

Date of Hearing: April 23, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 1786 (Rodriguez) – As Amended April 16, 2024

SUBJECT: California Individual Assistance Act: California Local Assistance Act

SUMMARY: Creates two disaster relief programs to help individuals, families, and communities quickly recover from disasters due to, or exacerbated by, climate change.

Specifically, **this bill:**

- 1) Adds “climate change” and “climate change exacerbated conditions” to the list of conditions for which a state of emergency or local emergency may be proclaimed.
- 2) Establishes the California Individual Assistance Act (Act) to create a grant program to provide funds to community-based organizations for specified costs related to a disaster, as prescribed.
- 3) Requires the Director of the California Department Social Services (CDSS) to allocate moneys from the California Individual Assistance Act Account, which the bill establishes as a special account within the Disaster Assistance Fund, for purposes of the program.
- 4) Authorizes the CDSS Director to adopt regulations, as determined to be necessary, to govern the administration of the program.
- 5) Requires the Controller to transfer \$100 million of the moneys in the Greenhouse Gas Reduction Fund to the California Individual Assistance Act Account for purposes of the Act.
- 6) Allows moneys from the California Individual Assistance Act Account to be used to provide funds to community-based organizations to provide assistance to individuals including housing assistance and other needs assistance.
- 7) Requires the Strategic Growth Council to allocate moneys from the California Local Assistance Act Account, which the bill would establish as a special account within the Disaster Assistance Fund, for purposes of the program.
- 8) Authorizes the Strategic Growth Council to adopt regulations, as determined to be necessary, to govern the administration of the program.
- 9) Requires the Controller to transfer \$400 million of the moneys in the Greenhouse Gas Reduction Fund to the California Local Assistance Act Account for purposes of the Act.
- 10) Allows moneys from the California Local Assistance Act Account to be used to provide funds to local and tribal governments, transportation systems, and communities for the purposes of rebuilding infrastructure and other lifelines systems damaged due to a declared disaster, implementing hazard mitigation activities to reduce the risks of climate change, and restoring other losses suffered in communities.

- 11) Makes an appropriation, by requiring the transferring of moneys into two continuously appropriated funds, and by authorizing increased expenditure of moneys from a continuously appropriated fund for a new purpose.

EXISTING LAW:

State law:

- 1) Establishes CDSS within the California Health and Human Services Agency to administer public social services. (Welfare and Institutions Code § 10550 *et seq.*)
- 2) Defines a state of emergency to mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as, among others, air pollution, fire, flood, and storm. (Government Code [GOV] § 8558)
- 3) Defines a local emergency to mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by conditions such as, among others, air pollution, fire, flood, and storm. (GOV § 8558)
- 4) Establishes the California Office of Emergency Services (Cal OES) within the office of the Governor for the purpose of mitigating the effects of natural, manmade, or war-caused emergencies. (GOV § 8550)
- 5) Requires the Director of Cal OES to provide financial assistance to local agencies for their personnel costs, equipment costs, and the cost of supplies and materials used during disaster response activities, incurred as a result of a state of emergency proclaimed by the Governor, subject to specified criteria. (GOV § 8680)
- 6) Provides the California Disaster Assistance Act continuously appropriates moneys in the Disaster Assistance Fund and its subsidiary account, the Earthquake Emergency Investigations Account, without regard to fiscal year. (GOV § 8690.25)
- 7) Establishes the Greenhouse Gas Reduction Fund and Cost of Implementation Account. (GOV § 16428.8)
- 8) Under the California Global Warming Solutions Act of 2006, establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. (Health and Safety Code § 38510)
- 9) Establishes the Strategic Growth Council to, among other things, identify and review activities and funding programs to improve air and water quality, improve natural resource protection, increase the availability of affordable housing, improve transportation, meet the goals of the California Global Warming Solutions Act of 2006 and the strategies and priorities developed in the state's climate adaptation strategy, encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner. (Public Resource Code §§ 75121 and 75125)

Federal law:

- 10) Under the Federal Robert T. Stafford Disaster Relief and Emergency Assistance Act, authorizes the Federal Emergency Management Agency (FEMA) to provide emergency assistance to states and local entities impacted by disasters. In any emergency, the President of the United States (President) may, among other things, authorize public assistance programs aimed at providing essential emergency assistance, repairing and restoring damaged public facilities and removing debris. (Public Law § 100707)
- 11) Under the Sandy Recovery Improvement Act of 2013, requires FEMA, in cooperation with State, local, and Tribal emergency management agencies, to review, update, and revise through rulemaking the factors that FEMA uses to determine whether to recommend provision of Individual Assistance during a major disaster. (Public Law §§ 113-2 and 1109).

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Disasters in California.* California's diverse geography, climate, and size make the state vulnerable to disasters. Since 2018, 27 major federal disasters have been proclaimed in the State of California due to wildfires, floods, earthquakes, a hurricane, a tropical storm, and a pandemic. These disasters were devastating to communities, individuals, and infrastructure, and included lives lost, homes lost, and severe damage to general community infrastructure.

Despite the damage, not all impacted were able to receive state or federal assistance. This is due to requirements set forth to access the assistance. If the damages to homes and public infrastructure do not meet the federal criteria, the county and individuals will not be eligible for disaster assistance. Also, individuals, who lack legal status, do not qualify for federal individual assistance programs. For example, several counties proclaimed a local emergency due to winter storms this year and have requested the Governor issue a state of emergency proclamation and recovery assistance under the California Disaster Assistance Act, but damages may not have been extensive enough (in Cal OES's determination) to be granted assistance.

