



MEMORANDUM

Date: April 3, 2018
To: Council Members, Sean McGlynn, Gloria Hurtado, Sue Gallagher, Daisy Gomez
From: Liz Licursi
Subject: Letters of Support

Attached are the letters of support for the following bills:

AB 1877 (Limon) – Office of Emergency Services: communications: translation
AB 2228 (Wood) – Education finance: school apportionments: wildfire mitigation
AB 1772 (Aguiar-Curry) – Fire insurance: indemnity

SB 897 (McGuire) – Residential property insurance: wildfires
SB969 (Dodd) – Automatic garage door openers: backup batteries
SB 833 (McGuire) – Emergency alerts: evacuation orders: operators
SB 894 (Dodd/McGuire) – Property insurance

These bills were discussed at the Council Meeting on March 20, 2018 and have been signed by the Mayor.

Thank you.



March 23, 2018

The Honorable Monique Limon
California State Assembly
State Capitol, Room 6031
Sacramento, CA 95814

RE: AB 1877 – Support

Dear Assemblymember Limon,

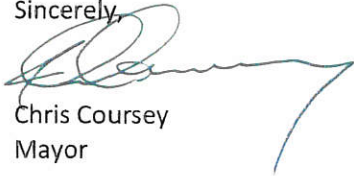
On behalf of the Santa Rosa City Council, I want to thank you for introducing AB 1877, which represents and serves non-English speakers during times of crisis, by ensuring that emergency communications by State and County Office of Emergency Services (OES) are made available in the second most spoken language of the impacted county or counties.

During the initial days of the North Bay wildfires, local agencies were scrambling to translate emergency communications for a variety of communication platforms to meet the needs of our Spanish-speaking community. Messages changed frequently as new information became available, and limited bilingual staff or representatives were available to support the sustained round the clock need for several days and even weeks. While OES provided much support on a variety of fronts, this is one area where greater assistance was needed for our community.

The North Bay wildfires highlighted that stronger action must be taken to ensure that urgent emergency communications do not overlook non-English speaking communities. AB 1877 requires both State and County OES emergency communications such as broadcasts, emergency hearings and press conferences to include clear translation for the second most spoken language of the impacted county or counties. Going forward it is imperative that agencies at every level of government, fully integrate the needs of non-English speakers into their emergency plans.

Now more than ever, we know we must be prepared for the next disaster in California, and that includes being ready to provide emergency communication that speaks to every member our community. Thank you for introducing this bill; we are grateful for your efforts on this issue.

Sincerely,



Chris Coursey
Mayor

CC: Santa Rosa City Council
The Honorable Mike McGuire, California State Senate
The Honorable Bill Dodd, California State Senate
The Honorable Marc Levine, California State Assembly
The Honorable Jim Wood, California State Assembly
The Honorable Cecilia Aguiar-Curry, California State Assembly
Kyra Emanuels-Ross and David Jones, Emanuels Jones & Associates

CHRIS COURSEY
Mayor

CHRIS ROGERS
Vice Mayor

JULIE COMBS
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**AB-1877 Office of Emergency Services: communications: translation.** (2017-2018)

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Date Published: 03/23/2018 09:00 PM

AMENDED IN ASSEMBLY MARCH 23, 2018

AMENDED IN ASSEMBLY FEBRUARY 22, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL**No. 1877****Introduced by Assembly Member Limón
(Principal coauthor: Senator Jackson)****January 17, 2018**

An act to add Section 8594.16 to the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1877, as amended, Limón. Office of Emergency Services: communications: translation.

The California Emergency Services Act establishes the Office of Emergency Services within the Governor's office under the supervision of the Director of Emergency Services and makes the office responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. Existing law requires the Governor to coordinate a State Emergency Plan, which is in effect in each political subdivision of the state, and requires the governing body of each political subdivision, as defined, to take actions necessary to carry out the provisions of that plan. Existing law defines an "operational area" as an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area.

This bill would require the Office of Emergency Services and the governing body of each political subdivision, including each operational area, to translate any emergency communication into the most commonly spoken **languages language other than English** in the impacted county or counties. By imposing additional duties on local agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 8594.16 is added to the Government Code, immediately following Section 8594.15, to read:

8594.16. The Office of Emergency Services and the governing body of each political subdivision, including each operational area, shall translate any emergency communication, including, but not limited to, radio or television broadcasts, wireless emergency alerts, and emergency briefings and conferences facilitated by local law enforcement, into the most commonly spoken ~~languages~~ *language other than English* in the impacted county or counties.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



March 23, 2018

The Honorable Jim Wood
California State Assembly
State Capitol, Room 6005
Sacramento, CA 95814

RE: AB 2228 – Support

Dear Assemblymember Wood,

On behalf of the Santa Rosa City Council, I want to thank you for introducing AB 2228, which would allow local education agencies in the areas subject to the Governor's 2017 Wildfire Disaster Declaration, and who have experienced dislocation of student's families, to receive supplemental apportionment funding from the State based on their average daily attendance prior to the wildfires.

CHRIS COURSEY
Mayor

CHRIS ROGERS
Vice Mayor

In October 2017, an estimated 100,000 people evacuated their homes in Sonoma County during the North Bay firestorm. Thousands would return several days later to find their homes were gone. They were displaced from their homes, their neighborhoods and – for many children – from their schools as their families were forced out of the area to find somewhere to live. This translates to a deep impact for our local school district.

JULIE COMBS
ERNESTO OLIVARES
JOHN SAWYER
TOM SCHWEDHELM
JACK TIBBETTS

Within Santa Rosa, 800 students from with the school district lost their homes. Of those, 535 students had to move outside of the school district and 270 students moved outside of Sonoma County. It is anticipated that many more students will leave the school district at the end of the school year, as displaced families are currently getting by in transitional housing situations to avoid uprooting children from their schools mid-year. Additionally, for many families right now, the future and the timeline of their rebuild is still unknown. This means, there is no guarantee of when or if students will return to the district, and in the meantime our local schools will receive far less desperately needed funding based on lowered enrollment numbers. Schools in Lake County have only just this year returned to normal enrollment levels since the Valley Fire in 2015. Allowing for local education agencies impacted by a disaster to use pre-disaster enrollment figures, provides a necessary safety net for our local schools.

