

STATE POLICY REPORT - DISASTER RESILIENCE:

2022 SESSION RECAP

**NATIONAL CENTER FOR DISASTER PREPAREDNESS,
COLUMBIA CLIMATE SCHOOL, COLUMBIA UNIVERSITY**

RECOMMENDED CITATION

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REPORT AUTHORS

Lucia Bragg, MA

Policy Manager, National Center for Disaster Preparedness, Columbia Climate School, Columbia University

Gillian McBride, MPA Candidate

MPA Candidate at Columbia University School of International and Public Affairs,
Graduate Research Assistant, National Center for Disaster Preparedness, Columbia Climate School,
Columbia University

Jeff Schlegelmilch, MPH, MBA

Director, Research Scholar, National Center for Disaster Preparedness, Columbia Climate School,
Columbia University

Lauren D. Esposito, MS

Senior Project Manager, National Center for Disaster Preparedness, Columbia Climate School, Columbia University

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Note: The content of this document, including all data and hyperlinks are current up to November 2022. Hyperlinks will not be maintained after the publication date but are available in full length for the reader's reference.

EXECUTIVE SUMMARY

This report details trends in state disaster resilience legislation during the 2021-2022 state legislative sessions. Legislation is analyzed under 12 categories and considers only enacted bills. The legislative categories reflect FEMA's seven Community Lifelines, adjusted for optimal relevance (1). They include Funding, Energy, Communications, Transportation, Safety and Security, Health and Medical, Food and Water, Housing, Hazardous Materials, Land Use, Governance, and Equity. Several of these categories also contain subcategories. For example, funding includes subcategories for assistance to individuals and households, assistance to private and nonprofit sectors, assistance to local governments, federally related spending, cost share, and insurance. The state legislative tracking process uses a search function based on a set of keywords to crawl all bill texts on state legislative websites nationwide and return all bills within those parameters. NCDP policy staff then review the bills to confirm relevance to one of the 12 categories or their subcategories.

During the 2021-2022 legislative sessions, 42 states enacted at least 211 bills relating to natural disasters. Of these, 10 states passed only one bill, while California, Colorado, and Hawaii were the most active, passing 32, 15, and 14 bills respectively - collectively accounting for close to a third of all bills passed this year. This report discusses categories that reflect the greatest legislative activity in 2022: Funding, Critical Infrastructure (Transportation, Energy, Communications), Health and Human Services (Housing, Health & Medical, Food & Water), Governance, and Equity. At least 93 of these bills relate to critical infrastructure, improving the resilience of state highways, the energy grid, building codes, and emergency communications. At least 88 of these bills relate to health and human services, protecting communities' environmental health and access to food, water, and mass care services despite hazard risk. At least 105 bills enact broad state administrative changes, reforming or establishing new government authorities, reporting requirements, intergovernmental coordination, and transparency. At least 31 of these bills relate to equity, aiming to ensure that disaster resilience efforts are realized equitably across minority, low-income, elderly, gender, LGBTQ+, and rural populations. Despite COVID and recession-related budgetary challenges, 36 states enacted at least 107 bills appropriating funds for state and local disaster resilience programs and projects. These bills provide assistance to individuals and households, private and nonprofit sector entities, local governments, state government programs, or leverage federal dollars - such as certain types of FEMA funding (or designating a state match), the American Rescue Plan Act (ARPA), and Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) Act - on the state level.

While comprehensive, this analysis is limited due to inconsistencies across state legislative sessions, and state IT systems (relating to timing and availability of bill text). Categories, while comprehensive, must balance granularity with usability and may not match bill subject matter perfectly for every bill. While the vast majority of state legislatures adjourned by the analysis of this data (November 2022), Michigan, Ohio, Pennsylvania, and New Jersey's regular sessions adjourned until later in the year, likewise, more than a dozen states held special sessions outside scheduled session dates (2). Importantly, Texas, Nevada, Montana, and North Dakota never convened for the 2021-2022 legislative session and pre-filing for the 2023 legislative sessions has already begun in seven states (3).

¹ The term Natural Disasters is categorized in this report for disasters that are not directly "human made," therefore excluding terrorism, gun violence, cybersecurity, infectious disease and the like. We recognize the term can be imprecise, however it is used in federal (i.e., Stafford Act) and state law, which are topics of this report.

EXECUTIVE SUMMARY

Figure 1: Total Enacted Bills by State

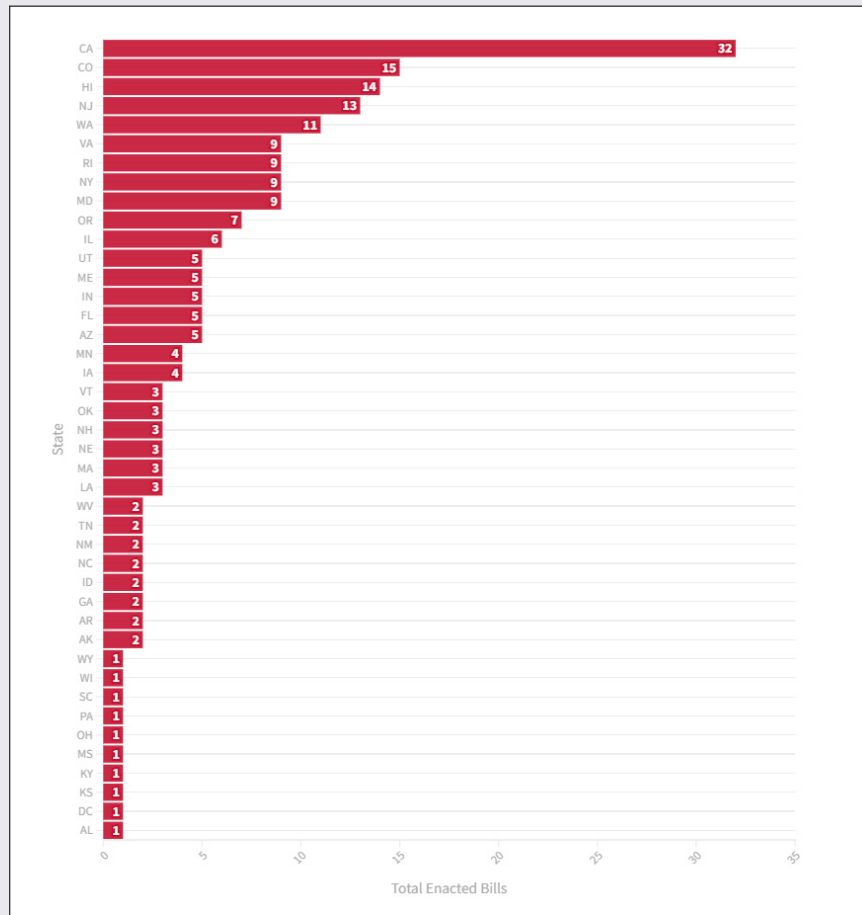
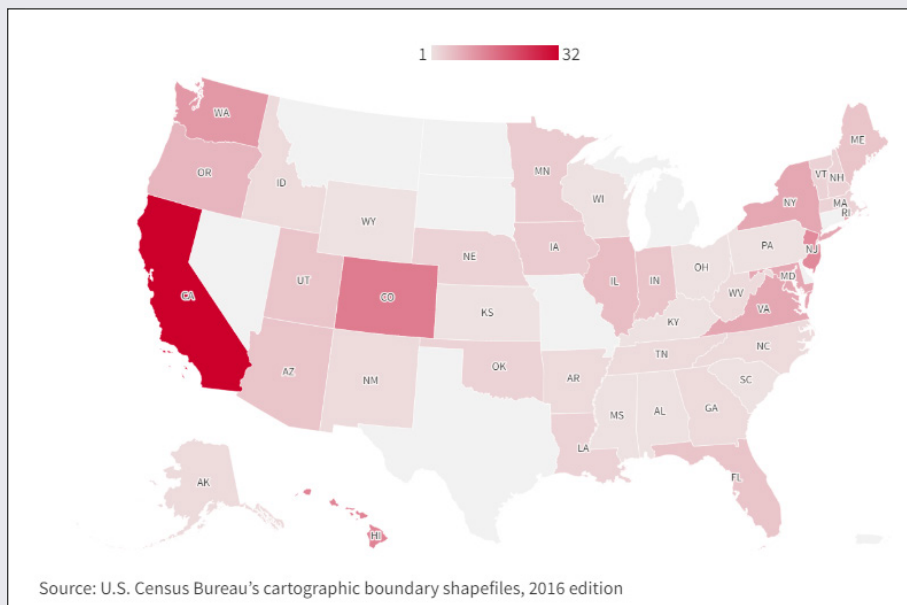


