

February 21, 2023

Damon Smith
General Counsel
Regulations Division
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500

Re: Request for Information, Department of Housing and Urban Development; Community Development Block Grant Disaster Recovery (CDBG-DR) Rules, Waivers, and Alternative Requirements (87 Fed. Reg. 77,864-77,868, December 20, 2022)

Dear Mr. Smith:

The undersigned associations appreciate the opportunity to provide comments on the published Request for Information regarding the CDBG-DR program rules, waivers, and alternative requirements.

Building smart, modern, resilient infrastructure is among our top priorities. The CDBG-DR program is an important tool that offers the assistance communities need to address the challenges and risks presented by climate change and increasing frequency of natural disasters.

The following are principles for your consideration:

- **Incentivize predisaster mitigation.** We must promote planning and developing infrastructure, including nature-based solutions and green infrastructure, ahead of the next crises. Resilience and mitigation spending pays back to the taxpayer more than \$11.00 for every \$1.00 invested. Resilience and predisaster mitigation are good public policy that is good for the environment and the economy.
- **Align federal agency processes.** HUD, FEMA, the SBA, and other cooperating federal departments and agencies should align their resilience and disaster response policies, including building code requirements, but avoid imposing construction standards that endorse a single vendor's product to the exclusion of and without any mention of other codes or standards widely used in the marketplace. Rather than selecting its acceptable thresholds to the named products of a single vendor, we recommend that HUD consider expanding the scope of its policies to include all major construction codes and standards that are voluntary consensus standards, including those approved by the American National Standards Institute (ANSI) as American National Standards (ANS).

- **Ensure that projects are risk reducing and cost effective.** These federal taxpayer investments should be leveraged to reduce overall disaster risk and required to have a cost-benefit ratio of 1.0 or greater to ensure an appropriate return on that investment.
- **Require all expired and unspent funds be recaptured for mitigation and resilience projects.** Many communities are awarded CDBG-DR funding, but they are not always able to spend those funds. Expired, unspent funding should be reallocated and competitively awarded to states and communities for predisaster mitigation.
- **Encourage the use of American National Standards when referring to consensus-based codes.** The American National Standards Institute (ANSI) accredits the process by which other organizations in the United States create standards and is recognized as the “gold seal” for standards development. CDBG would benefit from taking advantage of the latest editions of voluntary, consensus standards, in particular those designated as American National Standards, in its predisaster mitigation efforts. The federal government should not be in the business of picking winners and losers.
- **Pilot small business planning grants.** Sixty-five percent of small businesses have no continuity plans in place. Grants should be made available to catalyze strategic planning among small businesses ahead of the next disaster. We support promoting collaboration among the SBA, FEMA, and HUD to develop a common application to make it easier for small businesses to access funding.

We will advocate that Congress permanently authorize CDBG-DR in the coming months, and we look forward to engaging with HUD to ensure practical, effective policies are included in the authorization.

We stand ready to assist you as you implement the recommendations of the RFI.

Sincerely,

American Institute of Architects
American Society of Landscape Architects
Ecological Restoration Business Association
International Association of Plumbing & Mechanical Officials
U.S. Chamber of Commerce