

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) mitigation planning is the foundation for
4 saving lives, protecting residential and commercial
5 properties, and developing disaster resistant commu-
6 nities;

7 (2) recent studies of the performance of build-
8 ing structures during disasters have demonstrated
9 that the adoption and active enforcement of State
10 building codes have greatly reduced residential and
11 commercial property damage and personal injury re-
12 sulting from major disasters;

13 (3) modern building codes govern all aspects of
14 construction and are designed to ensure that single-
15 family residential dwellings and commercial struc-
16 tures are protected from natural disasters;

17 (4) the people of the United States rely on ac-
18 tive enforcement of modern building codes for assur-
19 ance that minimum standards for reducing personal
20 injuries and property damages have been met in the
21 buildings they live in, work in, and visit everyday;

22 (5) active enforcement of building codes plays
23 an increasingly important role in public safety and
24 loss prevention of residential and commercial prop-
25 erty;

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;

8 (7) under the Robert T. Stafford Disaster Re-
9 lief and Emergency Assistance Act (42 U.S.C. 5121
10 et seq.), the Federal Emergency Management Agen-
11 cy provides Federal assistance to States for mitiga-
12 tion efforts;

13 (8) it is beneficial and appropriate to expand
14 Federal mitigation assistance to encourage States to
15 take a comprehensive and integrated approach to
16 disaster loss reduction; and

17 (9) it is beneficial to the Federal Government
18 and appropriate that Federal mitigation assistance
19 be used to encourage the adoption and active en-
20 forcement of State building codes as a disaster miti-
21 gation strategy under the auspices of a comprehen-
22 sive disaster loss reduction plan.

23 **SEC. 3. PURPOSES.**

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 re-
6 duce the need for public disaster aid;

7 (2) provide incentives for the adoption and ac-
8 tive enforcement of State building codes;

9 (3) encourage States to continue their key re-
10 sponsibility to coordinate all State and local activi-
11 ties relating to hazard evaluation and mitigation, as
12 specified in section 201.3(c) of title 44, Code of Fed-
13 eral Regulations, through the adoption and active
14 enforcement of State building codes; and

15 (4) encourage States to require that local gov-
16 ernments use a current version of a nationally appli-
17 cable model building code that address natural haz-
18 ards as a basis for design and construction of State-
19 sponsored mitigation projects described in section
20 201.5(b)(4)(iv) of title 44, Code of Federal Regula-
21 tions.

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 amount
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 recent
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

1 Federal Emergency Management Agency, shall issue
2 such regulations as may be necessary to carry out
3 this subsection.”.

4 **SEC. 5. PREDISASTER HAZARD MITIGATION.**

5 (a) USES OF TECHNICAL AND FINANCIAL ASSIST-
6 ANCE.—Section 203(e)(1)(B) of the Robert T. Stafford
7 Disaster Relief and Emergency Assistance Act (42 U.S.C.
8 5133(e)(1)(B)) is amended—

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

10 (2) by striking the period at the end of clause

11 (iii) and inserting “; or”; and

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

13 “(iv) to establish and operate a build-
14 ing department and carry out enforcement
15 activities to implement a State building
16 code approved under section 404(d).”.

17 (b) CRITERIA FOR ASSISTANCE AWARDS.—Section
18 203(g) of such Act (42 U.S.C. 5133(g)) is amended—

19 (1) by striking “and” at the end of paragraph
20 (9);

21 (2) by redesignating paragraph (10) as para-
22 graph (11); and

23 (3) by inserting after paragraph (9) the fol-
24 lowing:

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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