

May 3, 2021

The Honorable Charles E. Schumer
Majority Leader
U.S. Senate

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives

The Honorable Mitch McConnell
Minority Leader
U.S. Senate

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives

Dear Speaker Pelosi, Majority Leader Schumer, Minority Leader McConnell, and Minority Leader McCarthy:

As it considers legislation to revitalize our nation’s infrastructure, we urge that Congress ensure these investments at minimum adhere to current building codes and standards. These construction requirements are regularly updated through consensus-based processes to keep pace with changing technology, building science, and improved understanding of life safety risks.

Although the federal government invests billions of dollars in infrastructure annually, and [requires](#) current codes and standards for its own portfolio, the Federal Emergency Management Agency (FEMA) is the only federal entity that currently requires that federally assisted projects adhere to up-to-date building codes and standards. FEMA has [done so](#) to “increase the resilience of communities after a disaster,” “protect lives and property,” and to “reduc[e] the need for future Federal disaster recovery funding and other assistance.” Recognizing the importance of resilient construction, a component of the President’s [American Job Plan](#) commits to “build back above existing codes and standards” in disaster-prone communities.

But absent current code and standard minimums, federally assisted infrastructure—including other, major components constituting more than \$360 billion in grants and other assistance that President Biden’s American Jobs Plan would invest in schools, childcare facilities, airports, housing, and commercial buildings—will be built to outdated codes and standards in many parts of the country. Currently, [according to FEMA](#), two-thirds of communities facing hazard risk have not adopted hazard resistant codes and standards, and, in recent years, 30% of new construction has taken place in communities with either no codes or codes that have not been updated this century. Per the [U.S. Department of Energy \(DOE\)](#) and the [Pacific Northwest National Laboratory](#), about one in five states have no energy conservation code adopted statewide and 15 states have adopted older code editions that are roughly 33 percent less efficient than current edition or have adopted more recent editions with amendments making them less efficient.

We know we [can expect](#) more frequent and more intense natural disasters in the future and that some will face a more difficult recovery than others. [Research shows](#) that natural disasters hit low- and moderate-income families the hardest. Disasters strike with both a physical and a financial shock, and only about 4 in 10 Americans [can afford](#) to cover an unanticipated \$1,000 expense. That’s about one-third of the average [FEMA-verified](#) (not actual) losses post-Hurricane Harvey.

High energy and water bills also have disproportionate impacts. Middle-income and high-income ratepayers spend 1 to 5 percent of their income on energy bills, whereas low-income customers [face energy burdens](#) from 6 to 30 percent or more depending on their state of residence.

[FEMA projects](#) that if all future construction adhered to current codes, the nation would avoid more than \$600 billion in cumulative losses from floods, hurricanes, and earthquakes by 2060. The National Institute of Building Sciences [estimates](#) that building to modern building codes saves \$11 for every \$1 invested through earthquake, flood, and wind mitigation benefits, while retrofitting 2.5 million homes in the wildland urban interface to wildfire codes could provide a nationwide benefit-cost ratio as high as \$8:\$1. These benefits represent avoided casualties, property damage, business interruptions, first responder and annual homeownership costs, and are enjoyed by all building stakeholders—from governments, developers, titleholders, and lenders, to tenants and communities.

Better built buildings [minimize](#) repair and displacement costs and economic impacts following natural disasters, [reduce](#) the risk of loss, have better ventilation and indoor air quality, and cut energy and water utility bills. Keeping utility bills low also mitigates default risks, with one recent study finding that energy-efficient homes [have a third less risk of mortgage default](#). The Department of Energy [estimates](#) that robust energy codes and standards can save owners and occupants \$126 billion in avoided energy bills by 2040, with emission reductions equivalent to the annual emissions from 89 million homes. Those same codes and standards help [maintain internal temperatures](#), permitting building occupants to more safely shelter in place for periods without power during extreme weather.

Given the heterogeneity in the adoption of hazard resistant codes and standards across our country, we believe federally assisted construction and infrastructure investments should at minimum adhere to up-to-date codes and standards. That position is supported by [past FEMA Administrators from both parties](#), the federal government's [National Mitigation Investment Strategy](#), and the still active [Disaster Risk Reduction Minimum Codes and Standards Policy](#) that former FEMA Administrator Fugate put in place.

Schools, hospitals, housing, childcare facilities, airports, and other public buildings and amenities are all pillars of our communities and especially important in meeting the needs of vulnerable populations. Many of these buildings frequently serve communities as emergency shelters, which requires these facilities be resilient and well maintained. Ensuring they are constructed to modern codes and standards protects the people who use and occupy these structures as well as the federal government's own investment, is consistent with FEMA policy, and follows the federal government's requirements for its own buildings. To do otherwise, locks avoidable risk and inefficiencies into investments with lifetimes spanning 50 to 75 years, or more.

Modernizing our nation's buildings is a critical part of infrastructure revitalization. By requiring federally assisted construction adhere to current codes and standards, Congress can ensure this needed investment is well made.

Sincerely,

AEC Science & Technology, LLC
Alliance for National and Community Resilience
Alliance to Save Energy
American Chemistry Council
American Concrete Institute
American Council for an Energy-Efficient Economy
American Institute of Architects
American Property Casualty Insurance Association
American Shotcrete Association
American Society for Healthcare Engineering
American Society of Civil Engineers
American Society of Interior Designers

American Supply Association
ASHRAE
Association of State Floodplain Managers
Attachments Energy Rating Council
Builders Hardware Manufacturers Association
BuildStrong
Composite Lumber Manufacturers Association
Concrete Reinforcing Steel Institute
Congressional Fire Services Institute
Covestro LLC
Digital Built Environment Institute
Earthquake Engineering Research Institute
Enterprise Community Partners
Environmental and Energy Study Institute
EPDM Roofing Association
Expanded Clay, Shale and Slate Institute
Extruded Polystyrene Foam Association
Illuminating Engineering Society
Insurance Institute for Business & Home Safety
International Association of Fire Chiefs
International Association of Fire Fighters
International Code Council
International Door Association
Knauf Insulation
Mason Contractors Association of America
National Association of Energy Service Companies
National Association of Mutual Insurance Companies
National Association of State Fire Marshals
National Concrete Masonry Association
National Council of Structural Engineers Associations
National Fire Protection Association
National Institute of Building Sciences
National Precast Concrete Association
National Ready Mixed Concrete Association
Natural Resources Defense Council
North American Insulation Manufacturers Association
Polyisocyanurate Insulation Manufacturers Association
Portland Cement Association
Post-Tensioning Institute
Precast/Prestressed Concrete Institute
Pressure Sensitive Tape Council
Reinsurance Association of America
Roof Coatings Manufacturers Association
Sheet Metal and Air Conditioning Contractors National Association
Single Ply Roofing Industry
Slag Cement Association
Society of Fire Protection Engineers
Structural Insulated Panel Association
U.S. Resiliency Council
UL
Window Coverings Manufacturers Association