Figure 2: Total Enacted Bills by State



EXECUTIVE SUMMARY

Figure 3: Total Enacted and Pending Bills by Category Use

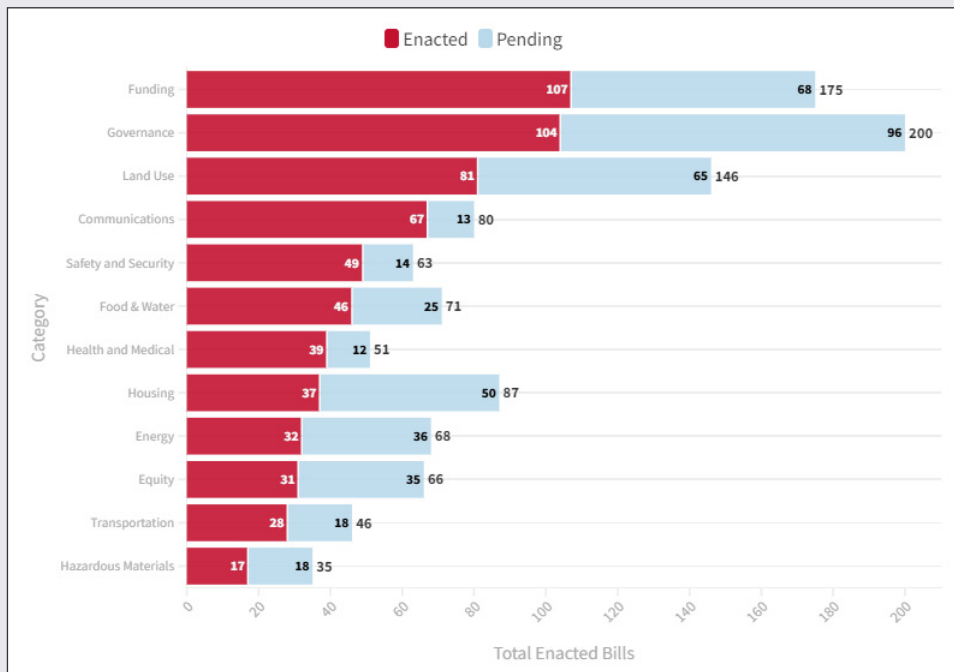
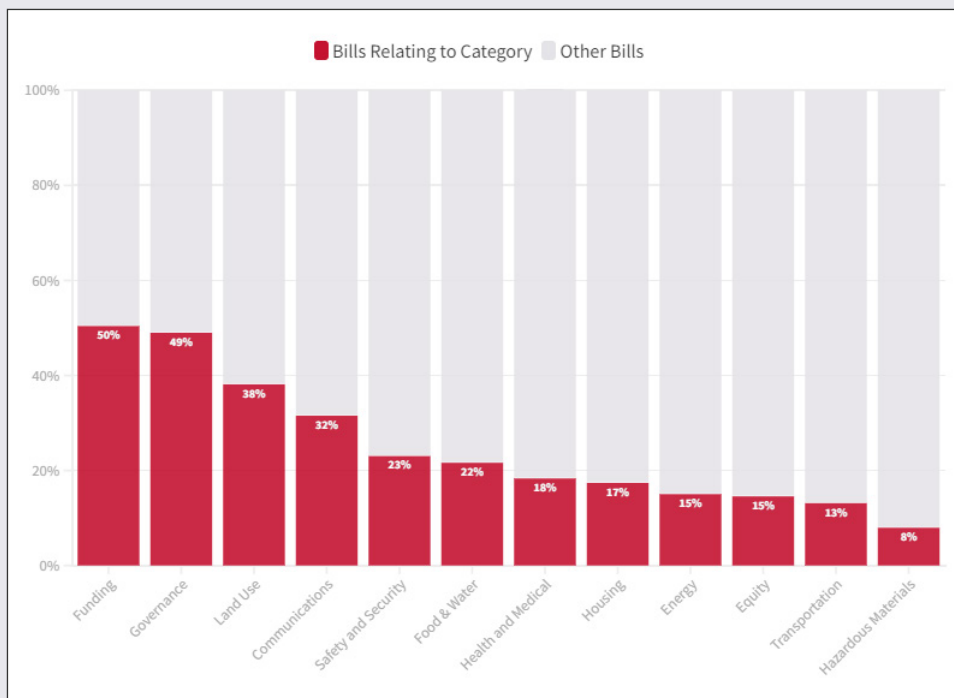
























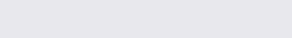
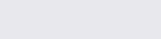


Figure 4: Frequency of Category Use



EXECUTIVE SUMMARY

Figure 5: Frequency of Subcategory Use

| NCDP CATEGORIES | NCDP SUB-CATEGORIES | PERCENTAGE | FREQUENCY |
|---------------------|---|------------|--|
| Communications | 911 | 5.1% |  |
| Communications | Communications | 2.2% |  |
| Energy | Energy | 3.5% |  |
| Equity | Low Income | 2.8% |  |
| Equity | Minority | 2.6% |  |
| Equity | Disability | 1.2% |  |
| Equity | Rural | 0.9% |  |
| Equity | Gender | 0.6% |  |
| Equity | Elderly | 0.5% |  |
| Equity | LGBTQ+ | 0.4% |  |
| Food and Water | Water | 4.6% |  |
| Food and Water | Food | 2.2% |  |
| Funding | State Program Funding | 8.1% |  |
| Funding | Assistance to Local Governments | 7.0% |  |
| Funding | Federally-related Spending | 6.2% |  |
| Funding | Cost-share | 3.7% |  |
| Funding | Assistance to Individual Households | 3.4% |  |
| Funding | Assistance to Private Sector and Nonprofits | 3.4% |  |
| Funding | Insurance | 2.6% |  |
| Governance | Governance | 11.3% |  |
| Hazardous Materials | Hazardous Materials | 1.9% |  |
| Health and Medical | Health and Medical | 4.3% |  |
| Housing | Housing | 4.0% |  |
| Land Use | Land Use | 9.0% |  |
| Safety and Security | Safety and Security | 5.4% |  |
| Transportation | Transportation | 3.1% |  |

Introduction

Amid increasingly intense and frequent disasters, states continued to enact disaster resilience solutions via legislative action in 2022. Exacerbated by climate change, disaster seasons of the last few years have broken records and cost governments billions in response and recovery costs. The US has sustained 14 "billion-dollar disasters" over the past decade, with the last five years amounting to \$788 billion or nearly \$100 billion annually. At a \$153 billion price tag, 2021 was the third costliest year on record (4). Led by Hurricanes Harvey, Irma, and Maria, 2017 became the costliest hurricane season. The summer of 2018 marked the nation's deadliest and most destructive wildfire season ever, followed by the record-setting megafires of 2020 (5)(6)(7)(8). In the last month alone, Hurricanes Ian, Fiona, and Merbok prompted Congress to appropriate over \$20 billion for disaster relief via the Federal Emergency Management Agency (FEMA) and the Department of Housing and Urban Development (HUD) and raise the federal cost-share for FEMA assistance to 100 percent for all three (9)(10)(11).

While the federal government continues to fund disaster resilience efforts, it is widely understood that FEMA alone cannot make survivors financially "whole." Recent federal action has reflected a stronger emphasis on the importance of reducing disaster costs by investing in mitigation during blue-sky times. Current initiatives have also more explicitly connected climate change and equity to disaster resilience efforts(12). In the fall of 2018, Congress enacted the Disaster Recovery Reform Act (DRRA)—widely considered the most comprehensive disaster reform bill since Hurricane Katrina. The bill, in part, created a new post-disaster housing program to give fiduciary responsibility back to the states, territories, and Tribal Nations (which is still pending). Funding allocations for the DRRA-enacted mitigation program - Building Resilient Infrastructure and Communities (BRIC) (successor of the Pre-Disaster Mitigation program) - have doubled every year since 2019, totaling nearly \$3 billion for FY 2023(12). Significant funding has been included for disaster mitigation activities via major climate and pandemic legislation during the past two years - including the Infrastructure Investment and Jobs Act (IIJA), the American Rescue Plan Act (ARPA), the Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) Act, and the Inflation Reduction Act (IRA). FEMA's 2022-2026 Strategic Plan explicitly emphasizes risks caused by climate change and the need for equitable solutions in disaster resilience (13). On both the state and federal levels, climate adaptation policy has increasingly blended with climate mitigation and emissions reduction policy, now often found in the same legislation.

Since 2017, Congress and Presidential administrations have also placed an increased emphasis on the state and local role in disaster management. For example, FEMA has considered a DRRA-mandated shift in the Per Capita Impact Indicator, raising the damage threshold by which extreme weather events are granted a presidential disaster declaration, thus making it more difficult for disaster-impacted states to access federal assistance under the Stafford Act (14). Recent Presidential administrations and Congressional leaders have implored states to cover a greater share of the disaster cost burden (15). As federal policy leaders simultaneously prioritize disaster investments, while imploring states to engage further, state legislatures across the country are enacting a range of climatological disaster resilience solutions.

This report seeks to provide a greater understanding of the disaster-resilience related legislative activity at the state level. In doing so, we hope to provide additional insights into state level efforts, regional dynamics across multiple states, and ultimately have a better understanding of the strengths and gaps in legislated efforts to build resilience before, during and after disasters.

Methods

State Legislative Tracking Process

Search Function

The state legislative tracking process uses a search function based on a set of keywords to crawl all bill texts on state legislative websites nationwide and return all bills within those parameters. We started with bills pulled from several legislative databases (Energy, Environment, and 911) of the National Conference of State Legislatures, and then applied NCDP's 12 categories (methodology below). Importantly, multiple categories can and often do apply to a single bill.

State Legislative Sessions

Each state legislature has its own website, process, and timing for making legislative text publicly available. Each state legislature also has its own legislative procedures - thresholds for bill passage, crossover and carryover dates, and legislative terminology. State legislative sessions do not begin and end at exactly the same time of year or even in the same year. While the vast majority of state legislatures adjourned by the publication of this report, Michigan, Ohio, Pennsylvania, and New Jersey's regular sessions adjourned later in the year, and more than a dozen states held special sessions outside scheduled session dates. Texas, Nevada, Montana, and North Dakota never convened for the 2021-2022 legislative session, and pre-filing for the 2023 legislative sessions has already begun in 29 states.

