



# Legislative Bulletin

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*A Publication of the County Executive Office/Legislative Affairs*

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November 28, 2023  
Item No. 22

## **County of Orange Positions on Proposed Legislation**

The Legislative Bulletin provides the Board of Supervisors with analyses of measures pending in Sacramento and Washington that are of interest to the County. Staff provides recommended positions that fall within the range of policies established by the Board. According to the County of Orange Legislative Affairs Program Guidelines adopted by the Board of Supervisors on January 25, 2022, staff recommendations for formal County positions on legislation will be agendized and presented in this document for Board action at regular Board of Supervisors meetings. When the Board takes formal action on a piece of legislation, the CEO will direct the County's legislative advocates to promote the individual bills as approved by the Board. The Legislative Bulletin also provides the Board of Supervisors with informative updates on State and Federal issues.

The 2023-2024 Legislative Platform was adopted by the Board of Supervisors on December 20, 2022.

On November 28, 2023, the Board of Supervisors will consider the following actions:

### **RECOMMENDED ACTIONS**

1. **Receive and File Legislative Bulletin**

### **INFORMATIONAL ITEMS**

1. **County Position Matrix: CEO-LA**
2. **Sacramento Legislative Report**
3. **Washington DC Legislative Report**

## INFORMATIONAL ITEMS

### 1. County Position Matrix: CEO-LA

The tables below list the bills the Board of Supervisors has taken positions on in the 2023-24 legislative session.

#### State Legislation

*As of Thursday, November 22, 2023*


Bill No.	Author	Subject	Position	Date of Board Action	Status
<b><u>SB 44</u></b>	<u>Umberg</u>	Controlled substances	<b>Support</b>	1.24.23	Senate Public Safety Committee – 2 Year Bill
<b><u>SB 91</u></b>	<u>Umberg</u>	California Environmental Quality Act: exemption: supportive and transitional housing: motel conversion	<b>Support</b>	3.14.23	Chaptered
<b><u>AB 307</u></b>	<u>Chen</u>	Structural fumigation enforcement program	<b>Support</b>	3.14.23	Chaptered
<b><u>AB 400</u></b>	<u>Rubio</u>	Local agency design-build projects: authorization	<b>Support</b>	3.14.23	Chaptered
<b><u>AB 1270</u></b>	<u>Dixon</u>	Redevelopment: successor agency: City of Lake Forest	<b>Sponsor</b>	3.14.23	Chaptered
<b><u>SB 19</u></b>	<u>Seyarto</u>	Anti-Fentanyl Abuse Task Force	<b>Support</b>	3.28.23	Chaptered
<b><u>SB 62</u></b>	<u>Nguyen</u>	Controlled substances: fentanyl	<b>Support</b>	3.28.23	Senate Public Safety Committee – 2 Year Bill
<b><u>AB 701</u></b>	<u>Villapudua</u>	Controlled substances: fentanyl	<b>Support</b>	3.28.23	Chaptered
<b><u>AB 1058</u></b>	<u>Patterson</u>	Controlled substances: fentanyl	<b>Support</b>	3.28.23	Assembly Public Safety Committee – 2 Year Bill
<b><u>SB 706</u></b>	<u>Caballero</u>	Public contracts: progressive design-build: local agencies	<b>Support</b>	4.11.23	Chaptered
<b><u>AB 684</u></b>	<u>Ta</u>	County veterans service officers: additional resources	<b>Support</b>	4.25.23	Assembly Appropriations Committee – 2 Year Bill
<b><u>AB 955</u></b>	<u>Petrie-Norris</u>	Controlled substances	<b>Support</b>	5.9.23	Assembly Rules Committee
<b><u>AB 1057</u></b>	<u>Weber</u>	California Home Visiting Program	<b>Support</b>	5.9.23	Vetoed
<b><u>AB 1304</u></b>	<u>Papan</u>	Weights and measures: inspection fees	<b>Support</b>	5.9.23	Chaptered
<b><u>AB 1168</u></b>	<u>Bennett</u>	Emergency Medical Services (EMS): prehospital EMS	<b>Oppose</b>	6.27.23	Senate Floor 2 Year Bill
<b><u>SB 14</u></b>	<u>Grove</u>	Serious felonies: human trafficking	<b>Support</b>	8.8.23	Chaptered
<b><u>SB 326</u></b>	<u>Eggman</u>	The Behavioral Health Services Act	<b>Concerns</b>	8.22.23	Chaptered

