January 29, 2025

Federal Emergency Management Agency
Office of Response and Recovery
Public Assistance Division
500 C Street SW
Washington, DC 20472

Via regulations.gov

Re: Joint Comments in Response to FEMA's Public Assistance Mitigation Cost Share Incentives Policy - Docket ID: FEMA-2024-0029

The undersigned organizations support the hazard-resistant code pieces of the interim Public Assistance Mitigation Cost Share Incentives Policy released on September 26, 2024, especially the International Building Code, the editions captured, and the weighting provided. We commend the Federal Emergency Management Agency (FEMA) for recognizing the resilience benefits of codes and committing additional federal dollars to communities that adopt and enforce the two most recent editions of codes by increasing the federal cost share for response and recovery assistance from FEMA. And we appreciate the opportunity to provide feedback regarding this interim policy.

During its 115th session, Congress was very intentional with enhancements regarding assistance related to building codes to both Sections 203 and 406 of the *Robert T. Stafford Emergency Assistance and Disaster Relief Act* (*Stafford Act*, P.L. 93-288, as amended) with passage of the *Bipartisan Budget Act of 2018* (*BBA18*, P.L. 115-123) and the *Disaster Recovery Reform Act* (*DRRA*, Div. D of P.L. 115-254).

Following a series of costly natural hazard events and related oversight hearings, Congress recognized the role modern building code adoption and implementation activities play in reducing losses of life and property during disasters and authorized an expanded pre-disaster mitigation program (via *DRRA*) to incentivize states, tribes, and territories to undertake building codes activities and to use the most recent editions as well as additional post-disaster funds (via *BBA18*) for states, tribes, and territories that had already done the work of adopting and enforcing either of the two most recent editions of model codes.

FEMA's Building Codes Save report noted the International Building Code (IBC) helped avoid more than $600 billion in losses.[1] FEMA already requires the use of this code when paying for repair and reconstruction of public facilities, and variations of them are adopted in all 50 states to ensure property and life safety. The weighting the interim policy assigned these measures correctly recognizes the mitigation benefits resulting from more widespread adoption and enforcement.

While the interim policy does not address all five of the considerations for an increased federal cost share envisioned by Congress from Sec. 20606 of *BBA18*, we encourage FEMA not to reduce the incentive for the hazard resistant codes recognized. As the policy is revised from an interim policy to a final policy, we encourage FEMA to ensure that any revisions are additive to the interim policy and do not lessen the incentive for codes or expand the number of editions recognized.

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[1] Federal Emergency Management Agency (FEMA), *Building Codes Save: A Nationwide Study* (Nov. 2020).

Up-to-date editions of building codes and standards ensure public health and safety. They dramatically reduce disaster-related losses of life and property. And they contribute to individual, community, and national resilience to natural hazards.

The adoption and enforcement of current building codes and standards remain two of the most effective risk mitigation measures a jurisdiction can undertake. Across the last decade and a half, FEMA has noted as much in each of its five-year Strategic Plans, most recently stating that "helping a community adopt and enforce disaster resistant building codes improves the resilience of the whole community. Research has shown that every dollar invested in building to the latest codes and standards results in $11 of future avoided losses. Therefore, advancing disaster resistant building codes through FEMA policies, programs, guidance, communications, and partnerships with state and local code officials are critical steps toward achieving a resilient nation."[2] In the prior plan, the Agency noted that "[d]isaster resilience starts with building codes, because they enhance public safety and property protection."[3] Further, during the first three BRIC cycles, the Agency encouraged the adoption and implementation of building codes as a "low cost, high impact" mitigation strategy.

FEMA's efforts are reflected in the National Mitigation Investment Strategy, issued by the Mitigation Framework Leadership Group (MitFLG)—chaired by FEMA and comprised of 13 other federal agencies and departments as well as state, tribal, and local officials. The Strategy makes several recommendations concerning the adoption, use, and enforcement of building codes, including that "[a]rchitects, engineers, builders, and regulators should use the latest building codes for the most up-to-date requirements for structural integrity, mechanical integrity, [and] fire prevention" and that "[u]p-to-date building codes and standard criteria should be required in federal and state grants and programs."[4]

For many years, FEMA has led efforts to advance the recognition of current building codes as a pillar of resilience. Currently, FEMA—through its chair of the MitFLG—has helmed the National Initiative to Advance Building Codes (NIABC) to coordinate across the federal interagency regarding how departments and agencies use building codes and provide assistance to state, local, tribal, and territorial governments in a more consistent manner, ultimately "enabling [them] to be more resilient to hurricanes, flooding, wildfires, and other extreme weather events" and "sav[ing] lives, reduc[ing] property damage, and lower[ing] utility bills."[5]

Unlike individual projects – the impact of which is frequently geographically limited – the protection afforded by modern, hazard-resistant codes benefits all construction activities as well as post disaster re-occupancy and recovery. The benefits of the I-Codes have been thoroughly analyzed by FEMA, the National Institute of Building Sciences (NIBS), and other building science experts through peer-reviewed studies. FEMA should continue to prioritize support for these proven approaches.

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[2] FEMA, 2022-2026 FEMA Strategic Plan (2022). Available at https://www.fema.gov/about/strategic-plan.
[3] FEMA, 2018-2022 FEMA Strategic Plan (2018). Available at: https://www.fema.gov/about/strategic-plan/2018-2022.
[4] Mitigation Framework Leadership Group, *National Mitigation Investment Strategy* (Aug. 2019). Available at: https://www.fema.gov/sites/default/files/2020-10/fema_national-mitigation-investment-strategy.pdf.
[5] The White House, *FACT SHEET: Biden-Harris Administration Launches Initiative to Modernize Building Codes, Improve Climate Resilience, and Reduce Energy Costs* (June 2022). Available at: https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/01/fact-sheet-biden-harris-administration-launches-initiative-to-modernize-building-codes-improve-climate-resilience-and-reduce-energy-costs/

The Agency continues to be strongly positioned to advance building code related activities, and thereby drive meaningful improvement in building safety and performance in the face of increasingly costly and damaging natural disasters. Safer and more resilient buildings strengthen community lifelines, reduce community risk, and ultimately reduce overall costs for community disaster recovery.

Thank you for the opportunity to provide comments. If you have any questions, please do not hesitate to contact us.

Sincerely,

American Concrete Institute
American Society of Civil Engineers
American Society of Interior Designers
American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)
Concrete Masonry & Hardscapes Association
Earthquake Engineering Research Institute
Federal Alliance for Safe Homes – FLASH
Floodproofing.com
International Code Council
National Council of Structural Engineers Associations
National Environmental Health Association
National Institute of Building Sciences
National Ready Mixed Concrete Association
Polyisocyanurate Insulation Manufacturers Association
Pool & Hot Tub Alliance
Precast/Prestressed Concrete Institute
Reinsurance Association of America
Sheet Metal and Air Conditioning Contractors' National Association
Single Ply Roofing Industry
Society of Fire Protection Engineers