

Date of Hearing: April 28, 2025

ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT

Rhodesia Ransom, Chair

AB 1069 (Bains) – As Amended April 23, 2025

SUBJECT: Older adults: emergency shelters

SUMMARY: Requires local jurisdictions, as specified, to coordinate with Area Agencies on Aging (AAAs) or Aging and Disability Resource Connection (ADRC) programs through a memorandum of understanding (MOU) to ensure these organizations have access to emergency shelters during disasters. Specifically, **this bill:**

- 1) Requires a county, city, city and county, or any applicable local jurisdiction, as part of its disaster planning and response, to coordinate an MOU with an AAA or ARDC program that allows the AAA or ARDC program access to emergency shelters established for evacuation purposes during an active disaster to ensure that older adults and persons with disabilities receive continuous services and necessary support.
- 2) Defines “emergency shelter” to mean a facility established to provide temporary refuge and essential services to individuals displaced by emergencies or disasters.

EXISTING LAW:

- 1) Establishes, in federal law, the Older Americans Act (OAA), which promotes the well-being of Americans 60 years old and above through services and programs designed to meet their needs. (42 United States Code (USC.) § 3001, et seq.)
- 2) Establishes the Mello-Granlund Older Californians Act (OCA), which establishes the California Department of Aging (CDA), and sets forth its duties and powers, including, among other things, entering into a contract for the development of information and materials to educate Californians on the concept of “aging in place.” (WIC § 9100 et seq.)
- 3) Declares and recognizes area agencies on aging to be the local units on aging in California that are supported from an array of sources, including federal funding largely through the federal Older Americans Act (42 U.S.C. Sec. 3001 et seq.), state and local governmental assistance, the private sector, and individual contributions for services. (WIC § 9400)
- 4) Establishes the Aging and Disability Resource Connection (ADRC) program to provide information to consumers and their families on available long-term services and supports (LTSS) programs and to assist older adults, caregivers, and persons with disabilities in accessing LTSS programs at the local level through ADRC programs operated jointly by area agencies on aging (AAAs) and independent living centers (ILCs). (WIC § 9120)
- 5) Requires AAAs and ILCs to be the core local partners in developing ADRC programs, outlines the requirements for an ADRC program, as specified, and requires the ADRC program to be administered by CDA, in collaboration with California Department of Rehabilitation (DOR) and Department of Health Care Services (DHCS), upon appropriations (WIC 9120)

- 6) Establishes the California Office of Emergency Services (Cal OES) within the office of the Governor and makes Cal OES responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property. (Government Code 8550)
- 7) Authorizes the Governor to proclaim a state of emergency, when specified disaster conditions are met (Government Code 8625 and 8558)
- 8) Under the California Emergency Services Act, defines a state of emergency to mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as, among others, air pollution, fire, flood, and storm. (Government Code 8558)
- 9) Authorizes the Governor to make, amend, and rescind orders and regulations necessary to carry out the provisions of the California Emergency Services Act, requires the orders and regulations to have the force and effect of law, and requires orders and regulations, or amendments or rescissions to orders and regulations, issued during a state of war emergency or state of emergency to be in writing and to take effect immediately upon their issuance. (Government. Code 8567)
- 10) Requires the Governor to coordinate the State Emergency Plan (SEP) and integrate plans and programs that mitigate against emergencies into the SEP, as specified (Government Code 8569).
- 11) Requires Cal OES to coordinate with representatives, as specified, from the access and functional needs (AFN) population to integrate the AFN population into the SEP (Government Code 8570.4).
- 12) Grants local governments the power to declare local emergencies and request state assistance. (Government Code 8630)
- 13) Requires a county, upon the next update to its emergency plan, to integrate access and functional needs into its emergency plan, as specified (Government Code 8593.3)

FISCAL EFFECT: Unknown. A fiscal committee has not yet heard this bill.

