

AMENDMENT TO H.R. 2454, AS REPORTED
OFFERED BY MR. MOORE OF KANSAS

Page 382, after line 10, insert the following:

1 SEC. 24. COMMUNITY BUILDING CODE ADMINISTRATION

2 GRANTS.

3 (a) GRANT PROGRAM AUTHORIZED.—

4 (1) GRANT AUTHORIZATION.—The Secretary of
5 Housing and Urban Development shall to the extent
6 amounts are made available for grants under this
7 section provide grants to local building code enforce-
8 ment departments.

9 (2) COMPETITIVE AWARDS.—The Secretary
10 shall award grants under paragraph (1) on a com-
11 petitive basis taking into consideration the following:

12 (A) The financial need of each building
13 code enforcement department.

14 (B) The benefit to the jurisdiction of hav-
15 ing an adequately funded building code enforce-
16 ment department.

17 (C) The demonstrated ability of each build-
18 ing code enforcement department to work coop-
19 eratively with other local code enforcement of-

1 ices, health departments, and local prosecu-
2 torial agencies.

3 (3) MAXIMUM AMOUNT.—The maximum
4 amount of any grant awarded under this subsection
5 shall not exceed \$1,000,000.

6 (b) REQUIRED ELEMENTS IN GRANT PROPOSALS.—

7 In order to be eligible for a grant under subsection (a),
8 a building code enforcement department of a jurisdiction
9 shall submit to the Secretary the following:

10 (1) A demonstration of the jurisdiction's needs
11 in executing building code enforcement administra-
12 tion.

13 (2) A plan for the use of any funds received
14 from a grant under this section that addresses the
15 needs discussed in paragraph (1) and that is con-
16 sistent with the authorized uses established in sub-
17 section (c).

18 (3) A plan for local governmental actions to be
19 taken to establish and sustain local building code en-
20 forcement administration functions, without con-
21 tinuing Federal support, at a level at least equiva-
22 lent to that proposed in the grant application.

23 (4) A plan to create and maintain a program of
24 public outreach that includes a regularly updated
25 and readily accessible means of public communica-

1 tion, interaction, and reporting regarding the serv-
2 ices and work of the building code enforcement de-
3 partment to be supported by the grant.

4 5) A plan for ensuring the timely and effective
5 administrative enforcement of building safety and
6 fire prevention violations.

7 (c) USE OF FUNDS; MATCHING FUNDS.—

8 (1) AUTHORIZED USES.—Amounts from grants
9 awarded under subsection (a) may be used by the
10 grant recipient to supplement existing State or local
11 funding for administration of building code enforce-
12 ment, or to supplement allowance value received pur-
13 suant to this Act for implementation and enforce-
14 ment of energy efficiency building codes. Such
15 amounts may be used to increase staffing, provide
16 staff training, increase staff competence and profes-
17 sional qualifications, or support individual certifi-
18 cation or departmental accreditation, or for capital
19 expenditures specifically dedicated to the administra-
20 tion of the building code enforcement department.

21 (2) ADDITIONAL REQUIREMENTS.—Each build-
22 ing code enforcement department receiving a grant
23 under subsection (a) shall empanel a code adminis-
24 tration and enforcement team consisting of at least

1 1 full-time building code enforcement officer, a city
2 planner, and a health planner or similar officer.

3 (3) MATCHING FUNDS REQUIRED.—

4 (A) IN GENERAL.—To be eligible to receive
5 a grant under this section, a building code en-
6 forcement department shall provide matching,
7 non-Federal funds in the following amount:

8 (i) In the case of a building code en-
9 forcement department serving an area with
10 a population of more than 50,000, an
11 amount equal to not less than 50 percent
12 of the total amount of any grant to be
13 awarded under this section.

14 (ii) In the case of a building code en-
15 forcement department serving an area with
16 a population of between 20,001 and
17 50,000, an amount equal to not less than
18 25 percent of the total amount of any
19 grant to be awarded under this section.

20 (iii) In the case of a building code en-
21 forcement department serving an area with
22 a population of less than 20,000, an
23 amount equal to not less than 12.5 percent
24 of the total amount of any grant to be
25 awarded under this section.

