



SPONSOR: Sen. Huxtable & Rep. K. Johnson
Sens. Buckson, Hansen, Sturgeon; Reps. Berry, Dukes,
Gorman, Griffith

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 310
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO THE DELAWARE DISASTER RECOVERY FUND.

WHEREAS, there is currently no state program nor funding source available in Delaware to assist individuals and families displaced by extreme events that do not meet the threshold for federal disaster declarations; and

WHEREAS, the time between the occurrence of a disaster and the distribution of federal aid can be significant, leaving communities in prolonged states of recovery and forcing families to endure unsafe or unstable living conditions; and

WHEREAS, when disasters do not meet federal declaration thresholds, state and local agencies must rely on alternative strategies to address the needs of affected citizens; and

WHEREAS, there are ongoing discussions and wide-spread uncertainty at the Federal Level to change recovery programs; and

WHEREAS, changing climate conditions, including rising sea levels and an increasing frequency of severe weather events, place Delaware's communities at heightened risk due to the state's low elevation and extensive coastline; and

WHEREAS, these increasingly frequent and severe weather events place additional strain on housing stability and affordability and intensify the challenges communities face during disaster recovery; and

WHEREAS, support for community-driven recovery efforts is paramount for community rebuilding; and

WHEREAS, it is imperative that post-disaster recovery efforts prioritize not only the immediate and interim needs of disaster survivors but also the development of affordable, durable, and sustainable solutions that strengthen communities against future disasters; and

WHEREAS, Delaware has experienced significant weather events including Hurricane Ida in 2021 and the Greenwood Tornado in 2023, which resulted in substantial damage to 547 homes between these events alone; and

WHEREAS, Delaware is already facing an affordable housing crisis, and the addition of displaced individuals and families in the aftermath of a disaster would exacerbate this issue, overwhelming existing resources and further jeopardizing the stability and well-being of affected communities; and

WHEREAS, the absence of a structured recovery program hinders the ability to effectively manage localized disasters that do not qualify for federal assistance, necessitating the creation of a state-level mechanism to fill this gap and provide essential recovery support; and

WHEREAS, state-led disaster recovery initiatives have been demonstrated to reduce long-term dependency on federal aid programs by expediting housing repairs, mitigating displacement, and fostering local economic resilience, thereby decreasing overall recovery costs for both the state and federal government.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 31, Title 20 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§3102. Definitions.

As used in this chapter:

() “Interim Housing” means housing that disaster survivors may occupy in the time between leaving an emergency shelter and returning to their long-term, permanent homes.

() “Long-Term Housing”, also referred to as “permanent housing”, is the final housing phase, when disaster survivors move back into their repaired homes or attain another form of resilient long-term housing.

() “Long-Term Recovery” means the process required to reestablish steady-state operations after a disaster by addressing the sustained needs of individuals, families, and the community. Long-term recovery activities may include rebuilding homes and public infrastructure; providing financial assistance for households, businesses, and local governments; restoring natural and cultural resources; implementing economic and workforce development programs; redesigning of local codes and ordinances to mitigate damage from future events; and implementing community development initiatives.

() “Recovery” means the restoration, strengthening and revitalization of infrastructure, housing, and economy, as well as the health, social, cultural, historic, and environmental fabric of communities affected by an incident, generally after response operations conclude. State and local governments may organize around key functional areas of assistance to facilitate problem solving; improve access to resources; and foster ongoing communication among public agencies, non-

governmental partners, and other interested parties. Recovery could be further broken down into “short-term recovery” and “long-term recovery” phases depending on the scale and scope of disaster.

() “Recovery Advisory Council” or “RAC” is a group of key stakeholders, led by the Director of the Delaware Emergency Management Agency (“DEMA”), who convene to oversee the distribution of Delaware Disaster Recovery Funds. The RAC ensures a method of checks and balances, equity, and impartiality. Its duties include permitting fund activation; eliminating redundancies and risk of benefit duplications; and administering an appeals process.

() “Sheltering” means providing a safe, sanitary, secure place for disaster survivors to stay before, during, or immediately after a disaster.