A resilient city has resilient schools, and so we thank you for your authorship of this bill. The City of Santa Rosa sincerely appreciates your efforts on this important issue.

Sincerely,

Chris Coursey
Mayor

CC: Santa Rosa City Council
The Honorable Mike McGuire, California State Senate
The Honorable Bill Dodd, California State Senate
The Honorable Marc Levine, California State Assembly
The Honorable Cecilia Aguiar-Curry, California State Assembly
Kyra Emanuels-Ross and David Jones, Emanuels Jones & Associates

**AB-2228 Education finance: school apportionments: wildfire mitigation.** (2017-2018)

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Date Published: 02/13/2018 09:00 PM

CALIFORNIA LEGISLATURE— 2017-2018 REGULAR SESSION

ASSEMBLY BILL**No. 2228**

Introduced by Assembly Member Wood
(Principal coauthors: Assembly Members Aguiar-Curry, Levine, and Limón)
(Principal coauthors: Senators Dodd and McGuire)

February 13, 2018

An act to add and repeal Section 46392.5 of the Education Code, relating to education finance, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2228, as introduced, Wood. Education finance: school apportionments: wildfire mitigation.

Existing law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula, as specified. Existing law provides that if the average daily attendance of a school district, county office of education, or charter school has been materially decreased during any fiscal year because of specified emergencies, that fact shall be established to the satisfaction of the Superintendent of Public Instruction by affidavits of the members of the governing board or body of the school district, county office of education, or charter school and the county superintendent of schools. Existing law requires the Superintendent to estimate the average daily attendance for the fiscal year in a manner that credits to the school district, county office of education, or charter school, for determining the apportionments to be made to it, approximately the total average daily attendance that would have been credited to the school district, county office of education, or charter school had the emergency not occurred. Existing law requires the Superintendent, on or before February 20 of each year, to make the first principal apportionment and, on or before July 2 of each year, to make the 2nd principal apportionment to each local educational agency.

This bill would require, if the average daily attendance of an eligible local educational agency has been materially decreased during the 2017-18, 2018-19, or 2019-20 fiscal years, the fact of a material decrease to be established to the satisfaction of the Superintendent by affidavits of the members of the governing board or body of the local educational agency and the county superintendent of schools. The bill, for purposes of these provisions, would define "eligible local educational agency" to mean a school district, county office of education, or charter school that is located within a county for which a state of emergency was declared by the Governor during the 2017 calendar year in response to wildfires, and, for purposes of these provisions, would define "material decrease" to mean a decrease in average daily attendance attributable to the dislocation of pupils'

families due to the conditions that led to the declaration of a state of emergency. The bill would require the Superintendent to estimate, for each fiscal year from the 2017–18 to 2019–20, inclusive, fiscal years, the total average daily attendance that would have been credited to the eligible local educational agency for purposes of receiving apportionments from the State School Fund had the emergency not occurred, excluding any average daily attendance credited pursuant to existing law. The bill would require the Superintendent to make a supplemental apportionment to an eligible local educational agency in an amount that credits to the eligible local educational agency the apportionment the eligible local educational agency would have received from the State School Fund based on the average daily attendance the eligible local educational agency lost, as adjusted according to a specified schedule. The bill would appropriate an amount sufficient to fulfill the purposes of these provisions from the General Fund to the Superintendent to be apportioned pursuant to these provisions, as specified. The bill would repeal these provisions on January 1, 2021.

Funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

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

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

SECTION 1. Section 46392.5 is added to the Education Code, to read:

46392.5. (a) If the average daily attendance of an eligible local educational agency has been materially decreased during the 2017–18, 2018–19, or 2019–20 fiscal year, the fact of that material decrease shall be established to the satisfaction of the Superintendent by affidavits of the members of the governing board or body of the local educational agency and the county superintendent of schools.

(b) For purposes of this section, the following definitions apply:

(1) "Eligible local educational agency" means a school district, county office of education, or charter school that is located within a county for which a state of emergency was declared by the Governor during the 2017 calendar year in response to wildfires.

(2) "Material decrease" means a decrease in average daily attendance attributable to the dislocation of pupils' families due to the conditions that led to the declaration of a state of emergency described in paragraph (1).

(c) The Superintendent shall estimate, for each fiscal year from the 2017–18 to 2019–20, inclusive, fiscal years, the total average daily attendance that would have been credited to the eligible local educational agency for purposes of receiving apportionments from the State School Fund had the emergency not occurred, excluding any average daily attendance credited pursuant to Section 46392.

(d) Notwithstanding any other law, the Superintendent shall make a supplemental apportionment to an eligible local educational agency in an amount that credits to the eligible local educational agency the apportionment the eligible local educational agency would have received from the State School Fund based on the average daily attendance the eligible local educational agency lost, as adjusted according to the following:

(1) For the 2017–18 fiscal year, 100 percent of the estimated average daily attendance the eligible local educational agency lost, as calculated pursuant to subdivision (c).

(2) For the 2018–19 fiscal year, 75 percent of the estimated average daily attendance the eligible local educational agency lost, as calculated pursuant to subdivision (c).

(3) For the 2019–20 fiscal year, 50 percent of the estimated average daily attendance the eligible local educational agency lost, as calculated pursuant to subdivision (c).

(e) (1) An amount sufficient to fulfill the purposes of making supplemental apportionments required by subdivision (d) for the 2017–18 and 2018–19 fiscal years is appropriated from the General Fund for the 2018–19 fiscal year to the Superintendent to be apportioned pursuant to subdivision (d) for those fiscal years.

(2) An amount sufficient to fulfill the purposes of making supplemental apportionments required by subdivision (d) for the 2019–20 fiscal year is appropriated from the General Fund for the 2019–20 fiscal year to the Superintendent to be apportioned pursuant to subdivision (d) for that fiscal year.

(f) (1) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (e) and allocated for the 2017–18 fiscal year shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section

41202, for the 2017–18 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2017–18 fiscal year.

(2) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (e) and allocated for the 2018–19 fiscal year shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the 2018–19 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2018–19 fiscal year.

(3) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (e) and allocated for the 2019–20 fiscal year shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the 2019–20 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2019–20 fiscal year.

(g) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.



