

The Access and Functional Needs (AFN) Minute

November 21, 2023

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Message from the Chief



L. Vance Taylor with partners from Cal OES Office of Private Sector NGO Coordination, Office of Diversity, Equity & Inclusion, Cal Volunteers, and California Health & Human Services.

The mission of inclusion requires partnership, leadership, and support from emergency managers, the community, the private sector, the government family, and leadership at all levels.

While much of the incredible work being done to advance whole community planning takes place on a voluntary basis – good people wanting to do great things – certain critical elements of integration are codified into California state statute.

Between 2016 and 2021, six laws were instituted that increase the degree to which access and functional considerations are incorporated within the process jurisdictions use to develop inclusive Emergency Operation Plans (EOPs). The laws, which outline the specific components that must be contained within each plan, also mandate the process Cal OES must use to review and provide recommendations for each EOP.

The articles below highlight how California's laws are helping drive the way jurisdictions throughout the State address the whole community-related needs of the individuals they serve. They also exemplify the State's commitment to plan with people, not for them.

Thank you for the work you each do to push our field forward.

-Vance

L. Vance Taylor

Chief, Office of Access and Functional Needs
California Governor's Office of Emergency Services

Integrating Emergency Operations Plans



Emergency Communication



Emergency Evacuations



Emergency Shelter

Government Code § 8593.3 (Assembly Bill (AB) 2311, Brown, Chapter 520, 2016) raised the bar for inclusive emergency management by requiring that a county, including a city and county, upon the next update of its Emergency Operations Plan, integrate access and functional needs-related considerations. Specifically, jurisdictions must indicate how they will serve the access and functional needs community by addressing the following:

- Emergency communications, including the integration of interpreters, translators, and assistive technology.
- Emergency evacuation, including the identification of transportation resources that are compliant with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) for individuals who are dependent on public transportation.
- Emergency sheltering, including ensuring that designated shelters are compliant with the federal Americans with Disabilities Act of

1990 (42 U.S. Code Section 12101 et seq.), or can be made compliant through modification and that showers and bathrooms are fully accessible to all occupants.

Please be sure to take a look at the [Cal OES guidance on AB 2311](#).

Engaging the Whole Community



Government Code § 8593.3.5 (Senate Bill 160, Jackson, Chapter 402, 2019) builds on the requirements of Government Code § 8593.3 (Assembly Bill 2311, Brown, Chapter 520, 2016), by requiring that a county, or a city and county, include representatives from the access and functional needs population in the next regular update to its Emergency Operations Plan (EOPs).

Whereas Government Code § 8593.3 (Assembly Bill 2311, Brown, Chapter 520, 2016) requires jurisdictions to integrate access and functional needs within their respective EOPs, Government Code § 8593.3.(c) (Assembly Bill 477, Cervantes, Chapter 218, 2019) mandates they do so by including whole community representatives in the development process used to update their plans.

The law helps ensure jurisdictions plan with people who have access or functional considerations, instead of planning for them.

The California Governor's Office of Emergency Services (Cal OES) issued the following guidance, [Integrating Access and Functional Needs within the Emergency Planning Process](#) in order to assist counties in the implementation of Assembly Bill 477.

Addressing Cultural Competence

Government Code (Gov.) § 8593.3.5 (Senate Bill 160, Jackson, Chapter 402, 2019) requires that, in the next update of a county's Emergency Operations Plan (EOP), jurisdictions must include cultural competence by addressing, at a minimum, how culturally diverse communities are served by the following:

1. Emergency communications, including integration of interpreters and translators.
2. Emergency evacuation and sheltering.
3. Emergency mitigation and prevention.
4. Emergency planning, including drawing on community-based values and customs, and incorporating qualified representatives from diverse population groups in the community, during the planning process.
5. Emergency preparedness, including the use of culturally appropriate resources and outreach techniques to educate and prepare community members for emergencies or disasters.

Additionally, during the EOP update process, counties *“shall provide a forum for community engagement in geographically diverse locations to engage with culturally diverse communities within its jurisdiction.”*

(Gov. Code, § 8593.3.5, subd. (b).)



A Process to Review, Support, and Advise

Gov. Code § 8593.9 (AB 2968, Rodriguez, Chapter 257, 2020), Gov Code § 8610 (AB 2386, Bigelow, Chapter 254, 2020), and Gov. Code § 8593.3.2 (AB 580, Rodriguez, Chapter 744, 2021) outline requirements regarding the development of Emergency Operations Plans (EOPs), including a mandate for Cal OES to review plans from at least 10 counties every year, with priority given to counties in high-risk areas for wildfire disaster. Cal OES must review all county EOPs by January 1, 2028.

As part of the requirements associated with these laws, and as part of the review process, Cal OES will ensure EOPs meet SEMS/NIMS compliance and look to see such items as the following:

1. Whether the plan substantially conforms to or exceeds the

recommendations in the Federal Emergency Management Agency's [Comprehensive Preparedness Guide 101](#) (CPG 101) (Gov. Code, § 8610(c)(2)).

2. Whether the plan is consistent with the Cal OES proposed best practices. (Gov. Code, § 8593.9, subd. (b)(1).)
3. Whether the plan protects and accommodates vulnerable populations during natural disasters. (Gov. Code, § 8593.9, subd. (b)(2).)
4. Whether the plan has established procedures for alerting, evacuating, and sheltering individuals during an emergency. (Gov. Code, § 8593.9, subd. (b)(3).)
5. Evacuation routes and plans and shelter-in-place plans, including preparations for evacuating or caring for individuals with access and functional needs. (Gov. Code, § 8593.3.2, subd. (b)(2).)
6. Efforts at community outreach to prepare communities and individuals to take action in the event of an emergency or a disaster. (Gov. Code, § 8593.3.2, subd. (b)(3).)
7. Plans to ensure health and safety during power outages. (Gov. Code, § 8593.3.2, subd. (b) (5).)
8. Any other necessary and appropriate element, as determined by Cal OES. (Gov. Code, § 8593.9, subd. (b)(4).)

Upon the conclusion of the review process, Cal OES *"shall provide technical assistance and feedback regarding the sufficiency of the county's emergency plan."* (Gov. Code, § 8593.9, subd. (b).)

The Cal OES Office of Access and Functional Needs (OAFN) will also, upon request, provide jurisdictions with an AFN consultation. This provides an opportunity for one-on-one technical assistance, collaboration, and partnership to ensure the EOP aligns with best practices and existing laws.

Following the review, *"the county shall develop and revise its emergency plan to address the issues that Cal OES identified in its review."* (Gov. Code, § 8593.3.2, subd. (d))

For additional details, please read the Cal OES [Updates to County Emergency Plans Legislation Fact Sheet](#).

For a robust list of AFN-specific emergency management best practices, guidance documents, tools, checklists, videos, and more, check out [the Cal OES Access and Functional Needs \(AFN\) Library](#).

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