Categories and Subcategories

The legislative categories utilized are inspired by FEMA's seven Community Lifelines. The categories include Funding, Energy, Communications, Transportation, Safety and Security, Health & Medical, Food and Water, Housing, Hazardous Materials, Land Use, Governance, and Equity. We divided FEMA's "Food, Water, Shelter" lifeline into Food and Water and Housing due to Housing occupying its own unique subject matter niche in the disaster space. We added Funding, and its subcategories (assistance to individuals and households, assistance to private and nonprofit sector, assistance to local governments, federally related spending, and cost share) given appropriations is one of the primary functions of state legislatures and executing resilience in any other category also often refers to appropriations. State legislatures also uniquely address government structures and authorities, so Governance was added as well. We added Equity and its subcategories (minority, low-income, elderly, gender, and LGBTQ+) given the recent increased emphasis by the disaster community on issues of equity in resilience outcomes. State legislation in 2022 often related to designation changes - flood control districts, designated hazard areas, zoning etc. - as well as site-specific mitigation projects (such as coastal flooding projects, nature-based mitigation), so a category for Land Use was added. While not every category will fit every bill precisely, we had to balance category specificity with usability and avoid splintering 211 bills across too many categories. Often, multiple categories apply to a single bill. Figures show *category use frequency* and therefore add up to more than the total count of enacted bills. While there are twelve categories, for efficiency we chose to include sections only on the categories used with the most frequency and the most salience to emerging trends.

Methods

Table 1: Scope of Categories and Subcategories

| CATEGORY | SUB-CATEGORY | SCOPE |
|----------------------------|--|---|
| Communications | -- | Infrastructure, responder communications, Alerts Warnings and Messages, 911 and Dispatch |
| Energy | -- | Resilient energy infrastructure, regulating utilities, utility accountability/transparency |
| Equity | Elderly | Regulating the use of disaster program funds with respect to elderly populations. |
| | Gender | Regulating the use of disaster program funds with respect to gender. |
| | LGBTQ+ | Regulating the use of disaster program funds with respect to LGBTQ+ populations. |
| | Low-Income | Regulating the use of disaster program funds with respect to low-income populations. |
| | Minority | Regulating the use of disaster program funds with respect to minority populations. |
| | Rural | Regulating the use of disaster program funds with respect to rural populations |
| Funding | Assistance to Individuals and Households | Often references food/water, housing, wraparound services, preparedness planning, underserved populations etc. Includes reforms that better enable individuals and households in disaster resilience. |
| | Assistance to Private Sector and Non-profits | Funding for businesses, non-profits organizations, and, or other non-government entities. |
| | Assistance to Local Governments | Funding with specific reference to local governments. |
| | State Program Funding | Increased or level appropriations to state programs, including budget bills. |
| | Federally-related Spending | Any reference to the use of, or coordination with, federal funds. |
| | Cost-share | Any reference to cost coverage of a single program by two or more levels of government. |
| Governance | -- | State administrative changes: Jurisdictional changes, offices/positions created or reformed, reporting requirements. |
| Hazardous Materials | -- | Facilities, HAZMAT, pollutants, contaminants. |
| Land Use | | Designation of flood/fire/hazard districts, zoning, coastal flooding solutions, nature-based mitigation. |
| Safety and Security | | Law Enforcement/Security, Fire Service, Search and Rescue, Government Service, Community Safety |
| Transportation | | Highway/roadway/motor vehicle, mass transit, railway, aviation, maritime |

2022 Legislative Trends: Funding

Funding

In 2022, 36 states enacted at least 107 bills relating to funding for disaster resilience. This category was by far the most common, applying to 50 percent of disaster resilience bills enacted in the 2022 legislative session. Of these, 75 bills provided funding to state-level programs and agencies, 32 bills provided assistance to individuals and households, 65 bills provided assistance to local governments, 58 bills incorporated federal funding, 32 bills provided assistance to private and nonprofit sector entities, 34 bills provided funding through cost-share mechanisms, and 24 bills involved private insurance in disaster resilience funding or reform.

Figure 6: Funding Bills by State

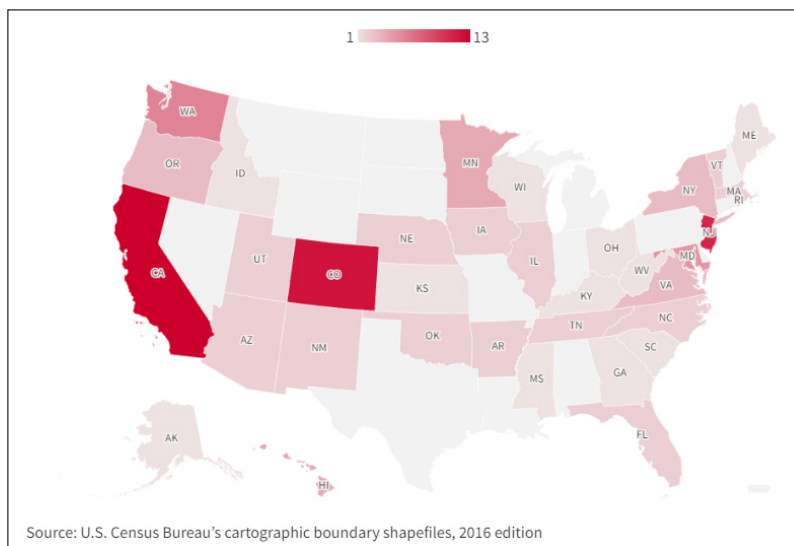
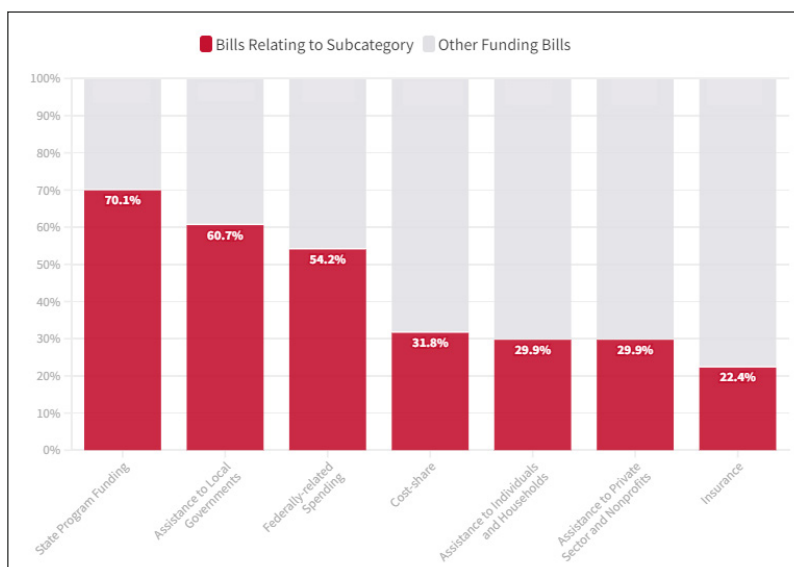


Figure 7: Funding Bills by Subcategory Use



2022 Legislative Trends: Funding

Numerous states enacted or expanded funding programs to enable individuals to implement mitigation projects such as developing defensible space around their homes, reducing wildfire risk on private land, incentivizing turf replacement programs (for water conservation), or supporting more efficient and resilient housing. Many bills also aimed to finance and expedite survivors' recovery through insurance policy reforms or alternative financing mechanisms for home and property repair. States provided assistance to private and nonprofit sector organizations through programs such as assistance to farmers to overcome drought conditions and general disaster recovery funds. States also provided assistance to local governments through the establishment of loan, grant, or cost-share based programs that promoted improvements in zoning, land use, floodplain management, hazard mitigation planning, resilient micro-grids, the establishment or implementation of current building code standards, or funded specific disaster-resilient infrastructure projects.

Example Legislation:

- **Colorado [HB 1111](#)**. Relating to disaster-related insurance coverage, this bill:
 - Changes the requirements for homeowner's insurance coverage and claims handling in the event of a total loss of an owner-occupied residence, including the contents, and when the loss is a result of a wildfire disaster declared by the Governor.
 - Requires insurers to provide additional time and flexibility in rebuilding or replacing an insured residence and its contents, additional living expense coverage, building code upgrade costs, and a way to directly contact the insurer as detailed in the bill.
 - Requires the Commissioner of Insurance to adopt rules to simplify the process for policyholders to submit an inventory for personal property losses and may adopt other rules to implement the bill.
- **Colorado [SB 206](#)**. This bill:
 - Creates a sustainable rebuilding fund to provide grants enabling homeowners, owners of residential rental property, and business owners to rebuild structures to be more efficient, resilient, in compliance with recent building codes.
- **Washington [HB 1168](#)**. Relating to wildfire mitigation, this bill:
 - Creates the Small Forest Landowner Forest Health Program, which provides wildfire mitigation assistance to landowners.
 - Creates the Wildfire Response, Forest Restoration, and Community Resilience Account for monitoring, tracking, and implementing certain wildfire preparedness, prevention, and protection purposes.
 - Uses environmental justice and equity-focused tools to identify and prioritize highly impacted communities.