March 23, 2018

The Honorable Cecilia Aguiar-Curry
California State Assembly
State Capitol, Room 5144
Sacramento, CA 95814

RE: AB 1772 – Support

Dear Assemblymember Aguiar-Curry,

On behalf of the Santa Rosa City Council, I want to thank you for introducing AB 1772, which would provide wildfire survivors an additional year to rebuild their homes and businesses after a catastrophic wildfire and collect the full replacement cost coverage to which they are entitled.

CHRIS COURSEY
Mayor

CHRIS ROGERS
Vice Mayor

JULIE COMBS
ERNESTO OLIVARES
JOHN SAWYER
TOM SCHWEDHELM
JACK TIBBETTS

Over 3,000 homes and 31 commercial properties were lost within the Santa Rosa city limits alone during the October 2017 wildfires that caused widespread devastation to several counties in the North Bay. The magnitude of the North Bay wildfires destruction is unprecedented, and experience from previous wildfires in the region already shows that two years is often insufficient time for survivors to rebuild their insured property. Large regional rebuild efforts place a significant strain on resources and contractors available to finish extensive amounts of work. Rebuild timelines for the North Bay fires of 2017 are expected to be just as, if not more, time consuming than rebuild efforts from the Butte and Valley Fires, which are still underway after more than 2 years. AB 1772 takes into consideration the hurdles of rebuilding after such massive destruction.

It is important to our City that our families and businesses are able to rebuild and stay in our community, but there must be laws in place that ensure they have the necessary time and ability to do so. Thank you for introducing this bill; we are grateful for your efforts on this issue.

Sincerely,

Chris Coursey
Mayor

CC: Santa Rosa City Council
The Honorable Mike McGuire, California State Senate
The Honorable Bill Dodd, California State Senate
The Honorable Marc Levine, California State Assembly
The Honorable Jim Wood, California State Assembly
Kyra Emanuels-Ross and David Jones, Emanuels Jones & Associates

**AB-1772 Fire insurance: indemnity.** (2017-2018)

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Date Published: 01/04/2018 09:00 PM

CALIFORNIA LEGISLATURE— 2017-2018 REGULAR SESSION

ASSEMBLY BILL**No. 1772**

**Introduced by Assembly Members Aguiar-Curry and Wood
(Principal coauthors: Assembly Members Levine and Limón)
(Principal coauthors: Senators Dodd and McGuire)
(Coauthor: Senator Jackson)**

January 04, 2018

An act to amend Section 2051.5 of the Insurance Code, relating to fire insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1772, as introduced, Aguiar-Curry. Fire insurance: indemnity.

Existing law defines the measure of indemnity for a loss under an open fire insurance policy and specifies time limits under which an insured must collect the full replacement cost of the loss. In the event of a loss relating to a state of emergency, as defined, existing law establishes a minimum time limit of not less than 24 months from the date that the first payment toward the actual cash value is made during which the insured may collect the full replacement cost of the loss, subject to the policy limit, as specified.

This bill would extend the minimum time limit during which an insured may collect the full replacement cost of a loss relating to a state of emergency to 36 months. The bill would also make technical changes.

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

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

SECTION 1. Section 2051.5 of the Insurance Code is amended to read:

2051.5. (a) (1) Under an open policy that requires payment of the replacement cost for a loss, the measure of indemnity is the amount that it would cost the insured to repair, rebuild, or replace the thing lost or injured, without a deduction for physical depreciation, or the policy limit, whichever is less.

If

(2) *If* the policy requires the insured to repair, rebuild, or replace the damaged property in order to collect the full replacement cost, the insurer shall pay the actual cash value of the damaged property, as defined in Section

2051, until the damaged property is repaired, rebuilt, or replaced. Once the property is repaired, rebuilt, or replaced, the insurer shall pay the difference between the actual cash value payment made and the full replacement cost reasonably paid to replace the damaged property, up to the limits stated in the policy.

(b) (1) Except as provided in paragraph (2), no time limit of less than 12 months from the date that the first payment toward the actual cash value is made shall be placed upon an insured in order to collect the full replacement cost of the loss, subject to the policy limit. Additional extensions of six months shall be provided to policyholders for good cause. In the event of a loss relating to a "state of emergency," as defined in Section 8558 of the Government Code, no time limit of less than ~~24~~ 36 months from the date that the first payment toward the actual cash value is made shall be placed upon the insured in order to collect the full replacement cost of the loss, subject to the policy limit. ~~Nothing in this section shall prohibit~~ *This section does not prohibit* the insurer from allowing the insured additional time to collect the full replacement cost.

(2) In the event of a covered loss relating to a state of emergency, as defined in Section 8558 of the Government Code, coverage for additional living expenses ~~shall be is~~ for a period of 24 months, but ~~shall be is~~ subject to other policy provisions, provided that ~~any an~~ extension of time required by this paragraph beyond the period provided in the policy ~~shall not act to~~ *does not* increase the additional living expense policy limit in force at the time of the loss. This paragraph shall become operative on January 1, 2007.

(c) In the event of a total loss of the insured structure, ~~no a~~ policy issued or delivered in this state ~~may~~ *shall not* contain a provision that limits or denies payment of the replacement cost in the event the insured decides to rebuild or replace the property at a location other than the insured premises. However, the measure of indemnity shall be based upon the replacement cost of the insured property and shall not be based upon the cost to repair, rebuild, or replace at a location other than the insured premises.

(d) ~~Nothing in this section shall prohibit~~ *This section does not prohibit* an insurer from restricting payment in cases of suspected fraud.

(e) ~~The changes made to this section by the act that added this subdivision shall be implemented by an insurer on and after the effective date of that act, except that an insurer shall not be required to modify policy forms to be consistent with those changes until July 1, 2005.~~ On and after July 1, 2005, all policy forms used by an insurer shall ~~reflect those changes.~~ *comply with this section.*



March 23, 2018

The Honorable Mike McGuire
California State Senate
State Capitol, Room 5061
Sacramento, CA 95814

RE: SB 897 – Support

Dear Senator McGuire,

On behalf of the Santa Rosa City Council, I want to thank you for introducing SB 897, which would create standards to expedite residential insurance claims after a Governor-declared disaster and allows survivors to start rebuilding their lives and homes.

