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AB-2645 Local emergency plans: integration of access and functional needs: community resilience centers. (2021-2022)

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Assembly Bill No. 2645

CHAPTER 247

An act to amend Section 8593.3 of the Government Code, relating to emergency services.

[Approved by Governor September 06, 2022. Filed with Secretary of State September 06, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2645, Rodriguez. Local emergency plans: integration of access and functional needs: community resilience centers.

Existing law, the California Emergency Services Act, among other things, creates the Office of Emergency Services, which is responsible for the state's emergency and disaster response services, as specified. Existing law requires the Governor to coordinate the State Emergency Plan and those programs necessary for the mitigation of the effects of an emergency. Existing law requires the governing body of each political subdivision of the state to carry out the provisions of the State Emergency Plan. Existing law grants the Governor certain powers to be exercised in accordance with the State Emergency Plan and programs for the mitigation of the effects of an emergency, including providing for approval of local emergency plans. Existing law requires a county, upon the next update to its emergency plan, to integrate access and functional needs into its emergency plan by addressing, at a minimum, how the access and functional needs population is served by emergency communications, emergency evacuation for individuals who are dependent on public transportation, and accessible emergency sheltering.

Existing law, upon appropriation as specified, makes certain funding available in the 2022–23 and 2023–24 fiscal years to the Strategic Growth Council, in coordination with the Office of Planning and Research, for the establishment of a grant program for the construction or retrofit of facilities that will serve as community resilience centers, including prescribed types of centers and other facilities to mitigate the public health impacts of extreme heat and other emergency situations exacerbated by climate change on local populations. Existing law provides that these facilities will serve as both community emergency response facilities and to build long-term resilience, preparedness, and recovery operations for local communities.

This bill would require a county, pursuant to the above-described requirement to integrate access and functional needs into its emergency plan upon the plan's next update, to address specific additional plan elements. The bill would require the plan, with regard to emergency evacuation, to also integrate evacuation and transportation plans to account for local community resilience centers, to ensure that local community resilience centers, as defined, are prepared to serve as communitywide assets during extreme heat events and other disasters, to designate available locations that may be necessary to provide respite to individuals during certain environmental emergencies, and to integrate evacuation plans to account for specified state grant programs relating to community resilience. The bill would require the plan, with regard to emergency sheltering, to also integrate sheltering and transportation plans to account for transportation between community resilience centers and shelters. By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8593.3 of the Government Code is amended to read:

8593.3. (a) A county, including a city and county, shall, upon the next update to its emergency plan, integrate access and functional needs into its emergency plan by addressing, at a minimum, how the access and functional needs population is being served by the following:

(1) Emergency communications, including the integration of interpreters, translators, and assistive technology.

(2) Emergency evacuation, including all of the following:

(A) The identification of transportation resources and resources that are compliant with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) for individuals who are dependent on public transportation.

(B) Integrating evacuation and transportation plans to account for local community resilience centers.

(C) Ensuring that local community resilience centers are prepared to serve as communitywide assets during extreme heat events and other disasters.

(D) Designating available locations that may be necessary to provide respite to individuals during emergencies, including, but not limited to, extreme heat, cold, or unhealthy air incidents.

(E) Integrating evacuation plans to account for the following:

(i) Community resilience center programs, including, but not limited to, the Integrated Climate Adaptation and Resiliency Program (ICARP) Community Resilience and Heat Grant Program developed by the Office of Planning and Research.

(ii) Fairground resilience center programs, including, but not limited to, the Fairground and Community Resilience Center Grant Program developed by the Department of Food and Agriculture.

(3) Emergency sheltering, including both of the following:

(A) Ensuring that designated shelters are compliant with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or can be made compliant through modification and that showers and bathrooms are fully accessible to all occupants.

(B) Integrating sheltering and transportation plans to account for transportation between community resilience centers and shelters.

(b) A local government may enter into an agreement with a, or may use the records of its own, social services department to access the contact information of persons from the access and functional needs population, and the contact information of the designated emergency contacts of those persons, if any, for the sole purpose of enrolling those individuals, who are residents of that local government, in a city-operated, county-operated, or city- and county-operated public emergency warning system.

(c) A county, or city and county, upon the next update to its emergency plan, regarding the integration of access and functional needs into that emergency plan, shall include representatives from the access and functional needs population, pursuant to subdivision (b), including, but not limited to, social service agencies, nonprofit organizations, and transportation providers.

(d) A local government that enters into an agreement to access information pursuant to subdivision (b) shall include procedures to enable any covered resident or designated emergency contact to opt out of the warning system and a process to terminate the local government's access to the contact information of the resident or the designated emergency contact from a county social services department. A local government or any third-party contractor or agent that assists with or administers an emergency warning system shall not use the information gathered for any purpose other than for emergency notification. The local government shall ensure that the confidentiality of the contact information is protected under reasonable security procedures.

(e) A local government that enters into an agreement to access information pursuant to subdivision (b) shall, upon receipt of that information, notify residents and designated emergency contacts that they have been entered into the public emergency warning system. This notification shall include a process to opt out of the warning system and to terminate the local government's access

to the contact information of the resident or the designated emergency contact for purposes of the emergency warning system, regardless of the source of the information.

(f) For purposes of this section:

(1) "Access and functional needs population" consists of individuals who have developmental or intellectual disabilities, physical disabilities, chronic conditions, injuries, limited English proficiency or who are non-English speaking, older adults, children, people living in institutionalized settings, or those who are low income, homeless, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit or those who are pregnant.

(2) "Contact information" means a person's name, address, telephone number, and email address.

(3) "Local community resilience center" means a hydration station, cooling center, clean air center, respite center, community evacuation and emergency response center, or similar facility established to mitigate the public health impacts of extreme heat and other emergency situations exacerbated by climate change, such as wildfire, power outages, or flooding, on local populations.

(4) "Local government" means a city or county, including a city and county.

(g) Any contact information of a person from the access and functional needs population or the contact information of the designated emergency contact for that person, obtained by a local government pursuant to this section shall not specify whether that person receives public benefits or any other information, besides the contact information, that would be considered personal or confidential.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.