

AMENDED IN ASSEMBLY APRIL 20, 2023

AMENDED IN ASSEMBLY APRIL 10, 2023

AMENDED IN ASSEMBLY MARCH 20, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 513

**Introduced by Assembly ~~Member Rodriguez~~ Members Rodriguez
and Robert Rivas**

**(Coauthors: Assembly Members Addis, Vince Fong, Pellerin, Soria,
and Wood)**

(Coauthors: Senators Caballero, Hurtado, and McGuire)

February 7, 2023

An act to add Article 4.5 (commencing with Section 8688) to Chapter 7.5 of Division 1 of Title 2 of the Government Code, relating to disaster assistance, ~~and making an appropriation therefor.~~ *therefor, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 513, as amended, Rodriguez. California Individual Assistance Act.

Existing law, the California Disaster Assistance Act, requires the Director of Emergency Services 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. The act continuously appropriates moneys in the Disaster Assistance Fund and its subsidiary account, the Earthquake Emergency Investigations Account, without regard to fiscal year, for purposes of the act.

This bill would enact the California Individual Assistance Act to establish a grant program to provide financial assistance to local agencies, community-based organizations, and individuals for specified costs related to a disaster, as prescribed. The bill would require the director to allocate from the fund, subject to specified conditions, funds to meet the cost of expenses for those purposes. By authorizing increased expenditure of moneys from a continuously appropriated fund for a new purpose, the bill would make an appropriation.

This bill would authorize the director to adopt regulations, as determined to be necessary, to govern the administration of the program. The bill would require the director to enter into agreements with local agencies or community-based organizations to retroactively provide individual and family grants for specific disaster events.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the purpose
- 2 of this act is to establish in California a program within the Office
- 3 of Emergency Services to quickly provide assistance to California
- 4 residents following the declaration of a local or state emergency
- 5 that may not warrant federal disaster assistance for individuals.
- 6 SEC. 2. Article 4.5 (commencing with Section 8688) is added
- 7 to Chapter 7.5 of Division 1 of Title 2 of the Government Code,
- 8 to read:
- 9
- 10 Article 4.5. California Individual Assistance Act
- 11
- 12 8688. This article shall be known and may be cited as the
- 13 California Individual Assistance Act.
- 14 8688.1. It is the intent of the Legislature to provide local
- 15 agencies, community-based organizations, and individuals with
- 16 the assistance they need to quickly recover following a disaster.
- 17 8688.2. Unless the provision or context otherwise requires, the
- 18 definitions in this section govern the construction of this article:
- 19 (a) "Community-based organization" means a public or private
- 20 nonprofit organization of demonstrated effectiveness that represents

1 a community or significant segments of a community and provides
2 support and services to individuals in the community.

3 (b) “Disaster” means a fire, flood, storm, tidal wave or tsunami,
4 earthquake, act of terrorism, epidemic, extreme heat or cold event,
5 or other similar calamity that the Governor determines presents a
6 threat to public safety.

7 (c) “Housing assistance” means assistance available to
8 homeowners and renters to repair disaster-related damages not
9 covered by insurance or by other governmental financial assistance
10 programs, including, but not limited to, costs that are reasonable
11 and necessary to make the essential living areas of a primary
12 residence safe, sanitary, and functional.

13 (d) “Individual” means a person residing in California.

14 (e) “Individual and family grants” means housing assistance
15 and other needs assistance provided pursuant to this article.

16 (f) “Local emergency” means a condition of extreme peril to
17 persons or property proclaimed as such by the governing body of
18 the local agency affected, in accordance with Section 8630.

19 (g) “Other needs assistance” means assistance to offset expenses
20 and losses in income not covered by insurance or by other financial
21 assistance resources, including, but not limited to, any of the
22 following:

23 (1) Income losses.

24 (2) Costs to clean, repair, or replace essential personal property
25 items.

