



Assembly Bill 2140 (AB 2140) Fact Sheet

Information for Counties and Cities

Attachment B

What is AB 2140?

Passed in 2006, [Assembly Bill No. 2140 \(AB 2140\)](#) allows California counties and cities to be considered for additional state cost-share on eligible Public Assistance projects by adopting their current, FEMA-approved local hazard mitigation plans (LHMPs) into the Safety Element of their General Plan. This adoption, along with other requirements, makes the county or city eligible to be considered for part or all of its local-share costs on eligible Public Assistance projects to be provided by the state through the [California Disaster Assistance Act \(CDAA\)](#). For more information regarding Public Assistance, please visit [Cal OES Public Assistance Division](#).

How Can AB 2140 Help Counties, Cities, and Your Citizens?

For eligible Public Assistance projects, the typical local (non-federal) cost share is 25% of the total project cost. [CDAA](#) can allow the state to pay up to 18.75% of the non-federal share, that would otherwise fall upon the county or city, to pay for eligible Public Assistance projects once the legislature has passed a bill allowing additional state funding after a disaster occurs. Upon approval of the legislature, counties and cities that are AB 2140 compliant are also eligible to be considered for the remaining 6.25% local share to be funded by the state, essentially covering the entire local-share cost for eligible Public Assistance projects. Please note that funding is not guaranteed.

What Do You Need to Know?

- AB 2140 is **not** a requirement; it is an optional state incentive to help counties and cities become more resilient to natural hazards. Be sure to work with your planning department as the process proceeds.
- There are multiple steps that must be completed before Cal OES can issue a letter of AB 2140 compliance. These steps are listed in detail below in the section *What Are the Steps to Become AB 2140 Compliant?*
- Be aware that adopting the LHMP via a formal resolution is a federal requirement for FEMA to officially “approve” the LHMP and does not make your jurisdiction automatically AB 2140 compliant. AB 2140 is a state incentive which also requires adopting your LHMP into the Safety Element of your General Plan. However, both adoptions can take place at the same time using the same adoption resolution.
- AB 2140 compliance expires when the LHMP expires. You must re-adopt the LHMP itself **AND** adopt the LHMP into the Safety Element of your General Plan each time you update your LHMP in order to continue compliance.
- For multi-jurisdiction hazard mitigation plans (MJHMPs), the county and each city in the MJHMP must adopt its own specific annex into its own General Plan



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Safety Element. Annex jurisdictions are not covered under the county's adoption.

- Special districts are not eligible for AB 2140 compliance as they do not have General Plans.
- For additional information on General Plan and Safety Element requirements please contact the [California Office of Planning and Research \(OPR\)](#).

What Are the Steps to Become AB 2140 Compliant?

1. Complete and submit an LHMP to the Governor's Office of Emergency Services (Cal OES). A jurisdiction must have a current, FEMA-approved LHMP.
 - a. Cal OES will provide an initial review and, if applicable, request required revisions based on the [FEMA LHMP Guidance](#).
 - b. Once Cal OES has determined the plan has met all FEMA LHMP requirements, Cal OES will then forward the LHMP to FEMA for final review and approval.
 - c. For questions or assistance, please contact the Cal OES Local Mitigation Planning Unit at MitigationPlanning@CalOES.ca.gov.
2. LHMP adoption **AND** adoption into the Safety Element of the General Plan
 - a. Adopt the LHMP via a formal resolution following your jurisdiction's typical procedure once FEMA has issued "approvable pending adoption" (APA) status. Once FEMA receives a signed adoption resolution, they can then issue an official "approval" notice for your LHMP.
 - i. A sample adoption resolution for your LHMP is provided in [Appendix B of the FEMA LHMP Policy Guide](#).
 - b. At this time, you may also choose to adopt the LHMP into the Safety Element of your General Plan using the same resolution in order to meet a requirement of AB 2140 compliance (see step 3).
 - i. Within the Safety Element update adoption resolution, there must be language specific to adopting the LHMP into the Safety Element of the General Plan, and the resolution must be signed and approved before the LHMP expires. This adoption can occur at the same time the LHMP is adopted to comply with FEMA requirements, or it can occur after the LHMP is approved but before it expires after five years.
 - c. At any time during the life of an approved LHMP a jurisdiction may choose to adopt the LHMP into the Safety Element of their General Plan, however, when the LHMP expires, AB 2140 compliance will also expire.



