



# 2023 Climate Adaptation Legislative Update

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## Extreme Heat

### **SB-306** Climate change: Equitable Building Decarbonization Program: Extreme Heat Action Plan.

- » Requires the Governor's Office of Planning and Research (OPR) and the California Natural Resources Agency, on or before July 1, 2026 and every 3 years thereafter, to update the Extreme Heat Action Plan to promote comprehensive, coordinated, and effective state and local government action on extreme heat.
- » Requires the integration of the Extreme Heat Action Plan into the state's climate adaptation strategy.
- » Requires the Extreme Heat Action Plan to include:
  - Review of relevant actions and grants that state agencies have undertaken to mitigate extreme heat and implement the Extreme Heat Action Plan, including an in-depth review of ICARP's Extreme Heat and Community Resilience Grant Program, projects that use cool and reflective surfaces, and efforts to address extreme heat on California's school campuses.
  - A description of the resources, budget allocations, expenditures, and staff dedicated to addressing extreme heat.
  - A review of state programs that address extreme heat to identify potential gaps or unmet needs in the state's approach and that includes recommendations on ways to improve policies, programs, and interagency coordination.
  - Recommendations on additional measures to protect vulnerable populations from the impacts of extreme heat, including, but not limited to, community cooling strategies.

### **SB-515** School facilities: shade structures.

- » Limits the cost of complying with the CA Building Codes requiring an accessible path of travel to areas being altered/added to buildings, structures, and facilities to 20% of the adjusted construction cost of the shade structure project. Applicable to free-standing, open-sided shade structure projects on a school district, county office of education, charter school, or community college campus.

### **AB-1653** Interscholastic athletic programs: emergency action plans: heat illness: guidelines.

- » Requires school districts and charter schools offering any interscholastic athletic program to include in their written emergency action plan, the location and procedures to be followed in the event of heat illness related to the athletic program's activities or events.
- » Requires the California Interscholastic Federation, in consultation with the State Department of Education, to, no later than July 1, 2024, develop guidelines, procedures, and safety standards for the prevention and management of exertional heat illness.

## Sea Level Rise

### **SB-272** Sea level rise: planning and adaptation.

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- » Requires local governments lying within the coastal zone, or within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC), to develop a sea level rise plan on or before January 1, 2034 as part of either a local coastal program, subject to approval by the California Coastal Commission (CCC), or a subregional San Francisco Bay shoreline resiliency plan, subject to approval by BCDC.
- » Require local governments that receive approval for a sea level rise plan to be prioritized for funding, upon appropriation by the Legislature, for the implementation of sea level rise adaptation strategies and recommended projects in the local government's approved sea level rise plan.
- » Requires CCC to establish guidelines for the preparation of the sea level rise plan, in close coordination with the Ocean Protection Council and the California Sea Level Rise State and Regional Support Collaborative, on or before December 31, 2024.
- » Requires BCDC to establish guidelines for the preparation of the sea level rise plan, in close coordination with the above-noted entities, on or before December 31, 2024.

## Water Management

### **AB-30** Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.

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- » Renames the "Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program" to the "Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program."
- » Requires the Department of Water Resources (DWR) to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.
- » Requires DWR to utilize relevant information to operate reservoirs in a manner that improves flood protection in the state and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers and other storms.

### **SB-659** California Water Supply Solutions Act of 2023.

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- » Requires counties to integrate access and functional needs into their emergency plans, upon the plan's next update, by addressing how the "access and functional needs population" is being served by emergency communications, evacuation, and sheltering.
- » Requires emergency plans to include the identification of ADA-compliant transportation resources for individuals who are dependent on public transportation; integrate evacuation and transportation plans to account for local community resilience centers; ensure that local community resilience centers are prepared to serve as communitywide assets during extreme heat events and other disasters; and designate available locations that may be necessary to provide respite to individuals during emergencies, including, but not limited to, extreme heat, cold, or unhealthy air incidents.
- » Requires emergency plans, with regard to emergency sheltering, to also integrate sheltering and transportation plans to account for transportation between community resilience centers and shelters.

### **AB-345** Habitat restoration: flood control: advance payments.

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- » Authorizes DWR or the Central Valley Flood Protection Board to provide advance payments to local agencies for projects that restore habitat for threatened/endangered species or improve flood protection.
  - Prohibits the amount of funds advanced to a local agency at any one time from exceeding 25% of the entire amount authorized to be provided under the funding agreement.
  - Requires the project proponents to demonstrate a need for an advance payment and sufficient qualifications to manage the project and the project's finances.
  - Requires the funds to be spent within 6 months and would require the recipient to provide an accountability report to the department or the board on a quarterly basis.

### **SB-745** The Drought-Resistant Buildings Act.

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- » Requires the California Energy Commission (CEC) to research, develop, and propose building standards to reduce potable water use in new residential buildings and new nonresidential buildings.
- » Requires CEC to perform a review of water efficiency and water reuse standards in the California Buildings Standards Code every 3 years, commencing with the next triennial edition, and update as needed.
- » Requires the Department of Housing and Community Development, in consultation with the State Water Board, to develop and propose the corresponding building standards within 12 months of the Board adopting regulations.

## Wildfires

### **AB-297** Wildfires: local assistance grant program: prescribed grazing: advance payments.

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- » Changes the definition of fire prevention activities to include *prescribed grazing*: "the lawful application of grazing by a specific kind of livestock at a determined season, duration, and intensity to accomplish defined vegetation or conservation goals, including reducing the risk of wildfire by reducing fuel loads, controlling undesirable or invasive plants, and promoting biodiversity and habitat for special status species. Prescribed grazing may involve any or multiple kinds of livestock."
- » Expands allowable public education outreach activities to include training on prescribed grazing.
- » Indefinitely extends the CAL FIRE director's authority to authorize advance payments from a grant program.