CHRIS COURSEY
Mayor

CHRIS ROGERS
Vice Mayor

JULIE COMBS
ERNESTO OLIVARES
JOHN SAWYER
TOM SCHWEDHELM
JACK TIBBETTS

In the Santa Rosa City limits alone, 3,000 homes were completely destroyed during the October 2017 wildfires. Just hours after losing their homes, we witnessed thousands of our community members begin the burdensome process of preparing an exhaustive inventory of damaged property showing in detail the quantity, description, age, replacement costs, and amount of loss. For many, this process was required by their insurance companies to even begin the first steps in the recovery process immediately following the fires, and it was an emotionally taxing experience for those who had just endured the profound loss of their homes.

SB 897 would provide relief for disaster survivors in an area where we have witnessed some of the greatest levels of stress and exhaustion during the recovery, by requiring insurance companies to make an immediate advance payment of at least 25 percent of an insured's content policy limit and four months of their housing and living expenses upfront without an itemization list. Furthermore, for those who have struggled through the impossible task of creating their inventory lists, SB 897 would allow survivors to choose to accept no less than 80% of their contents policy limits without the itemization requirement.

California is facing a new reality when it comes to wildland fire disasters, and SB 897 is important in ensuring survivors can move quickly into recovery mode following a disaster in this new reality. Thank you for introducing this bill; we are grateful for your efforts on this issue.

Sincerely,

Chris Coursey
Mayor

CC: Santa Rosa City Council
The Honorable Bill Dodd, California State Senate
The Honorable Marc Levine, California State Assembly
The Honorable Jim Wood, California State Assembly
The Honorable Cecilia Aguiar-Curry, California State Assembly
Kyra Emanuels-Ross and David Jones, Emanuels Jones & Associates

**SB-897 Residential property insurance: wildfires.** (2017-2018)

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Date Published: 02/28/2018 09:00 PM

AMENDED IN SENATE FEBRUARY 28, 2018

CALIFORNIA LEGISLATURE— 2017-2018 REGULAR SESSION

SENATE BILL**No. 897****Introduced by Senators McGuire and Dodd
(Coauthors: Assembly Members Levine and Wood)****January 12, 2018**

An act to amend Section 2060 of, and to add Sections 2061 and 2062 to, the Insurance Code, relating to residential property insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 897, as amended, McGuire. Residential property insurance: wildfires.

Existing law defines the measure of indemnity for a loss under a property insurance policy. Existing law requires an insurer, in the event of a loss under a residential insurance policy for which the insured has made a claim for additional living expenses, to provide the insured with a list of items that the insurer believes may be covered under the policy as additional living expenses. Additionally, existing law provides that, in the case of a loss related to a declared state of emergency, an insurer provide coverage for living expenses for a period of 24 months, subject to the limitations of the policy.

This bill would specify that additional living expense coverage shall include all reasonable expenses incurred by the insured in order to maintain a comparable standard of living and would provide a list of expenses that shall be covered. The bill would also authorize an insured to collect, in lieu of additional living expenses, the fair rental value, as defined, of the dwelling that has suffered a loss.

This bill would require, for losses related to a declared state of emergency, that the insurer provide an advance payment for living expenses and an advance payment for contents, the insurer to accept an inventory of contents in any reasonable form permit the grouping of certain items in an inventory of contents, and offer a ~~settlement~~ **for payment of** no less than 80% of the policy limit for contents ~~in lieu of~~ **without** an itemized claim.

This bill would require an insurer to offer a 30-day grace period for payments of premiums for policies on property located within a declared state of emergency for a period of 30 days after the declaration of the emergency and would prohibit an insurer from canceling a policy for nonpayment or assessing a late fee during the grace period.

This bill would apply specified provisions retroactively to any applicable claim filed on or after July 1, 2017.

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

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

SECTION 1. Section 2060 of the Insurance Code is amended to read:

2060. (a) In the event of a ~~loss loss, as described in Section 675,~~ under a residential property insurance ~~policy~~ *policy, as defined in Section 10087,* for which the insured has made a claim for additional living expenses, the insurer shall provide the insured with a list, in writing, of items that the insurer believes may be covered under the policy as additional living expenses. The list may include a statement that the list is not intended to include all items covered under the policy, but only those that are commonly claimed, if this is the case. If the department develops a list for use by insurers, the insurer may use that list.

(b) Additional living expense coverage under a residential property insurance policy shall include reimbursement for all reasonable additional expenses incurred by the insured in order to maintain a comparable standard of living following a covered loss. These additional costs shall include, but not be limited to, housing, furniture rental, food, transportation, storage, and boarding of pets and livestock.

(c) Under a residential property insurance policy for which the insured has made a claim for additional living expenses, the insured may, at his or her option and in lieu of itemized expenses, choose to collect the monthly fair rental value of the dwelling for the duration of the time it is not inhabitable due to the covered loss, up to the limits of the policy. For purposes of this section, the fair rental value is the amount the insured dwelling could have demanded for rental in furnished condition at the time the claim is filed.

SEC. 2. Section 2061 is added to the Insurance Code, to read:

2061. In the event of a covered loss relating to a state of emergency, as defined in Section 8558 of the Government Code, the following special provisions shall apply:

(a) If an insured has made a claim for living expenses related to a total loss, an insurer shall, upon request by an insured, render an advance payment of no less than four months of living expenses or fair rental value. Insurers shall adopt a standard four-month additional living expense or fair rental payment amount. Additional payment for additional living expenses or fair rental value shall be payable upon proper proof following the advance period.

(b) If an insured has made a claim *for contents* related to a total loss of a primary residence, an insurer shall render an *initial* advance payment of no less than 25 percent of the policy limit for contents without the completion of an inventory. Additional payment for contents shall be payable upon request with proper proof.

(c) If an insured has made a claim for contents related to a total loss of a primary residence, an insurer shall not require that the insured use a company-specific inventory form if the insured can provide an inventory using a form that contains substantially the same information. Nothing in this subdivision limits the authority of an insurer to seek additional information from an insured upon receipt of an inventory form submitted by an insured.

(d) If an insured has made a claim for contents related to a total loss of a primary residence, an insurer shall accept an inventory that includes groupings of categories of personal property, including, but not limited to, clothing, shoes, books, food items, CDs, DVDs, or other categories of items for which it would be impractical to separately list each individual item claimed.

