



Legislative Solutions in Disaster Mitigation

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Natural disasters such as floods, hurricanes, earthquakes and wildfires caused more than \$3 billion in damage in 2017, affecting more than 25 million Americans. As these types of weather events increase in frequency, intensity and cost, communities across the country—along with the federal and state governments—are prioritizing disaster mitigation. Their efforts include everything from making infrastructure more resilient to thinning and maintaining forests to providing financial assistance for disaster survivors.

State Action

At least 36 states considered 280 disaster mitigation bills in 2019. Of those, 31 states enacted over 92 bills. In 2020, at least 36 states have considered 338 disaster-related bills, while 16 states have passed at least 59 of them into law. Despite the ongoing challenge of balancing competing priorities for limited funding within state budgets, 48 of these bills appropriate funds for mitigation activities for flood, wind, seismic and wildfire events. Many of these bills provide financial incentives or loans for mitigation activities. They also regulate public and private disaster planning, standards, reporting and transparency, reform public disaster planning administration, and more.

■ **Flood.** At least 26 states enacted 59 flooding-related bills. Many of them include appropriations, 15 or more cover regulations of disaster plans and funding, and three provide specific tax exemptions for flood projects and recovery. They include:

- Florida [SB 2500](#) allocates \$1.94 billion for federally declared disaster funding, \$23.7 million for Hurricane Irma marine fisheries disaster recovery, and \$1.2 million for disaster recovery and preparedness projects.
- Maryland [HB 1352](#) approves funding for the University System of Maryland, including flood mitigation projects and facility improvements.
- Iowa [HB 741](#) clarifies the qualifications and application of property tax levies used by cities for certain flood-related purposes.
- New Jersey [AB 4748](#) authorizes the State Infrastructure Bank to fund additional clean water infrastructure projects, including those aimed at recovering from Hurricane Sandy.
- North Carolina [HB 200](#) provides state funds to the Department of Public Safety and State Emergency Response and Disaster Relief Fund for disaster relief from Hurricanes Dorian, Florence, Matthew and Michael.

Did You Know?

- Almost three-quarters of homes flooded by Hurricane Harvey were located outside the federally regulated 100-year flood plain.
- The National Institute of Building Sciences reports that communities save an average of \$6 for every \$1 spent on mitigation activities.
- The Robert T. Stafford Disaster Relief and Emergency Assistance Act was named after Senator and former Governor Robert Stafford from Vermont for his leadership on the bill.

- New York [AB 2003](#) enacts the Aid to Localities Budget, which provides funding to the Hurricane Irene and Tropical Storm Lee Flood Recovery Grant Program and local flood mitigation task forces.
- Texas [SB 7](#) provides \$3 billion in funding to flood planning, mitigation and infrastructure projects, including the creation of the Flood Infrastructure Fund, the State Infrastructure Resiliency Fund and the Hurricane Harvey Account.
- Texas [SB 563](#) requires a state agency that uses or disburses federal money for flood research, planning or mitigation projects to submit a report to the State Water Development Board.

■ **High Wind** (hurricanes, tornadoes and dust events). At least three states enacted wind-related bills. They establish grants for increasing disaster-resilient building standards for homes, provide funding for seismic-related disasters, and amend the regulations of the Clean Energy Act. They include:

- Alabama [HB 363](#) requires the Strengthen Alabama Homes Program within the Department of Insurance to maintain confidential documents, materials and other information submitted by property owners and insurance companies in support of grant applications to prevent loss due to hurricanes, tornados, floods and other disasters.
- Illinois [HB 3501](#) amends the Property Assessed Clean Energy Act to clarify its application for resiliency improvement measures, including seismic retrofits, flood mitigation, fire suppression and wind resistance.
- Massachusetts [HB 4246](#), makes appropriations for the current fiscal year, including \$3 million for matching federal disaster relief grants and the creation of emergency task forces.

■ **Seismic** (earthquakes). At least five states enacted seven seismic-related bills. Many included appropriations, although two cover regulations of the Clean Energy Act and Catastrophe Response Council. They include:

- Alaska [SB 38](#) makes supplemental appropriations for unemployment assistance, fire suppression activities and restoration projects related to earthquake disaster relief.
- California [AB 111](#) creates the Catastrophe Response Council to oversee the California Earthquake Authority and the Wildfire Fund administrator.
- California [SB 293](#) creates a financing district of the city of Oakland to allow seismic-related

safety improvements to be made in buildings and facilities.

- Nevada [AB 541](#) allocates funding for capital improvement projects, including \$8 million for seismic-safety improvements and emergency generators.
- **Wildfire**. At least seven states enacted 20 wildfire-related bills. Most of these bills relate to regulations of industry standards and mitigation measures, although four cover appropriations for wildfire mitigation efforts. They include:
- California [AB 38](#) requires the Natural Resources Agency to review the regional capacity of each county that contains a very high fire hazard severity zone to improve forest health, fire resilience and safety. It also requires sellers of properties located in high or very high fire hazard severity zones to provide documentation that the real property complies with specified wildfire protection measures or a local vegetation management ordinance.
 - California [SB 70](#) requires each electrical corporation's wildfire mitigation plan to include a description of where and how it considered undergrounding electrical distribution lines within service territories with the highest wildfire risk.
 - California [AB 1054](#) establishes the State Wildfire Safety Advisory Board. It also requires the Public Utilities Commission and the Office of Energy Infrastructure Safety to develop consistent approaches and share data related to electric infrastructure safety.
 - Colorado [HB 1006](#) aims to mitigate the effects of wildfires within wildland-urban interface areas, and includes funding for the forest restoration and wildfire risk mitigation grants program.

Federal Action

Following the 2017 disaster season, Congress and the administration placed an increased emphasis on predisaster mitigation and an increased state and local role. This message was manifested in the Federal Emergency Management Agency's (FEMA) National Mitigation Investment Strategy, the agency's 2018-2022 Strategic Plan, and general agency messaging. In the fall of 2018, Congress enacted the [Disaster Recovery Reform Act](#)—widely considered the most comprehensive disaster reform bill since Hurricane Katrina—establishing the Building Resilient Infrastructure and Communities (BRIC) program. The program allocates significant funding for state and local governments for disaster mitigation activities. FEMA released a proposed policy on BRIC implementation for public comment in April and expects to accept applications in the fall of 2020.

Additional Resources

- [NCSL's disaster mitigation bill tracking database](#)
- [NCSL Public-Private Partnership on Disaster Mitigation and Recovery webpage](#)

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