26 (3) Medical, dental, and funeral expenses resulting from the
27 local emergency.

28 (4) Other potentially eligible expenses authorized by the director.

29 (h) “Unusual circumstances” means unavoidable delays that
30 result from recurrence of a disaster, prolonged severe weather
31 within a one-year period, or other conditions beyond the control
32 of the applicant.

33 8688.3. (a) From the Disaster Assistance Fund, and subject to
34 the conditions specified in this article, the director shall allocate
35 funds to meet the cost of expenses for the purposes described in
36 subdivision (b).

37 (b) Moneys from the Disaster Assistance Fund may be used to
38 provide financial assistance to local agencies, community-based
39 organizations, and individuals for the following purposes:

1 (1) To fund local agency and community-based organization
2 personnel costs, equipment costs, translation services, and the cost
3 of supplies and materials used during disaster response activities,
4 incurred as a result of a state of emergency proclaimed by the
5 Governor, excluding the normal hourly wage costs of employees
6 engaged in emergency work activities.

7 (2) To reimburse local agencies or community-based
8 organizations that provide individual and family grants.

9 (3) To provide direct individual and family grants, including
10 housing assistance and other needs assistance, to individuals.

11 (4) To fund indirect administrative costs and any other assistance
12 deemed necessary by the director.

13 (5) To fund necessary and required site preparation costs for
14 evacuation and local assistance centers as deemed necessary by
15 the director.

16 8688.4. (a) When certified by the director, claims of
17 community-based organizations and local agencies shall be
18 presented to the Controller for payment out of funds made available
19 for that purpose.

20 (b) The director shall adopt regulations, as determined to be
21 necessary, to govern the administration of the program authorized
22 by this article in accordance with the Administrative Procedure
23 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
24 Division 3). These regulations shall include specific eligibility
25 requirements, a procedure for local agencies and community-based
26 organizations to request the implementation of this article, and a
27 method for evaluating these requests by the Office of Emergency
28 Services.

29 8688.5. An allocation may be made to a local agency,
30 community-based organization, or an individual, if, within 10 days
31 after the actual occurrence of a disaster, the local agency has
32 proclaimed a local emergency and that proclamation is acceptable
33 to the director, or upon the order of the Governor when a state of
34 emergency proclamation has been issued.

35 8688.6. A local agency, community-based organization, or an
36 individual shall make application to the director for state financial
37 assistance pursuant to this article within 60 days after the date of
38 the proclamation of a local emergency. The director may extend
39 the time for this filing only under unusual circumstances.

1 8688.7. The director shall develop procedures for a local agency
2 or community-based organization to receive an advance of funds
3 to expedite the delivery of individual and family grants following
4 a disaster.

5 8688.8. Notwithstanding any other law, including Section
6 8688.6, the director shall enter into agreements with local agencies
7 or community-based organizations to retroactively provide
8 individual and family grants for the following events:

9 (a) The December 20, 2022, magnitude 6.4 earthquake off the
10 Northern California coastline near the City of Ferndale in
11 Humboldt County.

12 (b) The severe winter storms, flooding, landslides, and mudslides
13 for areas designated in the Federal Emergency Management
14 Agency declaration DR-4683-CA for the period December 27,
15 2022, to January 31, 2023, inclusive.

16 (c) The severe winter storms, straight-line winds, flooding,
17 landslides, and mudslides for areas designated in the Federal
18 Emergency Management Agency declaration DR-4699-CA for
19 the period February 21, 2023, to ____, inclusive.

20 *SEC. 3. This act is an urgency statute necessary for the*
21 *immediate preservation of the public peace, health, or safety within*
22 *the meaning of Article IV of the California Constitution and shall*
23 *go into immediate effect. The facts constituting the necessity are:*

24 *In order to mitigate the extent and severe impact of recent*
25 *disasters on individuals and families, the Legislature finds and*
26 *declares it is necessary for this act to take effect immediately.*