



International Code Council

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July 18, 2016

Docket No. FR 5891–P–01

RIN 2506–AC41

Modernizing HUD’s Consolidated Planning Process to Narrow the Digital Divide and Increase Resilience to Natural Hazards

COMMENTS OF:

**THE INTERNATIONAL CODE COUNCIL (ICC)
500 New Jersey Ave, NW
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Contact:

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The International Code Council (ICC) offers the following comments on the Proposed Rule, Docket No. **FR-5891-P-01**, published on May 18, 2016.

Background

The International Code Council (ICC) is a membership association dedicated to building safety, fire prevention, and energy efficiency. The International Codes, or I-Codes, published by ICC, provide minimum safeguards for people at home, at school and in the workplace. Building codes benefit public safety and support the industry’s need for one set of codes without regional limitations. The International Code Council also publishes the International Energy Conservation Code (IECC), which is referenced in the Energy Policy Act of 2005, the Energy Independence and Security Act (EISA) of 2007, and is a national requirement in section 410 of the American Recovery and Reinvestment Act of 2009.

Fifty states and the District of Columbia have adopted the I-Codes at the state or jurisdictional level. Federal agencies including the Architect of the Capitol, General Services Administration, National Park Service, Department of State, U.S. Forest Service and the Veterans Administration also enforce the I-Codes for the facilities that they own or manage. The Department of Defense references the International Building Code for constructing military facilities, including those that house U.S. troops, domestically and abroad. Puerto Rico and the U.S. Virgin Islands enforce one or more of the I-Codes.



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The International Code Council (ICC) was established in 1994 as a non-profit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes. The founders of the ICC are Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International, Inc. (SBCCI). Since the early part of the last century, these non-profit organizations developed three separate sets of model codes used throughout the United States. Although regional code development has been effective and responsive to our country's needs, the time came for a single set of codes. The nation's three model code groups responded by creating the International Code Council (ICC) and by developing codes without regional limitations; the International Codes.

ICC's members are the code officials who adopt and enforce building, fire and energy codes, and the architects, engineers, builders and contractors who build and maintain structures in the built environment. Over 50,000 code officials are active members of the ICC.

ICC has been a leader in advocating for resilient building practices, and a partner of the Federal Emergency Management Agency(FEMA) in disseminating information to builders, contractors and local governments on mitigation of risks from windstorm, flooding and seismic risks. Most recently, the International Residential Code (IRC) and International Building Code (IBC) were recognized as key components in the new Federal Earthquake Safety Standard to assure the safety of Federal owned and leased buildings, in Presidential Executive Order 13717, signed February 2, 2016.

Summary

The proposed rule would modify certain requirements for local jurisdictions in the process of conducting their consolidated planning process, to incorporate input on, and relevant stakeholders involved in, providing broadband internet access and providing recommendations and or resources for resilience planning.

ICC offers comments only on the rule as it relates to community and building resilience planning and mitigation.

ICC Comments

ICC supports the inclusion of the new requirements that local governments incorporate into their consolidated planning process housing market analysis, described in Sec. 91.210 (a)(5) and Sec. 91.310 (a)(3), data, information and tools such as those available



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from the NIST Resilience Planning Guide, various FEMA mitigation tools and other data and resources that relate to resilience from Federal and private sector sources.

ICC also supports the inclusion of the new language proposed for Sec. 91.200(b)(3)(v) and 91.300(b)(3)(v), that would suggest to local governments that the public participation portion of the planning process should include:

“Agencies whose primary responsibilities include the management of floodprone areas, public land or water resources, and emergency management agencies;”

ICC recommends modifying the description of agencies in this sentence, in both Sec 91.200 and 91.300 to include agencies responsible for economic development and housing, in the private sector, which do not seem to be included in the proposed rule.

ICC recommends that the new section be amended to read:

“Agencies whose primary responsibilities include the management of floodprone areas, public land or water resources, economic development and housing, and emergency management agencies.”

ICC believes it is important to add this additional category because the current HUD proposal seems to only cover agencies responsible for “public land and water resources” which does not cover the many low and moderate income facilities regulated and affected by local agencies responsible for economic development and housing in the private sector. While agencies that manage public land and water resources are indeed critical, such agencies do not manage or regulate private sector development and construction, which often constitutes the bulk of low and moderate income housing in many communities across the nation, and the decisions made regarding private development and construction have a significant impact on the overall resilience of the community. Without the input of economic development and housing officials, many of whom are involved in both the adoption of, and the enforcement of local and state building and zoning codes, the planning process may be deprived of a key local resource most familiar with current mitigation efforts, current minimum construction and planning requirements, and resilient construction and development practices. These economic development and housing officials are also often most familiar with the latest resilience research, recommendations and mitigation practices applicable to housing and the built environment.

We also believe that this modification to the rule is important because in many smaller jurisdictions where there may not be local agencies responsible for management of floodplains or public land and water, there will almost always be an authority responsible for economic development and housing issues.