There are two types of disaster declarations provided for in the Stafford Act: emergency declarations and major disaster declarations. Both declaration types authorize the President to provide supplemental federal disaster assistance. However, the events related to the two different types of declaration and the scope and amount of assistance differ.

The President can declare an emergency for any occasion or instance when the President determines federal assistance is needed. Emergency declarations supplement state and local or Indian tribal government efforts in providing emergency services, such as the protection of lives, property, public health, and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. The total amount of assistance provided for in a single emergency may not exceed \$5 million. There are two types of available assistance for emergency declarations: Public Assistance and Individual Assistance. FEMA may provide the following forms of Individual Assistance:

- The Crisis Counseling Assistance and Training Program (CCP) provides grant funding to local, state, territory, and tribal governments, which may contract with local mental health

service providers, for CCP services. The CCP assists individuals and communities through community-based outreach and the provision of psycho-educational services following an emergency or major disaster.

- Disaster Case Management Program (DCMP) partners case managers with disaster survivors to develop and implement disaster recovery plans that address the survivor's unmet needs following a major disaster.
- Disaster Legal Services are provided for free to low-income individuals to assist them with securing benefits or making claims arising from a major disaster.
- Disaster Unemployment Assistance provides unemployment benefits and re-employment assistance to individuals who are ineligible for regular unemployment insurance, and were previously employed or self-employed, and rendered jobless or whose employment was interrupted, as a direct result of a major disaster.
- The Individuals and Households Program (IHP) provides financial and/or direct assistance for housing, as well as financial assistance for other needs (referred to as Other Needs Assistance (ONA)), to eligible individuals and households who have uninsured or under-insured necessary expenses and serious needs resulting from an emergency or major disaster, which cannot be met through other means or forms of assistance.

California Department of Social Services' Role in Disaster Planning and Response. Within CDSS, the Disaster Services Branch supports counties and Tribal Nations in providing temporary shelter, feeding, and other services for persons affected by a disaster or emergency. The mass care and shelter disaster response function is delegated to the Disaster Services Branch through an Administrative Order issued by Cal OES.

In accordance with the California State Emergency Plan, CDSS leads the California Emergency Support Function 6 (CA-ESF 6): Mass Care and Shelter for Disaster Response. The Disaster Services Branch serves this requirement by working with impacted local and Tribal Governments, private and non-profit organizations, and other state agencies to provide disaster survivors with needed services such as sheltering, feeding services, family reunification, and human social services in support of emergency response and recovery efforts.

CDSS also administers the State Supplemental Grant Program (SSGP) and the DCMP. The SSGP is state-funded and provides funds to assist people who have suffered damage from a declared disaster. Declared disasters mean the President has issued a Major Disaster declaration that allows the implementation of individual assistance programs. To be eligible, applicants must have received the maximum grant from the FEMA IHP. The grant may assist with any eligible items not already addressed by the IHP at a maximum of \$10,000.

The DCMP, as described above, is FEMA-funded and provides supplemental Disaster Case Management services to vulnerable populations in the event of a Presidential major disaster declaration that includes Individual Assistance.

The DCMP is a limited-term partnership between a case manager and an individual survivor or household to identify and address unmet needs caused by the declared disaster. Through this partnership, the case manager works with the survivor to develop a comprehensive recovery plan

to assist the survivor with any un-resourced items, support, or assistance that has been assessed and verified as necessary for the survivor to recover from a disaster.

These assistance programs are dependent on federal declarations. This bill is attempting to address the hole that exists for those not covered under federal declarations.

Author’s Statement: According to the Author, “All too often, the Federal Emergency Management Agency (FEMA) and California Office of Emergency Services (Cal OES) have been unable to provide assistance to the most vulnerable communities where survivors have few paths to recovery. FEMA’s Individual and Households Program (IHP) prioritizes aid for major catastrophes and often determines local disasters in more populous states, such as California, as too minor to necessitate federal aid – regardless of the severity to a local community.”

Equity Implications: This bill seeks to establish funds for individuals impacted by emergencies that are not otherwise covered by existing funds for various potential reasons. There are thousands of people impacted by a natural disaster that may not rise to the level of FEMA assistance, or that might be precluded due to immigration status. This bill seeks to equalize assistance during a disaster.

Double referral: This bill was previously heard in the Assembly Emergency Management Committee on April 8, 2024 and was approved on a 6-0 vote.

RELATED AND PRIOR LEGISLATION:

AB 513 (Rodriguez) of 2023, would have established the California Individual Assistance Act to be administered by Cal OES. *AB 513 was held on the Senate Appropriations Committee suspense file.*

AB 973 (Rodriguez) of 2021, would have required Cal OES to provide an annual report on the funding priorities and expenditures of California Disaster Assistance Act funds. *AB 973 was held on the Assembly Appropriations Committee suspense file.*

REGISTERED SUPPORT / OPPOSITION:

Support

California Rural Legal Assistance Foundation, INC.
Casa de la Cultura Center
Child Abuse Prevention Center
Community Action Board
Community Action Board of Santa Cruz County, INC.

Opposition

None on file.

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