

110TH CONGRESS
1ST SESSION

S. 2458

To promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2007

Ms. LANDRIEU introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

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 “Community Building
5 Code Administration Grant Act of 2007”.

6 **SEC. 2. GRANT PROGRAM AUTHORIZED.**

7 (a) GRANT AUTHORIZATION.—The Secretary of
8 Housing and Urban Development shall provide grants to
9 local building code enforcement departments.

1 (b) COMPETITIVE AWARDS.—The Secretary shall
2 award grants under subsection (a) on a competitive basis
3 pursuant to the criteria set forth in section 6, but also
4 taking into consideration the following:

5 (1) The financial need of each building code en-
6 forcement department.

7 (2) The benefit to the local jurisdiction of hav-
8 ing an adequately funded building code enforcement
9 department.

10 (3) The demonstrated ability of each building
11 code enforcement department to work cooperatively
12 with other local code enforcement offices, health de-
13 partments, and local prosecutorial agencies.

14 (c) MAXIMUM AMOUNT.—The maximum amount of
15 any grant awarded under this section shall not exceed
16 \$1,000,000.

17 **SEC. 3. REQUIRED ELEMENTS IN GRANT PROPOSALS.**

18 In order to be eligible for a grant under section 2,
19 a local building code enforcement department shall submit
20 to the Secretary the following:

21 (1) A demonstration of the jurisdiction's needs
22 in executing building code enforcement administra-
23 tion.

24 (2) A plan for the use of any funds received
25 under this Act that addresses the needs discussed in

1 paragraph (1) and that is consistent with the au-
2 thORIZED uses established in section 4.

3 (3) A plan for local governmental actions to be
4 taken to establish and sustain local building code en-
5 forcement administration functions, without con-
6 tinuing Federal support, at a level at least equiva-
7 lent to that proposed in the grant application.

8 (4) A plan to create and maintain a program of
9 public outreach that includes a regularly updated
10 and readily accessible means of public communica-
11 tion, interaction, and reporting regarding the serv-
12 ices and work of the local building code enforcement
13 department to be supported by the grant.

14 (5) A plan for ensuring the timely and effective
15 administrative enforcement of building safety and
16 fire prevention violations.

17 **SEC. 4. USE OF FUNDS; MATCHING FUNDS.**

18 (a) AUTHORIZED USES.—Grants awarded under sec-
19 tion 2 may be used by the grant recipient to supplement
20 existing State or local funding for building code enforce-
21 ment administration. Such funds may be used to increase
22 staffing, provide staff training, increase staff competence
23 and professional qualifications, support individual certifi-
24 cation or departmental accreditation, or for capital ex-

1 penditures specifically dedicated to the administration of
2 the local building code enforcement department.

3 (b) MATCHING FUNDS REQUIRED.—

4 (1) IN GENERAL.—To be eligible to receive a
5 grant under this Act, a local building code enforce-
6 ment department serving—

7 (A) a community that is very economically
8 disadvantaged, shall provide matching, non-
9 Federal funds in an amount equal to not less
10 than 5 percent of the total amount of any grant
11 to be awarded under this Act;

12 (B) a community that is moderately eco-
13 nomically disadvantaged, shall provide match-
14 ing, non-Federal funds in an amount equal to
15 not less than 10 percent of the total amount of
16 any grant to be awarded under this Act; or

17 (C) any other community, shall provide
18 matching, non-Federal funds in an amount
19 equal to not less than 20 percent of the total
20 amount of any grant to be awarded under this
21 Act.

22 (2) ECONOMIC DISTRESS.—

23 (A) IN GENERAL.—The Secretary may
24 waive the matching fund requirements under
25 paragraph (1), and institute, by regulation, new

1 matching fund requirements based upon the
2 level of economic distress of the local jurisdic-
3 tion in which the local building code enforce-
4 ment department seeking such grant is located.

5 (B) CONTENT OF REGULATIONS.—Any
6 regulations instituted under subparagraph (A)
7 shall include—

8 (i) a method that allows for a com-
9 parison of the degree of economic distress
10 among the local jurisdictions of grant ap-
11 plicants, as measured by the differences in
12 the extent of growth lag, the extent of pov-
13 erty, and the adjusted age of housing in
14 such jurisdiction; and

15 (ii) any other factor determined to be
16 relevant by the Secretary in assessing the
17 comparative degree of economic distress
18 among such local jurisdictions.

