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2D SESSION

H. R. 4461

IN THE SENATE OF THE UNITED STATES

JULY 10 (legislative day, JULY 9), 2008

Received; read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

AN ACT

To promote and enhance the operation of local building code
enforcement administration across the country by estab-
lishing 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Community Building
3 Code Administration Grant Act of 2008”.

4 **SEC. 2. GRANT PROGRAM AUTHORIZED.**

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

8 (b) **COMPETITIVE AWARDS.**—The Secretary shall
9 award grants under subsection (a) on a competitive basis
10 pursuant to the criteria set forth in section 6, but also
11 taking into consideration the following:

12 (1) The financial need of each building code en-
13 forcement department.

14 (2) The benefit to the local jurisdiction of hav-
15 ing an adequately funded building code enforcement
16 department.

17 (3) The demonstrated ability of each building
18 code enforcement department to work cooperatively
19 with other local code enforcement offices, health de-
20 partments, and local prosecutorial agencies.

21 (c) **MAXIMUM AMOUNT.**—The maximum amount of
22 any grant awarded under this section shall not exceed
23 \$1,000,000.

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

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

5 (1) A demonstration of the jurisdiction's needs
6 in executing building code enforcement administra-
7 tion.

8 (2) A plan for the use of any funds received
9 under this Act that addresses the needs discussed in
10 paragraph (1) and that is consistent with the au-
11 thorized uses established in section 4.

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

17 (4) A plan to create and maintain a program of
18 public outreach that includes a regularly updated
19 and readily accessible means of public communica-
20 tion, interaction, and reporting regarding the serv-
21 ices and work of the local building code enforcement
22 department to be supported by the grant.

23 (5) A plan for ensuring the timely and effective
24 administrative enforcement of building safety and
25 fire prevention violations.

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

2 (a) **AUTHORIZED USES.**—Grants awarded under sec-
3 tion 2 may be used by the grant recipient to supplement
4 existing State or local funding for building code enforce-
5 ment administration. Such funds may be used to increase
6 staffing, provide staff training, increase staff competence
7 and professional qualifications, support individual certifi-
8 cation or departmental accreditation, or for capital ex-
9 penditures specifically dedicated to the administration of
10 the local building code enforcement department.

11 (b) **ADDITIONAL REQUIREMENT.**—Each local build-
12 ing code enforcement department receiving a grant under
13 section 2 shall empanel a code administration and enforce-
14 ment team consisting of at least 1 full-time building code
15 enforcement officer, a city planner, and a health planner
16 or similar officer.

17 (c) **MATCHING FUNDS REQUIRED.**—

18 (1) **IN GENERAL.**—To be eligible to receive a
19 grant under this Act, a local building code enforce-
20 ment department serving an area with a population
21 of—

22 (A) over 50,000 shall provide matching,
23 non-Federal funds in an amount equal to not
24 less than 50 percent of the total amount of any
25 grant to be awarded under this Act;

1 (B) between 20,001 and 50,000 shall pro-
2 vide matching, non-Federal funds in an amount
3 equal to not less than 25 percent of the total
4 amount of any grant to be awarded under this
5 Act; or

6 (C) under 20,000 shall provide matching,
7 non-Federal funds in an amount equal to not
8 less than 12.5 percent of the total amount of
9 any grant to be awarded under this Act.

10 (2) ECONOMIC DISTRESS.—

11 (A) IN GENERAL.—The Secretary may
12 waive the matching fund requirements under
13 paragraph (1), and institute, by regulation, new
14 matching fund requirements based upon the
15 level of economic distress of the local jurisdic-
16 tion in which the local building code enforce-
17 ment department seeking such grant is located.

18 (B) CONTENT OF REGULATIONS.—Any
19 regulations instituted under subparagraph (A)
20 shall include—

21 (i) a method that allows for a com-
22 parison of the degree of economic distress
23 among the local jurisdiction's of grant ap-
24 plicants, as measured by the differences in
25 the extent of growth lag, the extent of pov-

1 erty, and the adjusted age of housing in
2 such jurisdiction; and

3 (ii) any other factor determined to be
4 relevant by the Secretary in assessing the
5 comparative degree of economic distress
6 among such local jurisdictions.

7 (d) IN-KIND CONTRIBUTIONS.—In determining the
8 non-Federal share required to be provided under sub-
9 section (c), the Secretary shall consider in-kind contribu-
10 tions, not to exceed 50 percent of the amount that the
11 department contributes in non-Federal funds.

