



February 25, 2010

Comments on Draft National Disaster Recovery Framework
Docket ID FEMA—2010-0004

The Institute for Business & Home Safety (IBHS) is a 501(c)(3) organization wholly supported by the property/casualty insurance industry. IBHS' mission is to reduce the social and economic effects of natural disasters and other property losses – and thus make communities safer and more resilient – by conducting research and advocating improved construction, maintenance and preparation practices. Along with our colleagues in the property/casualty insurance industry, we appreciate this opportunity to provide input into the DHS/FEMA and HUD draft National Disaster Recovery Framework that was published in the Federal Register on February 10, 2010.

IBHS strongly supports DHS/FEMA and HUD's effort to strengthen our nation's disaster recovery capability, and we are aligned with the significant themes and recommendations that are outlined in the draft Framework. Our particular point of emphasis is the Framework's recognition that "recovery is a *continuum* and that the ability and success of a community to accelerate the process and turn a tragedy into an opportunity begins with *pre-disaster preparedness, mitigation, community capacity, and resilience building efforts* (emphasis added)."

There is no single "best" approach to pre-disaster planning and mitigation. Rather, the effort should be holistic:

- It should include the entire life cycle of building: land use planning, new construction, and retrofitting of existing structures.
- It should provide risk-appropriate protection, depending on the hazard, which should include "no build" buffer zones; strong, well-enforced building codes; and code-plus construction.
- There should be provisions for preparedness, response, and recovery.
- There should be programs to facilitate and encourage both structural mitigation and continuity planning.
- Both public and private sectors should play a role.
- There should be a variety of federal, state, and local enabling mechanisms.

Consistent with the principles and recommendations of the draft Framework, we would like to focus our comments on several critical aspects of the mitigation planning process that are discussed in a conceptual, but not specific, manner. We believe that the framework document would be stronger if additional references to these critical mitigation initiatives are included in the applicable text, as discussed below.

Building Codes: *The State Government Pre-Disaster Checklist (page 22) should specifically reference the need for strong, mandatory statewide building codes that prevent local jurisdictions from opting out of specific code provisions or enforcement responsibilities.*

Statewide building codes -- and adequate enforcement of those codes -- play a vital role in public safety and loss prevention. In addition to saving lives and reducing property loss, codes based on nationally recognized models can: 1) reduce the need for public disaster aid; 2) promote consistent guidelines for design professionals, suppliers and builders; 3) create a



minimum standard upon which consumers can rely; and 4) contribute to the durability of structures.

Unfortunately, state standards for construction and code-related inspection and enforcement vary widely across the country. Some statewide building codes are applicable to virtually every type of structure (residential, commercial, industrial, public, schools, hospitals, and farm buildings), while others employ lesser degrees of regulation and code applicability – or none at all. Moreover, where statewide codes exist, it is not uncommon to allow individual jurisdictions (e.g., cities of a particular class or counties) to deviate from the state standard, often resulting in a weakening of the model minimum code. When technical content in local codes deviates from the standard, it should be allowed only to strengthen, rather than relax, code provisions. To address these existing problems, the reference to building codes in the draft framework should make it clear that the state should update their statewide building code as needed to address hazards specific to their region and prevent local deviations that put residents at risk.

***“Code-Plus” Construction:** “Code-plus,” or superior, construction should be identified as a mitigation goal for individuals, businesses, and local/state governments.*

Building codes are the minimum acceptable standard used to regulate the design, construction and maintenance of buildings for the purpose of protecting the health, safety and general welfare of the building’s users. In high-risk areas, however, code-plus construction provides homeowners and businesses a higher degree of protection that can reduce economic losses following a disaster. To this end, IBHS has developed three code-plus construction programs (FORTIFIED for Safer Living[®], for new residential construction; FORTIFIED for Existing Homes[™], for residential retrofitting; and FORTIFIED for Safer Business[™], for light commercial structures).