2022 Legislative Trends: Funding

- **Louisiana [HB 1052](#)**. Utilizes the federal STORM Act to establish the Hazard Mitigation Revolving Loan Fund. The fund:
 - Directly offers low-interest loans to counties and cities for projects that will reduce disaster risks for homeowners, businesses, nonprofit organizations, and communities. Authorizes such political subdivision to then make loans to private property owners for hazard mitigation projects for buildings.
 - Includes as eligible activities projects that address natural hazards; zoning, land use, floodplain management, and hazard mitigation planning changes; and the establishment and implementation of current building code standards relevant to disasters and natural hazards.
 - **Similar bills:** Hawaii [HB 1588](#), Maryland [SB 814](#), and Virginia [S 756](#) create similar programs.
- **Maryland [HB 1312](#)**.
 - Alters the Resilient Maryland Revolving Loan Fund to provide for loans to be made to private property owners, authorizes the Fund to include funding from FEMA, requires a portion of the Fund to be used under certain circumstances, authorizes loan forgiveness under certain circumstances, as related to the Resilient Maryland Revolving Loan Fund.

2022 Legislative Trends: Critical Infrastructure

Critical Infrastructure: Transportation, Energy, and Communications

In 2022, 39 states enacted at least 93 bills relating to critical infrastructure resilience, specifically relating to energy, transportation, and communications. This topic encompassed a majority of bills, making up 53 percent of disaster resilience bills enacted in the 2021-2022 legislative session. Of these, at least 67 bills focused on communications infrastructure resilience, 32 bills on energy sector resilience, 28 bills on transportation sector resilience and several on multiple areas of infrastructure resilience.

Figure 8: Critical Infrastructure Bills by Category Use

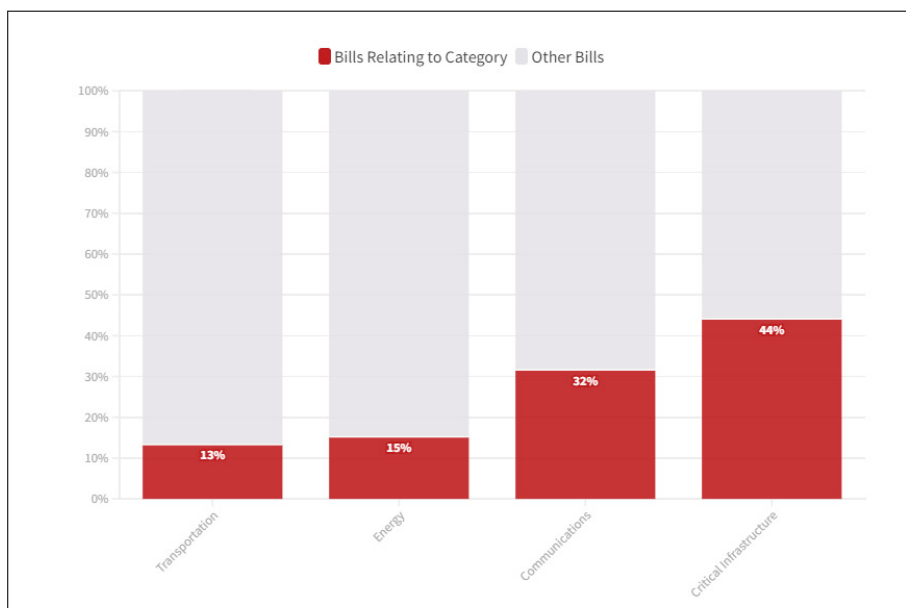
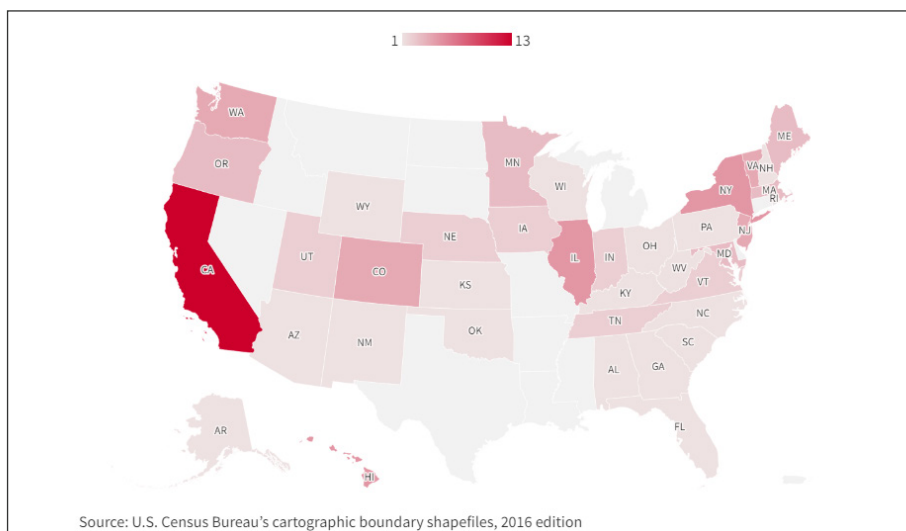
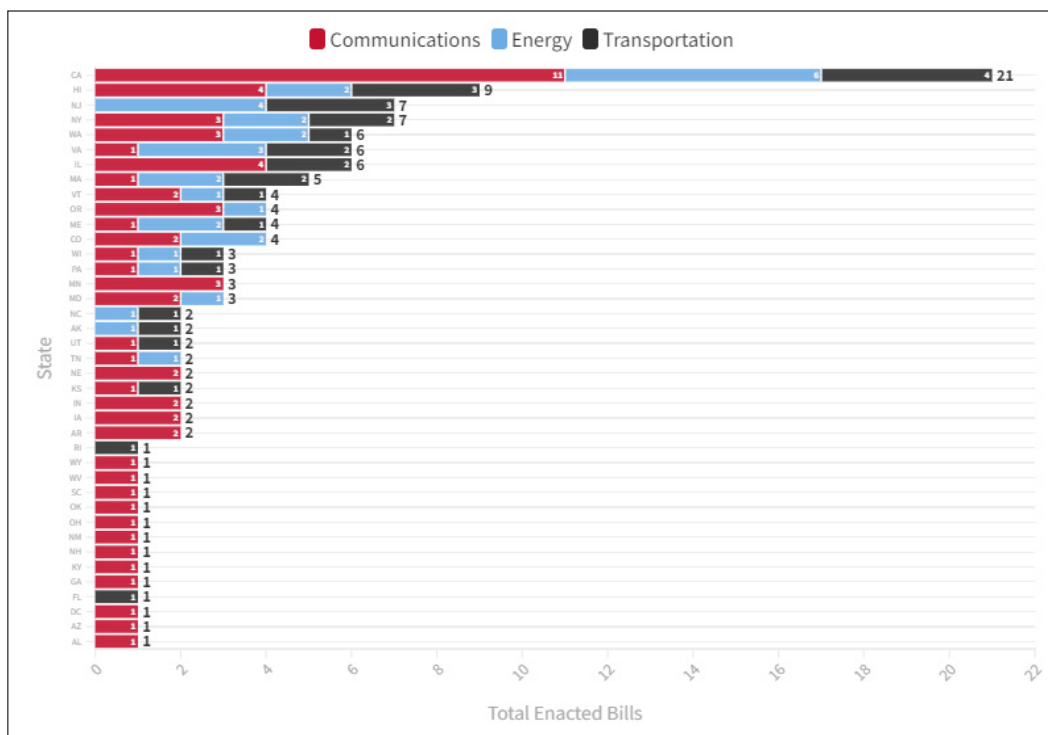


Figure 9: Critical Infrastructure Bills by State



2022 Legislative Trends: Critical Infrastructure

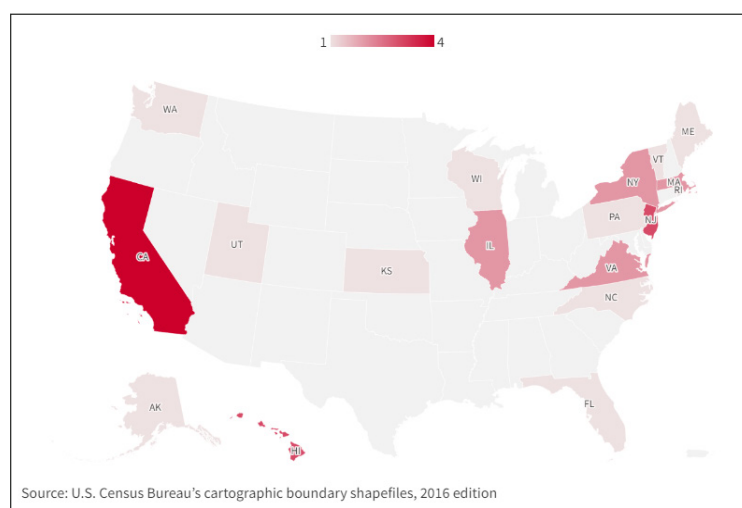
Figure 10: Critical Infrastructure Category Use by State



Transportation

Transportation bills primarily related to preserving essential supply delivery and evacuation routes for disaster relief efforts in areas more intensively affected by wildfires, floods, and sea level rise. These bills are significant in their creation of statewide transportation resilience plans including climate and disaster preparedness standards; integration of transportation infrastructure considerations into state-level disaster resilience governance; and investments in transportation infrastructure resilience and performance prioritizing vulnerable and marginalized communities.