(e) If an insured has made a claim *for contents* related to a total loss of a primary residence, the insurer ~~shall, upon the request of the insured, offer a settlement for~~ *shall offer* no less than 80 percent of the policy limit for contents ~~in lieu of~~ *without* requiring the insured to file an itemized claim. ~~A settlement made pursuant to this subdivision shall release the insurer from any further indemnity for loss of contents related to the claim. The insurer shall notify the insured that the insured retains the option to recover additional benefits if the insured subsequently completes a full inventory.~~

SEC. 3. Section 2062 is added to the Insurance Code, to read:

2062. In the event of a state of emergency, as defined in Section 8558 of the Government Code, an insurer shall grant a 30-day grace period for payment of premiums for residential property insurance policies covering a property located within the affected area defined in the state of emergency for a period of 30 days after the emergency. During the grace period, a policy may not be canceled for nonpayment of a premium and a late fee shall not be assessed.

SEC. 4. The provisions of this bill are severable. If any provision of this bill or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 5. Section 2 of this bill, and the amendatory provisions of Section 1 of this bill, shall be applied retroactively to any applicable claim filed on or after July 1, 2017.



March 23, 2018

The Honorable Bill Dodd
California State Senate
State Capitol, Room 5064
Sacramento, CA 95814

RE: SB 969 – Support

Dear Senator Dodd,

On behalf of the Santa Rosa City Council, I want to thank you for introducing SB 969, which would require garage door openers sold in the state on or after January 1, 2019 to include a backup battery.

CHRIS COURSEY
Mayor

CHRIS ROGERS
Vice Mayor

JULIE COMBS
ERNESTO OLIVARES
JOHN SAWYER
TOM SCHWEDHELM
JACK TIBBETTS

Santa Rosa was among a number of North Bay jurisdictions deeply impacted by the most destructive wildfire in state history in October 2017. Within the Santa Rosa city limits, 9 human lives were lost and over 3,000 homes were destroyed. Tens of thousands of residents evacuated their homes in the middle of the night on October 8th, after the fires first entered our City. That night intense winds and numerous power outages created a very difficult evacuation situation. As utility lines fell and residents were left without electricity, residents found themselves struggling to get out of their garages during evacuations. SB 969 would ensure that a backup plan to aide with this issue exists, so that residents can quickly evacuate their homes by vehicle during a disaster when power failure is also likely.

Now more than ever, we know we must be prepared for the next disaster in California, and SB 969 would help guide our community with that preparedness. Thank you for introducing this bill; we are grateful for your efforts on this issue.

Sincerely,

Chris Coursey
Mayor

CC: Santa Rosa City Council
The Honorable Mike McGuire, California State Senate
The Honorable Marc Levine, California State Assembly
The Honorable Jim Wood, California State Assembly
The Honorable Cecilia Aguiar-Curry, California State Assembly
Kyra Emanuels-Ross and David Jones, Emanuels Jones & Associates



SB-969 Automatic garage door openers: backup batteries. (2017-2018)

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Date Published: 01/31/2018 09:00 PM

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL

No. 969

**Introduced by Senator Dodd
(Coauthor: Assembly Member Aguiar-Curry)**

January 31, 2018

An act to amend Section 19891 of, and to add Section 19892 to, the Health and Safety Code, relating to automatic garage door openers.

LEGISLATIVE COUNSEL'S DIGEST

SB 969, as introduced, Dodd. Automatic garage door openers: backup batteries.

Existing law requires an automatic garage door opener that is manufactured for sale, purchased, sold, offered for sale, or installed in a residence to comply with specified safety requirements, including that the automatic garage door opener have an automatic reverse safety device.

This bill would also require an automatic garage door opener that is manufactured for sale, purchased, sold, offered for sale, or installed in a residence to have a battery backup function that is designed to operate when activated by an electrical outage. The bill would make a violation of those provisions subject to a civil penalty of \$1,000.

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

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

SECTION 1. Section 19891 of the Health and Safety Code is amended to read:

19891. (a) In addition to any other remedies permitted by law, any violations of subdivision (a), (b), or (c) of Section 19890 *or Section 19892* shall be subject to a civil penalty of one thousand dollars (\$1,000) per opener installed, manufactured, sold, or offered for sale which is not in compliance with Section ~~19890~~, *19890 or Section 19892*.

(b) In addition to any other remedies permitted by law, any violations of subdivision (d) or (h) of Section 19890 shall be subject to a civil penalty of five hundred dollars (\$500) per opener installed and operational, that is not in compliance with Section 19890.

(c) In addition to any other remedies permitted by law, a seller who violates the notice requirements of Section 1102.6 of the Civil Code, relating to automatic garage door openers, shall be subject to a civil penalty of five hundred dollars (\$500).

(d) Court proceedings may be initiated by the building department of the local agency with jurisdiction over enforcement of building standards, by affected consumers, or by the district attorney. Civil penalties assessed shall be payable to the local agency initiating the proceedings to enforce this chapter to offset the costs to the agency related to court proceedings. If an affected consumer initiates the proceeding, the civil penalties shall be payable to the consumer.

SEC. 2. Section 19892 is added to the Health and Safety Code, to read:

19892. (a) On or after January 1, 2019, no person, corporation, or entity shall manufacture for sale in this state, purchase, sell, offer for sale at retail or wholesale, or install in this state a residential automatic garage door opener that does not have a battery backup function that is designed to operate when activated by an electrical outage. *The battery backup function shall operate in a manner so that the automatic garage door opener is operational without interruption during an electrical outage.*

(b) This section applies to all automatic garage door openers manufactured and sold for use in any residence, automatic garage door openers manufactured for commercial purposes but sold for or installed in a residence because the commercial opener was necessary to meet the specific application requirements of that installation, and other residential applications of automatic garage door openers manufactured for commercial purposes.

(c) On or after January 1, 2019, no replacement residential garage door opener shall be installed in a manner that connects the replacement door to an existing residential automatic garage door opener that does not meet the requirements set forth in subdivision (a), regardless of the date of manufacture of the residential automatic garage door.



March 23, 2018

The Honorable Mike McGuire
California State Senate
State Capitol, Room 5061
Sacramento, CA 95814

RE: SB 833 – Support

Dear Senator McGuire,

On behalf of the Santa Rosa City Council, I want to thank you for introducing SB 833, which would standardize the protocols for issuing emergency alerts across the state including; standardized alert system software, notification protocols, ongoing training requirements and red alert system protocols and standards.