### **AB-338** Fuel reduction work.

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- » Commencing July 1, 2026, requires fuel reduction work, done under contract and paid for in whole or in part out of public funds, to meet several standards, including that:
  - All workers performing work within an apprentice able occupation in the building and construction trades be paid at least the general prevailing rate of per diem wages.
  - All contractors and subcontractors maintain payroll records and make those records available for inspection.
  - Contractors shall be registered to be qualified to bid on, be awarded contracts for, or engage in the performance of, any work subject to the requirements of this section.

### **AB-541 California Safe Drinking Water Act: wildfire aftermath: benzene testing.**

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- » Directs the California State Water Resources Control Board to require a public water system that has experienced a wildfire event to perform sample collection and analysis of its source waters, treatment facilities, conveyance facilities, distribution systems, or a combination thereof, for the presence of benzene as soon as it is safe to do so.
  - Applicable to wildfire events affecting 300 or more acres, or if the event damaged or destroyed one or more structures connected to the public water system's water distribution system.
- » Authorizes the State Water Board to require a public water system response if a public water system conducts sampling and finds detectable concentrations of benzene.

### **AB-1280 Fire hazard severity zones: disclosures.**

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- » Requires disclosure in the natural hazard statement for single-family residential properties located within a fire hazard severity zone, to specify whether it is located in a high or very high fire hazard severity zone.
- » Clarifies that the natural hazard statement is required to include a disclosure as to whether the property is located within a high fire hazard severity zone in a state responsibility area, very high fire hazard severity zone in a state responsibility area, or very high fire hazard severity zone in a local responsibility area.

## **Planning, Governance, and Broader Adaptation Laws**

### **AB-225 Real property: environmental hazards booklet.**

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- » Requires the Department of Toxic Substances Control (DTSC) to update the Homeowners' Guide to Environmental Hazards to include 3 new sections on Wildfires, Climate Change, and Sea Level Rise.
- » Requires DTSC to seek the advice and assistance of departments within the Natural Resources Agency in the writing of the booklet.

### **AB-285 Pupil instruction: science requirements: climate change.**

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- » Requires the science area of study for grades 1-6 and 7-12 to include an emphasis on the causes and effects of climate change and methods to mitigate and adapt to climate change.
- » Requires appropriate coursework including this material be offered to pupils as soon as possible, commencing no later than the 2024-25 school year.

### **AB-590 State-funded assistance grants and contracts: advance payments.**

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- » Authorizes an administering state agency to advance a payment to a recipient entity subject to meeting specified requirements.
- » Requires the administering state agency to prioritize recipient entities and projects serving disadvantaged, low-income, and under-resourced communities, and to ensure an advance payment to the recipient entity does not exceed 25% of the total grant or contract amount.
- » Requires the recipient entity to satisfy certain minimum requirements, including providing an itemized budget and submitting documentation, as required by the administering state agency, to support the need for advance payment.

### **AB-781 Accessibility to emergency information and services: emergency shelters: persons with pets.**

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- » Upon the next update to a city or county's emergency plan:
  - Requires the designation of emergency shelters able to accommodate persons with pets.
  - Whenever any number of emergency shelters, cooling centers, or warming centers are designated, requires at least one emergency shelter/center to be designated to accommodate persons with pets.
- » Requires an emergency shelter designated as able to accommodate persons with pets to be in compliance with safety procedures regarding the sheltering of pets.
- » Requires a city or county to include whether the cooling or warming center can accommodate pets whenever public information regarding the availability of centers is provided.
- » Requires a city or county to make available on their website, information for pet emergency preparedness.

### **AB-1638 Local government: emergency response services: use of languages other than English.**

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- » In the event of an emergency within the jurisdiction of a local agency that provides emergency response services and serves a population with 5% or more people who speak English less than "very well" (based on American Community Survey data) and jointly speaks a language other than English:
  - Requires the local agency to provide information related to the emergency in English and in all languages spoken jointly by 5% or more of the population that speaks English less than "very well," commencing January 1, 2025.
- » Requires local agencies to use data to determine which languages are spoken jointly by 5% or more of the population in its jurisdiction by January 1, 2025, and to reassess that data every 5 years.
- » Requires OPR to survey a sample of local agencies every 3 years to determine compliance with these requirements and to report its findings to the Legislature.

### **SB-149 California Environmental Quality Act: administrative and judicial procedures: record of proceedings: judicial streamlining.**

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- » *Provides streamlining benefits for critical state, regional, and local investments in climate resiliency, safety, and infrastructure maintenance – projects that provide public benefits and put people to work as soon as possible.*
- » Extends the Governor's authority to certify projects that meet specified requirements for streamlining benefits related to CEQA to before January 1, 2032.
- » Includes definitions for the following types of projects that could be eligible for CEQA streamlining "Energy infrastructure project", "Semiconductor or microelectronic project", "Transportation-related project", and "Water-related project."

### **SB-337 Environmental protection: lands and coastal waters conservation goal.**

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- » Codifies the goal of the state to conserve at least 30% of California's lands and coastal waters by 2030.

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Visit [bit.ly/CCEC-2023-Update](https://bit.ly/CCEC-2023-Update) for a companion resource by the California Climate and Energy Collaborative (CCEC) and the Local Government Sustainable Energy Coalition (LGSEC) that highlights new key laws related to climate change mitigation and clean energy.