



NCSL PUBLIC-PRIVATE PARTNERSHIP ON DISASTER MITIGATION AND RECOVERY

Disaster Mitigation State Legislative Brief

2019 Enacted Legislation

As natural disasters increase in frequency and intensity, communities across the country have begun to prioritize disaster mitigation. Following the 2017 disaster season, Congress and the Trump administration placed an increased emphasis on pre-disaster mitigation and an increased state and local role. This message manifested in the Federal Emergency Management Agency's (FEMA) National Mitigation Investment Strategy (NMIS), the agency's 2018-2022 Strategic Plan, and general agency messaging. In the fall of 2018, Congress enacted the Disaster Recovery Reform Act (DRRA)—widely considered the most comprehensive disaster reform bill since Hurricane Katrina—establishing the Building Resilient Infrastructure and Communities (BRIC) program, which allocates significant funding for state and local governments for disaster mitigation activities. FEMA released a proposed policy on BRIC implementation for public comment on April 9 and expects to accept applications in the fall of 2020. While the conversation shifts on the federal level, state legislatures

across the country are already passing disaster mitigation legislation.

In 2019, 36 states considered 280 disaster mitigation bills. Of those, 31 states enacted 92 bills. In 2020, at least 36 states have considered 338 disaster-related bills, while 16 states have already passed at least 59 of these bills. Despite the ongoing challenge of balancing competing priorities for limited funding within state budgets, 48 of these bills appropriate funds for mitigation activities across flood, wind, seismic and wildfire events. Many of these bills provide financial incentives or loans for mitigation activities; regulate public and private disaster planning, standards, reporting and transparency; reform public disaster planning administration; and more. Additionally, five states have adopted or updated building codes legislatively in 2019 and 2020 while 13 more updated their codes via regulatory processes previously established by the legislature. Legislative trends are summarized below, and all disaster mitigation bills can be found at NCSL's [online database](#).

Flood

Twenty-six states enacted 59 flooding-related bills. Most of these bills relate to appropriations, although 15 cover regulations of disaster plans and funding and three provide for specific tax exemptions for flood projects and recovery. Some of these bills include:

Florida SB 2500 makes appropriations for the 2019 fiscal year, including allocating \$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.

Florida SB 796:

- Requires public utilities to submit to the Public Service Commission, for review, a transmission and distribution storm protection plan.
- Requires the commission to conduct an annual proceeding to allow utilities to recover certain costs through a storm protection plan cost-recovery clause.
- Authorizes utilities to recover depreciation and a return on certain capital costs through the recovery clause.

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 for disaster relief from Hurricanes Dorian, Florence, Matthew and Michael to the Department of Public Safety and State Emergency Response and Disaster Relief Fund.

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 to 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.

Wind

Three states enacted three wind-related bills. Two of these bills relate to appropriations of grants for increasing standards of homes and funding for seismic-related disasters, while one amends the regulations of the Clean Energy Act. Some of these bills 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 tasks forces.

Seismic

Five states enacted seven seismic-related bills. Most of these bills relate to appropriations, although two cover regulations of the Clean Energy Act and Catastrophe Response Council. Some of these bills 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 allocates funding through the creation of a financing district of the city of Oakland, allowing seismic and life safety improvements to be made in buildings and other facilities.

Nevada AB 541 allocates funding for capital improvement projects, including \$8 million for seismic-safety improvements and emergency generators.

Wildfire

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. Some of these bills 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 a seller of properties located in a high or very high fire hazard severity zone 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 the corporation considered undergrounding electrical distribution lines within service territories with the highest wildfire risk in a Public Utilities Commission fire threat map.

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.

California AB 1432 authorizes a public water supplier to declare a water shortage emergency condition without holding a public hearing in the event of a wildfire.

California AB 1513 clarifies procedures and jurisdictions of existing laws relating to the Catastrophe Response Council, Wildfire Safety Advisory Board, Office of Energy Infrastructure Safety, and the Wildfire Safety Division of the Public Utilities Commission.

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 cash fund.

Buildings Codes (all hazards)

Thirteen states updated their codes via regulatory processes previously established by the legislature. The following states adopted new codes or updated existing codes via legislation from 2019 to May 1, 2020:

- Nebraska [Legislative Bill 348](#).
- Utah [HB 29](#).
- Maine [Legislative Document 855](#).
- Texas [HB 2858](#).
- New Hampshire [HB 562](#).

The NCSL Foundation Partnership on Disaster Mitigation and Recovery convened a steering committee of state legislators, legislative staff and private-sector partners to explore policy considerations and develop policy options for states as they face impacts of current and future natural disasters. The steering committee's in-person and virtual convenings have informed the contents of this policy brief. The content within is a product of NCSL and does not necessarily reflect the position of our partnering organizations.

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