Figure 11: Transportation Bills by State



2022 Legislative Trends: Critical Infrastructure

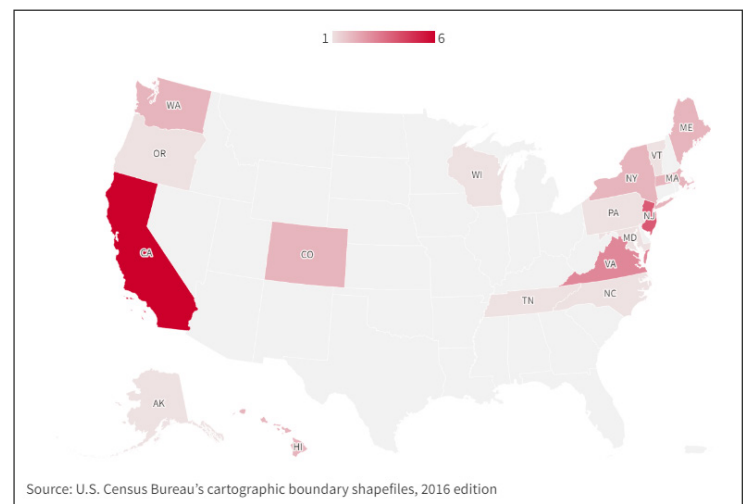
Example Legislation:

- **Florida** [HB 7053](#). Under a new Office of Resilience within the Executive Office of the Governor, this bill:
 - Establishes a Chief Resilience Officer position to direct the development of a Resilience Action Plan to improve the operational resilience of the State Highway System through built infrastructure and multi-jurisdictional partnerships.
 - Special districts including airport and seaport facilities may also submit disaster mitigation project requests to the office for consideration.
- **New York** [SB 8204](#). This bill:
 - Appoints the chairperson of the Upstate Flood Mitigation Task Force as the director of the Erie Canal Corporation; directs the task force to assess the impact of regional flooding to transportation and other critical infrastructure and industry and the role which Erie Canal operational procedures may have in flood mitigation and risk management.
- **Illinois** [HB 253](#). This bill directs the Department of Transportation to develop and publish a statewide multimodal transportation improvement program.
 - The program must include improvements to disaster resilience and energy efficiency.
 - Directs the department to identify disparities in transportation system performance and access and identify geographic, income, racial, and other population disparities.

Energy

Energy policy bills increasingly feature climate change mitigation and adaptation measures simultaneously. States prioritized improvements to both the resilience and efficiency of existing infrastructure with the goal of increasing energy reliability during and after disaster events. These bills often also raised investments in clean and renewable energy programs to improve energy access, increase energy cost savings, and reduce GHG emissions for individuals and households. California remains the most active state on energy resilience legislation, in part due to the risk that electrical lines pose during wildfire season. Since the wildfires of 2017 and 2018, and subsequent liability findings and lawsuit against electric utility PG&E, California has pursued utility liability, transparency, wildfire mitigation, and system reform legislation. As other states experience disaster-caused outages - from the 2021 Texas snowstorm to Puerto Rico during both Hurricane Maria and Fiona - this is a legislative trend likely to persist.

Figure 12: Energy Bills by State



2022 Legislative Trends: Critical Infrastructure

Example Legislation:

- **Alaska** [HB 227](#). This bill:
 - Enables municipalities to establish energy and resilience improvement assessment programs to finance construction, installation, or modification of built infrastructure on privately-owned commercial or industrial properties towards energy efficiency, energy security, and renewable energy procurement.
 - Projects may also improve overall disaster resilience and efficient resource use but must be approved by municipalities as resilience improvement projects.
- **Tennessee** [SB 795](#). This bill:
 - Establishes the Commercial Property Assessed Clean Energy and Resilience (C-PACER) program.
 - Allows municipalities to voluntarily establish a C-PACER program to assist property owners in obtaining low-cost, long-term financing towards energy efficiency, water conservation, and other qualifying housing or infrastructure resilience improvements.
 - Applicants must provide certification from a licensed engineer to document that qualified improvements will result in improved resilience.
- **California** [SB 533](#). This bill:
 - Requires electrical corporations to develop mitigation plans to identify circuits which are frequently de-energized to mitigate wildfire risks.
 - Direct measures taken or planned to be taken to reduce the need for de-energization of those circuits.

2022 Legislative Trends: Critical Infrastructure

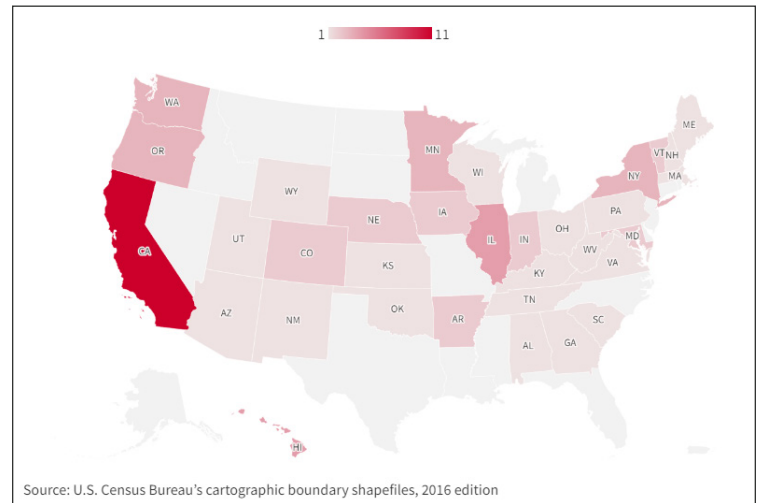
Communications

Communications bills primarily related to the improvement of emergency communications and warning systems statewide - including Next Generation 911 upgrades, updated meteorological monitoring and broadcast systems - as well as the expansion and improvement of broadband Internet access throughout rural and other underserved areas as part of capital investments earmarked for climate and disaster resilience often supplemented with federal funds. These bills increase the level of sophistication and accessibility to disaster warning systems, enabling improved coordination among emergency managers and first responders as well as more informed decisions about risk among individuals impacted by disaster events.

Example Legislation:

- **California** [SB 552](#). This bill:
 - Requires small water suppliers to develop Water Shortage Contingency Plans which include drought planning elements, including the addition of drought planning elements to its emergency notification and response plans.
 - Emergency notification and response plans must include notifications to the state board, regional agencies, and mutual aid organizations to address water shortages and drought relief efforts.
- **Minnesota** [HB 3420](#). Using disaster resilience funds from the federal Infrastructure Investment and Jobs Act to supplement state funds, this bill:
 - Establishes a “Lower Population Density” pilot program to connect unserved and underserved areas to broadband Internet with new infrastructure or extensions of existing infrastructure.
- **Oklahoma** [HB 3278](#). This bill:
 - Incorporates NextGeneration 9-1-1 program requirements into state statute and reclassifies 9-1-1 telecommunicators as first responders to reflect their central role in emergency management.

Figure 13: Total Communications Bills by State



2022 Legislative Trends: Health & Human Services

Housing, Health & Medical, Food & Water

In 2022, 34 states enacted at least 88 bills relating to disaster resilience in health and human services, specifically housing, health & medical, and food & water. This topic related to 66 percent of all disaster resilience bills enacted in the 2021-2022 legislative session. Of these, 37 bills focused on housing resilience, 39 bills on health and medical services, and 46 bills on food and water.