#### Federal Legislation

*As of Thursday, November 22, 2023*

Bill No.	Author	Subject	Position	Date of Board Action	Status
<b><u>S 24</u></b>	Feinstein	Fighting Homelessness Through Services and Housing Act	<b>Support</b>	4.25.23	Senate Committee on Health, Education, Labor and Pensions

<b>HR 516</b>	Lieu	Fighting Homelessness Through Services and Housing Act	<b>Support</b>	4.25.23	House Committee on Financial Services
<b>HR 984</b>	Levin	Commitment to Veteran Support and Outreach Act	<b>Support</b>	4.25.23	House Committee on Veteran's Affairs
<b>HR 467</b>	Griffith	Halt All Lethal Trafficking (HALT) of Fentanyl Act	<b>Support</b>	6.06.23	Senate Judiciary Committee
<b>S 971</b>	Cassidy	Due Process Continuity of Care Act	<b>Support</b>	6.06.23	Senate Finance Committee
<b>HR 3862</b>	Levin	Spent Fuel Prioritization Act of 2023	<b>Support</b>	6.27.23	House Committee on Energy and Commerce

 Highlighted sections symbolize a status change.

## 2. Sacramento Legislative Report

*Prepared by Precision Advocacy Group LLC*

California state revenues for 2022 tax returns and the first three quarters of 2023 should become clearer after Thanksgiving. As of November 17, one day after taxes were due, collections of \$43.7 billion in Personal Income Tax (PIT) had been counted by the [State Controller](#), almost \$23 billion lower than estimates included in the 2023-24 Budget Act.

The 2023-24 Budget Act estimated PIT collections at the end of November to total \$66.6 billion, representing 45.2% of total PIT revenues of \$147.32 billion, and 27.1 percent of \$246.05 billion total General Fund revenues anticipated for the entire 2023-24 fiscal year.

### Assembly Rev and Tax Committee Holds Informational Hearing on Local Sales and Use Tax

The Assembly Committee on Revenue and Taxation held an [informational hearing](#) last Wednesday in the city of Westlake Village with the goal of gaining a deeper understanding of how Bradley-Burns tax revenues are allocated. The hearing touched on some of the more controversial aspects of the Bradley-Burns tax program including various business reorganizations and revenue sharing agreements. The subject matter is increasingly under discussion by legislators and local governments, making legislation likely in 2024.

Chaired by Assemblymember Jacqui Irwin (D-Thousand Oaks), no other legislators were in attendance. The hearing featured two panels of experts, the first focused on current law and regulations, and the second discussing challenges and opportunities at the local level.

Nicolas Maduros, Director of the California Department of Tax and Fee Administration (CDTFA); Seth Kerstein, Economist from the Legislative Analyst's Office; and Michael Colantuono, Managing Shareholder at Colantuono, Highsmith & Whatley, PC, comprised the first panel, reviewing the Bradley-Burns Uniform Local Sales and Use Tax law and its history.

While acknowledging the complexity of administering and distributing the Bradley-Burns Tax, CDTFA Director Maduros gave an in-depth overview and history of the tax. CDTFA administers more than 40 tax and fee programs for the state. Sales and use taxes are composed of three elements: 6% state share, 1.25% Bradley-Burns local share, and transactions and use tax which varies by district.

