



The National Guard and the Red Cross staged relief efforts for Hurricane Sandy victims in 2012.

## NCSL PUBLIC-PRIVATE PARTNERSHIP ON DISASTER MITIGATION AND RECOVERY

# In Case of Emergency

## The Legislator's Role in Natural Disasters

Catastrophic events are by nature unpredictable and emergency management can look very different across states and disaster types. However, one consistent reality is that disasters affect every facet of a community. From housing, transportation, health, economic development and beyond, natural disasters acknowledge no boundaries and don't fit neatly into existing jurisdictional lines. As a result, successful emergency management is a complex team effort between a variety of public and private-sector entities. This guide will discuss the role of the state legislator in natural disasters—both within and beyond their legislative chamber and across disaster stages.

There are four different stages of a disaster—mitigation, preparedness, response and recovery—and they lend themselves to slightly different key players. Directly following a disaster, communities will enter the response and recovery phases, which then blend into mitigation and preparedness in anticipation of the next event.

### Response

For a time immediately following a disaster, time-sensitive policy adjustments can be achieved with an executive order from the governor. An executive order might adjust existing laws or statutes that could interfere with or help expedite recovery, create a special office or commission to enable an inclusive recovery process, or grant statutory authority to an agency to oversee certain recovery functions. Emergency executive powers vary by state so legislators may benefit from reviewing the scope of these powers in their state.

Aside from policy actions, first responders and emergency management personnel take the lead on immediate disaster impact. They are trained in emergency assistance, from engaging in search and rescue and deploying emergency supplies to disseminating emergency communications and more. However, residents may reach





Florida Representative Holly Raschein, left, works with federal, state, and local emergency officials on the ground during hurricane Irma response in 2017. She represents the Florida Keys, serves as member of the Select Committee on Hurricane Response and Preparedness, and Co-Chair of NCSL’s Public Private Partnership on Disaster Mitigation and Recovery.

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out to their state legislator for assistance in navigating their immediate needs, identifying the services that may help and locating those specific contacts.

To be prepared when constituents call, state legislators can:

- **Know the services available in or near their district.**
  - Have on hand the local and regional assistance programs/ services/offices to which they can refer a constituent for immediate needs. Obtain names, phone numbers, physical and email addresses, and any other available contact information. Make sure this information is kept up to date.
  - Establish relationships with key leaders and personnel in state and local government emergency management offices to identify and compile contact information for these resources. Initial outreach should occur before a disaster strikes (discussed under “preparedness” below) and relationships sustained and strengthened over time.
  - Establish relationships with utility leadership in their districts, so they can connect constituents with appropriate utility personnel to assist them with restoration infor-

mation, as well as be available to help utility restoration teams maneuver any circumstances unique to a specific emergency.

- Keep both a digital and hard copy of this vital information in their district and capitol offices in case mobility or connectivity is limited due to the event.
- **Communicate.** Use existing district communications channels—either through webpage postings, email circulation lists or social media platforms—to amplify the emergency updates, contact information and resources in their state. Legislators have a unique connection to their constituencies and can take advantage of these existing communication pathways.
- **Assist.** Many times, neighbors are the very first responders in disaster-impacted communities. Depending on the need, simply having another set of hands nearby can go a long way in emergency situations, especially if emergency personnel are limited by damage to transportation, electric grid or other critical infrastructure impairment. It will be essential to keep in mind at what point professional help is needed, however.

- **Take notes.**
  - Personal anecdotes from disaster-impacted communities can provide an important basis and support for policy changes or funding allocations later on. Legislators will benefit from learning as much as possible from the disaster’s impact and response in their district.
  - Site visits to the most affected areas alongside emergency management officials, as well as private sector or nonprofit partners, will provide opportunities to hear and learn from constituents and understand the scope of the disaster’s impacts. Feedback on the state of housing, food and water, emergency medical services, displacement, transportation infrastructure, electric and other utilities, and general extent of damage will prove vital in later stages.