Figure 14: Total Health and Human Services Bills by State

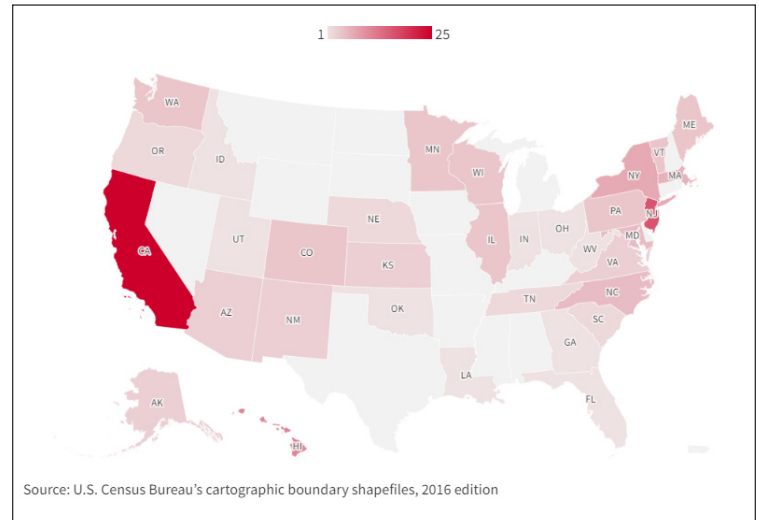
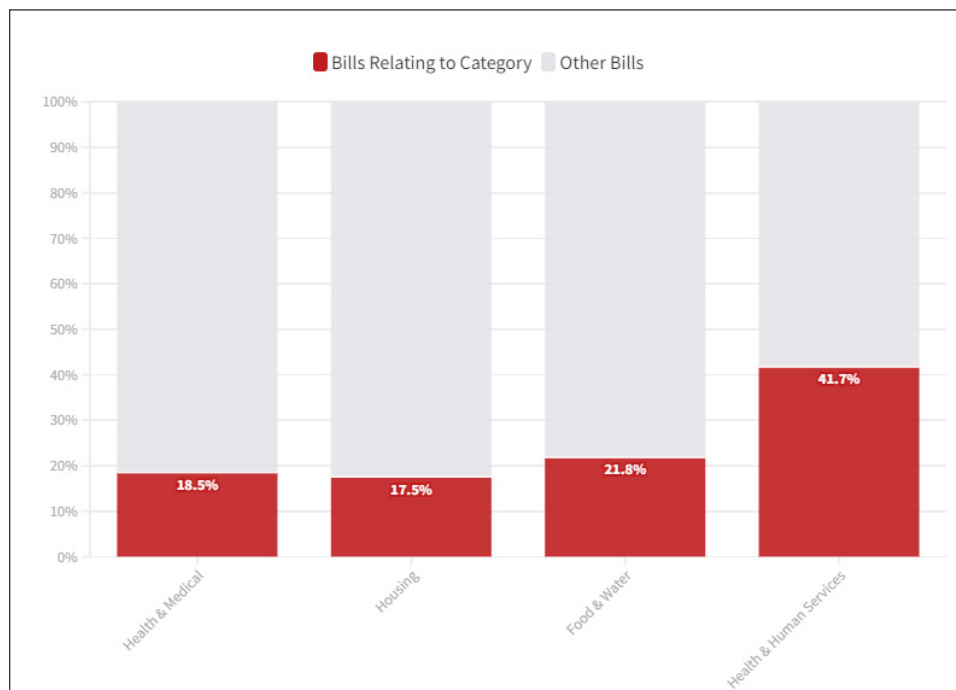
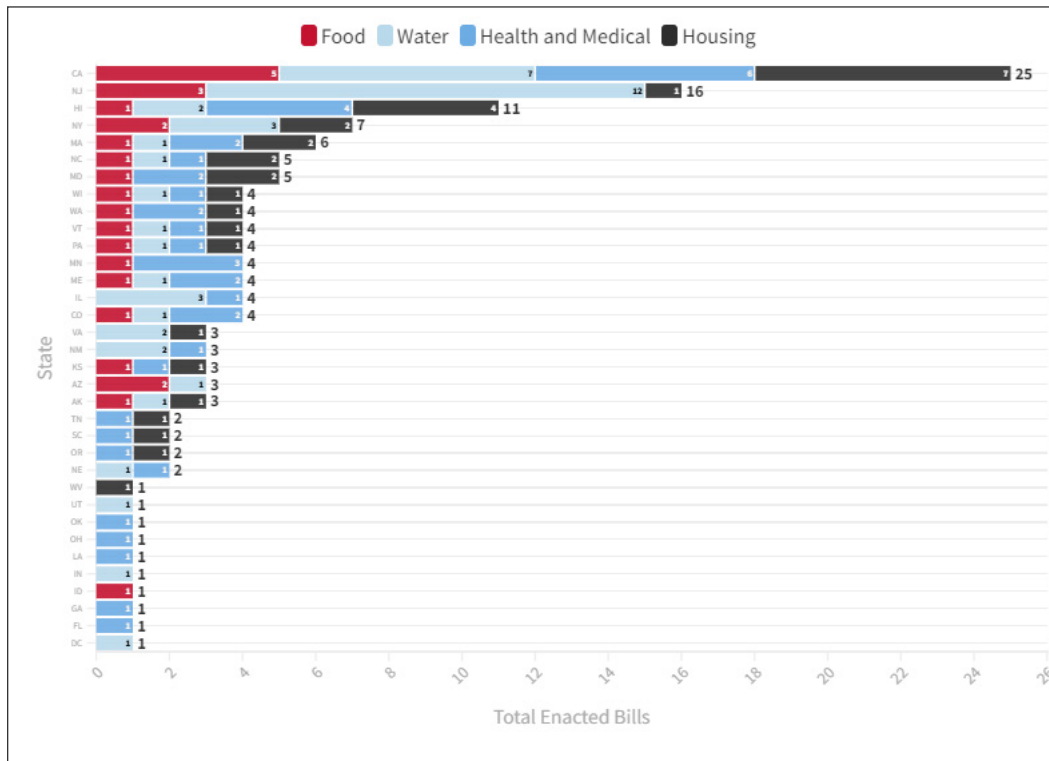


Figure 15: Health & Human Services by Category Use



2022 Legislative Trends: Health & Human Services

Figure 16: Health & Human Services Category Use by State



2022 Legislative Trends: Health & Human Services

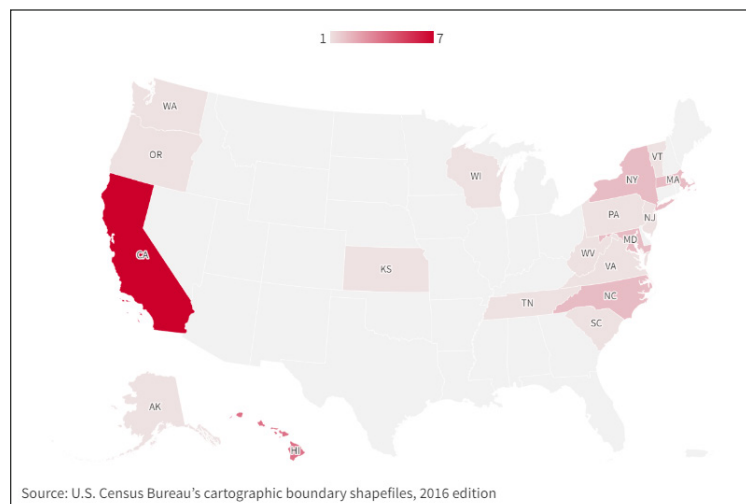
Housing

Housing bills provided assistance for governments to improve the availability of housing post disaster as well as for homeowners to increase the resilience of their homes pre-disaster, rebuild homes to be more energy efficient and reflect resilient building codes, or reform insurance policies to be more favorable to survivors.

Example Legislation:

- **Colorado [SB 206](#).** This bill:
 - Creates a sustainable rebuilding fund to provide grants enabling homeowners, owners of residential rental property, and business owners to rebuild structures to be more efficient, resilient, in accordance to recent building codes.
- **Florida [HB 837](#).** Extends the Hurricane Loss Mitigation Program (HLMP) within Florida’s Division of Emergency Management (DEM) for 10 years. This bill:
 - Funds HLMP through an annual appropriation of \$10 million from the Florida Hurricane Catastrophe Fund.
 - Expands the type of projects eligible for the Shelter Retrofit Program within the HLMP for retrofitting existing public facilities used as hurricane shelters to include construction of new public facilities to be used as hurricane shelters.
 - Transfers administration of the Mobile Home Mitigation and Enhancement Program within the HLMP from Tallahassee Community College to Gulf Coast State College.
- **Illinois [HB 2739](#).**
 - The Private Primary Residential Flood Insurance Act, encourages a robust private primary residential flood insurance market by providing consumer choices and alternatives to the existing National Flood Insurance Program.

Figure 17: Housing Bills by State



2022 Legislative Trends: Health & Human Services

Health and Medical

Health and medical bills primarily related to mass care, disaster-caused environmental health hazards, and overlap between COVID-19 and other disaster assistance.

Example Legislation:

■ California [AB 73](#). This bill:

- Amends California's health and safety code relating to employment safety. It includes wildfire smoke events among health emergencies, considers agricultural workers as essential workers, and requires the department to report to the Legislature regarding PPE stockpile within six months of the effective date.

■ Hawaii [SB 3087](#). This bill:

- Enters Hawaii into EMAC, including for mass care, resource support, health and medical services, and search and rescue assistance.

Food and Water

Food and water bills aimed to ensure the availability of food, nutrition and water sources post disaster, as well as avoid water shortages due to drought. Food bills provided assistance to farmers before and after disasters and aimed to ensure food systems are not adversely impacted by climate change and disasters. The water subcategory made up the vast majority of these bills, primarily funding infrastructure projects that preserve water availability, purification, and reduced water use. Concerns regarding water availability have increased in recent years with climate change threatening water supply especially in southern and western states. Water scarcity not only impacts human consumption and health, but also drives increased wildfire risk as forests and other vulnerable lands dry out. States have increasingly sought to incentivize water use reduction, limit water consumption, and manage forest fuel load on public and private lands.

