

110TH CONGRESS  
1ST SESSION

# S. 2390

To promote fire-safe communities and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2007

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

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## A BILL

To promote fire-safe communities 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 “Fire-Safe Communities  
5       Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) **APPLICABLE MODEL ORDINANCE.**—The  
9       term “applicable model ordinance” means either—

10               (A) the Federal model ordinance required  
11               by section 3(a); or

1 (B) a State model ordinance described in  
2 section 3(d).

3 (2) APPROPRIATE REVIEW PANEL.—The term  
4 “appropriate review panel” means a panel of individ-  
5 uals who—

6 (A)(i) are fire protection experts; or

7 (ii) have significant expertise in fire man-  
8 agement, fire policy, community planning, or  
9 issues related to a fire hazard area; and

10 (B) are appointed by the Under Secretary.

11 (3) DIRECTOR.—The term “Director” means  
12 the Director of the National Institute of Standards  
13 and Technology.

14 (4) FIRE HAZARD AREA.—The term “fire haz-  
15 ard area” means an area at significant risk from  
16 wildland fire as determined by the applicable State  
17 forestry agency or equivalent State agency.

18 (5) FIRE-SAFE COMMUNITIES.—The term “fire-  
19 safe community” means—

20 (A) a subdivision of a State that has  
21 adopted local ordinances that are consistent  
22 with each element set out in section 3(b); or

23 (B) a municipality at risk that has adopted  
24 local ordinances that are consistent with some  
25 but not all of the elements set out in section

1           3(b), if the Under Secretary determines that  
 2           local conditions make the incorporation of such  
 3           elements impractical or counterproductive for  
 4           such municipality.

5           (6) MUNICIPALITY AT RISK.—The term “mu-  
 6           nicipality at risk” means a subdivision of a State  
 7           that is located in a fire hazard area.

8           (7) UNDER SECRETARY.—The term “Under  
 9           Secretary” means the Under Secretary for Federal  
 10          Emergency Management of the Department of  
 11          Homeland Security.

12 **SEC. 3. MODEL ORDINANCES FOR COMMUNITIES IN FIRE**  
 13 **HAZARD AREAS.**

14          (a) IN GENERAL.—Not later than 18 months after  
 15          the date of the enactment of this Act, the Director shall  
 16          publish a Federal model ordinance for municipalities at  
 17          risk that contains the elements described in subsection (b).

18          (b) ELEMENTS.—A model ordinance required by sub-  
 19          section (a) shall include the following elements with re-  
 20          spect to fire prevention and management.

21               (1) Specifications for construction materials  
 22               and techniques for use in such communities.

23               (2) Guidelines for the placement of utilities, de-  
 24               fensible space, and vegetation management.

1           (3) Enforcement mechanisms for compliance  
2       with defensible space requirements.

3           (4) Zoning and site design standards for new  
4       residential construction, including the width and  
5       placement of surrounding fuel breaks and descrip-  
6       tion of unsafe areas to locate new homes, such as  
7       the top of highly dangerous canyons that funnel  
8       wildfire heat.

9           (5) Specifications for water supplies for fire-  
10      fighting.

11          (6) Requirements for adequate firefighting pro-  
12      tection, including requirements for fire stations and  
13      equipment.

14          (7) Guidelines for the participation of fire pro-  
15      fessionals in the development of local fire protection  
16      models.

17          (8) Standards for roads, culverts, and bridges.

18          (9) Guidelines for the marking of buildings and  
19      homes.

20      (c) DEVELOPMENT OF FEDERAL MODEL ORDI-  
21      NANCE.—

22          (1) CONSULTATION.—In developing the model  
23      ordinance required by subsection (a), the Director—

1 (A) shall consult with the Under Secretary,  
 2 the Chief of the Forest Service, and the Direc-  
 3 tor of the Bureau of Land Management; and

4 (B) may consult with others, including pri-  
 5 vate entities that write fire codes.