12 (e) WAIVER OF MATCHING REQUIREMENT.—The
13 Secretary shall waive the matching fund requirements
14 under subsection (c) for any recipient jurisdiction that has
15 legislatively dedicated all building code permitting fees to
16 the conduct of local building code enforcement.

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

18 Eligible applications will be rated and ranked accord-
19 ing to the criteria described in section 6. All complete ap-
20 plications will be compared to one another and points as-
21 signed on a continuum within each criteria with the max-
22 imum points awarded to the application that best meets
23 the criteria.

1 SEC. 6. CRITERIA.

2 (a) **NEED AND COMMUNITY BENEFIT FROM CODE**
 3 **ENFORCEMENT GRANT FUNDS.**—The degree to which the
 4 application demonstrates the intent and means to ensure
 5 cooperative and effective working relationships between
 6 local building code enforcement officials and other local
 7 agencies, as well as a community-oriented approach to
 8 building code enforcement.

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
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).	0–5
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.).	
Does the proposed capital expenditure provide a cost savings benefit to the jurisdiction? Provide a brief explanation of the cost savings.	0–5

9 (b) **CURRENT CODE ENFORCEMENT AND HOUSING**
 10 **CONSERVATION PLAN.**—Has the local legislative body in
 11 which the applicant resides adopted a “plan” which ad-
 12 dresses residential structure conservation and building
 13 code enforcement? From the following list, select 1 de-
 14 scription that best reflects such jurisdiction's “plan” for

- 1 building code enforcement activities. Points will be award-
 2 ed as follows:

Description	Maximum Points
The plan provides for proactive code enforcement (not just responding to complaints), an interdisciplinary approach, and includes funding options for repairs and rehabilitation.	10
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.	8
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.	6
The plan provides for only reactive code enforcement.	4
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

- 3 (c) COMMUNITY-ORIENTED OR INTERDISCIPLINARY
 4 CODE ENFORCEMENT.—The degree to which the applica-
 5 tion demonstrates the intent and means to ensure coopera-
 6 tive and effective working relationships between building
 7 code enforcement officials and other local agencies, as well
 8 as a community-oriented approach to code enforcement.

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

Description	Maximum Points
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

- 1 (d) PROACTIVE CODE ENFORCEMENT ACTIVITIES.—
- 2 The effectiveness of the proposed or existing proactive ac-
- 3 tivities and programs operated by any existing building
- 4 code enforcement program. Describe such activities or pro-
- 5 grams, include any of the following:

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. This 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/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.

(e) CAPACITY TO FINANCIALLY AND TECHNICALLY SUPPORT PROPOSED CAPITAL EXPENDITURES.—The degree to which the application demonstrates the jurisdiction’s financial and technical capacity to properly use and successfully support the proposed capital expenditure during the term of the grant.

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

SEC. 7. EVALUATION AND REPORT.

(a) IN GENERAL.—Grant recipients shall—

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

(2) provide a report to the Secretary on the effectiveness of the program undertaken by the grantee and any other criteria requested by the Secretary for the purpose of indicating the effectiveness of, and ideas for, refinement of the grant program.

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

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

4 (2) the lessons learned in carrying out the plans
5 supported by the grant; and

6 (3) the manner in which the programs sup-
7 ported by the grant are to be maintained by the
8 grantee.

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

10 (1) require each recipient of a grant under this
11 Act to file interim and final reports under subsection
12 (b) to ensure that grant funds are being used as in-
13 tended and to measure the effectiveness and benefits
14 of the grant program; and

15 (2) develop and maintain a means whereby the
16 public can access such reports, at no cost, via the
17 Internet.

18 **SEC. 8. DEFINITIONS.**

19 For purposes of this Act, the following definitions
20 shall apply:

21 (1) BUILDING CODE ENFORCEMENT DEPART-
22 MENT.—The term “building code enforcement de-
23 partment” means the building code inspection or en-
24 forcement agency of a local jurisdiction.

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

9 (a) IN GENERAL.—There are authorized to be appro-
10 priated \$20,000,000 for each of fiscal years 2009 through
11 2013 to the Secretary of Housing and Urban Development
12 to carry out the provisions of this Act.

(b) **RESERVATION.**—From the amount made available under subsection (a), the Secretary may reserve not more than 5 percent for administrative costs.

(c) AVAILABILITY.—Any funds appropriated pursuant to subsection (a) shall remain available until expended.

Passed the House of Representatives July 9, 2008.

Attest: LORRAINE C. MILLER,
Clerk.