## Recovery

While executive orders provide some immediate policy responses, they tend to focus more on the short term. State legislatures typically produce longer-term and more comprehensive solutions to the lasting challenges of a natural disaster. The role of the state legislator in disaster recovery ranges from legislative reform and supplemental appropriations to continued district-level constituent case-work and outreach.

### LEGISLATIVE SOLUTIONS

Legislative solutions can fall into three broad areas—education, funding and reform.

#### ■ EDUCATION

As state legislatures consider a range of disaster recovery policies and appropriations, legislators who represent disaster-affected districts or sit on related committees of jurisdiction could benefit from prioritizing their own familiarity with the right contacts and the key issues. Specifically, state legislators could:

- **Engage the right people.** Legislators can engage state officials and other experts by inviting them to testify before their committee, conducting regular update calls during certain times of the year, and scheduling site visits to highly damaged areas or to view available resources. These individuals can include:
  - STATE OFFICIALS. Emergency management director, public safety commissioner, Federal Emergency Management Agency (FEMA) state disaster recovery coordinator, the governor’s homeland security advisor, public health director, the state chief information officer, state hazard mitigation officer, building and fire officials, and other key executive branch personnel.
    - ▶ These players vary from state to state so it may take some outreach to understand this picture. For example, in Texas, the Division of Emergency Management oversees the use of most FEMA grants while the General Land Office oversees the use of Community Development Block Grants – Disaster Recovery (CDBG-DR) and certain subsets of FEMA funding.
  - LOCAL OFFICIALS. City and county emergency management directors; local 911 center directors; local leaders of first responder entities, such as fire chief, police chief and sheriff; building code officials; and other key local government personnel.
  - COMMUNITY AID ORGANIZATIONS. These will also vary widely between legislative districts but might include local nonprofits such as the American Red Cross, Habitat for Humanity or Goodwill; faith-based organizations; private-sector entities pursuing innovative emergency management solutions; or community hubs, such as schools and churches, that might operate as emergency operations centers.
  - CRITICAL INFRASTRUCTURE PERSONNEL. This can include utility executives who can speak to each utility’s disaster recovery procedures as well as personnel for both distribution, transmission and generation operations.
  - ISSUE AREA EXPERTS. There are myriad research organizations, national associations, universities and others producing game-changing research and resources every day that are central to identifying data-driven solutions in the disaster space. Some examples include:
    - ▶ The National Institute of Building Sciences’ recent [reports](#) detailing return on investment for mitigation measures.
    - ▶ The Pew Charitable Trust’s 2018 [report](#) that tracks state disaster spending, and its 2020 [report](#) and policymaker [fact sheet](#) on how states can pay for natural disasters.
    - ▶ National consensus-based codes and standards from recognized organizations like the [American Society of Civil Engineers](#) and the [International Code Council](#).
    - ▶ All legislatures are members of the National Conference of State Legislatures (NCSL) and have access to issue-area experts, nationwide state emergency management legislation, and representation in Congress and the administration.
- **Consult constituents.** Legislators can learn first-hand from their constituents the true extent of a storm’s impact. This perspective is central to developing effective state policy that benefits their particular district.
- **Know the key issues.**
  - It can be helpful to have a base understanding of emergency management 101, the different stages of a disaster, the [Incident Command System \(ICS\)](#) used by emergency management professionals during a disaster, the [National Response Framework](#) and [Emergency Support Functions](#), [Community Lifelines](#), and the [Stafford Act](#). It may also be beneficial to understand the specific catastrophic events repeatedly affect-

ing their state or district, how state systems interplay with local and federal levels, their state’s Comprehensive Emergency Management Plan (CEMP), and the latest research or successful state examples of effective disaster policy.

- Consider after-action reports. State and local offices that were centrally involved in the recovery effort can issue an after-action report following major disasters. They assess the effectiveness of the response and recovery effort and often include specific policy recommendations that span issues of public safety, emergency management, appropriations, economic development, infrastructure, health, education and many others. Consider similar reports as well—like that of the North Carolina General Assembly’s Program Evaluation Division that [detailed](#) lessons learned from Hurricane Matthew and informed a [new bill](#) in 2019 from the North Carolina congressional delegation.

