

113TH CONGRESS
1ST SESSION

H. R. 1878

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 HOUSE OF REPRESENTATIVES

MAY 8, 2013

Mr. DIAZ-BALART (for himself, Mr. SIRES, Mr. BLUMENAUER, Ms. NORTON, Mr. DENHAM, Mr. FITZPATRICK, Mr. CONNOLLY, Mr. GIBSON, and Mr. PALAZZO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

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

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

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

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

1 (6) active enforcement of building codes based
2 on nationally recognized models reduces the need for
3 public disaster aid, creates sustainable communities,
4 promotes a level and consistent playing field for de-
5 sign professionals, suppliers, and builders, and can
6 contribute to the durability of residential and com-
7 mercial structures;

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

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

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

23 **SEC. 3. PURPOSES.**

24 The purposes of this Act are to—

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

7 (2) provide incentives for the adoption and ac-
8 tive enforcement of State building codes;

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

15 (4) encourage States to require that local gov-
16 ernments use a current version of a nationally appli-
17 cable model building code that address natural haz-
18 ards as a basis for design and construction of State-
19 sponsored mitigation projects described in section
20 201.5(b)(4)(iv) of title 44, Code of Federal Regula-
21 tions.

22 **SEC. 4. ADDITIONAL MITIGATION ASSISTANCE.**

23 (a) IN GENERAL.—Section 404 of the Robert T.
24 Stafford Disaster Relief and Emergency Assistance Act

1 (42 U.S.C. 5170c) is amended by adding at the end the
2 following:

3 “(d) ADDITIONAL MITIGATION ASSISTANCE.—

4 “(1) IN GENERAL.—If, at the time of a declara-
5 tion of a major disaster, the affected State has in
6 effect and is actively enforcing throughout the State
7 a State building code that satisfies the conditions in
8 paragraph (2), the President may increase the max-
9 imum total of contributions under this section for
10 the major disaster, as specified in subsection (a) and
11 section 322(e), by an amount equal to 4 percent of
12 the estimated aggregate amount of grants to be
13 made (less any associated administrative costs)
14 under this Act with respect to the major disaster.

15 “(2) SUBMISSION.—To be eligible for an in-
16 creased Federal share under paragraph (1), a State
17 shall certify to the President that the State has a
18 building code that—

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

22 “(B) has been adopted by the State within
23 6 years of the most recent version of the na-
24 tionally recognized model building code; and

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

3 “(3) APPROVAL.—The President shall approve
4 the additional assistance under this section, if the
5 President determines that the certification of the
6 State provided under paragraph (2) is sufficient and
7 is submitted not later than 90 days after the date
8 of a declared disaster.

9 “(4) PERIODIC UPDATES.—The President, act-
10 ing through the Administrator, shall set appropriate
11 standards, by regulation, for the periodic update, re-
12 submittal, and approval of a State building code ap-
13 proved by the President in accordance with para-
14 graph (3) that are consistent with similar require-
15 ments related to mitigation planning under section
16 322.

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

19 “(A) ACTIVELY ENFORCING.—The term
20 ‘actively enforcing’ means effective jurisdic-
21 tional execution of all phases of a State building
22 code in the process of examination and approval
23 of construction plans, specifications, and tech-
24 nical data and the inspection of new construc-
25 tion or renovation.

1 “(B) NATIONALLY RECOGNIZED MODEL
2 BUILDING CODE.—The term ‘nationally recog-
3 nized model building code’ means a building
4 code for residential and commercial construc-
5 tion and construction materials that—

6 “(i) has been developed and published
7 by a code organization in an open con-
8 sensus type forum with input from na-
9 tional experts; and

10 “(ii) is based on national structural
11 design standards that establish minimum
12 acceptable criteria for the design, construc-
13 tion, and maintenance of residential and
14 commercial buildings for the purpose of
15 protecting the health, safety, and general
16 welfare of the building’s users against nat-
17 ural disasters.

18 “(C) STATE BUILDING CODE.—The term
19 ‘State building code’ means requirements and
20 associated standards for residential and com-
21 mercial construction and construction materials
22 that are implemented on a statewide basis by
23 ordinance, resolution, law, housing or building
24 code, or zoning ordinance. At a minimum, such

1 requirements and associated standards shall
2 apply—

3 “(i) to construction-related activities
4 of residential building contractors applica-
5 ble to single-family and 2-family residential
6 structures; and

7 “(ii) to construction-related activities
8 of engineers, architects, designers, and
9 commercial building contractors applicable
10 to the structural safety, design, and con-
11 struction of commercial, industrial, and
12 multifamily structures.

13 “(6) REGULATIONS.—Not later than 180 days
14 after the date of enactment of this subsection, the
15 President, acting through the Administrator of the
16 Federal Emergency Management Agency, shall issue
17 such regulations as may be necessary to carry out
18 this subsection.”.

19 (b) APPLICABILITY.—Section 404(d) of the Robert T.
20 Stafford Disaster Relief and Emergency Assistance Act,
21 as added by this section, shall apply to major disasters
22 declared on or after October 24, 2012. Major disasters
23 declared during the period beginning on October 24, 2012,
24 and ending on the date of enactment of this Act, shall
25 have 90 days from date of enactment of this Act to submit

1 the certification required under 404(d)(2) of the Robert
2 T. Stafford Disaster Relief and Emergency Assistance
3 Act, as added by this Act.

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