

September 10, 2019

The Honorable Al Green
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Ann Wagner
U.S. House of Representatives
Washington, D.C. 20515

We, the undersigned participants in the National Flood Policy Alliance, write to thank you for your leadership in reintroducing HR 3702, the “Reforming Disaster Recovery Act of 2019”. If enacted, your legislation would permanently authorize the Community Development Block Grant Disaster Recovery (CDBG-DR) program, helping to ensure that this post disaster funding is well-invested in helping to protect both households and federal taxpayers from future disaster costs and suffering. The legislation will also ensure that this critical assistance better reaches the lowest income seniors, people with disabilities, families with children, people experiencing homelessness, and other vulnerable people and their communities.

While we strongly support the general provisions and direction of the bill, we do suggest a few provisions that will improve the bill, help to ensure long-term savings to taxpayers, as well as reduce flood risk. We urge you to include language that ensures that when federal funding for disaster assistance is utilized to acquire a property, that buyout is deed-restricted solely for the purposes of open space uses and associated land restoration. This provision will ensure that taxpayers pay for property acquisitions once and only once, and provide assurance that future disaster assistance for that property will not be necessary. Given that open space requirements are already a statutory requirement for FEMA post-disaster buyout programs, it makes sense to include this requirement for HUD’s CDBG-DR post-disaster program as well.

In addition, HUD has consistently required homes using DR funding to have the first floor built at least 2 feet above the Base Flood Elevation (or BFE, which is the level to which floodwaters are expected to rise during a base flood or a flood that has a one percent chance of being equaled or exceeded in a given year). While this bill also includes this requirement, it does not require that elevation to be based on future flood elevations expected during the lifetime of the building, or over some reasonable time period, such as 50 years. Therefore, we also urge consideration of a requirement to have the first-floor elevation 2 feet above the future BFE, taking into account changes in future conditions.

Again, we fully support the need to codify the CDBG-GR program and recognize the considerable benefits to communities and taxpayers, as well as the administrative benefits, that this will create. Thank you for taking our recommendations under consideration and we look forward to being a resource as you move forward on this important legislation. You may contact Merrie Inderfurth with the Association of State Floodplain Managers at merrie@floods.org or Todd Wolf with the Union of Concerned Scientists at twolf@ucsusa.org to follow-up or answer questions about this letter.

Sincerely,

Association of State Floodplain Managers

Association of State Wetland Managers

Consumer Mortgage Coalition

Environmental and Energy Study Institute

Natural Resources Defense Counsel

Southern Environmental Law Center

The Nature Conservancy

Union of Concerned Scientists

Cc: All co-sponsors of H.R. 3702

Chairs and Ranking Members of House Financial Services Committee and Subcommittee on Housing, Community Development and Insurance

Chairs and Ranking Members of House Appropriations Subcommittee on Transportation, HUD and Related Agencies