19 (c) IN-KIND CONTRIBUTIONS.—In determining the
20 non-Federal share required to be provided under sub-
21 section (b), the Secretary shall consider in-kind contribu-
22 tions, not to exceed 50 percent of the amount that the
23 department contributes in non-Federal funds.

24 (d) WAIVER OF MATCHING REQUIREMENT.—The
25 Secretary shall waive the matching fund requirements

1 under subsection (b) for any recipient jurisdiction that has
 2 legislatively dedicated all building code permitting fees to
 3 the conduct of local building code enforcement.

4 **SEC. 5. RATING AND RANKING OF APPLICATIONS.**

5 Eligible applications shall be rated and ranked ac-
 6 cording to the criteria described in section 6. All complete
 7 applications will be compared to one another and points
 8 assigned on a continuum within each criterion, with the
 9 maximum points awarded to the application that best
 10 meets the criterion.

11 **SEC. 6. CRITERIA.**

12 (a) **NEED AND COMMUNITY BENEFIT FROM CODE**
 13 **ENFORCEMENT GRANT FUNDS.**—Applications shall be
 14 rated and ranked on the degree to which the application
 15 demonstrates the intent and means to ensure cooperative
 16 and effective working relationships between local building
 17 code enforcement officials and other local agencies, as well
 18 as a community-oriented approach to building code en-
 19 forcement, with the award of points as follows:

Description	Maximum Points
A detailed description of the capital expenditures to be acquired with grant funds and a demonstration that the items' costs are reasonable.	0–10
The jurisdiction's need for the capital expenditure and how the grant funds will fulfill this need.	0–10

Description	Maximum Points
<p>The joint benefits provided by the proposed expenditure for the following groups or activities: Provide a brief explanation of the benefit. (1 point will be awarded for each response, 5 points maximum).</p> <ol style="list-style-type: none"> 1. Code enforcement program. 2. Community or jurisdiction. 3. Interdisciplinary code enforcement team. 4. Housing preservation, rehabilitation programs, or neighborhood improvement programs. 5. Special needs groups (disabled, elderly or low or very-low income, etc.). 	0–5
<p>Does the proposed capital expenditure provide a cost savings benefit to the jurisdiction? Provide a brief explanation of the cost savings.</p>	0–5

1 (b) CURRENT CODE ENFORCEMENT AND HOUSING
2 CONSERVATION PLAN.—Each application shall be rated
3 and ranked on the degree to which the local legislative
4 body in which the applicant resides adopted a “plan”
5 which addresses residential structure conservation and
6 building code enforcement, with the award of points as
7 follows:

Description	Maximum Points
<p>The plan provides for proactive code enforcement (not just responding to complaints), an interdisciplinary approach, and includes funding options for repairs and rehabilitation.</p>	10
<p>The plan only provides for proactive code enforcement (not just responding to complaints) and calls for an interdisciplinary approach and does not address funding options for repairs and rehabilitation.</p>	8
<p>The plan provides for some type of proactive code enforcement (other than just responding to complaints) but doesn’t address coordinated interdisciplinary activities with other local public agencies or funding options.</p>	6
<p>The plan provides for only reactive code enforcement.</p>	4

Description	Maximum Points
The plan only refers to a need to preserve and/or improve existing housing stock, without any code enforcement program.	2
No existing plan.	0

1 (c) COMMUNITY-ORIENTED OR INTERDISCIPLINARY
2 CODE ENFORCEMENT.—Each application shall be rated
3 and ranked on the degree to which the application dem-
4 onstrates the intent and means to ensure cooperative and
5 effective working relationships between building code en-
6 forcement officials and other local agencies, as well as a
7 community-oriented approach to code enforcement, with
8 the award of points as follows:

Description	Maximum Points
Identify current or proposed interdisciplinary code enforcement programs or activities and the team members (example: code enforcement, police, local prosecutors, health department, building and planning, fire, etc.). Provide a description of the team's code enforcement and coordination procedures, activities and services provided. If the current programs or resources are limited in scope, explain how receipt of the grant will be used to improve the program.	0–10
Identify current or proposed community-oriented code enforcement programs, activities or services. (Examples: community clean-ups, Neighborhood Watch programs, community meetings, door-to-door code enforcement knock and talks, etc.). If the current programs or resources are limited in scope, explain how receipt of the grant will be used to improve the program.	0–10

9 (d) PROACTIVE CODE ENFORCEMENT ACTIVITIES.—
10 Each application shall be rated and ranked on the effec-
11 tiveness of the proposed or existing proactive activities and

