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SB-833 Community Energy Resilience Act of 2022. (2021-2022)

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AMENDED IN SENATE MARCH 21, 2022

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL

NO. 833

**Introduced by Senators Dodd and Stern
(Coauthors: Assembly Members Calderon and Valladares)**

January 04, 2022

An act to add Division 16.7 (commencing with Section 26450) to the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, as amended, Dodd. Community Energy Resilience Act of 2022.

Existing law establishes within the Natural Resources Agency the State Energy Resources Conservation and Development Commission. Existing law assigns the commission various duties, including applying for and accepting grants, contributions, and appropriations, and awarding grants consistent with the goals and objectives of a program or activity the commission is authorized to implement or administer.

This bill, the Community Energy Resilience Act of 2022, would require the commission to develop and implement a grant program for local governments to develop community energy resilience plans that help achieve energy resilience objectives and state clean energy and air quality goals. The bill would require a plan to, among other things, identify critical facilities, ~~locations and~~ facilities where the construction of microgrids or other distributed energy sources could meet local resilience needs, and potential funding sources for implementing projects in the plan, include a process for the expedited permit review of distributed energy resources by the local government, and demonstrate consistency with the city, county, or city and county general plan and other local government planning documents, as specified. As a condition of receiving grant funding, the bill would require a local government to submit its plan to the commission within 6 months of adopting the plan.

The bill would require the commission to maintain a publicly available and searchable database of all local governments receiving a grant, annually submit a program summary to the Legislature, and post the summary on its internet website. The bill also would require the commission to develop and maintain on its internet website a publicly available community energy resilience planning toolkit, a directory of prequalified consultants,

and a resilience valuation index, as defined, to assist local governments in community energy resilience planning. The bill would require the commission to ~~annually~~ *periodically* update the index.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) This act shall be known, and may be cited, as the Community Energy Resilience Act of 2022.

(b) The Legislature finds and declares all of the following:

(1) Development of community energy resilience plans will help ensure continuous electricity service during electrical outages, which in recent years have imposed enormous costs on California communities.

(2) Developing reliable and resilient electrical systems for critical facilities is a paramount public safety priority and is necessary to protect the health and well-being of California residents and businesses.

(3) Local governments typically lack the resources or expertise needed for community energy resilience planning sufficient to increase the usage of distributed clean energy resources.

(4) Local governments ~~have the greatest degree of local political accountability~~, are best able to identify, working in collaboration with community-based organizations, which facilities are most important to local residents and necessary to maintain public health and safety, and can most effectively integrate the permitting and development of distributed energy resources capable of providing electricity *to these facilities* during electrical outages.

(5) With proper engineering and planning, local governments are capable of accelerating the deployment of resilient clean *backup* electrical systems by taking advantage of state, federal, and other funding sources.

(c) It is the intent of the Legislature to direct the State Energy Resources Conservation and Development Commission to develop procedures necessary for implementation of a new program to provide technical guidance and financial assistance for local governments to develop community energy resilience plans.

SEC. 2. Division 16.7 (commencing with Section 26450) is added to the Public Resources Code, to read:

DIVISION 16.7. Community Energy Resilience Planning

26450. For purposes of this division, the following definitions apply:

(a) "Commission" means the State Energy Resources Conservation and Development Commission.

(b) "Community energy resilience" means the capability of a local community, local government, tribal authority, or other municipality to provide and maintain stable electricity supply *to identified critical facilities* under changing conditions, including, but not limited to, outages of utility grid service.

(c) "Community energy resilience plan" means a planning document prepared by a local government pursuant to this division that sets forth a strategy for meeting local electrical loads with local clean distributed energy resources. Unless the context requires otherwise, "plan" means a community energy resilience plan.

(d) "Electrical corporation" has the same meaning as defined in Section 218 of the Public Utilities Code.

(e) "Local government" means a city, county, city and county, or California Native American tribe, as defined in Section 21073.

(f) "Local publicly owned electric utility" has the same meaning as defined in Section 224.3 of the Public Utilities Code.

(g) "Resilience Valuation Index" means a standardized, data-driven tool that assists local governments in conducting cost-benefit analyses of community energy resilience investments, such as distributed energy resources or microgrids. Unless the context requires otherwise, "index" means the Resilience Valuation Index.

26451. (a) Pursuant to this division, the commission shall develop and implement a grant program to award grants to local governments for the development of community energy resilience plans that help achieve local energy resilience objectives and state clean energy and air quality goals.

(b) In developing the guidelines and application process for the grant program, the commission shall do all of the following:

(1) Prioritize applications from low-income communities that are most likely to experience power outages, disadvantaged communities that are most likely to experience power outages, or low-income and disadvantaged communities that are most likely to experience power outages first, followed by communities that are most likely to experience power outages.