COMMENTS:

Purpose of this bill: According to the author, "As a physician, I have seen the needs of those in shelters who are struggling to meet their basic health needs. Allowing service providers into evacuation shelters enables trusted partners to provide continuity of care and will likely enfold more of the vulnerable communities toward services. This is even more important underserved areas, who are already stretched thin with services for older adults and people with disabilities."

Equity Impact: According to the author's staff, "Older adults and people with disabilities are served by AAAs and ADRCs to enable them to live independently in their communities."

Area Agencies on Aging: The California Department of Aging contracts with and provides leadership and direction to 33 Area Agencies on Aging (AAA) that coordinate a wide array of services to seniors and adults with disabilities at the community level and serve as the focal point for local aging concerns.

Aging and Disability Resource Connection: The Aging and Disability Resource Connection's (ADRC) purpose is to provide a single more coordinated system for people seeking reliable information and access to Long-Term Services and Supports. ADRCs are intended to act as a "No Wrong Door" system which enables people of all ages, incomes, and disabilities to connect with any one ADRC partner organization for accessing a wide array of Long-Term Services and Support options in the community. California's ADRCs are led by a core partnership between Independent Living Centers and Area Agencies on Aging (AAA), and includes extended partner organizations. However, not all AAAs offer ADRC services.

State Emergency Plan: The SEP describes how response to natural or human- caused emergencies occurs in California. The plan is a requirement of the California Emergency Services Act (ESA), and describes methods for conducting emergency operations, the process for rendering mutual aid, emergency services of government agencies, how resources are mobilized, how the public is informed, and how continuity of government is maintained during emergency. The SEP defines Emergency Support Functions (ESF) which are discipline-specific groups that develop functional annexes to set goals, objectives, operational concepts, capabilities, organization structures, and related policies and procedures.

Under the SEP, there are 18 ESFs led by a state agency and represent an alliance of state government and other stakeholders with similar functional responsibilities.

Mass Care and Shelter CA-ESF 6: The CA-ESF 6 Mass Care and Shelter (MCS) is one of the annexes in the SEP. The lead agency for CA-ESF is the California Department of Social Services (CDSS). The stakeholders participating in CA-ESF 6 provide coordination, collaboration, and resource identification for MCS activities. This function supports the local and state emergency management capabilities and minimizes the humanitarian impact of disasters and other emergencies through all phases of emergency management: mitigation, preparedness, response, and recovery.

MCS coordination includes, but is not limited to:

1. Mass feeding services.
2. Human services at congregate and non-congregate shelters
3. Support for distribution of humanitarian supplies.
4. Reunification services.
5. Support for individuals with disabilities, older adults, and others with access and functional needs (AFN).
6. Sheltering support.

Whole Community Preparedness: FEMA, in both their 2022-2026 *Strategic Plan* and their emergency planning guidelines (*Comprehensive Preparedness Guide 101, Version 2.0*) articulate the need to build a culture of preparedness by ensuring representation, equity, and services for under-represented diverse populations that may be more impacted by disasters including children, seniors, individuals with disabilities or access and functional needs, individuals with

diverse culture and language use, individuals with lower economic capacity, LGBTQ+ communities, and other underserved populations.

Cal OES's Office of Diversity, Equity, and Inclusion: In response to Governor Newsom's 2022 Executive Order, N-15-22, Cal OES created the Office of Diversity, Equity, and Inclusion. The goals of this Office is to make emergency management equity-centered, elevate and expand current equity and access programs, and integrate equity and engagement principles throughout Cal OES's actions, policies, programs, and procedures, both internally and externally. According to Cal OES, the Office of Diversity, Equity, and Inclusion works to ensure that principles of equity, justice, inclusion, transparency, and accountability govern all aspects of emergency services.

Cal OES's Office of Access and Functional Needs: In 2008, Cal OES established the Office of Access and Functional Needs (AFN). The office identifies the needs of persons with AFN, defined as those with developmental, intellectual, or physical disabilities; chronic conditions or injuries; limited English proficiency or non-English speaking; older adults; children, or pregnant women; those living in institutional settings; who are low-income; homeless; and from diverse cultures. Cal OES offers AFN-related training, guidance, and technical assistance to emergency managers, disability advocates, and other service providers.

