

Date of Hearing: April 19, 2021

ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT

Freddie Rodriguez, Chair

AB 1409 (Levine) – As Introduced February 19, 2021

SUBJECT: Planning and zoning: general plan: safety element

SUMMARY: Requires the safety element of a local hazard mitigation plan to be reviewed and updated as necessary to identify evacuation locations. Specifically, **this bill:**

- 1) Requires, upon the next revision of a local hazard mitigation plan, on or after January 1, 2022, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element be reviewed and updated as necessary to identify evacuation locations under disasters scenarios.
- 2) Provides a county or city that has adopted a local hazard mitigation plan, emergency operations plan, or other document that fulfills commensurate goals and objectives may use that information in the safety element to comply with this section and, in that event, shall summarize and incorporate into the safety element that other plan or document.
- 3) Provides that no reimbursement is required by this act because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

EXISTING LAW:

- 1) Creates, within the office of the Governor, Cal OES, which is responsible for preventing, responding to, recovering from, and mitigating the impacts of both natural and intentional disasters.
- 2) Requires Cal OES to establish a Standardized Emergency Management System (SEMS) for use by all emergency response agencies.
- 3) Authorizes cities, cities and counties, and counties to create disaster councils, by ordinance, to develop plans for meeting any condition constituting a local emergency or state of emergency, including, but not limited to, earthquakes, natural or manmade disasters specific to that jurisdiction, or state of war emergency.
- 4) Requires the Standardized Emergency Management System (SEMS) for managing multiagency and multijurisdictional responses to emergencies in California. State agencies are required to use SEMS and local government entities must use SEMS in order to be eligible for any reimbursement of response-related costs under the state's disaster assistance programs.
- 5) Authorizes Cal OES to administer federal hazard mitigation grants, including the Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA) program, Pre-Disaster Mitigation (PDM) program.

- 6) The Federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707) authorizes the Federal Emergency Management Agency (FEMA) to provide emergency assistance to states and local entities impacted by disasters. In any emergency, the President may, among other things, authorize public assistance programs aimed at providing essential emergency assistance, repairing and restoring damaged public facilities and removing debris.
- 7) Establishes, under Section 404 of the Stafford Act, the HMPG, which is administered by the FEMA and provides grants to States and local governments to implement long-term hazard mitigation measures after a major disaster declaration.

FISCAL EFFECT: Unknown.

COMMENTS:

Purpose of the bill: According to the author, “natural disasters have long devastated California but with the effects of climate change leading to severe wildfires it is necessary for local governments to have more concise plans for large-scale and swift evacuations. In 2019, AB 747 (Levine) was successfully chaptered into law in order to address the necessity for local governments to have sufficient evacuation routes during a full-scale emergency.”

“This bill would ensure those that evacuate using these routes have a specified evacuation location and will help save lives by requiring local governments to preemptively plan their evacuation locations under a range of emergency scenarios,” the author concludes.

Ongoing and complex disasters are the new normal: In recent written testimony provided to the House of Representatives Committee on Appropriations, California’s OES Director states “the State of California arguably faces the most complex and severe disaster conditions in the nation and these challenges and complexities grow in magnitude each year. In the past decade, California has experienced every conceivable type of natural and manmade disaster including drought, earthquake, flood, catastrophic wildfire, mudslides, dam failure, cyber security attacks, oil spills, natural gas leak, civil unrest, terrorism, and tsunamis. However, the COVID-19 pandemic has put our emergency management system to the test.

Unprecedented Wildfire Activity: In Cal FIRE’s 2020 Fire Siege Report, the Director states, “at the end of 2020, we closed the book on, arguably, the worst fire year ever experienced on the west coast, and specifically in California. Since 2015, the term “unprecedented” has been used year over year as conditions have worsened, and the operational reality of a changing climate sets in. In California, the 2020 Fire Siege claimed the lives of 28 civilians and three firefighters, destroyed 9,248 structures and consumed 4.2 million acres. In August, the SCU and LNU Lightning Complexes were burning at the same time and at the time of containment, were the 3rd and 4th largest fires in California history. The Creek Fire grew to be the largest single fire in California history that did not originate as a complex of fires. Watersheds were eradicated, communities decimated, and the quality of life for 40 million Californians temporarily diminished.”

