

111TH CONGRESS
1ST SESSION

S. 970

To promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

IN THE SENATE OF THE UNITED STATES

MAY 5, 2009

Ms. LANDRIEU (for herself, Mr. MARTINEZ, Mr. JOHNSON, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Building
5 Code Administration Grant Act of 2009”.

6 **SEC. 2. GRANT PROGRAM AUTHORIZED.**

7 (a) GRANT AUTHORIZATION.—The Secretary of
8 Housing and Urban Development shall to the extent
9 amounts are made available for grants under this Act pro-

1 vide grants to local building code enforcement depart-
2 ments.

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

7 (1) The financial need of each building code en-
8 forcement department.

9 (2) The benefit to the jurisdiction of having an
10 adequately funded building code enforcement depart-
11 ment.

12 (3) The demonstrated ability of each building
13 code enforcement department to work cooperatively
14 with other local code enforcement offices, health de-
15 partments, and local prosecutorial agencies.

16 (c) MAXIMUM AMOUNT.—The maximum amount of
17 any grant awarded under this section shall not exceed
18 \$1,000,000.

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

20 In order to be eligible for a grant under section 2,
21 a building code enforcement department of a jurisdiction
22 shall submit to the Secretary the following:

23 (1) A demonstration of the jurisdiction's needs
24 in executing building code enforcement administra-
25 tion.

1 (2) A plan for the use of any funds received
2 from a grant under this Act that addresses the
3 needs discussed in paragraph (1) and that is con-
4 sistent with the authorized uses established in sec-
5 tion 4.

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

11 (4) A plan to create and maintain a program of
12 public outreach that includes a regularly updated
13 and readily accessible means of public communica-
14 tion, interaction, and reporting regarding the serv-
15 ices and work of the building code enforcement de-
16 partment to be supported by the grant.

17 (5) A plan for ensuring the timely and effective
18 administrative enforcement of building safety and
19 fire prevention violations.

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

21 (a) **AUTHORIZED USES.**—Amounts from grants
22 awarded under section 2 may be used by the grant recipi-
23 ent to supplement existing State or local funding for ad-
24 ministration of building code enforcement. Such amounts
25 may be used to increase staffing, provide staff training,

1 increase staff competence and professional qualifications,
 2 or support individual certification or departmental accredi-
 3 tation, or for capital expenditures specifically dedicated to
 4 the administration of the building code enforcement de-
 5 partment.

6 (b) ADDITIONAL REQUIREMENT.—Each building
 7 code enforcement department receiving a grant under sec-
 8 tion 2 shall empanel a code administration and enforce-
 9 ment team consisting of at least 1 full-time building code
 10 enforcement officer, a city planner, and a health planner
 11 or similar officer.

12 (c) MATCHING FUNDS REQUIRED.—

13 (1) IN GENERAL.—To be eligible to receive a
 14 grant under this Act, a building code enforcement
 15 department shall provide matching, non-Federal
 16 funds in the following amount:

17 (A) In the case of a building code enforce-
 18 ment department serving an area with a popu-
 19 lation of more than 50,000, an amount equal to
 20 not less than 50 percent of the total amount of
 21 any grant to be awarded under this Act.

22 (B) In the case of a building code enforce-
 23 ment department serving an area with a popu-
 24 lation of between 20,001 and 50,000, an
 25 amount equal to not less than 25 percent of the

1 total amount of any grant to be awarded under
2 this Act.

3 (C) In the case of a building code enforce-
4 ment department serving an area with a popu-
5 lation of less than 20,000, an amount equal to
6 not less than 12.5 percent of the total amount
7 of any grant to be awarded under this Act.

8 (2) ECONOMIC DISTRESS.—

9 (A) IN GENERAL.—The Secretary may
10 waive the matching fund requirements under
11 paragraph (1), and institute, by regulation, new
12 matching fund requirements based upon the
13 level of economic distress of the jurisdiction in
14 which the local building code enforcement de-
15 partment seeking such grant is located.

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

19 (i) a method that allows for a com-
20 parison of the degree of economic distress
21 among the local jurisdictions of grant ap-
22 plicants, as measured by the differences in
23 the extent of growth lag, the extent of pov-
24 erty, and the adjusted age of housing in
25 such jurisdiction; and

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

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

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

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

16 Eligible applications will be rated and ranked accord-
 17 ing to the criteria under section 6. All complete applica-
 18 tions shall be compared to one another and points shall
 19 be assigned on a continuum within each criteria with the
 20 maximum points awarded to the application that best
 21 meets the criteria.

