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H.627

Introduced by Representatives Sims of Craftsbury, Andrews of Westford,
Anthony of Barre City, Birong of Vergennes, Bluemle of
Burlington, Boyden of Cambridge, Carpenter of Hyde Park,
Cole of Hartford, Farlice-Rubio of Barnet, Garofano of Essex,
Headrick of Burlington, Howard of Rutland City, LaBounty of
Lyndon, Mrowicki of Putney, Mulvaney-Stanak of Burlington,
Pajala of Londonderry, Priestley of Bradford, Sibilia of Dover,
Templeman of Brownington, and White of Bethel

Referred to Committee on

Date:

Subject: Public safety; emergency response; emergency preparedness; resilient
communities; development in riparian corridors; Urban Search and
Rescue Team

Statement of purpose of bill as introduced: This bill proposes multiple
provisions related to State emergency response and emergency preparedness.
The bill would establish the Resilient Communities Fund to provide financial
assistance to municipalities in the State to plan for and respond to flood risk,
fire-risk, environmental hazards, and acute disasters and to finance projects,
such as property buyouts and reconstruction, to reduce the risk from flooding,
climate and environmental hazards, and other disasters. The bill also directs

1 the Division of Vermont Emergency Management to identify resiliency
2 investment areas within municipalities where additional funding is needed to
3 address the risks from floods and other environmental or human-made hazards
4 or disasters. In addition, the bill would require the Secretary of Administration
5 to conduct a study to identify gaps and assess the need for alignment of
6 regional and local responsibilities for the conduct of disaster response, disaster
7 recovery, and climate resilience planning in order to improve the speed and
8 effectiveness of disaster response in the State. The bill also would require the
9 Secretary of Natural Resources to adopt rules that establish requirements for
10 issuing and enforcing permits for development within a flood hazard area or a
11 mapped river corridor in the State. Last, the bill would authorize the
12 Department of Public Safety to create the State Urban Search and Rescue
13 Team to provide for the rapid response of trained professionals to emergencies
14 and other hazards occurring in the State.

15 An act relating to emergency preparedness and hazard response

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 * * * Resilient Communities Fund * * *

18 Sec. 1. RESILIENT COMMUNITIES FUND

1 (a) There is established the Resilient Communities Fund to be administered
2 by the Division of Vermont Emergency Management (VEM) at the
3 Department of Public Safety to:

4 (1) provide financial assistance to municipalities in the State to
5 implement provisions in local hazard mitigation plans or to otherwise plan for
6 and respond to flood risk, fire risks, environmental hazards, and acute
7 disasters; and

8 (2) finance projects, such as property buyouts and reconstruction, to
9 reduce the risk from flooding, climate and environmental hazards, and other
10 disasters, while also improving water quality.

11 (b) VEM shall design the financial assistance from the Resilient
12 Communities Fund to establish:

13 (1) criteria for equitably distributing assistance statewide on the basis of
14 need according to defined priorities, including the following priorities, ranked
15 in descending order of priority:

16 (A) projects that use funding as a match for other grants, including
17 grants from the Federal Emergency Management Agency (FEMA);

18 (B) projects that are in VEM-approved hazard mitigation plans; and

19 (C) projects that are located in communities with increased need, as
20 determined by review and reference to the Municipal Vulnerability Index, the
21 Rural Capacity Index, and the Vermont Community Index;

1 (2) guidelines for disaster mitigation measures and costs that will be
2 eligible for grant funding;

3 (3) other eligibility criteria for municipalities; and

4 (4) a tiered system of funding to municipalities for the following uses:

5 (A) risk assessment and hazard mitigation planning;

6 (B) disaster mitigation projects; and

7 (C) providing funding or funding matches for emergency shelter,
8 evacuation zones and mapping, and communications infrastructure.

9 (c) The Fund shall consist of multiple funding sources that municipalities
10 can access through one application or review process and may include the
11 following funds:

12 (1) appropriations or revenues dedicated for deposit into the Fund by the
13 General Assembly;

14 (2) federal funds accessed by VEM for the purposes of the Fund; and

15 (3) other gifts, donations, and impact fees received from any source,
16 public or private, dedicated for deposit into the Fund and approved by the
17 Secretary of Administration.