CHRIS COURSEY
Mayor

CHRIS ROGERS
Vice Mayor

JULIE COMBS
ERNESTO OLIVARES
JOHN SAWYER
TOM SCHWEDHELM
JACK TIBBETTS

SB 833 will require consistency in procedures between state and local agencies across California, and ensure that local agencies are equipped with the protocols, technology and training imperative to effectively alert the public of an emergency. The bill would also require coordination with the Governor's Office of Emergency Services (Cal OES) each time a local emergency alert is issued, so that (Cal OES) can then utilize the state-level emergency notification system to relay the alert. This proposed procedure would provide for significant amplification of an emergency notification, providing the ability to relay that notification across multiple additional platforms, such as digital highway signs, radio, television, or other technologies, as appropriate.

SB 833 is part of the solution needed to create an effective alerting system that encompasses multiple platforms to ensure we reach every community member possible during dynamic emergency situations such as the unrepresented ones faced in 2017.

Now more than ever, we know we must be prepared for the next disaster in California. Preparation, so that we can protect our community during future emergencies, is a top priority for our City. SB 833 would help to ensure that local agencies have the resources needed for proper planning, training and equipment. Thank you for introducing this bill; we are grateful for your efforts on this issue.

Sincerely,

Chris Coursey
Mayor

CC: Santa Rosa City Council
The Honorable Bill Dodd, California State Senate
The Honorable Marc Levine, California State Assembly
The Honorable Jim Wood, California State Assembly
The Honorable Cecilia Aguiar-Curry, California State Assembly
Kyra Emanuels-Ross and David Jones, Emanuels Jones & Associates

**SB-833 Emergency alerts: evacuation orders: operators.** (2017-2018)

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Date Published: 01/04/2018 09:00 PM

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL**No. 833**

Introduced by Senators McGuire, Dodd, and Hill
(Principal coauthors: Assembly Members Aguiar-Curry, Levine, and Wood)

January 04, 2018

An act to add Sections 8588.4 and 8594.6 to the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, as introduced, McGuire. Emergency alerts: evacuation orders: operators.

The California Emergency Services Act establishes the Office of Emergency Services (OES) in the office of the Governor and provides that OES is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. The act also provides for systems for the public dissemination of alerts regarding missing children, attacks upon law enforcement officers, and missing persons who are 65 years of age or older, among others, and requires the Department of the California Highway Patrol to activate these systems and issue alerts upon the request of a law enforcement agency if certain conditions are met.

This bill would provide for a red alert system designed to issue and coordinate alerts following an evacuation order, as specified. The bill would require the red alert system to incorporate a variety of notification resources and developing technologies that may be tailored to the circumstances and geography of the underlying evacuation, as appropriate. The bill would require a local government agency or state agency that uses the federal Wireless Emergency Alert (WEA) system to alert a specified area of an evacuation order to use the term "red alert" in the alert and notify OES of the alert.

The bill would further require, on or before January 1, 2019, OES to both include a red alert link on its Internet Web site and establish standards, guidelines, and procedures for the red alert system. On or before July 1, 2019, the bill would require OES to both ensure that each emergency management office within a county or city is a registered WEA operator and has up-to-date WEA software and equipment. The bill also would require OES to ensure that emergency management personnel trained on the WEA system receive yearly training in WEA software and equipment operation.

The bill, upon appropriation by the Legislature, would require an emergency management office within a county or city and county to be provided moneys for the purposes of implementing this provision. The bill also would authorize the state and local government agencies to receive in-kind contributions or donations from the private

sector, or grant funds from the federal government for this provision. By increasing the duties of local governments, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. The Legislature finds and declares as follows:

(a) The size and scope of wildland fires in California have grown significantly over the past decade. These disasters have put the lives of millions at risk and the need to alert residents of danger from these unprecedented disasters has never been greater.

(b) While opt-in emergency alert systems, such as Nixel, are critical to the safety of residents, it has become clear that the state must develop an emergency alert system that is deployed to all residents on multiple communication mediums and not just to those who subscribe to opt-in systems.

(c) The Northern California firestorm of 2017 is the most destructive and deadly wildland fire disaster in American history.

(d) The death toll from blazes in northern California remains at 44 people, including 24 people in the County of Sonoma, nine people in the County of Mendocino, seven people in the County of Napa, and four people in the County of Yuba.

(e) About 170,000 acres were burned in the northern California fires.

(f) The Southern California wildfires of December 2017, including the Thomas Fire, burned over 307,000 acres.

(g) The Thomas Fire is the largest wildland fire in California's modern history, burning at least 281,620 acres.

(h) The federal Wireless Emergency Alert (WEA) system is a public safety system that allows customers who own certain wireless telephones and other enabled mobile devices to receive geographically targeted, text-like messages alerting them of imminent threats to safety in their area. The WEA system was established in 2008 pursuant to the federal Warning, Alert, and Response Network (WARN) Act and became operational in 2012. Since then, over 21,000 WEA alerts have been issued.

(i) Authorized national, state, or local government authorities may send alerts regarding public safety emergencies—such as evacuation orders or shelter-in-place orders due to severe weather, a terrorist threat, or chemical spill—using WEA.

(j) The alerts from authenticated public safety officials are sent through the Federal Emergency Management Agency's (FEMA's) Integrated Public Alert and Warning System (IPAWS) to participating wireless carriers, which then push the alerts to mobile devices in the affected area.

(k) It is the intent of the Legislature that every tool be used to prevent another catastrophe like the north coast firestorm.

SEC. 2. Section 8588.4 is added to the Government Code, to read:

8588.4. (a) On or before July 1, 2019, the Office of Emergency Services (OES) shall ensure both of the following:

(1) That each emergency management office within a county or city and county is a registered federal Wireless Emergency Alert (WEA) operator.

(2) That each emergency management office within a county or city and county has functional, up-to-date WEA software or state-sanctioned equivalent software along with suitable ancillary equipment needed to operate the WEA system or state-sanctioned equivalent emergency alert software.

(b) The Office of Emergency Services shall ensure that the personnel of each emergency management office within a county that are trained on the WEA system receive training in WEA equipment and software operation at least once each year.