1 programs operated by any existing building code enforce-
 2 ment program, with the award of points as follows:

Description	Maximum Points
Encourages repairs and preservation, rather than demolition or abandonment, of substandard residences.	0–5
Abatement of (a) lead hazards and lead-based paints, (b) toxic molds and dampness, and (c) displacement or relocation of residents.	0–5
Community clean-up campaigns, which may include recycling dates, free or reduced disposal rates at dumpsite, public clean-up days that encourage removal of unwanted or excess debris by making available extra trash pick-ups, dumpsites or trash or recycling containers on specific dates to dispose of household debris, inoperable vehicles, tires, toxic materials, etc.	0–5
Resource or referral programs for Federal, State, local, and private funds and other resources available in your jurisdiction that can assist with housing rehabilitation and repairs to rectify code violations.	0–5
Public education programs on housing issues. These could include community housing meetings dealing with homeownership, tenant/landlord issues, housing code enforcement, school age children’s programs with coloring books or handouts, housing safety pamphlets, etc.	0–5
Programs that encourage community involvement with groups; such as schools, church non-profits, community service groups, utility companies, local stores, housing agency banks, etc.	0–5

3 (e) CAPACITY TO FINANCIALLY AND TECHNICALLY
 4 SUPPORT PROPOSED CAPITAL EXPENDITURES.—Each
 5 application shall be rated and ranked on the degree to
 6 which the application demonstrates the jurisdiction’s fi-
 7 nancial and technical capacity to properly use and success-
 8 fully support the proposed capital expenditure during the
 9 term of the grant, with the award of points as follows:

Description	Maximum Points
The anticipated ongoing program funding for the duration of the grant program is adequate to financially support the use of the grant-financed equipment. Include details of funding and technical support sources for the capital expenditure (examples: insurance, paper, maintenance, training, supplies, personnel, monthly billing costs, etc.).	0–5
The jurisdiction has the technical capabilities to use and support equipment (examples: adequately trained staff or resources to provide training to operate technical equipment, local service provider for cell phones or 2-way radios, trained personnel to operate equipment, etc.).	0–5

1 **SEC. 7. EVALUATION AND REPORT.**

2 (a) IN GENERAL.—Grant recipients shall—

3 (1) be obligated to fully account and report for
4 the use of all grants funds; and

5 (2) provide a report to the Secretary on the ef-
6 fectiveness of the program undertaken by the grant-
7 ee and any other criteria requested by the Secretary
8 for the purpose of indicating the effectiveness of,
9 and ideas for, refinement of the grant program.

10 (b) REPORT.—The report required under subsection
11 (a)(2) shall include a discussion of—

12 (1) the specific capabilities and functions in
13 local building code enforcement administration that
14 were addressed using funds received under this Act;

15 (2) the lessons learned in carrying out the plans
16 supported by the grant; and

1 (3) the manner in which the programs sup-
2 ported by the grant are to be maintained by the
3 grantee.

4 (c) CONTENT OF REPORTS.—The Secretary shall—

5 (1) require each recipient of a grant under this
6 Act to file interim and final reports under subsection
7 (b) to ensure that grant funds are being used as in-
8 tended and to measure the effectiveness and benefits
9 of the grant program; and

10 (2) develop and maintain a means whereby the
11 public can access such reports, at no cost, via the
12 Internet.

13 **SEC. 8. DEFINITIONS.**

14 For purposes of this Act, the following definitions
15 shall apply:

16 (1) BUILDING CODE ENFORCEMENT DEPART-
17 MENT.—The term “building code enforcement de-
18 partment” means the building code inspection or en-
19 forcement agency of a local jurisdiction.

20 (2) JURISDICTION.—The term “jurisdiction”
21 means a city, county, parish, city and county author-
22 ity, or city and parish authority having local author-
23 ity to enforce building codes and regulations and col-
24 lect fees for building permits.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of Housing and Urban Development.

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-
5 priated \$100,000,000 for each of fiscal years 2008
6 through 2013 to the Secretary of Housing and Urban De-
7 velopment to carry out the provisions of this Act.

8 (b) RESERVATION.—From the amount made avail-
9 able under subsection (a), the Secretary may reserve not
10 more than 5 percent for administrative costs.

11 (c) AVAILABILITY.—Any funds appropriated pursu-
12 ant to subsection (a) shall remain available until expended.

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