In the 2022-23 fiscal year, sales and use tax revenues totaled \$145.6 billion:

- State Sales and Use Tax - \$53.8 billion

- \$34.8 billion to the state's General Fund
- \$19 billion to local governments for realignment
- Bradley-Burns - \$11.8 billion
- District taxes - \$14.4 billion

**Background on Sales and Use Tax:** California is among 37 states that impose both a state and local sales tax. The sales tax is imposed on retailers for the privilege of selling tangible personal property (TPP) in California and is based on a retailer's "gross receipts" derived from the retail sale of TPP. Additionally, California imposes a complementary use tax on the storage, use, or other consumption of TPP that is purchased from a retailer, where California sales tax did not apply at the time of purchase. In other words, the use tax is imposed for storing, using, or consuming TPP in California and typically applies when TPP is purchased from outside the state or when sales tax is otherwise inapplicable. The sales and use taxes (SUTs) are mutually exclusive and designed to complement each other by placing local retailers and their out-of-state competitors on an equal footing.

The Bradley-Burns tax was created in 1955 in response to the patchwork of local sales tax measures. The tax authorizes counties and cities to impose a local SUT but requires them to contract with the State Board of Equalization (BOE) to perform all administrative functions, including tax collection and revenue allocation to the appropriate local governments.

Bradley-Burns was enacted to provide an additional source of revenue for local governments, to promote a uniform and integrated SUT regime throughout the state, and to avoid retailers having to pay different taxes to different governmental entities by having the integrated SUT program administered, and the taxes collected by the state. In 2017, as part of the Taxpayer Transparency and Fairness Act, administration of the tax program shifted to the CDTFA.

Of the 1.25%, cities and counties use 1% to support general operations. The remaining 0.25% is designated by statute for county transportation purposes and restricted to road maintenance or the operation of transit systems. Counties receive the 0.25% tax for transportation purposes regardless of whether the sale occurs in a city or in the unincorporated area of the county. All counties impose Bradley-Burns local taxes at a total uniform rate of 1.25%, and most cities impose Bradley-Burns local taxes at a rate of 1.00%.

**Sales Tax vs. Use Tax:** Bradley-Burns tax allocation varies depending on whether the transaction is subject to sales tax or use tax. The transaction is subject to sales tax if the retailer's place of business in California participates in the transaction and the sale takes place (i.e., title to the goods passes to the customer) in California. Unless both conditions are met, the use tax applies.

For purposes of local sales tax, the place of sale is a place of business of the retailer. If a retailer has only one place of business in California, all California retail sales in which that place of business participates occur at that place of business. If a retailer has more than one place of business in this state participating in the sale, the place of sale is where the principal negotiations occur.

Local use tax is generally allocated to local jurisdictions through a countywide pool. Each local jurisdiction within a county, including the county itself, receives a prorated amount of the countywide pool (based on its proportion of the local tax that is directly allocated to jurisdictions within the county).

These distinctions were key to much of the discussion around tax revenue distribution. As the global economy has shifted to more online retail activity, and businesses restructure to try and make the most of the current tax structure, local governments are incentivized to maximize their share of the distributions. Director Maduros pointed out that CDTFA has become much more efficient about determining the origin of a transaction and crediting it to the correct jurisdiction; this is in part due to a more efficient technology platform recently implemented by the agency.

**Revenue Sharing Agreements:** Many cities have reportedly offered large companies over one-half of their new tax revenues in negotiations to try and lure the private companies to relocate and be a part of their sales tax base. The example that was discussed during the hearing was that of a concrete manufacturer with production and sales offices located throughout the state. This manufacturer could decide to restructure by consolidating all statewide sales into one California office. This sales office, as the place of principal negotiation, could then serve as the retailer's "place of sale" for Bradley-Burns purposes on all its California sales. Before deciding where to locate its one sales office, the concrete manufacturer could then negotiate with an array of cities to see which is willing to rebate the largest percentage of any new Bradley-Burns revenues back to the retailer. In this example, by restructuring their sales office location, the concrete company can effectively pay a lower sales tax rate.

It is unclear how many of these revenue sharing agreements exist. In his testimony, Michael Coluntuno suggested that they are very widespread, and those involved in the agreements are incentivized to keep them as secret as possible. Critics of these arrangements contend that the biggest losers are the many local agencies throughout California that previously received Bradley-Burns taxes from the retailer's sales.