18 (d) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7,
19 subchapter 5, unexpended balances and any earnings shall remain in the Fund
20 from year to year.

1 (e) The Secretary of Administration through the Director of VEM or
2 through the Chief Recovery Officer shall report annually on or before
3 December 15 to the House Committee on Appropriations and the Senate
4 Committee on Appropriations with:

5 (1) a summary of the assistance provided under the Fund; and

6 (2) the funding necessary to support the activities of the Fund.

7 Sec. 2. APPROPRIATION

8 In addition to other funds appropriated to the Department of Public Safety
9 in fiscal year 2025, \$5,000,000.00 is appropriated from the General Fund to the
10 Department of Public Safety for the purposes of administration by the Division
11 of Vermont Emergency Management (VEM) of the Resilient Communities
12 Fund.

13 * * * Resiliency Investment Areas * * *

14 Sec. 3. RESILIENCY INVESTMENT AREAS

15 (a) The Division of Vermont Emergency Management (VEM) at the
16 Department of Public Safety, in coordination with the Agency of Natural
17 Resources' River Corridor Program, shall identify resiliency investment areas
18 within municipalities in the State where additional funding is needed to address
19 the risks from floods and other environmental or human-made hazards or
20 disasters.

21 (b) VEM shall identify resiliency investment areas by:

1 (1) identifying areas within municipalities that previously experienced
2 flooding or other disasters;

3 (2) identifying areas within municipalities where hazards have been
4 identified under the State Hazard Mitigation Plan or are otherwise at increased
5 risk for flooding, recurrence of flooding, or other disasters;

6 (3) assess the capacity of each municipality with an area identified by
7 VEM under subdivisions (1) and (2) of this subsection to respond to or finance
8 a disaster in each of the identified areas, including municipal staffing or
9 experts capable of response and the capacity of a municipality to provide
10 financial assistance for a response to a disaster; and

11 (4) identify socioeconomic factors in an area identified by VEM under
12 subdivisions (1) and (2) of this subsection that require additional attention in
13 formulating an adequate disaster response.

14 (c) Based on the information collected under subsection (b) of this section,
15 VEM shall categorize and rank identified resiliency investment areas based on
16 the risk of disaster in an area, the administrative and financial capacity of a
17 municipality in which an area is located to respond to disaster, and
18 socioeconomic factors within an area.

19 (d) Resiliency investment areas identified under this section shall receive
20 priority in State disaster relief assistance and community resilience funding.
21 When applying for federal disaster relief assistance or community resilience

1 funding, the fact that an area has been identified as a resiliency investment area
2 should be asserted as a basis for additional or prioritized funding for that area.

3 * * * Disaster Response and Recovery Structure Study * * *

4 Sec. 4. DISASTER RESPONSE AND RECOVERY STRUCTURE STUDY

5 (a) Establishment. On or before December 15, 2025, the Secretary of
6 Administration shall conduct a study to identify gaps and assess the need for
7 alignment of regional and local responsibilities and governmental structures
8 with existing State and federal structures in order to improve the speed and
9 effectiveness of disaster response and recovery efforts in the State.

10 (b) Assessment. The Secretary shall:

11 (1) identify existing shortfalls or gaps in integrating with federal
12 emergency management partners;

13 (2) identify solutions to enhance municipal capacity to respond to
14 disasters, particularly in municipalities with reduced capacity to respond due to
15 funding, staffing, or geography;

16 (3) identify practical methods for integrating or nesting State, regional,
17 and municipal disaster response resources; and

18 (4) identify best practices from other rural states with geographically
19 isolated municipalities with reduced capacity to provide disaster response.

20 (c) Recommendations. On or before December 15, 2024, the Secretary of
21 Administration shall submit to the General Assembly a preliminary report

1 addressing the following with a final report due on or before December 15,
2 2025:

3 (1) recommended government structures or processes for improving the
4 integration of State and municipal disaster response and recovery with federal
5 partners;

6 (2) recommended methods for increasing collaboration and coordination
7 to disaster response across State agencies, county resources, and
8 municipalities;

9 (3) recommended solutions to improving municipal access to federal
10 financing and other resources for disaster response and recovery; and

11 (4) recommendations for improving disaster response structures,
12 resources, and response in municipalities or regions of the State with rural
13 communities or reduced capacity to respond to disasters, including identifying
14 regulatory and permitting considerations or barriers with Act 250 or other
15 laws.

