



July **DRAFT**, 2021

Office of the Undersecretary for Domestic Finance  
Department of the Treasury  
1500 Pennsylvania Avenue NW  
Washington, DC 20220

RE: Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule Comments

To Whom It May Concern:

Clackamas County respectfully submits the following comments related to the eligible uses described in the Interim Final Rule for the State and Local Fiscal Recovery Funds of the American Rescue Plan Act (ARPA). The comments will cover three topics: establishing Disaster Preparedness as an eligible use, retaining flexible use of funds for Broadband Infrastructure, and clarifying whether Housing Shelter Infrastructure is an allowable use.

***Please consider expanding use of State and Local Recovery Funds to include Disaster Preparedness as an eligible use, especially where it applies to state and local governments that experienced one or more disasters during the COVID-19 pandemic.***

Clackamas County experienced a nearly 200,000 acre wildfire in September 2020 and a federally recognized Ice Storm in February 2021, both natural disasters requiring the county to divert emergency resources away from the COVID-19 pandemic in order to respond to the alternative public safety needs. For example, in the September 2020 wildfire roughly 250,000 people were under a Level 1 evacuation order and many relied on shelter and emergency placements, and likewise in the 2021 Ice Storm over 200,000 residents were affected at the peak of power outages caused by the storm.

While state and federal resources aided in the successful and initial response to these disasters, we also identified critical needs in the county that funding from the Local Fiscal Recovery Funds could support in order to mitigate the impact of future disasters that may occur during the ongoing pandemic and within the timeline for spending ARPA funds. Specifically, as extreme weather continues to increase in the Western United States we are already preparing for the 2021 wildfire season. In fact, we are already seeing wildfires in the state of Oregon months before the normal wildfire season.

Should the Treasury expand use to include Disaster Preparedness as an allowable use of funds, we've identified at least three projects that can be directed in this way that will serve our community. We believe these needs are in line with the higher-level objectives of "recovery" and

“stabilization” intended by ARPA, but is not currently allowable in the guidance as drafted because of their indirect ties with the COVID-19 pandemic.

- 1) Funding defensible space programs to protect homes from encroaching wildfires.  
Defensible space programs are a proactive measure home and business owners can utilize to protect their properties from extreme fires, often expediting returns to property following an event. Because hotels and motels were at near-zero capacity in the surrounding area as a result of securing space for individuals to isolate and recover from COVID-19, or because housing vouchers utilized hotel and motel vacancies as part of the pandemic, protection measures for existing homes is a method that could ensure people remained housed during or shortly after a disaster, as well as support expedited return to economic recovery.
- 2) Improvement of County Fairgrounds for large animal sheltering, sheltering of owners of the animals and sheltering for others as needed. During the 2020 Wildfires as well as other past wildfires in the state the Clackamas County Fairgrounds have been used to house livestock and other large animals. However, the Fairgrounds are in need of some gap funding to build a new barn, needed RV space for people to shelter while they take care of their animals, and general upgrades to existing buildings so that sheltering for those displaced can occur safely.
- 3) Funding to study, educate, and communicate (perhaps with improved signage) wildfire evacuation routes and resources. During the 2020 wildfire, the county experienced critical transportation bottlenecks as people rushed to safety. Additionally, resources and sites that were available for evacuation (people and livestock) were limited, crowded, and not ideal as it related to the COVID-19 social distancing practices. Evacuation routes also have the added advantage of educating communities (and visitors) about critical resource locations that can be used for vaccine distribution and the delivery of other services during the pandemic and disasters.

We recognize that the primary intent of the American Rescue Plan Act is to respond to the COVID-19 pandemic, but we implore you to consider including disaster preparedness as an additional flexible use program, much like broadband and clean water infrastructure. While we can only speak for ourselves, we submit that other agencies in the nation that experienced a natural disaster during the pandemic would benefit from this improved flexible use.

While exploring the impacts of this request, we have run across the initial concern that using State and Local Recovery Funds in this capacity might limit the county’s response to the COVID-19 pandemic, which was the noted intent of the ARPA legislation. We agree this is an understandable concern, but also recognize that recovery will look different for each community receiving these funds. Since the public health oversight of our community falls directly on the county we don’t anticipate this occurring here. In Clackamas County, this requested allowance only expands on the possible uses to help our community recover from the multiple declared emergencies that occurred since February 2020, including the COVID-19 pandemic.

***Please retain the flexible use of State and Local Recovery Funds for Broadband Infrastructure.***

We were pleased to see Congress approve and the Treasury affirm the allowable and flexible use of the funds for Broadband Infrastructure. Our comment here is a request to ensure that broad and flexible use of funding in this category be retained.

As currently drafted, the Interim Final Guidance would permit use of the funds for Clackamas County to advance critical rural broadband infrastructure by the December 31, 2026 deadline to complete programming and performance of these funds. These investments will include both served and un- and under-served households and businesses in an effort to reach un- and under-served areas as prescribed by the FCC minimum services level of 25/3 Mbps.

The COVID-19 pandemic highlighted the need to expedite the broadband infrastructure service needs in Clackamas County, especially as rural and un- and under-served communities became dependent on internet connectivity to either stay employed or access education resources. The reliability offered by broadband ensures those areas are both able to participate in the ongoing digital migration for work and school as well as give these areas new economic potential to grow and thrive.

While there are exciting funding opportunities at the state and federal level outside of ARPA, many of those opportunities are very specific grants with criteria that limit eligibility for applications. However, the flexibility of the ARPA dollars ensure Clackamas County can make investments now to serve these communities, as intended when the legislation passed in March.

***Please clarify whether use of State and Local Recovery Funds can include the building of new Housing Shelters in order to respond to the Negative Economic Impacts of the COVID-19 Pandemic.***

Clackamas County and the larger metropolitan areas around Portland were experiencing a housing crisis that saw increased homelessness before the COVID-19 pandemic began. But the economic impacts of COVID-19 exacerbated that issue, which was further realized with two additional declared emergencies in the county, the 2020 Wildfire and 2021 Ice Storm.

Shelters are a critical infrastructure that is needed in Clackamas County that would aid in our recovery from the economic impacts of the pandemic, as well as have long term benefits to meeting the needs of the housing crisis at large. However, the current guidance is vague on the use of funds to construct new shelter space.

We ask that you please clarify whether use of the funds can be used to build housing shelter infrastructure. In addition, if the guidance does not currently allow for this, that considerations be made to expand the guidance to include this use.

Thank you for your consideration of these comments.

Respectfully,

**DRAFT**