Coluntuno provided frank testimony around how Bradley-Burns is working on the ground. On the issue of destination vs origin-based tax determination, Coluntuno noted that there is value in linking the benefits from a tax stream to those who bear the burden of the economic activity. Going back to the concrete company example, those who live in the neighborhood near the concrete company's operations and are being impacted by the associated pollution, noise, and heavy road traffic, should also be the one benefitting from the tax revenues generated by the company.

In his testimony Coluntuno cautioned policy makers from making changes to the tax system too quickly. Citing past examples, small changes in the tax code can have major consequences including putting some cities at risk of bankruptcy.

In talking about potential reforms around revenue sharing agreements, Director Maduros mentioned a provision in current law that prohibits revenue sharing agreements where there was previously reported revenue in another jurisdiction. It is not currently in the Revenue and Taxation code, and it is unclear whether it is being enforced. Mr. Coluntuno suggested it be amended into state Revenue and Taxation code so that it is more likely to be followed and enforced.

Included in the second panel of local leaders were Councilmember Miguel Arias, City of Fresno; Brian Gabler, City Manager, City of Simi Valley; and Damien Arrula, City Manager, City of Placentia. The panelists discussed local challenges and successes associated with Bradley-Burns.

Fresno City Councilmember Miguel Arias discussed how the most recent city council has prioritized using sales tax revenues to mitigate the impacts of the economic activity where it occurs. Fresno has a sizable number of warehouses that impact the infrastructure of the local community. For example, heavy trucks have a greater impact on the road and require more infrastructure funding for maintenance. He strongly advised the committee against moving to a destination-based tax system as it would disadvantage the communities like those in South Fresno, where the negative impacts of the economic activity are most felt by residents.

Simi Valley City Manager Brian Gabler highlighted the issues of secret revenue sharing agreements and the need to bring more transparency and sunlight around these types of agreements.

Placentia City Manager Damien Arrula, representing the League of California Cities (Cal Cities) talked about the diversity of city needs around Bradley-Burns. For example, Placentia is a bedroom community without a retail destination. He also talked about the need for transparency around revenue sharing agreements, emphasizing that the county pool of use tax is distributed based on a

city's share of sales tax. For cities with revenue sharing agreements, this super inflates their share of the county pool. Cal Cities City Managers Sales Tax Working Group has a list of recommendations to help address these challenges, including the following:

- **Duration and rebate cap:** All policy changes to sales tax sharing agreements should only apply to future agreements, thus ensuring fairness to existing agreements. New sales tax sharing agreements should have a maximum duration of 20 years to prevent agreements from being renewed indefinitely.
- **Enhanced transparency:** The working group supports the creation of a public database and dashboard of all Economic Development Subsidy Reports by the state on a dedicated website.
- **Modifications to county pool calculations:** County pool calculations should be modified to ensure the accurate allocation of funds. The working group recommends excluding from these calculations the local Bradley-Burns 1% SUT revenue generated from sales tax sharing agreements that are rebated to private businesses.
- **Equitable e-commerce sales tax revenue distribution:** Resources should be distributed based on the needs of the recipients to reach fair and just outcomes for all.

Chair Irwin encouraged the work of the Cal Cities City Managers working group and expressed her optimism that local leaders would continue to work together to come up with mutually agreeable solutions.

## Upcoming Hearings

Agendas are typically posted on the committee websites in the [Assembly](#) and [Senate](#) a few days prior to the hearings. To view hearings after they take place, you may access them in the [Assembly](#) or [Senate](#) media archives where they are generally available within a few hours of committee adjournment.