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3. Safety Element Language

- a. The local agency must include language specific to the LHMP within the Safety Element of their General Plan **and** make the LHMP easily accessible in its entirety as a weblink, appendices, or attachment (see step 4).
- b. Jurisdictions should follow their own internal procedures for Safety Element language, however, below is sample language that may be used:
 - i. "The Local Hazard Mitigation Plan (LHMP) for the [Add Jurisdiction Name] planning area was developed in accordance with the Disaster Mitigation Act of 2000 (DMA 2000) and followed FEMA's Local Hazard Mitigation Plan guidance. The LHMP incorporates a process where hazards are identified and profiled, the people and facilities at risk are analyzed, and mitigation actions are developed to reduce or eliminate hazard risk. The implementation of these mitigation actions, which include both short and long-term strategies, involve planning, policy changes, programs, projects, and other activities. (Add a web link or language directing to the LHMP attachment or appendix within the Safety Element. Discussed further in step #4 below.)"

4. LHMP Accessibility and Links

- a. The current, approved LHMP must be easily accessible and available to the public viewing the Safety Element. This requirement can be met by linking the LHMP electronically to the General Plan Safety Element or by including the LHMP in its entirety as an attachment or appendix in the Safety Element and referencing its location with the plan.
- b. Web links should be monitored so that they are in working condition and bring the viewer to the most recent approved version of the LHMP.

5. E-mail the link to the updated General Plan Safety Element web page along with the signed adoption resolution(s) to the Cal OES AB 2140 inbox AB2140@CalOES.ca.gov for review and approval.



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Frequently Asked Questions

Q: Who do I contact if I have additional questions regarding my LHMP or AB 2140 status?

A: For questions regarding AB 2140 compliance please contact AB2140@CalOES.ca.gov. For questions pertaining to your LHMP, please contact the Cal OES Local Hazard Mitigation Planning team at MitigationPlanning@CalOES.ca.gov.

Q: If a county is AB 2140 compliant, are its cities automatically covered?

A: No. Each county and city must:

1. Have either your own stand-alone LHMP or have an annex in a MJHMP.
2. Have adopted your approved stand-alone LHMP or annex into your own General Plan Safety Element.

Q: Can a jurisdiction obtain AB 2140 compliance before their LHMP is approvable pending adoption (APA) from FEMA?

A: No. The LHMP must be either APA or officially "approved" by FEMA before you may adopt to obtain AB 2140 compliance.

Q: Are special districts covered under their county's LHMP since they do not have their own general plan?

A: No. Special districts are not qualified for additional cost share under AB 2140 because they do not have a General Plan.

Q: If a county or city becomes AB 2140 compliant, does this compliance last forever?

A: No. AB 2140 compliance expires on the day the LHMP expires. You must re-adopt your LHMP into your General Plan Safety Element each time you update your LHMP.

Q: Once a county or city becomes AB 2140 compliant, are they guaranteed funding?

A: No. You will be eligible to be considered for additional CDAA funding upon approval of the legislature. There is no guarantee of funding.

Q: Can a city or county adopt their LHMP to obtain AB 2140 compliance at the same time they adopt their LHMP to fulfill the FEMA requirement when the LHMP is approvable pending adoption?

A: Yes, this is a viable option. It is crucial, however, that Cal OES receives a copy of the adoption resolution to ensure compliance. Your jurisdiction is



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not compliant until Cal OES has documentation and has issued a compliance letter.

Q: If the actual LHMP is added to the General Plan, but not within the Safety Element, is language still required in the Safety Element?

A: Yes, language specific to the LHMP and a web link, appendix, or language within the Safety Element that directs the public to the most current, approved LHMP in its entirety is required to be in the Safety Element.

AB 2140 Compliance Checklist

In order to issue a letter of AB 2140 compliance, Cal OES will review and verify that your jurisdiction has performed the following:

- ✓ Has a current, FEMA-approved or approvable pending adoption (APA) LHMP.
- ✓ Formally adopted the LHMP via resolution.
- ✓ Formally adopted the most current, approved LHMP into the Safety Element of your General Plan via resolution.
- ✓ Included language within the Safety Element of your General Plan that references your LHMP.
- ✓ Included a web link, appendix, or language within the Safety Element that directs the public to the most current, approved LHMP *in its entirety*.
- ✓ E-mailed the link to the updated General Plan Safety Element web page along with the signed, adoption resolution(s) to the Cal OES AB 2140 inbox AB2140@caloes.ca.gov for review and approval.

For AB 2140 Questions: AB2140@CalOES.ca.gov

For LHMP Questions: MitigationPlanning@CalOES.ca.gov

For Public Assistance and CDAA Questions: DisasterRecovery@CalOES.ca.gov