If requested, Cal OES will review each county's emergency plans, in consultation with individuals with various AFNs, to determine whether the plans are consistent with best practices and guidance issued by FEMA.

Cal OES's current role in assisting with local EOPs: Cal OES, per statute, was required to develop best practices for counties developing and updating a county emergency plan, by January 1, 2022. They have since issued a draft document of these best practices that includes a compilation of methods and techniques successfully employed by a diverse group of public and private emergency management practitioners. The best practices were selected from reviews of After Action Reports, Listos California community discussions, federal planning guidance such as Comprehensive Planning Guidance 101 (CPG 101), and Whole Community Planning Specialist Committee meetings.

Each county is required to submit their local emergency plan, and any subsequent updates, to Cal OES. Cal OES, on or before January 1, 2023, must review the plans of at least 10 counties at high risk for natural disasters. Each year after, Cal OES must review at least 10 counties emergency plans. By January 1, 2028, Cal OES must have completed a review of the plans from all counties.

California State Auditor Report: On December 5, 2019, the California State Auditor released an audit entitled "*California Is Not Adequately Prepared to Protect Its Most Vulnerable Residents from Natural Disasters*" (Report No. 2019-134). The report highlighted deficiencies in state and local emergency preparations for addressing the needs of people with access and functional needs. The report states, "Cal OES is uniquely positioned to observe, collect, and disseminate information about lessons learned during natural disasters across the State. As the agency tasked with coordinating state resources and mutual aid in response to those jurisdictions requesting assistance during an emergency, Cal OES has the opportunity to observe those jurisdictions' successes and struggles during natural disasters. It can identify problems caused by gaps in the

jurisdictions' emergency preparedness and determine how frequently similar issues arise across jurisdictions."

Double Referred: This bill was first referred to the Assembly Committee on Aging and Long-Term Care and passed with a 6-0-1 vote on April 22, 2025.

Arguments in Support: California Association for Area Agencies on Aging, the sponsor of the bill, writes "California continues to face increasingly frequent and severe natural disasters, disproportionately affecting older adults and people with disabilities. AAAs and ADRCs provide essential services that need to continue and are crucial during emergencies, especially for individuals displaced by these disasters. Ensuring AAAs and ADRCs have direct access to emergency shelters will enable impacted individuals to maintain uninterrupted access to vital programs and services, significantly enhancing their recovery outcomes. Additionally, it is essential that AAAs and ADRCs maintain close coordination and collaborative relationships with local emergency management leaders. Such partnerships ensure older adults continue receiving ongoing AAA services and that older adults entering emergency shelters are informed and connected to available AAA resources. This coordination allows AAAs and ADRCs to identify and respond to specific access, medication, mobility, and support needs that emergency shelters may not be equipped or need support to handle. AB 1069 is a necessary step to safeguard older adults and people with disabilities during emergencies by providing consistent and coordinated care through trusted community providers."

Related Legislation:

AB 1068 (Bains) of this session. Requires the Secretary of the California Health and Human Services Agency to develop a working group to make recommendations, and submit a report, regarding the evacuation and sheltering needs of older adults and persons with disabilities living in long-term care facilities during emergencies, including, but not limited to, mutual aid evacuations. (Pending in the Assembly Emergency Management Committee)

AB 719 (Calderon) of this session. Requires each county to review and update its emergency plan at least every 2 years. (Pending in the Assembly Emergency Management Committee)

REGISTERED SUPPORT / OPPOSITION:

Support

Alzheimer's Association
Alzheimer's Greater Los Angeles
Alzheimer's Orange County
Alzheimer's San Diego
California Association of Area Agencies on Aging
California Commission on Aging
California Elder Justice Coalition (CEJC)
California Retired Teachers Association
California Senior Legislature
Center for Environmental Health
LeadingAge California
The Arc and United Cerebral Palsy California Collaboration

Opposition

None on file.

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