

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.

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 “Safe Building Code
5 Incentive Act of 2013”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) mitigation planning is the foundation for
2 saving lives, protecting residential and commercial
3 properties, and developing disaster resistant commu-
4 nities;

5 (2) recent studies of the performance of build-
6 ing structures during disasters have demonstrated
7 that the adoption and active enforcement of State
8 building codes have greatly reduced residential and
9 commercial property damage and personal injury re-
10 sulting from major disasters;

11 (3) modern building codes govern all aspects of
12 construction and are designed to ensure that single-
13 family residential dwellings and commercial struc-
14 tures are protected from natural disasters;

15 (4) the people of the United States rely on ac-
16 tive enforcement of modern building codes for assur-
17 ance that minimum standards for reducing personal
18 injuries and property damages have been met in the
19 buildings they live in, work in, and visit everyday;

20 (5) active enforcement of building codes plays
21 an increasingly important role in public safety and
22 loss prevention of residential and commercial prop-
23 erty;

24 (6) active enforcement of building codes based
25 on nationally recognized models reduces the need for

1 public disaster aid, creates sustainable communities,
2 promotes a level and consistent playing field for de-
3 sign professionals, suppliers, and builders, and can
4 contribute to the durability of residential and com-
5 mercial structures;

6 (7) under the Robert T. Stafford Disaster Re-
7 lief and Emergency Assistance Act (42 U.S.C. 5121
8 et seq.), the Federal Emergency Management Agen-
9 cy provides Federal assistance to States for mitiga-
10 tion efforts;

11 (8) it is beneficial and appropriate to expand
12 Federal mitigation assistance to encourage States to
13 take a comprehensive and integrated approach to
14 disaster loss reduction; and

15 (9) it is beneficial to the Federal Government
16 and appropriate that Federal mitigation assistance
17 be used to encourage the adoption and active en-
18 forcement of State building codes as a disaster miti-
19 gation strategy under the auspices of a comprehen-
20 sive disaster loss reduction plan.

21 **SEC. 3. PURPOSES.**

22 The purposes of this Act are—

23 (1) to substantially mitigate the occurrence of
24 loss to residential and commercial property, reduce
25 and minimize damage when losses to residential and

commercial property occur, improve the quality and value of residential and commercial property, and reduce 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 activities relating to hazard evaluation and mitigation, as specified in section 201.3(c) of title 44, Code of Federal 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 section 201.5(b)(4)(iv) of title 44, Code of Federal Regulations.

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 declaration of a major disaster, the affected State has in

1 effect and is actively enforcing throughout the State
2 an approved State building code, the President may
3 increase the maximum total of contributions under
4 this section for the major disaster, as specified in
5 subsection (a) and section 322(e), by an amount
6 equal to 4 percent of the estimated aggregate
7 amount of grants to be made (less any associated
8 administrative costs) under this Act with respect to
9 the major disaster.

10 “(2) SUBMISSION.—To be eligible for an in-
11 creased Federal share under paragraph (1), a State
12 shall submit its State building code to the President
13 for approval.

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

17 “(A) is consistent with the most recent
18 version of a nationally recognized model build-
19 ing code;

20 “(B) has been adopted by the State within
21 6 years of the most recent version of the na-
22 tionally recognized model building code; and

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

1 “(4) PERIODIC UPDATES.—The President, act-
 2 ing through the Administrator, shall set appropriate
 3 standards, by regulation, for the periodic update, re-
 4 submittal, and approval of a State building code ap-
 5 proved by the President in accordance with para-
 6 graph (3) that are consistent with similar require-
 7 ments related to mitigation planning under section
 8 322.

9 “(5) DEFINITIONS.—In this subsection, the fol-
 10 lowing definitions apply:

11 “(A) ACTIVELY ENFORCING.—The term
 12 ‘actively enforcing’ means effective jurisdic-
 13 tional execution of all phases of a State building
 14 code in the process of examination and approval
 15 of construction plans, specifications, and tech-
 16 nical data and the inspection of new construc-
 17 tion or renovation.

18 “(B) NATIONALLY RECOGNIZED MODEL
 19 BUILDING CODE.—The term ‘nationally recog-
 20 nized model building code’ means a building
 21 code for residential and commercial construc-
 22 tion and construction materials that—

23 “(i) has been developed and published
 24 by a code organization in an open con-

1 sensus type forum with input from na-
2 tional experts; and

3 “(ii) is based on national structural
4 design standards that establish minimum
5 acceptable criteria for the design, construc-
6 tion, and maintenance of residential and
7 commercial buildings for the purpose of
8 protecting the health, safety, and general
9 welfare of the building’s users against nat-
10 ural disasters.

11 “(C) STATE BUILDING CODE.—The term
12 ‘State building code’ means requirements and
13 associated standards for residential and com-
14 mercial construction and construction materials
15 that are implemented on a statewide basis by
16 ordinance, resolution, law, housing or building
17 code, or zoning ordinance. At a minimum, such
18 requirements and associated standards shall
19 apply—

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

24 “(ii) to construction-related activities
25 of engineers, architects, designers, and

1 commercial building contractors applicable
 2 to the structural safety, design, and con-
 3 struction of commercial, industrial, and
 4 multifamily structures.

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

11 **SEC. 5. PREDISASTER HAZARD MITIGATION.**

12 (a) USES OF TECHNICAL AND FINANCIAL ASSIST-
 13 ANCE.—Section 203(e)(1)(B) of the Robert T. Stafford
 14 Disaster Relief and Emergency Assistance Act (42 U.S.C.
 15 5133(e)(1)(B)) is amended—

16 (1) by striking “or” at the end of clause (ii);

17 (2) by striking the period at the end of clause

18 (iii) and inserting “; or”; and

19 (3) by adding at the end the following:

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

24 (b) CRITERIA FOR ASSISTANCE AWARDS.—Section
 25 203(g) of the Robert T. Stafford Disaster Relief and

1 Emergency Assistance Act (42 U.S.C. 5133(g)) is amend-
2 ed—

3 (1) by striking “and” at the end of paragraph
4 (9);

5 (2) by redesignating paragraph (10) as para-
6 graph (11); and

7 (3) by inserting after paragraph (9) the fol-
8 lowing:

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

○