6 (2) EXISTING STANDARDS.—The Director may  
 7 incorporate into the Federal model ordinance all or  
 8 part of existing consensus-based standards for fire  
 9 hazard areas, or other model codes such as the  
 10 International Wildland-Urban Interface Code or Na-  
 11 tional Fire Protection Association standards.

12 (d) STATE MODEL ORDINANCES.—A State may  
 13 adopt model ordinances incorporating appropriate ele-  
 14 ments set out in subsection (b) for the communities of  
 15 such State.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
 17 authorized to be appropriated \$7,500,000 to carry out  
 18 subsection (a).

19 **SEC. 4. ADDITIONAL FIRE MANAGEMENT ASSISTANCE**  
 20 **GRANTS FOR FIRE-SAFE COMMUNITIES.**

21 (a) IN GENERAL.—

22 (1) The Under Secretary may modify, for a mu-  
 23 nicipality at risk, the requirements of the Fire Man-  
 24 agement Assistance Grant Program related to the

1 provision of a non-Federal share of funds, as set  
2 forth in paragraph (2).

3 (2) If a municipality at risk has adopted an ap-  
4 plicable model ordinance and is making significant  
5 progress toward implementing that model ordinance,  
6 the Under Secretary may reduce the required  
7 amount for such non-Federal share to 10 percent of  
8 the grant amount.

9 (b) RULEMAKING.—Not later than 18 months after  
10 the date of the enactment of this Act, the Under Secretary  
11 shall complete a rulemaking—

12 (1) to define “significant progress toward im-  
13 plementing that model ordinance” as used in sub-  
14 section (a); and

15 (2) to establish other procedures and require-  
16 ments for increasing or decreasing the non-Federal  
17 share for the Fire Management Assistance Grant  
18 Program pursuant to subsection (a).

19 (c) FIRE MANAGEMENT ASSISTANCE GRANT PRO-  
20 GRAM DEFINED.—In this section, the term “Fire Manage-  
21 ment Assistance Grant Program” means the fire manage-  
22 ment assistance grant program carried out pursuant to  
23 section 420 of the Robert T. Stafford Disaster Relief and  
24 Emergency Assistance Act (42 U.S.C. 5187).

1 **SEC. 5. GRANTS FOR RESPONSIBLE DEVELOPMENT.**

2 (a) IN GENERAL.—Subject to the availability of  
3 funds for this purpose, the Under Secretary shall provide  
4 grants to municipalities at risk—

5 (1) to encourage responsible development in  
6 State-identified fire-prone regions; and

7 (2) to mitigate the catastrophic effects of fires.

8 (b) USE OF FUNDS.—Grants awarded under this sec-  
9 tion may be used as follows:

10 (1) By fire-safe communities to implement or  
11 enforce local ordinances consistent with an applica-  
12 ble model ordinance.

13 (2) To carry out programs to provide education  
14 to community planners and local fire departments on  
15 code enforcement and fire-resistant planning, zoning,  
16 and home construction.

17 (3) To enforce requirements related to residen-  
18 tial construction or brush clearing requirements.

19 (4) To create fire maps using geographic infor-  
20 mation system technology and provide training in  
21 such technology.

22 (5) To provide education to the public on fire-  
23 safe practices.

24 (c) MAXIMUM GRANT AWARDS.—The amount of a  
25 grant awarded under this section may not be more than  
26 \$1,000,000.

1 (d) APPLICATIONS.—

2 (1) IN GENERAL.—An application for a grant  
3 under this section shall be made at such time and  
4 in such manner as the Under Secretary shall re-  
5 quire.

6 (2) MATCHING REQUIREMENT.—

7 (A) IN GENERAL.—Subject to subpara-  
8 graph (B), the Under Secretary shall require  
9 that a person who receives a grant under this  
10 subsection provide non-Federal funds in an  
11 amount equal to 25 percent of the amount of  
12 such grant.