**Monday, December 04, 2023, 10 a.m.**

**Assembly Select Committee on Place Based Systems of Coordinated Care for Children and Families**

Location: State Capitol, Room 437

Informational Hearing: Exploring the Role and Impact of Cradle to Career Networks in California

**Monday, December 11, 2023, 9 a.m.**

**Senate Transportation Subcommittee on Lossan Rail Corridor Resiliency**

Location: City of San Clemente, City Hall, Council Chambers, 2nd Floor, 910 Calle Negocio, San Clemente

Informational Hearing: Setting Southern California Rail on Track for Success

**Thursday, December 14, 2023, 5:30 p.m.**

**Assembly Select Committee on California's Mental Health Crisis**

Location: Los Gatos Town Hall, 110 E. Main Street, Los Gatos

Informational Hearing: Challenges to Accessing Mental Health Services for Youth in Vulnerable Communities

## Governor's Press Releases

Below is a list of the governor's press releases beginning November 15.

**November 20:** [Acting Governor Eleni Kounalakis Proclaims Transgender Remembrance Day 2023](#)

**November 19:** [Caltrans Reopens All Lanes of I-10, Weeks Ahead of Schedule](#)

**November 19:** [THE 10 IS REOPENING: Governor Newsom, Joined by Vice President Harris, Senator Padilla, and Mayor Bass, Announces I-10 Freeway Will Reopen Ahead of Monday Morning Commute](#)

**November 18:** [TOMORROW: In Los Angeles County, Governor Newsom, Vice President Harris, and Mayor Bass to Provide Update on I-10 Freeway Incident](#)

**November 18:** [Governor Newsom Proclaims Native American Heritage Month 2023](#)

**November 17:** [FIX THE 10: Angelenos Can Now Watch Real-Time Progress as Around-The-Clock Repairs Continue To Re-Open I-10](#)

**November 17:** [California Invests \\$149 Million in Cutting-Edge Companies, Creating Nearly 6,000 Jobs](#)

**November 16:** [FIX THE 10: Governor Newsom Announces The 10 Will Re-Open Next Tuesday](#)

**November 16:** [Governor Newsom Announces Appointments 11.16.23](#)

Ingrid E. Braun, of Mammoth Lakes, has been reappointed to the Commission on Peace Officer Standards and Training

Jim Cooper, of Elk Grove, has been reappointed to the Commission on Peace Officer Standards and Training

Nicholas Nguyen, of La Mesa, has been appointed to the Commission on Peace Officer Standards and Training

Regina Hatcher-Crawford, of Oxnard, has been appointed to the Peace Officer Standards Accountability Advisory Board

Jack Glaser, of San Francisco, has been appointed to the Peace Officer Standards Accountability Advisory Board

Cephus "Uncle Bobby" Johnson, of San Jose, has been appointed to the Peace Officer Standards Accountability Advisory Board

Charles Lara, of San Diego, has been appointed to the Peace Officer Standards Accountability Advisory Board

Tamika Miller, of Sacramento, has been appointed to the California Board of Barbering and Cosmetology

Tod Borges, of Elk Grove, has been reappointed to the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

Charles Sanders, of Elk Grove, has been appointed to the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

**November 16:** [At APEC, Governor Newsom Highlights California's Low-Carbon, Green Growth Economy](#)

**November 16:** [Governor Newsom Applauds U.S.-China Agreements](#)

**November 15:** [Governor Newsom Announces Appointments 11.15.23](#)

Chris Chambers, of Lincoln, has been appointed Director of Correctional Policy Research and Internal Oversight at the California Department of Corrections and Rehabilitation

Tammy Campbell, of Visalia, has been appointed Warden of California State Prison, Corcoran

William D. Parham, of Los Angeles, has been appointed to the Governor's Advisory Council on Physical Fitness and Mental Wellbeing

Gladys Mitchell, of Sacramento, has been reappointed to the Mental Health Services Oversight and Accountability Commission

Nanci Nishimura, of San Mateo, has been reappointed to the California Commission on Uniform State Laws

Patricia Barahona, of Modesto, has been appointed to the State Bar of California Board of Trustees

Maria Bee, of Oakland, has been appointed to the California Law Revision Commission

**November 15:** [FIX THE 10: Governor Newsom Announces Caltrans Clears All Hazardous Debris, Gains Full Site Access, Ahead of Schedule](#)

### 3. Washington DC Legislative Report

*Prepared by Van Scoyoc Associates*

#### LEGISLATIVE BRANCH ACTIVITY

##### **Congress Averts Shutdown, Sets Up 2024 Spending Fight**

In late September, Congress surprisingly averted a government shutdown by temporarily extending spending levels through November 17<sup>th</sup>. As Congress approached the November 17<sup>th</sup> deadline, the nation again faced a possible government shutdown. However, Congress overwhelmingly passed a short-term continuing resolution (CR), which President Biden signed on Friday, but this sets up a spending battle for January and February.