Figure 18: Health and Medical Bills by State

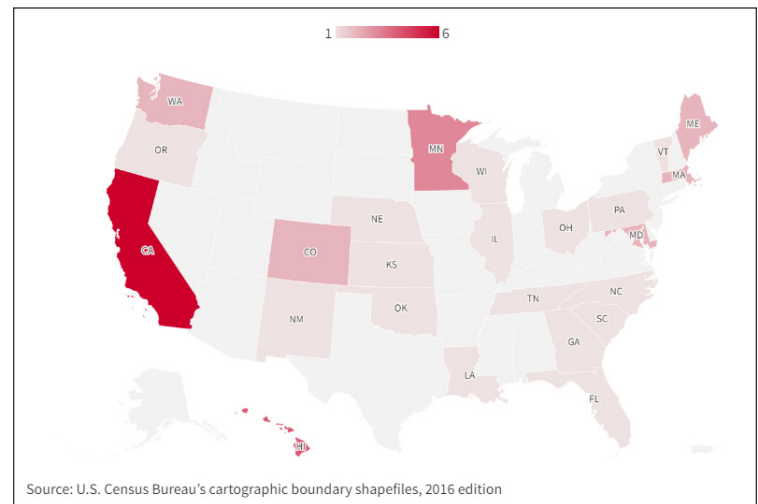
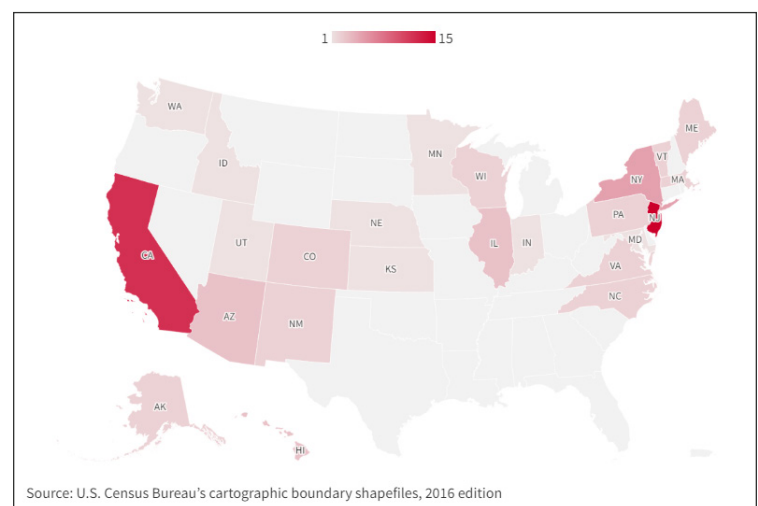


Figure 19: Food and Water Bills by State



2022 Legislative Trends: Health & Human Services

Example Legislation:

- **Vermont** [SB 258](#). This bill:
 - Requires the Secretary of Agriculture, Food and Markets to evaluate the sufficiency of the Required Agricultural Practices to determine if they are adequate to address increased and foreseeable climate change induced precipitation in a manner that protects soil resources and prevents harmful or inefficient runoff of nutrient pollution to State waters.
- **Washington** [HB 2051](#). This bill establishes a grant program to initially provide short-term financial assistance to farmers and ranchers in the aftermath of the Whatcom county flooding that occurred in November 2021. The program:
 - Can be replicated in future natural disasters.
 - Ensures farmers and ranchers are made aware of federal disaster assistance programs and how to access them.
 - May be used for payroll, utilities and rent, marketing and advertising, building improvements or repairs, replacing damaged or lost crops, livestock, and equipment, and other operations and business expenses.
- **California** [SB 552](#). This bill:
 - Requires small water suppliers, defined as those serving 1,000 to 2,999 service connections, to develop and maintain an abridged Water Shortage Contingency Plan that includes specified drought-planning elements.
 - Requires a small water supplier serving fewer than 1,000 service connections to add drought planning elements to its emergency notification or response plan and to submit the plan to the state board.
- **Colorado** [HB 1151](#). This bill:
 - Incentivizes water-wise landscapes by creating, and appropriating funds for a new state program to finance the voluntary replacement of irrigated turf.

2022 Legislative Trends: Governance

Governance

In the 2021-22 legislative session, 31 states enacted at least 104 bills related to changes in governance in emergency management and disaster resilience, encompassing 49 percent of all disaster resilience bills enacted throughout the session. State legislatures primarily enacted changes in the establishment or reorganization of emergency management and resilience agencies at the state level, including the creation of Chief Resilience Officer roles for statewide coordination of disaster response and mitigation efforts, modification of existing roles to encompass the disaster mitigation, and the establishment or expansion of intergovernmental, interagency and cross-sector partnerships to address complex disaster mitigation challenges.

Figure 20: Governance Bills by State

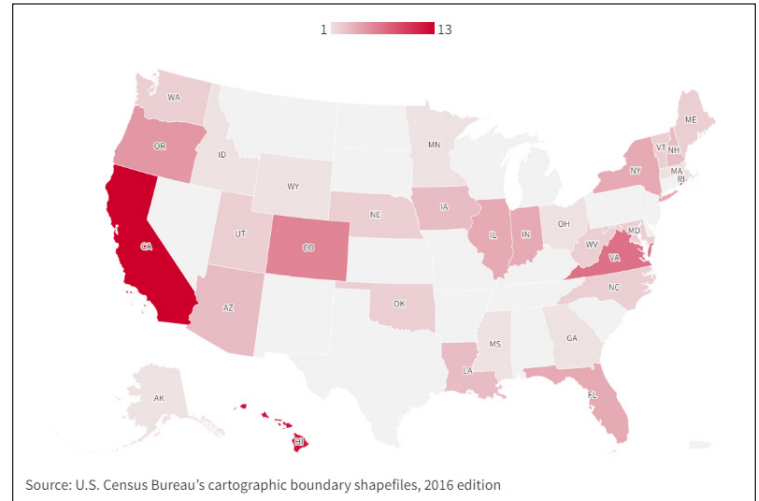
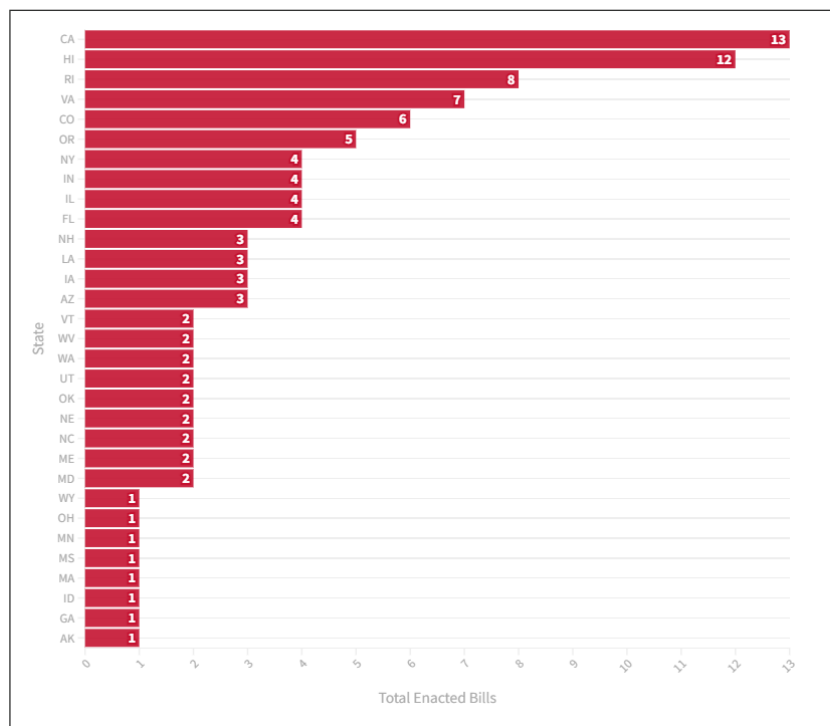


Figure 21: Governance Bills by State



2022 Legislative Trends: Governance

States also enacted changes to the duties and membership requirements of local committees which coordinate emergency management and planning efforts in their localities, or boards with oversight over districts zoned for development and land use towards disaster mitigation purposes including fire suppression, forest conservation, agricultural production, and flood control. These bills often overlapped with land use and public safety bills, but most importantly designated changes to how disaster mitigation and resilience activities are governed on the local level through the state level.

Example Legislation:

- **West Virginia** [HB 4295](#). This bill:
 - Relocates the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management.
 - Directs the office to develop a strategic plan in consultation with the Division, the State Resilience Officer and State Resilience Board.
 - Requires the office to establish floodplain management guidelines in special hazard areas to align with federal regulations.
- **Virginia** [HB 516](#). and [HB 517](#).
 - **HB 517:** Establishes the role of Chief Resilience Officer as the primary coordinator of resilience and adaptation initiatives throughout the state with particular focus on flood mitigation.
 - **HB 516:**
 - Directs the Chief Resilience Officer and state authorities to oversee the implementation of a Virginia Flood Protection Master Plan and Virginia Coastal Resilience Master Plan.
 - Plans should address region-specific threats to critical infrastructure and communities, protection, and adaptation measures to address socioeconomic inequities and enhance equity and improve adaptation capacity through nature-based infrastructure.
- **Indiana** [SB 85](#). This bill:
 - Establishes a Drainage Task Force to review regulations and responsibilities of state and local authorities as well as landowners in mitigating flood risks in wetlands and agricultural and working lands.
 - Directs the task force to determine whether the balance between state and local authority over drainage favors state authority in Indiana more than neighboring states.
- **California** [AB 642](#). In addition to existing hazard severity zones, this bill requires the Director of Forestry and Fire Protection to identify moderate, high, and very high fire hazard severity zones and make this information available to the public. The bill also:
 - Requires the appointment of a cultural burning liaison.
 - Directs the Department of Forestry and Fire Protection to enhance guidelines and public outreach and education on appropriate prescribed burning and wildfire mitigation practices.

2022 Legislative Trends: Equity

Equity

Throughout the 2021-2022 legislative session, 15 states enacted at least 31 bills relating to equity in disaster resilience - 15 percent of disaster resilience bills overall. Of these, 25 bills focused on low-income populations, 23 bills on minority populations, 10 bills on individuals with disabilities, 7 bills on rural populations, 5 bills on gender, 5 bills on elderly populations, and 3 bills on LGBTQ+ populations. These bills require programs to assign priority in resilience programs towards communities at greatest risk from disaster impacts, target vulnerable communities with specific types and quantities of funding, and require the increased inclusion of members

of vulnerable communities in planning processes. Equity has only recently gained broad attention as a critical element of disaster resilience. President Joe Biden has made issues of equity and environmental justice central to his administration’s policy objectives both within and beyond emergency management. FEMA’s 2024-2026 Strategic Plan places a strong emphasis on equity for the first time in the agency’s history. And that trend is beginning to materialize on the state level as well.

