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JEFF SMITHERMAN
DIRECTOR

January 23, 2023

To: County EMA Directors

From: Ricky Adams
Field Operations Director

A handwritten signature in black ink, appearing to be "RA", written over the name "Ricky Adams".

Re: Recommended Safer Place Guidelines

On behalf of Jeff Smitherman, AEMA Director, the attached Safer Place Act guideline has been updated and replaces the guidelines published on December 30, 2021.

Please review and direct your questions or concerns to your Division Coordinator or me.

State of Alabama
Safer Places Act
SB43
Uniform Guidelines

About the Program

The Alabama Safer Place Act was approved and signed into law by Governor Kay Ivey on April 7, 2021, requiring the Alabama Emergency Management Agency (AEMA) to “develop [uniform] guidelines for the volunteer designation of safer place facilities throughout the state to offer protection to individuals seeking a safer place during severe weather events.”

These guidelines for the Safer Place Program are jointly developed and maintained by a working group comprising representatives from AEMA, the Association of County Commissioners of Alabama (ACCA), Alabama Association of Emergency Managers (AAEM), local emergency managers, other stakeholders, and subject matter experts.

The program guidelines will be updated and revised, as necessary, by AEMA after consultation with the working group.

Each county emergency management program is unique, and multiple counties in Alabama have been operating Safer Place programs (or programs closely associated with the Safer Place concept) for many years. As such, these Guidelines are intended to set out basic terms and conditions in compliance with Act 2021-165 while also affording a substantial amount of flexibility to each local EMA to organize and operate its own Safer Place program.

General Information

1. The Alabama Emergency Management Agency (AEMA) is tasked with establishing guidelines for the counties to implement the Safer Places program.
2. Each individual county is responsible for using these guidelines to implement their Safer Place program.
3. Individual county employees are shielded from liability under the protections given to emergency management workers (Alabama Code 6-5-336).
4. Owners of the Safer Place structure are shielded from liability, generally, under the Volunteer Service Act (Alabama Code 6-5-336).

General Guidelines

1. Each participating County Emergency Management Agency (EMA) will provide an application process and Memorandum of Understanding for those who own or control a structure, all or part, and seek designation as a Safer Place facility.

Each participating county's application and selection process should meet the following minimum requirements:

- a. the application process must require the applicant to make a good faith determination that the structure meets the criteria to be designated a Safer Place.
 - b. the applicant must be required to acknowledge that they will not discriminate when making the facility available to the public.
 - c. the applicant must be required to describe the circumstances and conditions of appropriate use and length of availability of the Safer Place facility.
 - d. the application process and/or the selection process must provide language that clearly states a designated "Safer Place" facility is not required to be available to the public at all times nor is the Safer Place facility responsible for providing staff, food, water, electricity, air conditioning, or any other life or health preserving goods or services before, during or after a severe weather event.
 - e. the selection process must provide for a procedure for the withdrawal of a Safer Place designation.
 - f. the application and selection process must require Safer Place facilities to satisfy applicable building codes at the time of construction, provide participants with improved protection from the elements, and not pose a direct threat to the health and safety of those participating to include:
 - i. A second means of exiting the facility in the event of a fire or other emergency.
 - ii. Smoke detector which complies with applicable building codes.
 - iii. Sufficient sanitary facilities in good working order and private.
 - iv. Establish other procedures, criteria or guidelines as necessary to further the purpose of this Act.
 - g. the application and/or selection process must state that no state or local governmental entity shall provide, or offer to provide, compensation or financial support of any kind to any individual or entity relating to the designation or operation of a Safer Place facility.
 - h. the selected facilities must have clearly stated notice that any individual that uses a Safer Place facility does so at their own risk with full knowledge and appreciation of the associated risks.
2. Each County EMA will notify AEMA External Affairs by email of Safer Place facilities/locations as they are designated.
 3. The local EMA will publicize the location of designated Safer Places, including listing this information on the County EMA website and (as appropriate) other forms of social media. Neither the state nor the county EMA is responsible for staffing the facility.
 4. Signage, ideally provided by the county, should be on display identifying a Safer Place location.