[House Republicans unveiled their CR](#) plan, which they called a “laddered CR”, which funds the “easier to agree to” departments/agencies until January 19<sup>th</sup> and the rest go until February 2<sup>nd</sup>.

Bills funded until January 19<sup>th</sup> are:

1. Department of Agriculture, Rural Development, and Food and Drug Administration
2. Military Construction and Department of Veterans Affairs
3. Department of Energy and water agencies
4. Department of Transportation and Department of Housing and Urban Development

All other departments would be funded through February 2<sup>nd</sup>. The laddered approach is highly rare. Democrats and even Senate Republicans were uneasy about an approach that effectively makes a chaotic situation more chaotic. The Laddered CR does not include spending cuts, partisan poison pills, or emergency funding for Israel, Ukraine, Indo-Pacific security, or border security President Biden requested. The Laddered CR does include all key policy extensions for expiring programs. In short, with the exception of the staggered dates, the Laddered CR is “clean”, as lawmakers like to say.

Hardline conservatives were not happy that the bill did not include cuts. Many Democrats were unhappy the bill did not provide needed aid for Ukraine. But Speaker Mike Johnson (R-LA) warned Democrats that if they opposed his Laddered CR, he would bring up a full-year CR with 8% cuts.

Johnson’s plan worked, and House Democrats pledged to support the bill. And Senate Democrats, who were planning to unveil their own bill which included emergency aid for Israel, Ukraine, Indo-Pacific allies, and border security, ultimately conceded the point.

Speaker Johnson brought the bill to the floor under the suspension process which moves faster, but requires a two-thirds majority. The House passed the Laddered CR by a vote of 336-95, well above the two thirds needed to pass it. Republicans were split, with supporters outnumbering opponents 127-93. Meanwhile, Democrats nearly unanimously supported the Laddered CR by a vote of 209-2.

After some political negotiations to expedite consideration of the bill in the Senate, the upper chamber voted 87-11 to pass the Laddered CR. President Biden signed the bill ahead of the Friday night deadline.

With the CR passed, the real battle begins. Both chambers, will return after Thanksgiving and try to negotiate a full FY24 spending package. Based upon the latest CR, a partial shutdown is possible in January, and a full shutdown possible in February.

To avoid that, the two parties need to resolve their topline spending differences. Democrats believe the two parties reached a deal in June to set FY24 discretionary spending levels at \$1.59 trillion. But



many Republicans, particularly in the House, say the deal established a ceiling, and they want to cut spending further. Complicating the matter further, Speaker Mike Johnson upset many Republicans this week with his handling of the CR, and he now is under pressure to show large cuts in the spending process. The two sides are poised to fight this out in the coming months.

*County Relevance:*

- *Temporarily averting a shutdown provides brief stability for County operations.*
- *A federal shutdown would be highly disruptive to County projects and services.*
- *The threat of a shutdown in January/February remains elevated.*

## **EXECUTIVE BRANCH ACTIVITY**

### **Treasury Issues Updated ARPA Local Funding Rule**

The Treasury Department released a new interim final rule that can be viewed [here](#) that attempts to further clarify the definition of "obligation" for the State and Local Fiscal Recovery Funds (SLFRF). A quick reference guide is attached and can be viewed [here](#), as well. As we have discussed, all SLFRF funds must be obligated by December 31, 2024. The guidance addresses several outstanding questions, notably what happens with contract changes after December 31, 2024.

