

## TITLE 19. Public Safety

### Division 2. Office of Emergency Services Chapter 6. Disaster Assistance Act

#### §2930. Emergency Protective Measures.

##### (a) General Eligibility

Emergency protective measures, undertaken in response to a disaster event resulting in a state of emergency proclamation by the Governor, to save lives, to protect public health and safety, and to protect improved property are eligible for state financial assistance under Section 8685.2 of the Code.

##### (b) Criteria

Emergency protective measures shall include, but are not limited to, search and rescue, demolition of unsafe structures, warning of further risks and hazards, public information on health and safety measures, and actions necessary to remove or to reduce immediate threats to public property, or to private property when in the public interest, or temporary protective measures designed to protect public or private property from further damage.

##### (c) Examples of Eligible Work

The state shall provide financial assistance for equipment and labor costs, and the costs of supplies and materials used during disaster response activities:

- (1) Buttrressing, bracing or shoring to protect structures in imminent danger of major damage or to protect the general public;
- (2) Construction of emergency flood protective levees where immediately required for the protection of life and improved eligible property. Work by individuals to protect their homes or businesses is not eligible;
- (3) Sandbagging to protect life and property;
- (4) Boarding up windows and other enclosures of public buildings to afford protection against the elements and to safeguard from looting;
- (5) Out-of-pocket expenses for safety barricades, signs, and warning devices;
- (6) Cost of extra personnel required during the emergency period. Justification for additional staffing may be requested by the director; and,
- (7) Extraordinary costs associated with emergency snow removal.

##### (d) Limitations on Emergency Protective Measures

- (1) Repairs to levees shall be limited to that work necessary to stop the infiltration of water through a levee to prevent the collapse of a levee, to prevent sloughing of the slopes of the levee, to stop local overtopping, or to protect a levee from attack by wind-driven waves or erosive currents; and,

(2) Work that is immediately necessary as the result of a disaster and directly related to eligible permanent work shall be approved by the director as emergency protective measures. Examples of such work include temporary repairs to damaged buildings or structures, barricading areas to protect damaged property or to direct traffic, costs of emergency hook ups, tapping the water system of an adjoining community until normal supply facilities become operational, by-passing damaged sections of the distribution system until emergency repairs can be made, hooking into privately owned or other public power sources pending repairs to the applicant's generating plant, or cleaning of storm and sanitary sewer lines; and,

(3) Emergency protective facilities installed will be eligible for removal under the Act, only when such facilities are directly affecting the operations of, or access to, public facilities required by the applicant in its normal day-to-day operation. Examples include temporary dikes and levees, security fences, and barricades.

(4) In a case where reimbursement for the demolition of a damaged public facility or a privately owned building is approved by the director, the following standards shall apply, unless waived, in part or in full by the director, explaining in writing the facts and reason for the waiver:

(A) The local agency must clearly possess the legal authority and responsibility to demolish the damaged facility. The local agency must also show that such demolition does not constitute a "taking" which would require the payment of compensation to the property owner;

(B) The local agency requesting approval of building demolition of privately owned-buildings must be able to demonstrate that the property owner has no other source of funding to pay for structure demolition;

(C) The local agency must have inspected each building and determined it to be a health or safety hazard. The local agency must have a certification to this effect signed by the appropriate agency official;

(D) The local agency must have a signed statement from the property owner to the effect that the property owner does not have insurance covering the damage or the demolition of the building;

(E) The local agency must have a signed statement from the property owner giving the local agency the right of entry and absolving the local agency and the state of any liability relative to demolition and removal;

(F) The local agency must also comply with any other applicable state or federal health and safety regulation, law, or general requirements; and,

(G) Eligibility is limited to the cost of demolishing designated buildings to the top of the foundation, removal and hauling debris to the waste-site, and back-filling of basements to a safe condition.

## NOTE

Authority cited: Section 8682.9, Government Code. Reference: Sections 8685 and 8685.2, Government Code.

## HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.

3. Editorial correction of History 1. (Register 91, No. 16).

4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).

5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92 or emergency language will be repealed by operation of law on the following day.
6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).
7. Change without regulatory effect amending subsections (c)(6), (d)(2) and (d)(4) filed 12-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 51).