1 (B) ECONOMIC DISTRESS.—

2 (i) IN GENERAL.—The Secretary may
3 waive the matching fund requirements
4 under subparagraph (A), and institute, by
5 regulation, new matching fund require-
6 ments based upon the level of economic
7 distress of the jurisdiction in which the
8 local building code enforcement department
9 seeking such grant is located.

10 (ii) CONTENT OF REGULATIONS.—Any
11 regulations instituted under clause (i) shall
12 include—

13 (I) a method that allows for a
14 comparison of the degree of economic
15 distress among the local jurisdictions
16 of grant applicants, as measured by
17 the differences in the extent of growth
18 lag, the extent of poverty, and the ad-
19 justed age of housing in such jurisdic-
20 tion; and

21 (II) any other factor determined
22 to be relevant by the Secretary in as-
23 sessing the comparative degree of eco-
24 nomic distress among such jurisdic-
25 tions.

1 (4) IN-KIND CONTRIBUTIONS.—In determining
2 the non-Federal share required to be provided under
3 paragraph (3), the Secretary shall consider in-kind
4 contributions, not to exceed 50 percent of the
5 amount that the department contributes in non-Fed-
6 eral funds.

7 (5) WAIVER OF MATCHING REQUIREMENT.—
8 The Secretary shall waive the matching fund re-
9 quirements under paragraph (3) for any recipient ju-
10 isdiction that has dedicated a building code per-
11 mitting fees to the conduct of local building code en-
12 forcement.

13 (6) EVALUATION AND REPORT.—

14 (1) IN GENERAL.—Grant recipients under this
15 section shall—

16 (A) be obligated to fully account and re-
17 port for the use of all grants funds; and

18 (B) provide a report to the Secretary on
19 the effectiveness of the program undertaken by
20 the grantee and any other criteria requested by
21 the Secretary for the purpose of indicating the
22 effectiveness of, and ideas for, refinement of the
23 grant program.

24 (2) REPORT.—The report required under para-
25 graph (1)(B) shall include a discussion of—

1 (A) the specific capabilities and functions
2 in local building code enforcement administra-
3 tion that were addressed using funds received
4 under this section;

5 (B) the lessons learned in carrying out the
6 plans supported by the grant; and

7 (C) the manner in which the programs
8 supported by the grant are to be maintained by
9 the grantees.

10 (3) **CONTENT OF REPORTS.**—The Secretary
11 shall—

12 (A) require each recipient of a grant under
13 this section to file interim and final reports
14 under paragraph (2) to ensure that grant funds
15 are being used as intended and to measure the
16 effectiveness and benefits of the grant program;
17 and

18 (B) develop and maintain a means whereby
19 the public can access such reports, at no cost,
20 via the Internet.

21 (e) **DEFINITIONS.**—For purposes of this section, the
22 following definitions shall apply:

23 (1) **BUILDING CODE ENFORCEMENT.**—The term
24 “building code enforcement” means the enforcement
25 of any code, adopted by a State or local government,

1 that regulates the construction of buildings and fa-
2 cilities to mitigate hazards to life or property. Such
3 term includes building codes, electrical codes, energy
4 codes, fire codes, fuel gas codes, mechanical codes,
5 and plumbing codes.

6 (e) BUILDING CODE ENFORCEMENT DEPART-
7 MENT.—The term “building code enforcement de-
8 partment” means an inspection or enforcement
9 agency of a jurisdiction that is responsible for con-
10 ducting building code enforcement.

11 (f) JURISDICTION.—The term “jurisdiction”
12 means a city, county, parish, city and county author-
13 ity, or city and parish authority having local author-
14 ity to enforce building codes and regulations and to
15 collect fees for building permits.

16 (g) SECRETARY.—The term “Secretary” means
17 the Secretary of Housing and Urban Development.

18 (h) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) IN GENERAL.—There are authorized to be
20 appropriated \$200,000,000 for each of fiscal years
21 2010 through 2011 to the Secretary of Housing and
22 Urban Development to carry out the provisions of
23 this section.

24 (2) RESERVATION.—From the amount made
25 available under paragraph (1), the Secretary may re-

1 save not more than 5 percent for administrative
2 costs.

3 (3) AVAILABILITY.—Any funds appropriated
4 pursuant to paragraph (1) shall remain available
5 until expended.

