May 11, 2020

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

Via regulations.gov

Re: Joint Comments in Response to FEMA’s Proposed Policy to Implement Hazard Mitigation Assistance: Building Resilient Infrastructure and Communities

On behalf of Enterprise Community Partners, thank you for your forward-thinking leadership on disaster recovery. We submit for your consideration recommendations for how to best guide and support grantees in their use of Building Resilient Infrastructure and Communities (BRIC) funds for mitigation. The recommendations seek to provide context, requirements, and incentives that would allow FEMA and grantees to have a greater impact in reducing risk to natural hazards for a generation or more. Our recommendations are predicated on the notion that these taxpayer dollars are down payments on disaster mitigation and must be invested with long-term risks and goals in mind and must be oriented toward activities that improve the local understanding and capacity of grantees and communities to address their risks. While these recommendations are wide-ranging, they are presented at a high level and focus on activities that might not already be explicitly permitted by BRIC. We thank you for considering the recommendations and would be honored to discuss them with you in the near future.

Ensure that cities and smaller jurisdictions can access funding in addition to state entities. Cities are key actors in promoting GDP and economic development in states.

Recent storms have had an unprecedented impact on cities like Houston, Miami and San Juan and necessitate an innovative approach to planning housing and infrastructure in flood prone communities. These events, which are exacerbated by more gradual effects of climate change, such as sea level rise and warming temperatures, can prove devastating to cities’ infrastructure, residents, and businesses. Cities are also universally challenged by aging infrastructure, maintenance backlogs, and declining federal budgets that hinder their ability to keep pace with
increasing demands for infrastructure investment from growing populations, improving technologies and impacts from changing patterns of extreme weather.

The resilience of our cities is critical to the economic wellbeing of the nation. U.S. cities contribute almost 85% to national Gross Domestic Product and house and provide critical services to over 80% of the nation’s citizens as well as a clear majority of our corporations to small business. Cities are critical actors in ensuring the health, safety and well-being of their business, industries and the large and diverse populations they serve in their regions. For America to thrive, our cities and citizens must prosper and must feel like their insights and perspectives matter.

At the same time, cities face unprecedented risks from various shocks and stressors affecting their ability to meet their citizens’ needs. City infrastructure is aging and failing to keep pace with growing populations, improving technologies, and changing patterns of extreme weather. Cities have too little affordable rental housing, which is not well-funded and much of it not resilient to the effects of extreme weather. Cities are also seeking to improve their economic competitiveness and their commitment to improving social justice by providing workforce development opportunities, helping small businesses better manage risks, and passing needed reforms to juvenile justice system and programs affecting ex-offenders.

The physical vulnerability of cities to natural disasters also makes them economically vulnerable. Nearly seven million homes on the Atlantic and Gulf coasts alone are at potential risk of damage from a major hurricane, with potential reconstruction costs of more than $1.5 trillion. Across the country, communities grapple with exposure not just to flooding but also to extreme heat, tornadoes, fire and more. FEMA’s Pre-Disaster Mitigation (PDM) program is the only source of federal support specifically, for pre-disaster mitigation. The program supports city, state and tribal efforts to mitigate a variety of natural hazards, such as floods, earthquakes and wildfires.

Cities, as leading economic generation centers, have huge responsibilities in ensuring the health, safety and well-being of the business community, industries, and large and diverse populations of residents. Yet America’s cities are facing increasingly complex risks caused by increasingly severe weather, socioeconomic inequality and deteriorating infrastructure, which are affecting their ability to meet the needs of their residents and the nation. City resilience is also critical to avoiding costs to the federal government from natural disasters. The number of declared disasters each year has been steadily increasing, and the costs are undeniably expensive. Just in fiscal years 2011 through 2013 the U.S. government spent $138 billion in federal taxpayer dollars responding to the impacts of natural disasters.

Please see more guidance in our report “Stronger, Safer Cities” on resilient cities.
Target investment into affordable, safe and resilient housing.

