

September 3, 2021

The Honorable Gary Peters
Chairman
U.S. Senate Committee on Homeland
Security and Governmental Affairs

The Honorable Peter DeFazio
Chairman
U.S. House Committee on
Transportation and Infrastructure

Dear Chairman Peters and Chairman DeFazio:

As the House and Senate consider reconciliation legislation, we urge that you provide at least \$300 million in dedicated funding to enable FEMA to more effectively support the adoption, implementation, and enforcement of hazard resistant building codes and standards that protect communities from wildfires, hurricanes, floods, earthquakes, and other hazards. These construction requirements, which are adopted, implemented, and enforced by state, local, tribal, and territorial governments, are regularly updated through consensus-based processes to keep pace with changing technology, building science, and improved understanding of life safety and recovery risks. To ensure these resources are available to all communities, local match requirements should be suspended.

Natural disasters [are expected](#) to continue to increase in frequency and severity. In facing down these challenges, FEMA [views](#) the adoption of current building codes and standards as one of the most effective community mitigation measures. Last year, the [Agency determined](#) that if all future construction adhered to current codes, the nation would avoid more than \$600 billion in cumulative direct losses from floods, hurricanes, and earthquakes over the next four decades. Strong code enforcement can help to reduce losses from extreme weather events by an [additional 15% to 25%](#). The National Institute of Building Sciences [estimates](#) that modern building codes save \$11 for every \$1 invested through earthquake, flood, and wind mitigation benefits, while retrofitting 2.5 million homes in the wildland urban interface to wildfire codes could provide a nationwide benefit-cost ratio as high as \$8:\$1. These benefits represent avoided loss of life and injuries, property damage, business interruptions, first responder and annual homeownership costs, and are enjoyed by all building stakeholders—from governments, developers, titleholders, and lenders, to tenants and communities.

Yet, [according to FEMA](#), about two-thirds of communities facing hazard risk have not adopted modern, hazard resistant codes and standards, and, in recent years, 30% of new construction has taken place in communities with either no codes or codes that have not been updated this century. [Per FEMA](#), code implementation practices in thousands of jurisdictions and across more than one-third of states are not sufficiently protecting communities. Half of jurisdictions [lack the capability](#) to conduct critical aspects of their work remotely—functionality that is vital to response and economic recovery post-disaster and during the COVID-19 pandemic.

The adoption and effective implementation of hazard resistant codes is most impactful for people on or below the poverty line. [Research shows](#) that natural disasters hit low- and moderate-income families the hardest because they are more likely to live in homes built in hazard-prone areas or homes with lower quality construction. Consequently, low- and middle-income families are at greater risk of damage to or loss of their homes and are at higher risk of being displaced by a natural disaster. Disasters strike with both a physical and a financial shock, and only about 4 in 10 Americans [can afford](#) to cover an unanticipated \$1,000 expense. That's about one-third of the average [FEMA-verified](#) (not actual) losses post-Hurricane Harvey.

Following Hurricanes Harvey, Irma and Maria, serious delinquency rates on home mortgages [tripled](#) in Houston, Texas and Cape Coral, Florida, and quadrupled in San Juan, Puerto Rico. Serious delinquency rates increased more than 50% in Santa Rosa and Chico, California after the Tubbs and Camp fires.

Lack of resources is one of the main reasons communities, particularly rural and smaller communities, do not update their building codes by adopting more recent editions, fully implement the codes they have or their state has adopted, or modernize their enforcement efforts, through electronic permitting, plan review, and remote virtual inspections. Although some existing FEMA programs fund code activities, these programs force communities and state applicants to prioritize among eligible projects. Building and fire prevention officials have long reported that it is nearly impossible for code activities to compete for grants with other eligible activities, particularly brick-and-mortar mitigation projects, which are tangible and have greater visibility. As a consequence, only 0.5% of the [FY2020 BRIC funding](#) went to code projects versus 0.3% of historic [HMGP awards](#).

A \$300 million investment toward new or expanded adoption, implementation, and enforcement of hazard resistant codes would constitute a meaningful down payment toward community resilience nationwide. This funding would aid in code adoption, including by helping jurisdictions locally tailor adopted codes to area hazards, land features, and the built environment. It would help train code officials and the construction industry on hazard resistant codes, ensuring the benefits within adopted codes are effectively carried forward in the field. With [55% of code officials over 55](#) years of age, this investment would facilitate the testing and certifications needed to prepare and engage the next generation of building safety professionals. These resources would also help jurisdictions, including smaller and more rural communities, modernize their building and fire prevention departments, enabling use of new technology that can improve disaster response and speed construction, to the benefit of local economies.

Schools, hospitals and healthcare facilities, housing, childcare facilities, airports, and other public buildings are all pillars of our communities and especially important in meeting the needs of vulnerable populations. Many of these buildings frequently serve communities as emergency shelters, which requires these facilities be resilient and well maintained. Ensuring they are constructed to hazard resistant codes and standards protects the people who use and occupy these structures and the communities that depend on them.

We believe this proposed investment is warranted given the increasing natural hazards facing our nation and the substantial mitigation benefits that effective and enforced hazard resistant building codes provide. It is necessary because most jurisdictions have not yet adopted or implemented these measures and cite resource challenges as the primary impediment. This need is not addressed by existing programs or the Senate-passed infrastructure bill. For these reasons, we strongly encourage you to include at least \$300 million within reconciliation legislation to enable FEMA to more effectively support the adoption and effective implementation of hazard resistant building codes and standards.

Sincerely,

AEC Science & Technology, LLC
Alliance for National and Community Resilience
Alliance to Save Energy
American Concrete Institute
American Property Casualty Insurance Association
American Society for Healthcare Engineering
American Society of Civil Engineers
American Society of Interior Designers
American Supply Association

ASHRAE

Association of State Floodplain Managers

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Composite Lumber Manufacturers Association

Concrete Foundations Association

Congressional Fire Services Institute

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Digital Built Environment Institute

Earthquake Engineering Research Institute

Enterprise Community Partners

Environmental and Energy Study Institute

EPDM Roofing Association

Expanded Shale, Clay and Slate Institute

Extruded Polystyrene Foam Association

Habitat for Humanity International

Insurance Institute for Business & Home Safety

International Association of Fire Chiefs

International Association of Fire Fighters

International Code Council

Knauf Insulation

National Association of Counties

National Association of Energy Service Companies

National Association of Mutual Insurance Companies

National Association of State Fire Marshals

National Council of Structural Engineers Associations

National Fire Protection Association

National Institute of Building Sciences

National Ready Mixed Concrete Association

North American Insulation Manufacturers Association

Owens Corning

Precast/Prestressed Concrete Institute

Portland Cement Association

Post-Tensioning Institute

Reinsurance Association of America

Sheet Metal and Air Conditioning Contractors National Association

Single Ply Roofing Industry

Society of Fire Protection Engineers

Structural Insulated Panel Association

Tilt-Up Concrete Association

Union of Concerned Scientists

U.S. Resiliency Council