*County Relevance:*

- *The new interim final rule will help the County's disbursement of its ARPA funds are consistent with federal laws and requirements.*

### **EPA Launches 'Get Out the Lead' Initiative**

The EPA this week announced the start of its Get the Lead Out (GLO) Initiative. Funded by the Bipartisan Infrastructure Law, the GLO Initiative is intended to help ensure safer drinking water for communities. In partnership with the Department of Labor, EPA will work with 200 underserved communities nationwide to provide the technical assistance they need to identify and remove lead service lines. As part of a whole-of-government effort to tackle lead exposure, EPA will help communities remove the barriers to lead pipe removal. GLO will specifically help participating communities identify lead services lines, develop replacement plans, and apply for funding to get the lead out. Communities seeking to access GLO Initiative resources can request assistance by completing the [WaterTA request form on EPA's WaterTA website](#).

The Bipartisan Infrastructure Law provided \$50 billion for investment in water and wastewater infrastructure, with more than \$15 billion dedicated to replacing lead service lines. EPA is also committed to providing meaningful opportunities for community and state support through peer exchange and learning. Through GLO, EPA will develop tools and case studies to share information and best practices between the Agency, state and Tribal programs, water system managers, and community leaders.

*County Relevance:*

- *The program offers the County an opportunity to replace lead pipes.*

### **FEMA and CISA Release Cyber Incidents Planning Guide for Emergency Managers**

The Federal Emergency Management Agency (FEMA) and the Cybersecurity and Infrastructure Security Agency (CISA) this week released the first-ever cyber incidents resource guide for emergency managers. The new "Planning Considerations for Cyber Incidents: Guidance for Emergency Managers" is a foundational product that provides a roadmap for emergency managers across the nation to plan for swift and effective solutions to address the consequences of a cyber incident.

This new guidance document is the result of robust community engagement with the stakeholders, designed to help, state, local, tribal and territorial (SLTT) emergency management personnel. The best practices and comprehensive resources within the guide may also benefit emergency managers in academia, nonprofits, or the private sector, especially if they serve on a jurisdiction's planning team.

FEMA and CISA recommend that organizations and jurisdictions have both a cybersecurity program to protect against disruptions and a cyber incident response plan to enable organizations to act quickly when interruptions occur. An effective and efficient response plan to cyber threats helps to reduce negative impacts and return functional services as soon as possible.

As FEMA and CISA continue to work together on the shared Department of Homeland Security National Preparedness Goal of maintaining a secure and resilient nation, this new tool, combined with the department's national preparedness and cybersecurity grant programs, will support SLTTs with extensive cybersecurity planning and project development.

FEMA, in cooperation with CISA, will host several 60-minute webinars to provide an overview of the guide and supporting materials.

The new cyber incidents guide, as well as the webinar schedule and other FEMA preparedness guides, can all be [found here](#).

### **FTA's Sustainable Transit for a Healthy Climate Challenge**

The Federal Transit Administration (FTA) is inviting transit agencies to participate in the third phase of the [Sustainable Transit for a Healthy Planet Climate Challenge](#), which encourages bold action to further reduce greenhouse gas (GHG) emissions from public transportation. Launched in April 2023, Phase 3 focuses on incorporating resilience into transit agencies' climate action plans, helping to protect infrastructure, while improving mobility. Challenge participants will continue to receive technical assistance from FTA in developing their plans and strategies.

During the first two phases of the challenge, more than 220 transit agencies signed up, with many of those submitting plans outlining strategies to reduce GHG emissions. Plans cover such strategies as converting fleets to electric buses, making facilities more energy efficient, and generating power through renewable energy sources.

FTA is encouraging those who have not yet signed up to participate in the Challenge. Agencies of all sizes are welcome, and new or existing sustainability, climate action, electrification or zero-emission transition plans are accepted. New, existing, or updated plans submitted by March 1, 2024, are eligible for recognition during FTA's Earth Day celebratory event scheduled for April 2024.

### **HUD Announces \$50 Million for Youth Homelessness**

The Department of Housing and Urban Development (HUD) announced new funding, technical assistance, and regulatory flexibilities to support the Department's efforts to address homelessness, including among youth, people in unsheltered settings, and people in rural areas.