SEC. 3. Section 8594.6 is added to the Government Code, to read:

8594.6. (a) For purposes of this section, "red alert" system means a quick response system designed to issue and coordinate alerts following an evacuation order.

(b) The red alert system shall incorporate a variety of notification resources and developing technologies that may be tailored to the circumstances and geography of the underlying evacuation. The red alert system shall utilize the state-utilized emergency notification systems, including but not limited to, local digital signs, radio, television, focused text, automated emergency notification systems, or other technologies, as appropriate, in addition to the federal Wireless Emergency Alert (WEA) system, if authorized and under conditions permitted by the federal government.

(c) A local government agency or state agency that uses the federal WEA system to alert a specified area of an evacuation order shall both use the term "red alert" in the alert and notify the Office of Emergency Services of the alert. Upon receiving this notification, the Office of Emergency Services shall utilize the state-utilized emergency notification systems, including, but not limited to, local digital signs, radio, television, focused text, or other technologies, as appropriate, in addition to the federal WEA system for the alert.

(d) When the emergency management office within a county or city and county uses the federal WEA system to alert a specified area of an evacuation order, the emergency management office shall also send an equivalent alert to all landline phones within that specified area.

(e) On or before January 1, 2019, the Office of Emergency Services shall augment the office's public Internet Web site to include a red alert link that describes the red alert process, objectives, and available quick responses. The Internet Web site shall explain that the term "red alert" will communicate that an evacuation is underway and that the scope of an alert will be tailored to the circumstances of the evacuation and available technologies.

(f) On or before January 1, 2019, the Office of Emergency Services shall establish the following for the red alert system:

- (1) Standards for when counties should use and deploy the system.
- (2) Guidelines and protocols for when and how the alerts should be sent.
- (3) Guidelines for sending alerts to cell phones and landline phones.
- (4) Procedures for verifying, initiating, modifying, and canceling alerts transmitted via an alert system.
- (5) Guidelines for the technical capabilities of an alert system.
- (6) Guidelines for the technical capability that provides for the priority transmission of alerts.
- (7) Guidelines for other capabilities of an alert system.
- (8) Standards for equipment and technologies used by an alert system.
- (9) Cost estimates for technology purchasing.

(g) Upon appropriation by the Legislature, an emergency management office within a county or city and county shall be provided moneys for the purpose of implementing this section. The state and local government agencies also may receive in-kind contributions or donations from the private sector, or grant funds from the federal government, for these purposes.

(h) This section shall not be construed to limit the ability of emergency management offices or other WEA operators to use the WEA system for other emergency purposes.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



March 23, 2018

The Honorable Bill Dodd
California State Senate
State Capitol, Room 5064
Sacramento, CA 95814

RE: SB 894 – Support

Dear Senator Dodd,

On behalf of the Santa Rosa City Council, I want to thank you for introducing SB 894, which would extend the timeframe that survivors have to collect their full replacement costs from their insurance companies, allows for coverage for additional living expenses (ALE) for no less than 36 months for a loss relating to a state of emergency, and enables survivors to decide how best to allocate insurance proceeds based upon their individual needs.

CHRIS COURSEY
Mayor

CHRIS ROGERS
Vice Mayor

JULIE COMBS
ERNESTO OLIVARES
JOHN SAWYER
TOM SCHWEDHELM
JACK TIBBETTS

Over 3,000 homes were lost within the Santa Rosa city limits alone during the October 2017 wildfires that caused widespread devastation to several counties in the North Bay. We have seen firsthand in our City, the insurance related issues for survivors such as underinsurance and inadequate rebuilding timelines for catastrophic events. The magnitude of the North Bay wildfires destruction is unprecedented, and experience from previous wildfires in the region already shows that two years is often an unrealistic timeline for rebuilding an insured property.

SB 894 would ensure that a property owner does not lose their coverage during their rebuild, should it take longer than two years to complete. Additionally, currently a majority of our community members have up to 24 months of ALE coverage from their insurance provider. By making the new minimum 36 months, this too would enable a survivor adequate time to complete their rebuild without the potential burden of having to pay for rent out of pocket. SB 894 would also allow a survivor greater flexibility in determining how best to combine policy limits, and the ability to use the combined amount for any of the covered purposes.

It is important to our City that our residents are able to rebuild and stay in our community, but there must be laws in place that ensure they have the necessary time and ability to do so. Thank you for introducing this bill; we are grateful for your efforts on this issue.

Sincerely,

Chris Coursey
Mayor

CC: Santa Rosa City Council
The Honorable Mike McGuire, California State Senate
The Honorable Marc Levine, California State Assembly
The Honorable Jim Wood, California State Assembly
The Honorable Cecilia Aguiar-Curry, California State Assembly
Kyra Emanuels-Ross and David Jones, Emanuels Jones & Associates


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SB-894 Property insurance. (2017-2018)

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Date Published: 03/08/2018 09:00 PM

AMENDED IN SENATE MARCH 08, 2018

AMENDED IN SENATE FEBRUARY 26, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL

No. 894

**Introduced by Senators Dodd and McGuire
(Coauthor: Assembly Member Levine)**

January 12, 2018

An act to amend Sections 675.1 and 2051.5 of, and to add Section 10103.7 to, the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 894, as amended, Dodd. Property insurance.

Existing law requires an insurer, in the case of a total loss to the primary insured structure under a policy of residential property insurance, to offer to renew the policy at least once if the loss to the primary insured structure was caused by a disaster, as defined, and was not also due to the negligence of the insured, except as specified.

This bill would instead require the insurer to offer to renew the policy for at least the next 2 annual renewal periods or 24 months, whichever is greater. The bill would require an insurer who decides not to offer to renew a policy after the expiration of that period to report the decision to not offer to renew the policy to the Insurance Commissioner. The bill would require an insurer who, within 5 years after the declaration of a disaster, decides that it will not offer, or offer to renew, any residential policies described above for coverage of loss to structures located in the declared disaster area, to report that decision to the commissioner.

Existing law defines the measure of indemnity for a loss under a property insurance policy and specifies time limits under which an insured must collect the full replacement cost of the loss. Existing law prohibits a property insurance policy issued or delivered in the state from limiting or denying payment of the replacement cost of property in the event the insured decides to rebuild or replace the property at a location other than the insured premises. Existing law provides that coverage for additional living expenses incurred due to a covered loss relating to a state of emergency shall be for a period of 24 months.

