

111TH CONGRESS
1ST SESSION

H. R. 3027

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a grant program for predisaster hazard mitigation enhancement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2009

Mr. THOMPSON of Mississippi 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 establish a grant program for predisaster hazard mitigation enhancement, 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 “Predisaster Hazard
5 Mitigation Enhancement Program Act of 2009”.

1 **SEC. 2. PREDISASTER HAZARD MITIGATION ENHANCE-**
2 **MENT.**

3 (a) IN GENERAL.—Title II of the Robert T. Stafford
4 Disaster Relief and Emergency Assistance Act (42 U.S.C.
5 5131 et seq.) is amended—

6 (1) by redesignating section 204 as section 205;

7 and

8 (2) by inserting after section 203 the following:

9 **“SEC. 204. PREDISASTER HAZARD MITIGATION ENHANCE-**
10 **MENT.**

11 “(a) PURPOSE.—The purpose of this section is to
12 provide grants to eligible entities to assist hazard mitiga-
13 tion strategies that save lives, improve the structural in-
14 tegrity of property affected by natural disasters, and pro-
15 vide hazard mitigation cost savings to the Federal Govern-
16 ment and States.

17 “(b) GRANTS AUTHORIZED.—The President may
18 make grants, on a competitive basis, to eligible entities
19 in accordance with this section.

20 “(c) APPLICATION.—To be eligible for a grant under
21 this section, an eligible entity shall submit an application
22 to the President in accordance with regulations issued by
23 the President not later than 180 days after the date of
24 enactment of the Predisaster Hazard Mitigation Enhance-
25 ment Program Act of 2009.

1 “(d) GRANT USES.—A grant made under this section
2 may be used only for the following:

3 “(1) To assist predisaster hazard mitigation im-
4 provements to residential property that is valued at
5 an amount not exceeding \$250,000.

6 “(2) To assist predisaster hazard mitigation im-
7 provements to business property that is owned or
8 leased and operated by a small business concern and
9 that is valued at an amount not exceeding \$500,000.

10 “(3) To assist predisaster hazard mitigation im-
11 provements to residential rental property that is val-
12 ued at an amount not exceeding the product of the
13 total number of residential rental dwelling units in
14 such property and \$250,000.

15 “(e) ANNUAL ADJUSTMENT OF AMOUNTS.—The
16 President shall adjust annually the amounts under sub-
17 section (d) to account for changes occurring in the pre-
18 ceding 12-month period in the Consumer Price Index for
19 All Urban Consumers (United States City Average) pub-
20 lished by the Bureau of Labor Statistics of the Depart-
21 ment of Labor.

22 “(f) MINIMUM STANDARDS.—An eligible entity that
23 receives a grant under this section shall carry out any re-
24 pair, construction, renovation, or retrofit assisted by such
25 grant in accordance with the following:

1 “(1) Applicable standards of safety and sanita-
2 tion.

3 “(2) Applicable codes, specifications, and stand-
4 ards of the International Building Code of the Inter-
5 national Code Council or the NFPA 5000: Building
6 Construction and Safety Code of the National Fire
7 Protection Association.

8 “(3) Safe land use and construction practice
9 standards that may be issued by the President after
10 consultation with appropriate State officials.

11 “(g) FEDERAL SHARE.—The Federal share of the
12 cost of mitigation activities carried out using amounts
13 from a grant made under this section shall not exceed 75
14 percent of the cost of the activities. If prior approval by
15 the President is received, the value of in-kind contribu-
16 tions may be credited toward the non-Federal share of the
17 cost of the activities.

18 “(h) ALLOCATION OF AMOUNTS.—Of the amounts
19 appropriated for making grants under this section in a fis-
20 cal year, the President shall—

21 “(1) require eligible entities to allocate—

22 “(A) 50 percent of grant amounts to pro-
23 grams that address the mitigation needs of sin-
24 gle family housing units;

1 “(B) 30 percent of grant amounts to pro-
2 grams that address the mitigation needs of
3 multi-family housing units and residential rent-
4 al dwelling units; and

5 “(C) 20 percent of grant amounts to pro-
6 grams that address the mitigation needs of
7 small businesses; and

8 “(2) allocate not less than 60 percent of all
9 such amounts to mitigation programs relating to
10 hurricanes.

11 “(i) COASTAL BARRIER RESOURCES SYSTEM.—
12 Grants made under this section may not be used for
13 projects located in the Coastal Barrier Resources System
14 established under section 4 of the Coastal Barrier Re-
15 sources Act (16 U.S.C. 3503).

16 “(j) DEFINITIONS.—In this section, the following
17 definitions apply:

18 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
19 tity’ means any of the 50 States, the District of Co-
20 lumbia, any federally recognized Indian tribe, and
21 any territory or possession of the United States
22 that—

23 “(A) has an approved mitigation plan
24 under section 322;

1 “(B) implements public awareness cam-
2 paigns to encourage improvements to structures
3 to mitigate hazards relating to natural disas-
4 ters;

5 “(C) takes steps to encourage mitigation
6 actions with respect to repetitive loss structures
7 within the jurisdiction of such entity; and

8 “(D) if such entity has a State residual
9 market, excludes from such State residual mar-
10 ket any property located in the Coastal Barrier
11 Resources System established under section 4
12 of the Coastal Barrier Resources Act (16
13 U.S.C. 3503).

14 “(2) NATURAL DISASTER.—The term ‘natural
15 disaster’ has the meaning given such term under
16 section 602.

17 “(3) PRESIDENT.—The term ‘President’ means
18 the President, acting through the Administrator of
19 the Federal Emergency Management Agency.

20 “(4) REPETITIVE LOSS STRUCTURE.—The term
21 ‘repetitive loss structure’ has the meaning given
22 such term under section 1370 of the National Flood
23 Insurance Act of 1968 (42 U.S.C. 4121).

24 “(5) STATE RESIDUAL MARKET.—The term
25 ‘State residual market’ means a State plan that has

1 established a reinsurance fund or has authorized the
2 operation of a State residual insurance market enti-
3 ty or any State-sponsored provider of natural catas-
4 trophe insurance.

5 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to carry out this section
7 \$100,000,000 for each of fiscal years 2010 through
8 2014.”.

9 (b) STATE HOMEOWNER MITIGATION PROGRAM SUP-
10 PORT.—Section 203(e)(1)(B) of such Act (42 U.S.C.
11 5133(e)(1)(B)) is amended—

12 (1) at the end of clause (ii) by striking “or”;

13 (2) at the end of clause (iii) by striking the pe-
14 riod and inserting “; or”; and

15 (3) by adding at the end the following:

16 “(iv) to support State programs that
17 provide grants or loans to low income
18 homeowners for use with respect to a pri-
19 mary residence for wind and flood inspec-
20 tions and for implementation of hazard
21 mitigation improvements.”.

22 (c) COOPERATIVE STORM BUFFER IMPROVEMENT
23 STUDY.—The Administrator of the Federal Emergency
24 Management Agency shall enter into appropriate arrange-
25 ments with the National Academy of Sciences, or a similar

1 organization, to examine methods to coordinate the func-
2 tions of man-made storm buffers and natural storm buff-
3 ers. The study shall include an examination of large coast-
4 al communities and smaller, high-priority, natural storm
5 buffer communities.

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