13 (B) WAIVER.—The Under Secretary may  
14 waive the requirement of subparagraph (A) in  
15 extraordinary circumstances.

16 (3) REVIEW.—Applications for grants under  
17 this section shall be reviewed by an appropriate re-  
18 view panel established by the Under Secretary.

19 (e) SCHEDULE.—A grant awarded under this section  
20 shall be expended not later than 3 years after the date  
21 the grant is awarded.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to carry out this section  
24 \$25,000,000 for fiscal year 2008 and each fiscal year  
25 thereafter.



1 **SEC. 6. GRANTS FOR FIRE-HAZARD ASSESSMENT MAPS.**

2 (a) IN GENERAL.—The Under Secretary shall pro-  
3 vide grants to States to create or update fire-hazard as-  
4 sessment maps.

5 (b) USE OF FUNDS.—Grants awarded under this sec-  
6 tion may be used as follows:

7 (1) To develop or update maps that assess fire  
8 hazard in a State.

9 (2) To conduct studies and to provide equip-  
10 ment, personnel, or other resources necessary to de-  
11 velop or update such maps.

12 (c) MAXIMUM GRANT AWARDS.—

13 (1) AMOUNT.—The amount of a grant awarded  
14 under this section may not be more than  
15 \$1,000,000.

16 (2) REQUIREMENT FOR MATCHING FUNDS.—A  
17 State that receives a grant under this section shall  
18 provide an equal amount of State funds to create or  
19 update fire-hazard assessment maps.

20 (d) APPLICATIONS.—

21 (1) IN GENERAL.—An application for a grant  
22 under this section shall be made at such time and  
23 in such manner as the Under Secretary shall re-  
24 quire.

1           (2) REVIEW.—Applications for grants under  
 2           this section shall be reviewed by an appropriate re-  
 3           view panel established by the Under Secretary.

4           (e) SCHEDULE.—A grant awarded under this section  
 5           shall be expended not later than 3 years after the date  
 6           the grant is awarded.

7           (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
 8           authorized to be appropriated to carry out this section  
 9           \$15,000,000 for fiscal year 2008 and each fiscal year  
 10          thereafter.

11   **SEC. 7. FOREST SERVICE AND DEPARTMENT OF THE INTE-**  
 12                           **RIOR GRANTS.**

13          Section 10A of the Cooperative Forestry Assistance  
 14   Act of 1978 (16 U.S.C. 2106c) is amended—

15               (1) in subsection (a)—

16                       (A) in the matter preceding paragraph

17               (1)—

18                               (i) by inserting “and the Secretary of  
 19                               the Interior” after “The Secretary”; and

20                               (ii) by striking “and equivalent State  
 21                               officials” and inserting “equivalent State  
 22                               officials, and local officials”;

23               (B) in paragraph (3)—

1 (i) by striking “trees and forests” and  
 2 inserting “trees, forests, and rangelands”;  
 3 and

4 (ii) by inserting “and rangeland”  
 5 after “overall forest”; and

6 (C) in paragraph (4)—

7 (i) by inserting “and rangeland” after  
 8 “all forest”; and

9 (ii) by inserting “and other vegeta-  
 10 tion” after “forest cover”;

11 (2) in subsection (b)—

12 (A) in paragraph (1)—

13 (i) in subparagraph (C), by striking  
 14 “and” at the end;

15 (ii) in subparagraph (D), by striking  
 16 “wildfires.” and inserting “wildfires; and”;  
 17 and

18 (iii) by adding at the end the fol-  
 19 lowing new subparagraph:

20 “(E) to enhance the capacity of local gov-  
 21 ernments to integrate fire-resistant community  
 22 and home design into local planning, zoning,  
 23 building code, and brush clearing ordinances.”;

24 (B) by amending paragraph (2) to read as  
 25 follows:

1           “(2) ADMINISTRATION AND IMPLEMENTA-  
 2           TION.—The Program shall be administered by the  
 3           Chief of the Forest Service and the Secretary of the  
 4           Interior and implemented through State foresters or  
 5           equivalent State officials.”;

6                   (C) in paragraph (3)—

7                       (i) in the matter preceding subpara-  
 8                       graph (A), by striking “Secretary,” and in-  
 9                       serting “Secretary and the Secretary of the  
 10                      Interior”;

11                      (ii) by redesignating subparagraphs  
 12                      (F), (G), and (H) as subparagraphs (G),  
 13                      (H), and (I), respectively;

14                      (iii) by inserting after subparagraph  
 15                      (E) the following new subparagraph:

16                      “(F) programs to build the capacity of  
 17                      local governments to design and maintain fire-  
 18                      resistant communities;”;

19                      (D) in paragraph (4), by inserting “or the  
 20                      Secretary of the Interior” after “by the Sec-  
 21                      retary”; and

22                      (E) in paragraph (5), by inserting “and  
 23                      the Secretary of the Interior” after “The Sec-  
 24                      retary”;

1           (3) by redesignating subsections (c) and (d) as  
2       subsections (d) and (e), respectively;

3           (4) by inserting after subsection (b), the fol-  
4       lowing new subsection (c):

5       “(c) PILOT PROGRAM FOR FIRE-SAFE COMMUNITIES  
6 TO COORDINATE ACROSS JURISDICTIONAL BOUND-  
7 ARIES.—

8           “(1) AUTHORITY.—The Secretary and the Sec-  
9       retary of the Interior may carry out a pilot program  
10      to assess the feasibility and advisability of providing  
11      assistance to fire-safe communities located near Fed-  
12      eral land to assist in Federal efforts to prevent and  
13      manage fires.

14          “(2) GRANTS.—The Secretary and the Sec-  
15      retary of the Interior may carry out the pilot pro-  
16      gram through the award of grants for purposes of  
17      the pilot program.

18          “(3) USE OF GRANT FUNDS.—A recipient of a  
19      grant under the pilot program may use the grant for  
20      any of the following:

21           “(A) To implement or enforce local ordi-  
22      nances consistent with the Federal model ordi-  
23      nance or applicable State model ordinance.

24           “(B) To complete cooperative fire agree-  
25      ments that articulate the roles and responsibil-

ities for Federal, State, and local government entities in local wildfire suppression and protection.

“(C) To develop or implement community wildfire protection plans to better focus resources to address priority areas for hazardous fuels reduction projects.

“(D) To expand education programs to raise the awareness of homeowners and citizens of wildland fire protection practices.

“(E) To implement training programs for firefighters on wildland firefighting techniques and approaches.

“(F) To acquire equipment acquisition to facilitate wildland fire preparedness.

“(4) MATCHING REQUIREMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), a person who receives a grant under the pilot program shall provide non-Federal funds in an amount equal to 25 percent of the amount of such grant.

“(B) WAIVER.—The Secretary or the Secretary of the Interior may waive the requirements of subparagraph (A) in extraordinary circumstances.”;

1 (5) in subsection (d), as redesignated by para-  
2 graph (3), by inserting “and the Secretary of the In-  
3 terior” after “section, the Secretary”; and

4 (6) in subsection (e), as redesignated by para-  
5 graph (3)—

6 (A) in the matter preceding paragraph (1),  
7 by striking “to the Secretary”;

8 (B) in paragraph (1), by striking “and” at  
9 the end; and

10 (C) by striking paragraph (2) and insert-  
11 ing the following:

12 “(2) to the Secretary—

13 “(A) \$35,000,000 for each of fiscal years  
14 2008 through 2013; and

15 “(B) such sums as are necessary for each  
16 fiscal year thereafter; and

17 “(3) to the Secretary of the Interior—

18 “(A) \$15,000,000 for each of fiscal years  
19 2008 through 2013; and

20 “(B) such sums as are necessary for each  
21 fiscal year thereafter.”.

○