To meet the basic needs of residents and foster economic prosperity, states and cities must address gaps left by the private market to provide safe, healthy and affordable housing for residents. Economic mobility – the ability to work one’s way up the economic ladder – begins with a decent place to live. Resilient cities upgrade or replace substandard housing and improve neighborhood conditions, removing the stresses that impact the physical and mental health of residents and their economic prosperity, allowing them instead to focus on work, education, and general well-being while eliminating harm caused by leaks, mold, lead poisoning, the consequences of eviction and neighborhood violence.

Across the country, low-income children and adults suffer disproportionately from chronic health conditions because they live in homes that are poorly constructed and maintained and located in neighborhoods that lack access to health care and healthy food. Healthy, stable, and affordable housing enables residents to focus on work, education, and general well-being while eliminating harm caused by leaks, mold, lead poisoning, the consequences of eviction and neighborhood violence.

Today a record number of families in the U.S. are housing insecure. A shock, such as a natural disaster, job loss or medical emergency can make it hard for the elderly, low-income people, the chronically ill, and those without strong social networks to keep their homes. At the same time, many cities face growing risk from natural disasters.

Specific recommendations:

- Direct grantees to conduct a housing assessment of unmet need to ensure how proposed investment will preserve and protecting housing from natural hazard risks.

**Maintain a continuous feedback loop on whether programs are enough to meet community needs and provide continuous protection**

Engaging the public is a critical component of preparedness, both to educate people about their personal risk and to involve them in communal solutions. We recommend carving out a role for public engagement throughout the life of the grants. This ongoing engagement can take many forms but must facilitate and document ongoing community input in both the planning and implementation of mitigation projects. Structured bodies for feedback on multimillion-dollar initiatives will help ensure that they achieve their objectives and best positions the grantees to see what their programs and projects may be missing. This may also reduce litigation risk.

Specific recommendations:
• Direct grantees to conduct a minimum number of public hearings to maximize community input and buy-in and for all major projects and programs.
• Direct grantees to create advisory bodies of affected populations to consider ongoing decisions and input as programs and projects progress.
  o Grantee should produce periodic reports detailing why proposed changes were accepted or not accepted.

**Permit the use of funds for adoption and enforcement of forward-looking building codes and land use regulation**

We recommend that FEMA secure its strong standards for requiring elevation of flood-prone buildings and infrastructure above the base flood elevation, taking into consideration future risk. These mitigation dollars will have the greatest possible impact if they can influence the use of non-FEMA funds. As knowledge about risk and mitigation measures increases, so must building codes and land use regulations.

Specific recommendations:

• Allow funds to be used for preparation of educational materials and briefings about the connection between known risk and available mitigation options and technical drafting service for the appropriate legislative body.

• Incentivize grantees to require adoption of forward-looking building codes and land use regulations that mitigate risk as a condition of receipt of funds by governmental subrecipients.

• Incentivize grantees to use funds for time-delineated initiatives that include the enforcement of existing building codes and standards, staff and administrative purposes, and the development and adoption of more protective building codes and land use ordinances.

• Require projects to consider design standards and approaches so that they can accommodate future adaptations and modifications to address changing future conditions (e.g. flooding from extreme precipitation events and sea level rise beyond 2050 could follow a range of trajectories, so it may make sense in certain circumstances to build to a certain level now and use a design that could be built to a more protective standard at a later date). Grantees may use funds for technical assistance to assist in developing forward-looking codes.
**Require and support local determinations of current and future risk from all hazards**

Risk and vulnerability vary among communities. A community with fewer resources faces greater vulnerability to hazards like floods, wind, and fire than a community with more resources. Resources should therefore be parsed out to support the underlying vulnerabilities faced by communities. Maximizing the use of resources for planning will allow grantees to better comprehend their current and future risk and ensure that this unprecedented investment of taxpayer dollars will not throw good money after bad. The mitigation and resilience field is growing by leaps and bounds due to advances in science and technology, and requiring grantees to incorporate multidisciplinary perspectives on mitigation will ensure best efforts to protect people, property, jobs, and sensitive natural habitats from harm, lessening the possibility that federal funds will be needed to rebuild and recovery these areas in the future.

Specific Recommendation:

- Grantees should invest mitigation funds in projects relative to risk and each overall mitigation plan must consider the regional systems affecting risk, including co-dependencies and cascading impacts, such as water, power, health, and the environment.

Sincerely,

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