110TH CONGRESS 1ST SESSION

H. R. 3926

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance existing programs providing mitigation assistance by encouraging States to adopt and actively enforce State building codes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 2007

Ms. Matsui (for herself, Mr. Mario Diaz-Balart of Florida, Mr. Lincoln Diaz-Balart of Florida, Mrs. Napolitano, Mr. Crenshaw, Mr. Blumenauer, Mr. Bishop of New York, Mr. Thompson of California, and Ms. Ginny Brown-Waite of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance existing programs providing mitigation assistance by encouraging States to adopt and actively enforce State building codes, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Safe Building Code
- 5 Incentive Act of 2007".

SEC. 2. FINDINGS.

2 (Congress	finds	that—
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- (1) mitigation planning is the foundation for saving lives, protecting residential and commercial properties, and developing disaster resistant communities;
- (2) recent studies of the performance of building structures during disasters have demonstrated that the adoption and active enforcement of State building codes have greatly reduced residential and commercial property damage and personal injury resulting from major disasters;
- (3) modern building codes govern all aspects of construction and are designed to ensure that singlefamily residential dwellings and commercial structures are protected from natural disasters;
- (4) the people of the United States rely on active enforcement of modern building codes for assurance that minimum standards for reducing personal injuries and property damages have been met in the buildings they live in, work in, and visit everyday;
- (5) active enforcement of building codes plays an increasingly important role in public safety and loss prevention of residential and commercial property;

- 1 (6) active enforcement of building codes based 2 on nationally recognized models reduces the need for 3 public disaster aid, creates sustainable communities, 4 promotes a level and consistent playing field for de-5 sign professionals, suppliers, and builders, and can 6 contribute to the durability of residential and com-7 mercial structures;
 - (7) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Federal Emergency Management Agency provides Federal assistance to States for mitigation efforts;
 - (8) it is beneficial and appropriate to expand Federal mitigation assistance to encourage States to take a comprehensive and integrated approach to disaster loss reduction; and
 - (9) it is beneficial to the Federal Government and appropriate that Federal mitigation assistance be used to encourage the adoption and active enforcement of State building codes as a disaster mitigation strategy under the auspices of a comprehensive disaster loss reduction plan.

23 SEC. 3. PURPOSES.

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24 The purposes of this Act are to—

- 1 (1) substantially mitigate the occurrence of loss
 2 to residential and commercial property, reduce and
 3 minimize damage when losses to residential and
 4 commercial property occur, improve the quality and
 5 value of residential and commercial property, and re6 duce the need for public disaster aid;
 - (2) provide incentives for the adoption and active enforcement of State building codes;
 - (3) encourage States to continue their key responsibility to coordinate all State and local activities relating to hazard evaluation and mitigation, as specified in section 201.3(c) of title 44, Code of Federal Regulations, through the adoption and active enforcement of State building codes; and
 - (4) encourage States to require that local governments use a current version of a nationally applicable model building code that address natural hazards as a basis for design and construction of Statesponsored mitigation projects described in section 201.5(b)(4)(iv) of title 44, Code of Federal Regulations.

22 SEC. 4. ADDITIONAL MITIGATION ASSISTANCE.

- 23 Section 404 of the Robert T. Stafford Disaster Relief
- 24 and Emergency Assistance Act (42 U.S.C. 5170c) is
- 25 amended by adding at the end the following:

1	"(d) Additional Mitigation Assistance.—
2	"(1) In general.—If, at the time of a declara
3	tion of a major disaster, the affected State has in
4	effect and is actively enforcing throughout the State
5	an approved State building code, the President may
6	increase the maximum total of contributions under
7	this section for the major disaster, as specified in
8	subsection (a) and section 322(e), by an amoun
9	equal to 4 percent of the estimated aggregate
10	amount of grants to be made (less any associated
11	administrative costs) under this Act with respect to
12	the major disaster.
13	"(2) Submission.—To be eligible for an in
14	creased Federal share under paragraph (1), a State
15	at least once every 6 years, shall submit its State
16	building code to the President for approval.
17	"(3) Approval.—The President shall approve
18	a State building code submitted under paragraph (2
19	if the President determines that the building code—
20	"(A) is consistent with the most recen
21	version of a nationally recognized model build
22	ing code;
23	"(B) has been adopted by the State within
24	6 years of the most recent version of the na
25	tionally recognized model building code; and

1	"(C) uses the nationally recognized model
2	building code as a minimum standard.
3	"(4) Definitions.—In this subsection, the fol-
4	lowing definitions apply:
5	"(A) ACTIVELY ENFORCING.—The term
6	'actively enforcing' means effective jurisdic-
7	tional execution of all phases of a State building
8	code in the process of examination and approval
9	of construction plans, specifications, and tech-
10	nical data and the inspection of new construc-
11	tion or renovation.
12	"(B) NATIONALLY RECOGNIZED MODEL
13	BUILDING CODE.—The term 'nationally recog-
14	nized model building code' means a building
15	code for residential and commercial construc-
16	tion and construction materials that—
17	"(i) has been developed and published
18	by a code organization in an open con-
19	sensus type forum with input from na-
20	tional experts; and
21	"(ii) is based on national structural
22	design standards that establish minimum
23	acceptable criteria for the design, construc-
24	tion, and maintenance of residential and
25	commercial buildings for the purpose of

1	protecting the health, safety, and general
2	welfare of the building's users against nat-
3	ural disasters.
4	"(C) STATE BUILDING CODE.—The term
5	'State building code' means requirements and
6	associated standards for residential and com-
7	mercial construction and construction materials
8	that are implemented on a statewide basis by
9	ordinance, resolution, law, housing or building
10	code, or zoning ordinance. At a minimum, such
11	requirements and associated standards shall
12	apply—
13	"(i) to construction-related activities
14	of residential building contractors applica-
15	ble to single-family and 2-family residential
16	structures; and
17	"(ii) to construction-related activities
18	of engineers, architects, designers, and
19	commercial building contractors applicable
20	to the structural safety, design, and con-
21	struction of commercial, industrial, and
22	multifamily structures.
23	"(5) REGULATIONS.—Not later than 180 days
24	after the date of enactment of this subsection, the
25	President, acting through the Administrator of the

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        Federal Emergency Management Agency, shall issue
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        such regulations as may be necessary to carry out
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        this subsection.".
   SEC. 5. PREDISASTER HAZARD MITIGATION.
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        (a) Uses of Technical and Financial Assist-
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   ANCE.—Section 203(e)(1)(B) of the Robert T. Stafford
   Disaster Relief and Emergency Assistance Act (42 U.S.C.
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   5133(e)(1)(B)) is amended—
             (1) by striking "or" at the end of clause (ii);
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             (2) by striking the period at the end of clause
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        (iii) and inserting "; or"; and
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             (3) by adding at the end the following:
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                      "(iv) to establish and operate a build-
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                 ing department and carry out enforcement
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                 activities to implement a State building
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                 code approved under section 404(d).".
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        (b) Criteria for Assistance Awards.—Section
   203(g) of such Act (42 U.S.C. 5133(g)) is amended—
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             (1) by striking "and" at the end of paragraph
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        (9);
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             (2) by redesignating paragraph (10) as para-
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        graph (11); and
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             (3) by inserting after paragraph (9) the fol-
        lowing:
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1 "(10) the extent to which the State or local 2 government is carrying out activities to implement a 3 State building code approved under section 404(d) 4 and".

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