() “Short-Term Recovery” means any action or effort that enables the transition between response and long-term recovery actions. Short-term recovery activities focus on stabilizing a post-disaster situation, ensuring the continued safety of survivors, and facilitating the start of long-term restoration and reconstruction. Activities may include debris removal; interim housing assistance; emergency repairs; establishing reliable sources of food, water, and medical care; and the restoration of critical services such as electricity, transportation, and communication networks.

Section 2. Amend Chapter 31, Title 20 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

CHAPTER 31. EMERGENCY MANAGEMENT

SUBCHAPTER VII. DISASTER RECOVERY

§3160. Declaration of purpose.

The General Assembly hereby declares that it serves a purpose and is of benefit to the State and therefore any affected political subdivisions, to establish a post-disaster recovery fund that supports a coordinated approach to meeting the additional hardships imposed by disasters on Delaware residents and community needs through short-term and long-term recovery processes.

§3161. Delaware Disaster Recovery Fund.

The Delaware Disaster Recovery Fund (“Fund”) is hereby established to provide disaster recovery assistance to Delaware residents and local governments affected by disasters.

(a) Fund Objectives. The Fund provides means for program creation within the following areas:

(1) Short-term recovery needs, including funding for food, supplies, and replacements for items such as medication costs and durable medical equipment and supplies.

(2) Provision of interim housing assistance for individuals and families transitioning from emergency shelters but unable to return to their permanent homes. Assistance may include temporary rental subsidies, relocation support, access to modular housing solutions, and emergency repair funding.

(3) Support for the repair, restoration, reconstruction, or replacement of occupied damaged or destroyed homes. All housing supported under this paragraph must incorporate accessibility features and reasonable modifications necessary to ensure safe and functional use by individuals with disabilities, consistent with applicable state and federal law.

(4) Assistance in addressing gaps in insurance coverage, to include deductible coverage assistance.

(5) Prioritization of health and safety issues to ensure housing remains habitable for impacted residents.

(6) Support for long-term recovery initiatives that go beyond immediate repairs, focusing on rebuilding stronger, more resilient communities that are better prepared for future disasters. This support may include upgrades to infrastructure, hazard mitigation efforts, and resilience planning.

(b) Programmatic Components.

(1) The Fund may consist of any appropriations, grants, gifts, contributions, or revenues received by the Fund from any source, public or private.

(2) The Fund shall be divided into at least 2 components:

a. DEMA Recovery and Resilience Program: Previously existing as Executive Order #44, the Delaware Resilience Fund, this program will receive funding to focus on recovery initiatives, including interim housing not covered by insurance or other programs; equipment needed to assist community in recovery, such as pumps, rental equipment, dumpsters, or tarps, or emergency debris removal.

b. DSHA Housing Recovery Program: This program will receive funding to address housing recovery needs, including the repair, reconstruction, or restoration of the affected area's housing stock.

(3) The programmatic components of the Fund may eventually be reorganized to include additional lead agencies as assigned by DEMA with concurrence from the RAC.

(c) Fund Administration.

(1) The fund will be administered in accordance with the guidelines established by the RAC to ensure alignment with the Fund's overarching objectives.

(2) Program managers shall establish application periods for Fund assistance, ensuring alignment with disaster recovery timelines and public need.

(3) Governance and Oversight

a. A designated Advisory Council, hereafter known as the Recovery Advisory Council, or RAC, is established to maintain oversight of the Fund.

b. The fund will be activated by the Director of DEMA with the concurrence of the RAC.

c. The RAC will administer an appeals process, eliminate redundancies, promote transparency, facilitate coordination, and offer strategic guidance.

d. The RAC will convene to inaugurate bylaws within 90 days of establishment of the Fund.

(4) Program Monitoring and Reporting

a. Program managers must submit a report to the General Assembly within 90 days of the Fund's activation detailing fund expenditures, application processing, and program outcomes.

1. Program managers must submit a second report within 180 days after the Fund's activation.

2. Program managers must submit an annual report at the close of every fiscal year regardless of Fund activation. Reports must include data, to the extent practicable, on assistance provided to individuals with disabilities.

b. Each program manager shall establish performance metrics to assess the effectiveness of funded programs and identify areas for improvement.

c. Program managers will promote transparency and accountability in fund administration.