In 2009, Hurricane Ike provided a real-world test of code-plus construction techniques when tested by a truly extreme weather event: the storm’s eye wall. Thirteen homes on the storm-ravaged Bolivar Peninsula near Galveston, Texas, had been built to IBHS’ FORTIFIED for Safer Living[®] standards. Once the Bolivar Peninsula was reopened to traffic, an IBHS research team visited the area to survey the effects of the storm, including the performance of 10 surviving FORTIFIED homes (the three homes that did not survive were destroyed by neighboring, conventionally constructed homes that became moving piles of debris, not by the storm’s wind or water). The FORTIFIED homes performed exceedingly well compared to the more than 270 other surrounding homes on Bolivar Peninsula that were completely destroyed by Ike. The field research that IBHS published provides important insights as to the specific performance of mitigation “best practices,” and recommendation as to how they can be further improved (available at http://www.disastersafety.org/resource/resmgr/pdfs/hurricane_ike.pdf).

Consumers need this information so that they can demand superior, code-plus new construction and retrofits. Just as cars have become safer because of marketplace imperatives, homes (and therefore communities) can become more disaster resilient. We encourage you to add specific references to “code-plus” construction in the Individuals and Families Pre-Disaster Checklist on page 15 of the draft Framework. Likewise, a reference to code-plus construction should be added to the “incentives” in the State Government checklist on page 22 (i.e., states can provide such incentives through grants and tax incentives).



Federal Legislative Initiatives: *Be more specific about the range of federal legislative initiatives that can enhance disaster preparation and response.*

In 2009, Congress had before it a wide range of mitigation-related legislation that, if enacted, would increase the likelihood that homes, workplaces, and essential public buildings can survive a natural or human-induced catastrophe. Major legislative approaches include:

- reauthorization or expansion of existing statutory programs (most critical in this regard are the Stafford Act and the National Flood Insurance Program);
- enhanced funding as an incentive for states to take positive steps related to mitigation (key measures include the proposed Safe Building Code Incentive Act, Community Building Code Administration Act, Pre-Disaster Hazard Mitigation Enhancement Act, and Hazard Mitigation for All Act, and First Responder Innovation and Support Act);
- grants and/or tax incentives for homeowners or businesses to invest in mitigation (e.g., legislation to expand the Weatherization Assistance program beyond energy efficiency to include home hardening against weather-related risks); and,
- bills in which mitigation provisions support broader public policy goals, but are not the central focus of the legislation (e.g., adaptation provisions for coastal communities contained within legislative vehicles to address climate change).

We encourage you to highlight the role that Congress can play in enhancing pre-disaster mitigation and preparedness through enactment of legislation such as that referenced above. While we appreciate that FEMA/DHS and HUD may not wish to indicate support for any particular piece of legislation, we hope that you will encourage a much more proactive approach than in the past through the incentives provided by federal legislation.

Business Continuity Planning and PS-PREP: *Coordinate the National Disaster Recovery Framework with the PS-PREP program.*

As is noted in the draft Framework, continuity planning is critical to a business's survival following a disaster. According to the Insurance Information Institute, the business failure rate following a natural or manmade disaster ranges from 15 percent to 40 percent (25 percent is often cited as a reasonable midpoint). Moreover, even firms that survive may suffer a tangible and long-term loss of business if they do not have a business continuity plan in place. This is a particular concern for small businesses which comprise the economic bedrock of most local communities and often operate on the thinnest of margins.

Unfortunately, there is a large discrepancy between the way in which businesses perceive their disaster readiness and their actual level of preparedness. Our experience is that small businesses avoid continuity planning and disaster preparedness for a variety of reasons, including lack of time, money, and expertise.

In light of these realities, easy-to-use tools and a process that guides the small business person through the steps to develop a practical, appropriate preparedness and continuity plan for organizations of their size are needed. To meet this need, IBHS developed its **Open for Business**® program – a comprehensive disaster planning toolkit (available free of charge) to assist businesses to reduce their potential for loss and recover quickly should a disaster strike. We also have been closely engaged with FEMA/DHS in the development of voluntary private sector preparedness initiative known as PS-Prep and prepared a “crosswalk” which compares



the various elements of **Open for Business**® with the standards for PS-PREP published by DHS in fall 2009.

We applaud the reference to continuity planning in the Private Sector Pre-Disaster Checklist (page 17 of the draft Framework) and suggest that specific mention of PS-PREP, along with coordination between these two federal initiatives, would help to enhance the critical goal of a more prepared nation.

We appreciate this opportunity to offer comments on the draft National Disaster Recovery Framework, and look forward to supporting this and other efforts to integrate mitigation and disaster planning into every aspect of community development.

Sincerely,

Debra Ballen
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