## ■ FUNDING

The cost of disasters at all stages is shared to varying degrees by federal, state, private and nonprofit sectors alike. There are many sources of federal funding available for communities impacted by a disaster. Key examples for states include [Public Assistance grants](#) from FEMA and [CDBG-DR grants from the Department of Housing and Urban Development](#). However, states frequently also find it necessary to pass their own comprehensive economic recovery packages, especially when a presidential disaster declaration is not granted. Disaster funding mechanisms [vary state to state](#) but post-disaster appropriations bills often:

- Allow the use and disbursement of existing money from rainy day funds or disaster accounts.
- Grant a state agency or office the authority to transfer existing funds as needed.
- Deliver new funding via supplemental appropriations. This might include large sums to refill disaster accounts or targeted funds for certain populations, sectors or purposes such as:
  - To repair infrastructure for roads, bridges, water systems, levees, dams, etc.
  - To provide housing assistance, such as temporary housing for displaced populations or grant programs for housing repair costs.
  - To mitigate the effects of public safety power shutdowns.
  - To support building departments in damage assessments, permitting, and plan review and inspections to support recovery.
  - To provide matching funds for federal grants.
    - ▶ For example, FEMA [Public Assistance grants](#) generally require a 25% state match while [Emergency Management Performance Grants](#) require 50%.

## ■ REFORM

Beyond appropriating recovery funds, some states may consider more comprehensive reforms to their approach to disaster preparedness, mitigation, response and recovery. These reforms can be broad, structural changes or targeted improvements. Some examples include:

- **Preparedness planning.**
  - Require comprehensive preparedness planning between key stakeholders at multiple levels of government as well as the private sector. For example, the Electric Subsector Coordinating Council [outlines](#) how the public and private sector can coordinate to improve electric grid preparedness.
- **Structural reorganization.**
  - Create public offices that facilitate disaster response and recovery, and community resiliency, such as through the creation of “one-stop centers” that enable disaster victims to more efficiently seek information or obtain assistance. Legislators could also establish a state chief resilience officer or an interagency working group.
  - Create new or repurpose existing staff positions that enable expertise, professionalism and institutional knowledge.
  - For example, after Hurricane Matthew, North Carolina passed legislation creating the North Carolina Office of Response and Recovery (NCORR) in 2019 that operates under the emergency management director and is the designated grantee of CDBG-DR funds.
- **Mitigation measures.**
  - Revise/increase building codes and standards for floodplain development, wildland-urban-interface, earthquake and wind resistance measures, etc. These might feature resiliency best practices for homeowners and critical infrastructure.
  - Implement programs and create financial incentives for acquisitions of properties from flood-prone areas, restoration or creation of nature-based solutions or green infrastructure, home retrofits or insurance plans.
  - Establish state revolving loan programs to provide a self-replenishing source of funding for a range of risk-reduction projects. The state revolving loan fund [program](#) run by the Indiana Finance Authority can serve as an example.

The scenarios above are intended to be examples only, not recommendations. NCSL’s Public-Private Partnership on Disaster Mitigation and Recovery expects to release a comprehensive report on policy best practices and recommendations in fall 2020.

## CONSTITUENT CASEWORK AND OUTREACH

State and federal assistance programs can be incredibly complicated and legislators should be prepared to be a constituent's first call. Through constituent outreach efforts—such as campaigning, answering calls and emails, town hall meetings and other gatherings—state legislators are in a great position to know how their particular district's constituents are weathering the disaster.

During the recovery phase, constituents may seek assistance:

- Understanding what resources or programs may help them with temporary housing, personal finance, resources for displaced students, food and nutrition needs, health services, etc.

Navigating federal grants. FEMA's [Individual Assistance](#) grants are a key example, but assistance is available across many federal agencies for a range of populations. Procedures for federal grant application, disbursement, use and related reporting are complicated and change periodically. It will be helpful to know the right contacts at FEMA and the [FEMA regional office](#) serving your state.

