May 23, 2016

Federal Emergency Management Agency
Regulatory Affairs Division
Office of Chief Counsel, 8NE
500 C Street, SW
Washington, DC 20472-3100

Re: FEMA-2016-0007

The Pew Charitable Trusts is writing in support of FEMA's proposal to require the use of building codes published by the International Code Council for repair and reconstruction projects involving Disaster Relief Fund Public Assistance funding. We believe the new requirement will be a modest, common-sense approach to conserving limited federal dollars and offering a greater level of protection to people in flood-prone communities.

Widely recognized building codes, such as the International Building Code (IBC), International Residential Code (IRC), and International Existing Building Code (IEBC) cited in FEMA's proposal, address multiple aspects of construction. Strong codes for constructing buildings above or outside of a base flood area, raising or otherwise protecting essential mechanical and electrical equipment, using flood-damage-resistant materials, and strengthening foundations and roofing to withstand wind and water forces can help to protect people and the built environment when hurricanes, tropical storms, floods, and other natural catastrophes occur. As several of FEMA's own Mitigation Assessment Reports clearly document, in-the-field use of up-to-date codes can and has lessened building damage, community disruption, and rebuilding expenses.

Yet even as flooding has become one of the nation's costliest and most frequent disasters, causing more than $260 billion in damages in the U.S. from 1980 to 2013, the application of strong building and construction standards has lagged. While every state has suffered flood damages over the past decade, the adoption and enforcement of residential and other building codes to increase the safety and integrity of the built environment varies considerably from state to state. According to the Insurance Institute for Business & Home Safety, some states have adopted strong statewide codes for a wide range of structures,[1] while others follow weaker, outdated codes, or cede jurisdiction on code adoption and/or enforcement to local governments.

[1] See, for example, Insurance Institute for Business & Home Safety, "Rating the States: 2015; An Assessment of Residential Building Code and Enforcement Systems for Life Safety and Property Protection in Hurricane-Prone Regions," March 2015, http://disastersafety.org/wp-content/uploads/2015/07/rating-the-states-2015-public.pdf

We understand that some commenters are urging FEMA to accompany this proposal with a change in cost-share, requiring the federal government to pay for any cost differential between the locally adopted code and a more protective code. We urge the Agency to reject that approach, which could perversely incentivize localities and states to lower or eliminate their own codes. Rather, we suggest that FEMA use its discretion to adjust cost shares only in exceptional cases when a significant hardship is created. As a general rule, the practice should be to require that PA-funded projects build back stronger. Economic analysis indicates that every $1 invested to reduce disaster risk saves the nation an average of $4 in emergency response and recovery.

Finally, we note that this change in policy could hasten widespread adoption of strong design and construction standards across the country, including in the roughly 2,000 flood-prone communities that do not currently participate in the National Flood Insurance Program.

Pew commends the Agency for working to help break the cycle of rebuild and repair by encouraging states and municipalities to better prepare for and avoid the worst impacts of extreme weather events. We appreciate this opportunity to comment.

Sincerely,

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