Figure 22: Equity Bills by State

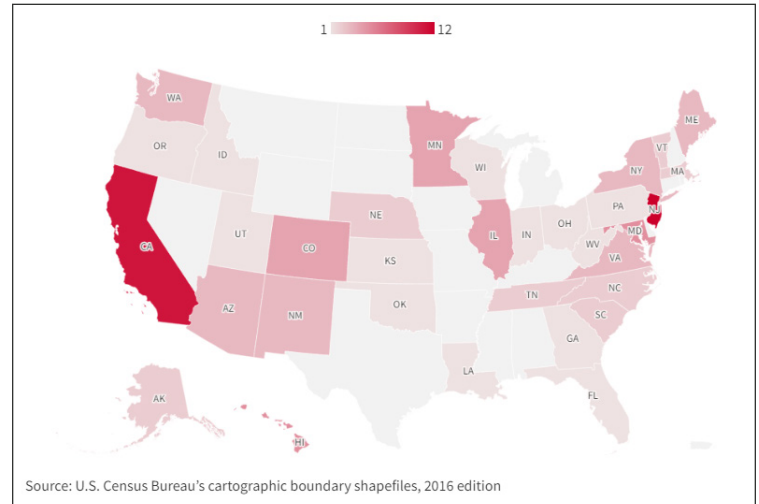
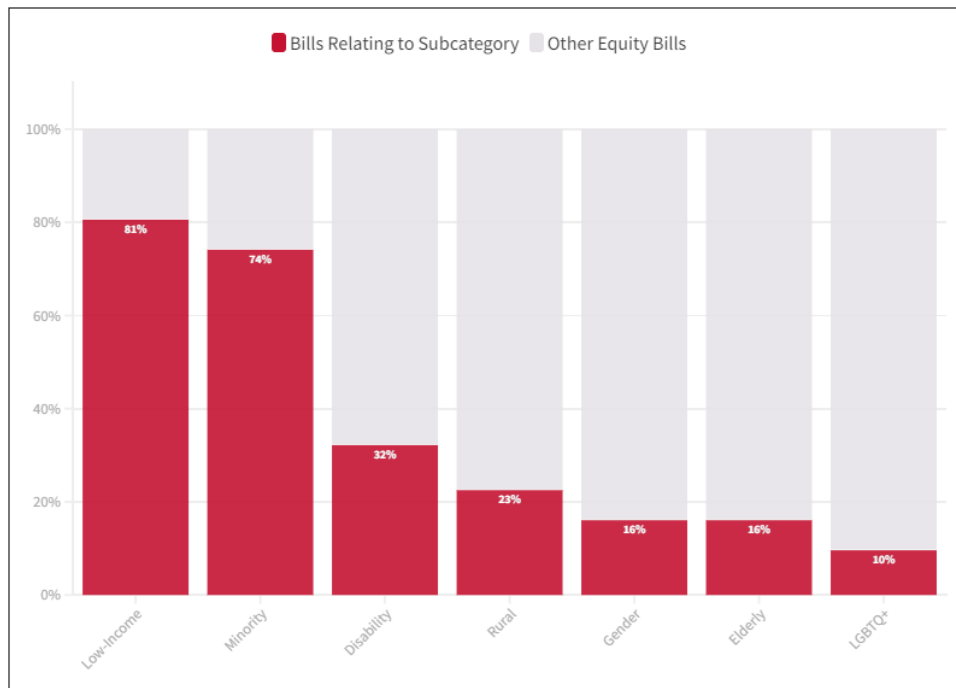
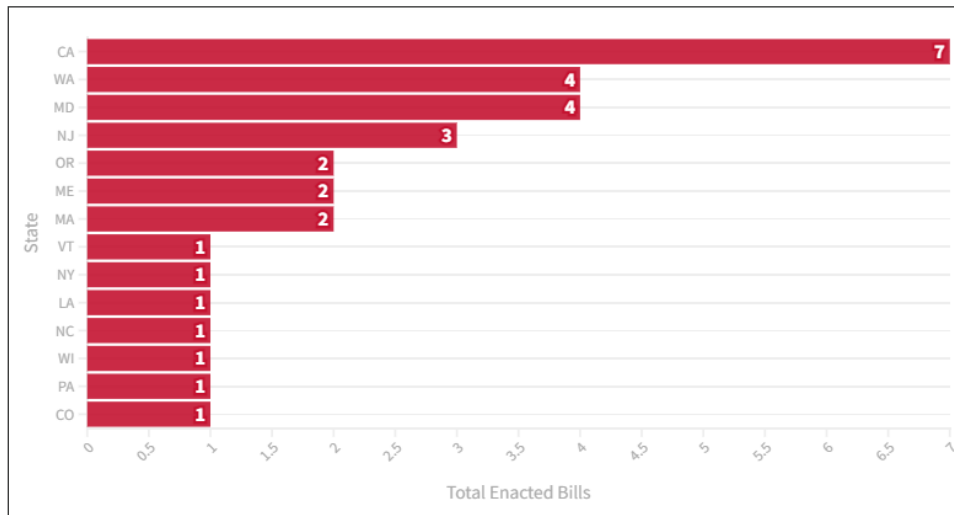


Figure 23: Equity Bills by Subcategory Use



2022 Legislative Trends: Equity

Figure 24: Total Equity Bills by State



Several states established revolving loan funds targeted at assisting vulnerable communities with disaster mitigation and resilience activities.

Example Legislation:

- **Louisiana [HB 1052](#)**. Establishes the Hazard Mitigation Revolving Loan Fund, which:
 - Provides financial assistance to homeowners, businesses, nonprofit organizations, and municipalities towards disaster mitigation.
 - Enables the state government to offer loan subsidies to low-income individuals and communities.
- **Oregon [SB 1536](#)**. Modifies restrictions which landlords were allowed to place on the installation and use of air conditioning and cooling devices installed in rental housing, particularly during periods of extreme heat. Specifically, the bill:
 - Requires priority be given to enable disability accommodations.
 - Establishes a new program that utilizes grants, rebates, cost-share and other financing options to distribute portable cooling devices and heat pumps more widely to low-income, elderly, and minority populations. Priority is given to individuals and households residing in mobile homes or vehicles as well as those using Medical Assistance.
- **Colorado [SB 206](#)**. This bill:
 - Provides financial, technical, and construction assistance to low-income and otherwise vulnerable populations in reconstructing housing and small business facilities with improved disaster resilience and energy efficiency.

2022 Legislative Trends: Equity

- **Maine [HB 1465](#).** Relating to Climate Action Plans, this bill:
 - Requires local plans to ensure the “input and needs of the community’s most vulnerable citizens” are prioritized in addressing health risks from natural hazards and climate change.
 - Prioritizes state disaster resilience grants for localities adopting climate action plans
 - Designates “critical rural areas” for flood control, water conservation, and erosion mitigation.
- **Washington [SB 5126](#).** This bill enacts the Washington Climate Commitment Act, which:
 - Establishes public funding mechanisms for climate and disaster mitigation efforts through emissions allowance markets and grant funding.
 - Directs state agencies to conduct environmental justice assessments to establish a minimum of 35-40% of total investments in climate mitigation and disaster resilience efforts with “direct and meaningful benefits” towards individuals and households in overburdened communities.
 - Requires agencies administering grant funding from the climate investment account to develop consultation framework with federally recognized tribal governments and include disadvantaged communities in planning processes.

Conclusion

Conclusion

As FEMA, Congress, and recent Presidential administrations have invested ever-increasing spending in disaster mitigation and recovery and implored state and local governments to do the same, state legislatures continue to pursue solutions via legislation. During the 2021-2022 legislative session, nearly 3/4 of states enacted 107 bills aimed at funding individuals, local governments, the private sector, and more to facilitate a range of disaster mitigation and recovery improvements. State legislation prioritized resilience measures from evacuation routes and essential supply delivery, expanding next-generation 911, to simultaneously improving energy efficiency and grid resilience via smart grid, energy efficiency and other technologies. States also invested in mass care, affordable housing solutions, environmental health precautions, and water conservation efforts that addressed multiple types of hazards. Many also passed legislation that included emissions reduction and disaster resilience policy in the same packages. They echoed an emphasis on equity that has increasingly emerged at the federal level and private and nonprofit sectors, aiming to ensure that underserved populations that disproportionately bear the brunt of climate and disaster impacts will benefit the most from resilience investments. Amid a shifting hazard threat landscape, states are updating their own governmental systems behind emergency management - reforming or creating new offices, authorities, positions, and transparencies.

However, while 42 states enacted a sizable 211 bills related to disaster resilience, 18 states passed only one or two bills and 8 states passed none. Legislative action in California, Colorado, Hawaii, and New Jersey alone made up a third of bills passed. Several states did not meet this year or have yet to officially conclude their sessions, and different states face drastically different hazard threats and frequencies, so the volume of legislative activity may not directly correlate to quality, and the impact of legislation is worthy of separate analyses. As the impacts of climate change are increasingly linked to disasters, it will be critical to monitor and understand how state legislation progresses along the way.

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