5 cents) may serve to significantly lessen the potential for cross contamination from the bags that people are bringing to the store.
- Put restrictions on certain food item purchases to relieve bulk buying of products, i.e. toilet paper - Olsen

EDUCATION

- The 3% enrollment cap for online charter schools needs to be lifted in order to accommodate those families wishing to continue having their children go to school and learn during this time. - Thatcher
- Have the state board of Ed. lift certain graduation requirements so seniors can get a diploma this summer – for example, as long as they have 20 /24 credits to graduate – waive additional steps like internships, etc. (Thatcher)

STATE EXPENDITURES

- Restrict all state expenditures to essentials only. Redirect unused funds to help those mentioned above. – Boquist (Jim)
- Delay any new funding for programs and projects that have been past in the recent biennium, and a delay in any capital projects that are not yet currently underway. – Boquist (Jim)
Rationale would be the downturn in the economy and shortfall in tax collections, we need to prioritize a redirection of funding for worker unemployment and small business assistance.

- With the closure of bars and dine in establishment, the Oregon Lottery has essentially come to a grinding halt. What are the limitations on bonding that has been promised (passed) with lottery dollars and is there any way to amend these bonds / postpone the bonding capacity.

MISCELLANEOUS

- **Close Schools until May 1** (Currently schools are set to open April 28th) – **Sen. Olsen**

DRAFT