(5) Compliance and Accountability

a. Agencies administering the Fund must ensure compliance with state regulations. All programs, application processes, and appeals procedures must be accessible and provide reasonable accommodations in accordance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

b. The RAC shall develop an appeals process for applicants denied assistance under the Fund and provide final adjudication within a predetermined number of days as set in the bylaws.

(d) Mitigation and Preparedness Projects.

(1) The RAC shall establish prescribed impetuses for allowing fund expenditures on mitigation or preparedness projects, including any of the following:

a. A dollar amount threshold beyond which funds may be spent on mitigation or preparedness projects.

b. A minimum time period of at least 1 year, beyond which, if funds are not expended for the purposes outlined in subsection (a) of this section, funds may be spent on mitigation or preparedness projects.

(2) Funding may be appropriated for any of the following activities, with guidance from the RAC:

a. Disaster risk reduction, hazard mitigation projects, and community resilience initiatives.

b. A "match" or "cost share" for costs associated with federal or private mitigation or preparedness grant dollars for state, county, or municipal initiatives that align with the intent of the Fund, provided that any match or cost share from the Fund supplements but does not replace other existing resources available to the requesting jurisdiction.

(3) The fund may not be wholly depleted via mitigation or preparedness efforts. When considering preparedness and mitigation project allocations, the RAC shall determine a minimum reserve which must remain in the Fund to facilitate prioritization of recovery activities.

(4) The money in the Fund does not revert to the General Fund.

§3162. Establishment of a Recovery Advisory Council.

(a) The RAC will convene biannually, upon activation request, and when post-disaster assistance requests exceed the available balance of the Fund. The RAC may convene additionally in accordance with its bylaws.

(b) The RAC will consist of the following voting members:

(1) The Director of the Delaware Emergency Management Agency or the Director's designee.

(2) The Director of the Delaware State Housing Authority or the Director's designee.

(3) The State Hazard Mitigation Officer (SHMO).

(4) The Director of the Sussex County Emergency Management Agency or the Director's designee.

(5) The Director of the Kent County Emergency Management Agency or the Director's designee.

(6) The Director of the New Castle County Emergency Management Agency or the Director's designee.

(7) The Delaware Department of Health and Social Services (DHSS) Disaster Coordinator or the Coordinator's designee.

(8) The Secretary of the Delaware Department of Natural Resources and Environmental Control, or the Secretary's designee.

(9) The Governor shall appoint 1 member from the Delaware League of Local Government (DLLG). The Governor may consider potential nominees from a list that the Executive Director of the DLLG provides.

(10) The Governor shall appoint 1 member from the Delaware Community Foundation (DCF). The Governor may consider potential nominees from a list that the Chairperson of the DCF provides.

(c) In addition to voting members, the RAC will include the following non-voting members:

(1) A member of local government from an affected or impacted community, to be identified and appointed by the Governor.

(2) A member with expertise in disability services, independent living, or access and functional needs, to be identified and appointed by the Governor.

(3) Any additional cabinet secretary or subject matter expert, to be identified and appointed by the Governor.

(4) The Insurance Commissioner, or the Insurance Commissioner's designee.

(d) A quorum of the RAC is a majority of its members.

(e) Official action by the RAC, including making recommendations, requires the approval of a majority.

§ 3163. Request to Activate the Fund.

(a) There are standardized impetuses for requesting assistance from the Fund for all programs that operate beneath it, which may include:

(1) A disaster occurs and affects an amount of housing, residents, or property predetermined within DEMA or DSHA programmatic guidelines.

(2) The damage exceeds the capacity of the affected locality and assistance is requested from its corresponding county.

(3) The support required for recovery exceeds the capacity of the corresponding county and the county submits a request to Fund program managers.

(4) The Governor declares a State of Emergency or requests fund activation.

(b) The EMA Director or designee from the impacted county or counties may request activation of the Fund according to corresponding programmatic guidelines.

(c) The DEMA or DSHA Director or designees may request activation of the Fund according to corresponding programmatic guidelines.