22 **SEC. 6. CRITERIA.**

23 The criteria under this section are as follows:

24 (1) NEED AND COMMUNITY BENEFIT FROM
 25 CODE ENFORCEMENT GRANT FUNDS.—The degree to

1 which the application demonstrates the intent and
 2 means to ensure cooperative and effective working
 3 relationships between local building code enforce-
 4 ment officials and other local agencies, as well as a
 5 community-oriented approach to building code en-
 6 forcement, with points awarded as follows:

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.

7 (2) CURRENT CODE ENFORCEMENT AND HOUS-
 8 ING CONSERVATION PLAN.—Whether the local legis-
 9 lative body in which the applicant resides has adopt-
 10 ed a plan that addresses residential structure con-
 11 servation and building code enforcement. Points
 12 shall be awarded, based on which of the descriptions
 13 from the following list best reflects such jurisdic-

- 1 tion's plan for building code enforcement activities,
 2 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 (3) COMMUNITY-ORIENTED OR INTERDISCIPLI-
 4 NARY CODE ENFORCEMENT.—The degree to which
 5 the application demonstrates the intent and means
 6 to ensure cooperative and effective working relation-
 7 ships between building code enforcement officials
 8 and other local agencies, as well as a community-ori-
 9 ented approach to code enforcement, with points
 10 awarded as follows:

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
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 (4) PROACTIVE CODE ENFORCEMENT ACTIVI-
2 TIES.—The effectiveness of the proposed or existing
3 proactive activities and programs operated by any
4 existing building code enforcement program, which
5 shall include points awarded as follows for any such
6 activities or programs:

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

Description	Maximum Points
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 nonprofits, community service groups, utility companies, local stores, housing agency banks, etc.	0–5.

1 (5) CAPACITY TO FINANCIALLY AND TECH-
2 NICALLY SUPPORT PROPOSED CAPITAL EXPENDI-
3 TURES.—The degree to which the application dem-
4 onstrates the jurisdiction’s financial and technical
5 capacity to properly use and successfully support the
6 proposed capital expenditure during the term of the
7 grant, with points awarded as follows:

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.

1 **SEC. 7. EVALUATION AND REPORT.**

2 (a) IN GENERAL.—Grant recipients shall—

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

5 (2) provide a report to the Secretary on the ef-
6 fectiveness of the program undertaken by the grant-
7 ee and any other criteria requested by the Secretary
8 for the purpose of indicating the effectiveness of,
9 and ideas for, refinement of the grant program.

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

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

15 (2) the lessons learned in carrying out the plans
16 supported by the grant; and

17 (3) the manner in which the programs sup-
18 ported by the grant are to be maintained by the
19 grantee.

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

21 (1) require each recipient of a grant under this
22 Act to file interim and final reports under subsection

23 (b) to ensure that grant funds are being used as in-
24 tended and to measure the effectiveness and benefits
25 of the grant program; and

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

4 **SEC. 8. DEFINITIONS.**

5 For purposes of this Act, the following definitions
6 shall apply:

7 (1) **BUILDING CODE ENFORCEMENT.**—The term
8 “building code enforcement” means the enforcement
9 of any code, adopted by a State or local government,
10 that regulates the construction of buildings and fa-
11 cilities to mitigate hazards to life or property. Such
12 term includes building codes, electrical codes, energy
13 codes, fire codes, fuel gas codes, mechanical codes,
14 and plumbing codes.

15 (2) **BUILDING CODE ENFORCEMENT DEPART-**
16 **MENT.**—The term “building code enforcement de-
17 partment” means an inspection or enforcement
18 agency of a jurisdiction that is responsible for con-
19 ducting building code enforcement.

20 (3) **JURISDICTION.**—The term “jurisdiction”
21 means a city, county, parish, city and county author-
22 ity, or city and parish authority having local author-
23 ity to enforce building codes and regulations and to
24 collect fees for building permits.

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

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-
5 priated \$20,000,000 for each of fiscal years 2010 through
6 2014 to the Secretary of Housing and Urban Development
7 to carry out the provisions of this Act.

8 (b) RESERVATION.—From the amount made avail-
9 able under subsection (a), the Secretary may reserve not
10 more than 5 percent for administrative costs.

11 (c) AVAILABILITY.—Any funds appropriated pursu-
12 ant to subsection (a) shall remain available until expended.

○