State Hazard Mitigation Plan (SHMP): The SHMP is the state’s primary hazard mitigation guidance document and builds upon the state’s commitment to reduce or eliminate potential risks and impacts of natural and human-caused disasters to help communities with their mitigation and

disaster resiliency efforts. The SHMP includes: an updated statewide risk assessment, disaster history, and statistics; recent mitigation progress, success stories, and best practices; updated state hazard mitigation goals, objectives, and strategies; and updated climate mitigation progress and adaptation strategies. Wildfires, earthquakes and flooding are considered the three primary hazards in California.

Cal OES has integrated the threat of climate change and its cascading effects into the agency's overall prevention and mitigation efforts, including the SHMP. Cal OES also led the California Fire Service Task Force on Climate Effects, which reviewed and developed policy and operational recommendations associated with the effect of climate change on the California fire service, and serves on the California Tree Mortality Task Force. Cal OES is an active partner in statewide climate working groups such as the Climate Action Team, facilitated by the California Environmental Protection Agency and the California Natural Resources Agency. Cal OES also contributes to climate adaptation projects such as Safeguarding California, to provide the emergency management perspective on how the state can protect communities, infrastructure, services, and the environment from climate change impacts.

Hazard Mitigation: Hazard mitigation is any action taken to reduce or eliminate long-term risk to human life and property from natural hazards. In California the definition is expanded and includes natural and man-made hazards. The essential steps of Hazard Mitigation are identifying hazards, conducting a vulnerability analysis, developing a hazard mitigation strategy, and implementing activities or projects to reduce the risk of loss of life and property due to natural disasters.

Federal Hazard Mitigation Grant Program (HMGP): Under the HMGP, FEMA can fund up to 75 percent of the eligible costs of each project. Total federal funding under the current program is based on a sliding scale of the estimated grants for individual assistance programs and public assistance projects. States may choose to develop an Enhanced State Mitigation Plan in order to receive an increased amount of up to 20 percent for Hazard Mitigation Grant Program funding. Eligible applicants are State and local governments, Native American tribes, and certain non-profit organizations. Individual homeowners and businesses may not apply directly to the program; however, a community may apply on behalf of homeowners and businesses.

Local Hazard Mitigation Plans: Counties are required to have a local hazard mitigation plan approved by FEMA in order to be eligible for HMPG funds. Additionally, according to Cal OES, "the department works at all times with communities across the state to monitor and minimize gaps in local hazard Mitigation plan coverage. In addition to counties, approximately 340 of California's 482 cities currently maintain a current hazard mitigation plan, or are in the process of developing one. In addition to city- and county-sponsored plans, there are 45 special districts, including utilities, fire protection districts, school districts and transportation authorities, which have their own single-jurisdiction hazard mitigation plans."

Evacuation Planning Study: According to an investigation published earlier in 2019 by a media collaboration that included The AP, USA TODAY Network-California, McClatchy and Media News; their study looked at California communities that are at the highest risk of fire and found that fewer than one in four have an evacuation plan that residents can review. This means that as of 2019, just 22% of our communities had a robust evacuation plan that was available to the public. Because all emergency response is local, California does not require communities to establish evacuation plans. While Cal OES has been working with communities

to develop evacuation plans, some areas still do not have one or residents are unaware of what it is.

Arguments in support: The American Planning Association, California Chapter (APA California), writes in support, “AB 1409, which would require the safety element to be reviewed and updated to identify evacuation locations, under a range of emergency scenarios. Unfortunately, California faces a daunting task in contending with prolonged wildfire seasons and natural disasters facilitated by climate change. These new threats will require communities to reassess evacuation options and, as this bill requires, ensure that viable evacuation locations are identified for residents to shelter in place, in the event of an emergency.”

Double-Referral: This bill was previously heard by the Local Government Committee.

Prior Legislation: AB 747 (Levine), Chapter 681, Statutes of 2019. Requires each city or county to review and update its safety element to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios.

REGISTERED SUPPORT / OPPOSITION:

Support

American Planning Association, California Chapter

Opposition

None on file.

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