(2) Make the application process as simple as possible.

(3) Conduct a minimum of two public meetings to receive and consider public comment before approving the guidelines and application process.

(c) For local governments located within the service territory of a local publicly owned electric utility, only the local publicly owned electric utility shall be eligible to apply for grant funding on behalf of the local government.

(d) Grant funds awarded pursuant to this division may be used for plan development, including, but not limited to, all of the following activities:

(1) Hiring outside consultants or technical assistance providers to help with coordinating and drafting the plan.

(2) Identifying and coordinating with appropriate local government staff to draft the plan. A local government may hire a resilience manager to manage the plan development process.

(3) Convening and facilitating one or more community workshops enlisting local stakeholders, including, but not limited to, labor representatives, representatives from community-based organizations, community members, representatives from related technology vendors, local government staff in departments relating to emergency services, planning, and public works, disability rights advocates, and representatives from special districts, load-serving entities, school districts, environmental justice communities, communities of color, *local tribes*, and other marginalized groups, to ensure that a diversity of perspectives and input is incorporated into the plan.

(e) (1) A plan for which a local government is awarded a grant shall do all of the following:

(A) Identify critical facilities, including *publicly available and accessible* facilities that can serve as community resilience hubs to accommodate and provide basic ~~services~~ *services, including water, restrooms, basic first aid, disaster information, and access to electricity to charge telephones and medical equipment*, to people who have lost power to their homes.

(B) Identify ~~locations and~~ facilities where the construction of microgrids or other distributed energy resources could meet local resilience needs.

(C) Identify critical facilities that are in greatest need of backup energy generation and potential backup energy systems that may meet the needs of those facilities.

(D) Identify potential funding sources for implementation of projects included in the plan.

(E) Include a model ordinance template that may be adopted by a local government to establish a process for the expedited permit review of distributed energy resources by the local government.

(F) Demonstrate consistency with the city, county, or city and county general plan and other local government planning documents.

(2) The plan shall be developed in collaboration with the relevant electrical corporation or local publicly owned electric utility operational and technical subject matter experts.

(f) Subject to any restrictions or limitations placed by outside funding programs, grants awarded to a local government pursuant to this division do not affect the local government's eligibility to receive other incentives available from federal, state, or other local governments, electrical corporations, local publicly owned electric utilities, or any other source, or to leverage the grant funding awarded pursuant to this division with any other incentive.

(g) As a condition of being awarded a grant pursuant to this division, a local government shall submit its plan to the commission within six months of adopting its plan.

(h) The commission shall maintain a publicly available and searchable database of all local governments awarded a grant pursuant to this division. The database shall include relevant metrics to be determined by the

~~commission:~~ *commission, including the grant award amount and the community served.*

(i) (1) The commission shall prepare an annual summary of statewide program ~~expenditures and hire an independent, third-party evaluator to quantify and evaluate the effects of the grant program.~~ *expenditures.*

(2) Pursuant to Section 9795 of the Government Code, the commission shall annually submit the summary to the Legislature and post the summary on its internet website.

26452. (a) The commission shall develop and maintain, on its internet website, a community energy resilience planning toolkit to support local governments' development of community energy resilience plans. The toolkit shall include detailed information on typical planning steps, including, but not limited to, community asset mapping, stakeholder identification, community engagement, and technical and economic feasibility.

(b) The commission shall develop and maintain, on its internet website, a directory of prequalified consultants with energy resilience planning expertise who may assist grant recipients in plan development.

(c) (1) The commission shall develop and maintain a publicly available Resilience Valuation Index to assist local governments in community energy resilience planning and support data-driven investment decisions.

(2) The index shall identify entities and populations within communities that are vulnerable to power outages or other climate disruptions, including, but not limited to, any of the following:

(A) Critical facilities, including, but not limited to, the types of facilities described in Public Utilities Commission Decision 19-05-042, Decision Adopting De-Energization Guidelines, and other related decisions.

(B) Public agencies.

(C) Small businesses.

(D) Commercial and industrial facilities.

(E) Education and childcare facilities.

(F) Food production and distribution facilities.

(G) Access and functional needs populations.

(H) Medically vulnerable populations.

(I) Disadvantaged or low-income populations.

(J) Rural or remote populations.

(K) Other communities or populations that the commission determines may be severely impacted by the loss of continuous electrical service.

(3) (A) The index shall catalog and quantify a range of potential resiliency values for each identified constituency or population.

(B) The index shall use publicly available information on the value of lost load, socioeconomic analyses, and other power outage resources, from reputable academic institutions, including from the Lawrence Berkeley National Laboratory's Interruption Cost Estimate Calculator.

(4) The commission shall ~~post post, and periodically update,~~ the index on its internet ~~website and update the index annually.~~ *website.*