16 (d) Coordination. In conducting the study, the Secretary shall consult with
17 State agencies, the Vermont League of Cities and Towns, the Vermont Council
18 on Rural Development, the University of Vermont Office of Engagement,
19 Norwich University, regional planning commissions, and other interested or
20 expert parties. The Secretary may contract with consultants or contractors in
21 the performance of the work required under this subsection.

1 (e) Funding. The Secretary shall obtain funding through federal resources
2 for the completion of the study required under this section.

3 * * * ANR Notice Procedure; Emergencies * * *

4 Sec. 5. 10 V.S.A. § 7706 is added to read:

5 § 7706. EMERGENCY NOTICE PROVISIONS FOR NATURAL
6 DISASTERS

7 Notwithstanding the requirements of this chapter to the contrary, during a
8 federally declared emergency or state of emergency issued in response to a
9 natural disaster, the Secretary may issue certain permits and notices of intent
10 under a general permit as emergency permits according to Type 5 procedures
11 set forth in section 7716 of this title. This section shall only apply to approvals
12 governing activities that are necessary to respond to the conditions created or
13 caused by a natural disaster, conduct hazard mitigation, support response and
14 recovery efforts, alleviate hardship and suffering of citizens and communities,
15 or preserve the public safety and property of the State. This section shall not
16 apply to permits or notices of intent for activities that are subject to Type 1
17 procedures under section 7716 of this title.

1 * * * Urban Search and Rescue Team; Swiftwater Agreements * * *

2 Sec. 6. 20 V.S.A. § 48 is added to read:

3 § 48. URBAN SEARCH AND RESCUE TEAM

4 (a) The Department of Public Safety is authorized to create the State Urban
5 Search and Rescue (USAR) Team to provide for the rapid response of trained
6 professionals to emergencies and other hazards occurring in the State. The
7 Commissioner shall appoint a USAR Team chief to carry out the duties and
8 responsibilities of the USAR Team.

9 (b) The USAR Team Chief shall perform all the following duties:

10 (1) organize the State USAR Team to assist local emergency planning
11 committees, fire chiefs, and other emergency management officials in response
12 to emergencies and other hazards;

13 (2) hire persons for the USAR Team from fire, police, and emergency
14 organizations and persons with specialty backgrounds in emergency response
15 or search and rescue;

16 (3) negotiate with municipalities that maintain emergency response
17 teams to secure appropriate facilities and personnel to house and maintain the
18 USAR Team's vehicles and equipment and to provide drivers for USAR Team
19 response vehicles;

20 (4) coordinate the acquisition and maintenance of adequate vehicles and
21 equipment for the USAR Team;

1 (5) ensure that USAR Team personnel are organized, trained, and
2 exercised in accordance with the appropriate search and rescue standards or
3 certifications;

4 (6) ensure that appropriate regional mutual aid agreements are created
5 so that emergency management or search and rescue teams within the region
6 may participate with the USAR Team;

7 (7) negotiate and enter into agreements with municipalities or municipal
8 agencies that maintain swiftwater rescue teams or other technical rescue teams
9 to provide expert assistance and services to the USAR Team when necessary;
10 and

11 (8) coordinate USAR Team participation in search and rescue operations
12 under chapter 112 of this title.

13 (c) The State shall reimburse a municipality for the actual costs expended
14 to cover the duties of a municipal employee who is an employee of the USAR
15 Team and who is requested to leave employment at the municipality to respond
16 to an emergency or other hazard or attend USAR Team training.

17 (d) The Department of Public Safety may employ as many USAR Team
18 responders as the Commissioner deems necessary as temporary State
19 employees, who shall be compensated as such when authorized to respond to
20 an emergency or hazard incident or to attend USAR Team training. State
21 USAR Team responders, whenever acting as State agents in accordance with

1 this section, shall be afforded all of the protections and immunities of State
2 employees.

3 * * * Effective Date * * *

4 Sec. 7. EFFECTIVE DATE

5 This act shall take effect on July 1, 2024.