

ATTACHMENT 5

BILL NUMBER: AB 2140 CHAPTERED
BILL TEXT

CHAPTER 739

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INTRODUCED BY Assembly Member Hancock

FEBRUARY 21, 2006

An act to add Sections 8685.9 and 65302.6 to the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 2140, Hancock General plans: safety element.

(1) The California Disaster Assistance Act limits the state share for any eligible project to no more than 75% of total state eligible costs, except that the state share shall be up to 100% of total state eligible costs connected with certain events.

This bill would prohibit the state share for any eligible project from exceeding 75% of total state eligible costs unless the local agency is located within a city, county, or city and county that has adopted a local hazard mitigation plan in accordance with the federal Disaster Mitigation Act of 2000 as part of the safety element of its general plan, in which case the Legislature may provide for a state share of local costs that exceeds 75% of total state eligible costs.

(2) The Planning and Zoning Law requires that a city, county, or city and county general plan contain specified elements, including a safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides, subsidence, liquefaction, and other seismic, geologic, and fire hazards.

This bill would authorize a city, county, or a city and county to adopt with its safety element a federally specified local hazard mitigation plan that includes specified elements, and require the Office of Emergency Services to give preference to local jurisdictions that have not adopted a local hazard mitigation plan with respect to specified federal programs for assistance in developing and adopting a plan.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8685.9 is added to the Government Code, to read:

8685.9. Notwithstanding any other provision of law, including Section 8686, for any eligible project, the state share shall not exceed 75 percent of total state eligible costs unless the local agency is located within a city, county, or city and county that has adopted a local hazard mitigation plan in accordance with the federal Disaster Mitigation Act of 2000 (P.L. 106-390) as part of the safety element of its general plan adopted pursuant to subdivision (g) of Section 65302. In that situation, the Legislature may provide for a state share of local costs that exceeds 75 percent of total state eligible costs.

SEC. 2. Section 65302.6 is added to the Government Code, to read:

65302.6. (a) A city, county, or a city and county may adopt with its safety element pursuant to subdivision (g) of Section 65302 a local hazard mitigation plan (HMP) specified in the federal Disaster Mitigation Act of 2000 (P. L. 106-390). The hazard mitigation plan shall include all of the following elements called for in the federal act requirements:

- (1) An initial earthquake performance evaluation of public facilities that provide essential services, shelter, and critical governmental functions.
- (2) An inventory of private facilities that are potentially hazardous, including, but not limited to, multiunit, soft story, concrete tilt-up, and concrete frame buildings.
- (3) A plan to reduce the potential risk from private and governmental facilities in the event of a disaster.

(b) Local jurisdictions that have not adopted a local hazard mitigation plan shall be given preference by the Office of Emergency Services in recommending actions to be funded from the Pre-Disaster Mitigation Program, the Hazard Mitigation Grant Program, and the Flood Mitigation Assistance Program to assist the local jurisdiction in developing and adopting a local hazard mitigation plan, subject to available funding from the Federal Emergency Management Agency.