This bill would increase from 24 months to no less than 36 months, the minimum coverage for additional living expenses in the case of a loss relating to a declared state of emergency, and would allow extensions of 6 months for good cause.

This bill would require an insurer to allow an insured that has suffered a loss relating to a declared state of emergency to combine the policy limits for primary dwelling, other structures, contents, and additional living expenses, and to use the combined amount for any of the covered purposes.

The bill would make certain provisions of the bill retroactive to any applicable claim filed on or after July 1, 2017. The bill would provide that the provisions of the bill are severable.

The bill would make other technical, nonsubstantive changes.

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

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

SECTION 1. Section 675.1 of the Insurance Code is amended to read:

675.1. In the case of a total loss to the primary insured structure under a residential policy subject to Section 675, the following provisions apply:

(a) If reconstruction of the primary insured structure has not been completed by the time of policy renewal, the insurer, prior to or at the time of renewal, and after consultation by the insurer or its representative with the insured as to what limits and coverages might or might not be needed, shall adjust the limits and coverages, write an additional policy, or attach an endorsement to the policy that reflects the change, if any, in the insured's exposure to loss. The insurer shall adjust the premium charged to reflect any change in coverage.

(b) The insurer shall not cancel coverage while the primary insured structure is being rebuilt, except for the reasons specified in subdivisions (a) to (e), inclusive, of Section 676. The insurer shall not use the fact that the primary insured structure is in damaged condition as a result of the total loss as the sole basis for a decision to cancel the policy pursuant to subdivision (e) of that section.

(c) (1) Except for the reasons specified in subdivisions (a) to (e), inclusive, of Section 676, the insurer shall offer, for at least the next two annual renewal periods ~~or 24 months, whichever is greater,~~ *but no less than 24 months of coverage from the date of the loss* to renew the policy in accordance with the provisions of subdivision (a) if the total loss to the primary insured structure was caused by a disaster, as defined in subdivision (b) of Section 1689.14 of the Civil Code, and the loss was not also due to the negligence of the insured.

(2) If an insurer does not offer to renew a policy after the expiration of the period described in paragraph (1), the insurer shall report the decision to not offer to renew the policy to the commissioner.

(3) If an insurer, within five years after the declaration of a disaster, as defined in subdivision (b) of Section 1689.14 of the Civil Code, decides that it will not offer, or offer to renew, any residential policies described in this section for coverage of loss to structures located in the declared disaster area, the insurer shall report that decision to the commissioner.

(d) With respect to policies of residential earthquake insurance, the California Earthquake Authority, or any insurer, including a participating insurer, as defined in subdivision (i) of Section 10089.5, may defer its initial implementation of this section until no later than October 1, 2005.

(e) With respect to a residential earthquake insurance policy issued by the California Earthquake Authority, the following provisions apply:

(1) The participating insurer that issued the underlying policy of residential property insurance on the primary insured structure shall consult with the insured as to what limits and coverages might or might not be needed as required by subdivision (a).

(2) The California Earthquake Authority, in lieu of meeting the requirements of subdivision (a), shall establish procedures and practices that allow it to reasonably accommodate the needs and interests of consumers in maintaining appropriate earthquake insurance coverage, within the statutory and regulatory limitations on the types of insurance coverages and the coverage limits of the policies that the authority may issue.

SEC. 2. Section 2051.5 of the Insurance Code is amended to read:

2051.5. (a) Under an open policy that requires payment of the replacement cost for a loss, the measure of indemnity is the amount that it would cost the insured to repair, rebuild, or replace the thing lost or injured, without a deduction for physical depreciation, or the policy limit, whichever is less.

If the policy requires the insured to repair, rebuild, or replace the damaged property in order to collect the full replacement cost, the insurer shall pay the actual cash value of the damaged property, as defined in Section 2051, until the damaged property is repaired, rebuilt, or replaced. Once the property is repaired, rebuilt, or replaced, the insurer shall pay the difference between the actual cash value payment made and the full replacement cost reasonably paid to replace the damaged property, up to the limits stated in the policy.

(b) (1) Except as provided in paragraph (2), no time limit of less than 12 months from the date that the first payment toward the actual cash value is made shall be placed upon an insured in order to collect the full replacement cost of the loss, subject to the policy limit. Additional extensions of six months shall be provided to policyholders for good cause. In the event of a loss relating to a "state of emergency," as defined in Section 8558 of the Government Code, no time limit of less than 24 months from the date that the first payment toward the actual cash value is made shall be placed upon the insured in order to collect the full replacement cost of the loss, subject to the policy limit. Nothing in this section shall prohibit the insurer from allowing the insured additional time to collect the full replacement cost.

(2) In the event of a covered loss relating to a state of emergency, as defined in Section 8558 of the Government Code, coverage for additional living expenses shall be for a period of no less than 36 months from the inception of the loss, but shall be subject to other policy provisions. Additional extensions of six months shall be provided to policyholders for good cause.

(c) In the event of a total loss of the insured structure, no policy issued or delivered in this state may contain a provision that limits or denies payment of the replacement cost in the event the insured decides to rebuild or replace the property at a location other than the insured premises. However, the measure of indemnity shall be based upon the replacement cost of the insured property and shall not be based upon the cost to repair, rebuild, or replace at a location other than the insured premises.

(d) Nothing in this section shall prohibit an insurer from restricting payment in cases of suspected fraud.

SEC. 3. Section 10103.7 is added to the Insurance Code, to read:

10103.7. In the event of a covered loss relating to a state of emergency, as defined in Section 8558 of the Government Code, an insured under a residential property insurance policy shall be permitted to combine the policy limits for the primary dwelling, other structures, contents, and additional living expenses. If the insured chooses this option, the insured may use these combined limits for any of the covered expenses reasonably necessary to rebuild or replace the damaged or destroyed dwelling, other structures, or contents, or for additional living expenses.

SEC. 4. *The provisions of this bill are severable. If any provision of this bill or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.*

SEC. 5. *Paragraph (1) of subdivision (c) of Section 675.1 of the Insurance Code, as amended by this bill, and paragraph (2) of subdivision (b) of Section 2051.5 of the Insurance Code, as amended by this bill, shall be applied retroactively to any applicable claim filed on or after July 1, 2017.*