113TH CONGRESS
1ST SESSION

S. 924

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
MAY 9, 2013

Mr. Menendez (for himself, Mr. Lautenberg, and Mr. Schumer) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Safe Building Code Incentive Act of 2013”.

SEC. 2. FINDINGS.

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 de-
sign professionals, suppliers, and builders, and can
contribute to the durability of residential and com-
mercial structures;

(7) under the Robert T. Stafford Disaster Re-
lief and Emergency Assistance Act (42 U.S.C. 5121
et seq.), the Federal Emergency Management Agen-
cy provides Federal assistance to States for mitiga-
tion 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 en-
forcement of State building codes as a disaster miti-
gation strategy under the auspices of a comprehen-
sive disaster loss reduction plan.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to substantially mitigate the occurrence of
loss to residential and commercial property, reduce
and minimize damage when losses to residential and
commercial property occur, improve the quality and
value of residential and commercial property, and re-
duce the need for public disaster aid;

(2) to provide incentives for the adoption and
active enforcement of State building codes;

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

(4) to 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 sec-
tion 201.5(b)(4)(iv) of title 44, Code of Federal Reg-
ulations.

SEC. 4. ADDITIONAL MITIGATION ASSISTANCE.

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:

“(f) ADDITIONAL MITIGATION ASSISTANCE.—

“(1) IN GENERAL.—If, at the time of a declara-
tion of a major disaster, the affected State has in
effect and is actively enforcing throughout the State an approved State building code, 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 submit its State building code to the President for approval.

“(3) APPROVAL.—The President shall approve a State building code submitted under paragraph (2) if the President determines that the building code—

“(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.
“(4) Periodic Updates.—The President, acting through the Administrator, shall set appropriate standards, by regulation, for the periodic update, re-submittal, 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 con-
sensus 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 applicable 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 con-
struction 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.”.

SEC. 5. PREDISASTER HAZARD MITIGATION.

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

(1) by striking “or” at the end of clause (ii);
(2) by striking the period at the end of clause
(iii) and inserting “; or”; and
(3) by adding at the end the following:

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

(b) CRITERIA FOR ASSISTANCE AWARDS.—Section
203(g) of the Robert T. Stafford Disaster Relief and
Emergency Assistance Act (42 U.S.C. 5133(g)) is amended—

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

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

“(10) the extent to which the State or local government is carrying out activities to implement a State building code approved under section 404(f) and”.

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