112TH CONGRESS  
2D Session  

S. 3694  

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 SENATE OF THE UNITED STATES  

DECEMBER 19, 2012  

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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 Representatives 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 Incentive Act of 2012”.

6 SEC. 2. FINDINGS.

7 Congress finds that—
(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 single-family 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;

(6) active enforcement of building codes based on nationally recognized models reduces the need for
public disaster aid, creates sustainable communities, promotes a level and consistent playing field for design professionals, suppliers, and builders, and can contribute to the durability of residential and commercial 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.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) substantially mitigate the occurrence of loss to residential and commercial property, reduce and minimize damage when losses to residential and commercial structures.
commercial property occur, improve the quality and value of residential and commercial property, and reduce 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(e) 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 State-sponsored mitigation projects described in section 201.5(b)(4)(iv) of title 44, Code of Federal Regulations.

SEC. 4. ADDITIONAL MITIGATION ASSISTANCE.

(a) IN GENERAL.—Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

“(d) ADDITIONAL MITIGATION ASSISTANCE.—
“(1) IN GENERAL.—If, at the time of a declaration of a major disaster, the affected State has in effect and is actively enforcing throughout the State a State building code that satisfies the conditions in paragraph (2), the President may increase the maximum total of contributions under this section for the major disaster, as specified in subsection (a) and section 322(e), by an amount equal to 4 percent of the estimated aggregate amount of grants to be made (less any associated administrative costs) under this Act with respect to the major disaster.

“(2) SUBMISSION.—To be eligible for an increased Federal share under paragraph (1), a State shall certify to the President that the State has a building code that—

“(A) is consistent with the most recent version of a nationally recognized model building code;

“(B) has been adopted by the State within 6 years of the most recent version of the nationally recognized model building code; and

“(C) uses the nationally recognized model building code as a minimum standard.

“(3) APPROVAL.—The President shall approve the additional assistance under this section, if the
President determines that the certification of the State provided under paragraph (2) is sufficient and is submitted not later than 90 days after the date of a declared disaster.

“(4) Periodic Updates.—The President, acting through the Administrator, shall set appropriate standards, by regulation, for the periodic update, resubmittal, and approval of a State building code approved by the President in accordance with paragraph (3) that are consistent with similar requirements related to mitigation planning under section 322.

“(5) Definitions.—In this subsection, the following definitions apply:

“(A) Actively Enforcing.—The term ‘actively enforcing’ means effective jurisdictional execution of all phases of a State building code in the process of examination and approval of construction plans, specifications, and technical data and the inspection of new construction or renovation.

“(B) Nationally Recognized Model Building Code.—The term ‘nationally recognized model building code’ means a building
code for residential and commercial construction and construction materials that—

“(i) has been developed and published by a code organization in an open consensus type forum with input from national experts; and

“(ii) is based on national structural design standards that establish minimum acceptable criteria for the design, construction, and maintenance of residential and commercial buildings for the purpose of protecting the health, safety, and general welfare of the building’s users against natural disasters.

“(C) State building code.—The term ‘State building code’ means requirements and associated standards for residential and commercial construction and construction materials that are implemented on a statewide basis by ordinance, resolution, law, housing or building code, or zoning ordinance. At a minimum, such requirements and associated standards shall apply—

“(i) to construction-related activities of residential building contractors applica-
ble to single-family and 2-family residential structures; and

“(ii) to construction-related activities of engineers, architects, designers, and commercial building contractors applicable to the structural safety, design, and construction of commercial, industrial, and multifamily structures.

“(6) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the President, acting through the Administrator of the Federal Emergency Management Agency, shall issue such regulations as may be necessary to carry out this subsection.”.

(b) APPLICABILITY.—Section 404(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by this section, shall apply to major disasters declared on or after October 24, 2012. Major disasters declared during the period beginning on October 24, 2012 and ending on the date of enactment of this Act, shall have 90 days from date of enactment of this Act to submit the certification required under 404(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by this Act.