Through its Youth Homelessness System Improvement (YHSI) grants, HUD is making a total of \$50 million in funding available to communities nationwide. The grants will focus on systemic change to either improve or create response systems for youth at risk of or experiencing homelessness by funding projects that create and build capacity for Youth Action Boards; establish regional committees on youth homelessness to direct efforts across multiple systems including education, justice, and child welfare; collect and use data on at-risk youth and youth experiencing homelessness; develop strong leaders within a community; and improve the coordination, communication, operation, and administration of homeless assistance projects to better serve youth, including prevention and diversion strategies.

Additionally, HUD is engaged in a technical assistance strategy to assist 62 Continuum of Care (CoC) communities and 139 Public Housing Authorities (PHAs) that received resources to address rural and unsheltered homelessness. The technical assistance will improve coordination of programs and services, support people with lived experience to serve in advisory roles, improve their engagement of people in unsheltered and rural settings, and improve connections to permanent housing with supportive and health services.

To further encourage and support PHAs to assist people experiencing homelessness, HUD [issued a letter](#) to PHAs encouraging them to take full advantage of HUD resources and regulatory flexibilities to support their work to address homelessness.

HUD is opening this \$50 million opportunity to include additional points for statewide or cross-community project proposals in order to emphasize the need for coordination across communities. The maximum amount of funding for each award type will be doubled for applications that cover geographic areas in 2 or more Continuums of Care (CoCs), or if the CoC covers the entire geography of the state.

Earlier this year, HUD awarded 62 communities with a package of resources to address homelessness among people in unsheltered settings and in rural areas. This package includes \$486 million in grants to 62 Continuums of Care (CoCs) to fund permanent housing programs, homeless outreach and housing navigation, housing-related supportive services, data improvements, and system coordination as well as \$45 million to allocate over 3,300 Stability Vouchers to 135 public housing agencies who are partnering with the 62 CoCs. The new technical assistance strategy announced by HUD supports this prior funding by providing assistance, including:

- Housing Central Command: A select number of communities will be provided intensive support to implement Housing Central Command, an approach that uses emergency management structure and processes to resolve homeless encampments.
- Direct and Peer-to-Peer Technical Assistance for Grantee Communities Addressing Unsheltered Homelessness: All communities that received grants and vouchers to address unsheltered homelessness will receive a robust package of direct technical assistance, monthly community-to-community knowledge and practice exchange convenings, and trainings and expertise around specific topics.
- Technical Assistance on Use of Stability Vouchers to Assist People Experiencing Homelessness: HUD will provide the 135 PHAs and their partners with a series of webinars to support the use of Stability Vouchers to assist people experiencing homelessness.

The notice of funding opportunity can be found [here](#).

### **Legislation Introduced by Orange County Delegation**

Senator Alex Padilla:

- Introduced the [Guaranteeing Overtime for Truckers Act](#) which would “repeal the motor carrier provision of the *Fair Labor Standards Act of 1938*, which excludes many truckers from overtime protections enjoyed by other workers.”

Rep. Michelle Steel:

- Introduced the [Hire Student Veterans Act](#) which would “incentivize employers to hire student veterans for part-time work and paid internships. This bipartisan and bicameral legislation would expand the existing Work Opportunity Tax Credit (WOTC), which is available to employers who hire individuals from groups that have faced significant barriers to employment, to include student veterans using their educational benefits.”

Rep. Lou Correa:

- Introduced the [Business Uninterrupted Monetary Program Act of 2023 \(BUMP Act\)](#) which would require “local sponsors of major transit and highway projects to create a funding pool that will provide impacted businesses with monetary relief to cover expenses during interruption by transportation construction—including those that impede customers’ access to their store fronts. This funding would be allowed to cover utilities, insurance, rent or mortgage, payroll, loss of income for impacted businesses.”

If you or your staff have any questions or require additional information on any of the items in this bulletin, please contact Peter DeMarco at 714-834-5777.