- Navigating state assistance, whether existing or newly created post-disaster programs.
- Identifying private or nonprofit sources of assistance.
- Regarding consumer protection in rebuilding.

## Mitigation

Recovery provides a critical opportunity to build communities back stronger and more resilient than they were before the storm. The legislator's role at this stage of a disaster centers on policy, as laid out above. Mitigation efforts both save money and make money for states. The National Institute of Building Sciences has reported that for every dollar spent on mitigation measures, communities save \$6 on average in disaster costs. Trends in mitigation legislation enacted in 2019 show states are recognizing this reality.

A demonstrated investment in disaster mitigation efforts can also make states more competitive for new federal funds—the Building Resilient Infrastructure and Communities (BRIC) program. Authorized in 2018 by the [Disaster Recovery Reform Act](#), BRIC awards funding to states for mitigation activities on a competitive basis at a 75% federal cost share. [Eligible activities](#) include:

- Mitigation projects that increase resilience and reduce disaster damage.
- Capability and capacity building.
- Administrative costs associated with the grant.
- Technical assistance.

The application period is projected to open in the fall of 2020. However, there are legislative actions states can take now to be more competitive, such as funding mitigation activities, ensuring their

state building codes are up to date, and identifying or appropriating funds for the 25% state cost share. For specific examples of effective flood mitigation policies, see The Pew Charitable Trust's 2019 [Mitigation Matters](#) overview.

## Preparedness

Legislators can improve disaster preparedness for the next event by connecting with key contacts, engaging in constituent outreach and enacting legislative solutions. While it is important to engage with key experts (referenced above) in some capacity at all stages of a disaster, the ideal time to make that initial outreach is before the event. Legislators can reach out anytime to identify and become familiar with these important partners, which will enable a smoother transition to a coordinated response and recovery when a disaster occurs.

Ongoing constituent education can help your district prepare for the next event and reduce the impacts (including potential costs to the state treasury or overall economy). This can include:

- Regular messages in constituent mailings on preparedness topics, such as the importance of insurance, preparedness kits, family disaster plans, etc.
- Sponsoring an annual preparedness fair, bringing together key mitigation partners. This could be in conjunction with the start of hurricane, wildfire or tornado season or as part of Building Safety Month in May.

State policymakers might consider legislation that requires whole-community preparedness planning and brings all stakeholders to the table. Legislation of this sort might bring together specified players in the disaster space to discuss and produce a statewide preparedness plan or sustain an ongoing commission to foster this dialogue.

Legislation of this sort can be informed by:

- **Strategic planning specialists**, such as emergency management and community development agencies or organizations.
- **Professional planning and design organizations**, such as the American Planning Association, American Institute of Architects and American Society of Landscape Architects.
- **Building and community safety organizations**, such as the International Code Council and Alliance for National & Community Resilience, providing such resources as [resilience benchmarks](#).
- **Regulators**, such as zoning and permitting; building, fire and public safety; Americans with Disabilities Act coordinators; and utility commissions.
- **Experts across issue areas:**
  - Public information and emergency communications.
  - Health and social services, such as medical professionals, education departments, and consumer and legal service organizations.

- Economic recovery, such as economic and workforce development officials, representatives of community development corporations, major employers and local business owners.
- Housing, such as developers, residential construction companies, fair or affordable housing advocates, and homeless organizations.
- Infrastructure systems, such as public works officials and engineers, including the American Society of Civil Engineers and other similar professional organizations; and critical infrastructure providers, such as utilities, communications systems, etc.
- Natural and cultural resources, such as historic preservation experts; members of cultural, museum, library and archival organizations; members of landmarks, parks and tree boards; and parks and environmental protection department staff.
- Cross-sector stakeholder organizations that collaborate between private industry and government.

*The NCSL Foundation Partnership on Disaster Mitigation and Recovery convened a steering committee of state legislators, legislative staff and private-sector partners to explore policy considerations and develop policy options for states as they face impacts of current and future natural disasters. The steering committee's in-person and virtual convenings have informed the contents of this policy brief. The content within is a product of NCSL and does not necessarily reflect the position of our partnering organizations.*

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