

# Federal Resilience Update

Blake Nanney, Manager, Federal Relations blakenanney@aia.org



### **LEGISLATION AND LAY OF THE LAND** Lay of the land

• Speaker election, debt ceiling, and more.

### **Notables:**

- Disaster Survivors Fairness Act (H.R. 1796)
- FY 2024 Homeland Security Requests
- Resilient America Act (H.R. 5689 117<sup>th</sup> Congress)
- Community Disaster Resilience Zones (CDRZ) Act (Public Law: 117-255)

### **LEGISLATION AND LAY OF THE LAND CONT.**

### **Notables Contd. (Regulatory)**

- HUD CDBG-DR Program
- HUD Federal Flood Risk Management Standard
- FEMA National Advisory Council
- CDRZ Implementation
- IIJA/IRA Implementation



February 17, 2023

The Honorable Marcia Fudge, Secretary U.S. Department of Housing and Urban Development Regulations Division, Office of General Counsel 451 7<sup>th</sup> Street SW, Room 10276 Washington, DC 20410

RE: AIA Response to Request for Information for HUD's Community Development Block Grant Disaster Recovery (CDBG-DR) Rules, Waivers, and Alternative Requirements [Docket No. 2022-27547]

Dear Secretary Fudge,

The American Institute of Architects (AIA) is committed to protecting the health, safety, and welfare of the public. Since 1857, this concern is central to all that do. As a key component of this goal, AIA works to support federal initiatives that ensure the growth of equitable and resilient communities. Especially for those living within disaster-impacted areas at high risk of repetitive natural catastrophes, AIA writes to you today to provide our recommendations on HUD's request for Information on the HUD Community Development Block Grant Disaster Recovery (CDBG-DR) grant fund program.

### **OPPORTUNITIES & PLUGGING IN**

### **Influencing Federal Policy**

- AIA and personal regulatory comments, professional and personal advocacy
- Action Alerts
- Disaster Assistance Committee (DAC) and Resilience Adaptation and Resilience Strategy Group (RAd-AG)
- AIA.org
- Specs on the Union quarterly updates
- AIA resources and upcoming Resilience Design Toolkit release



# **Question and Answer** Blake Nanney: blakenanney@aia.org



# Policy & Advocacy for Resilience

Ignacio Reyes, FAIA Vice President, Chief Development Officer for LEO A DALY 2021 AIA Florida President

# **Legislative Day Activities**

How can we be heard?

Where can we focus our energy?

How can we be successful?



### **Legislative Day Activities**

Our focus came from the strategic council and practice knowledge.

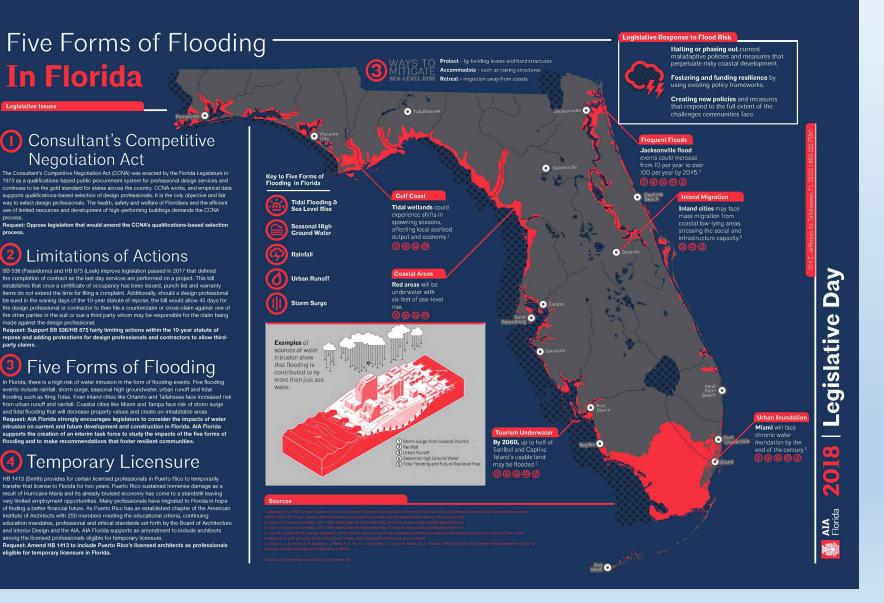




2016 Strategic Council

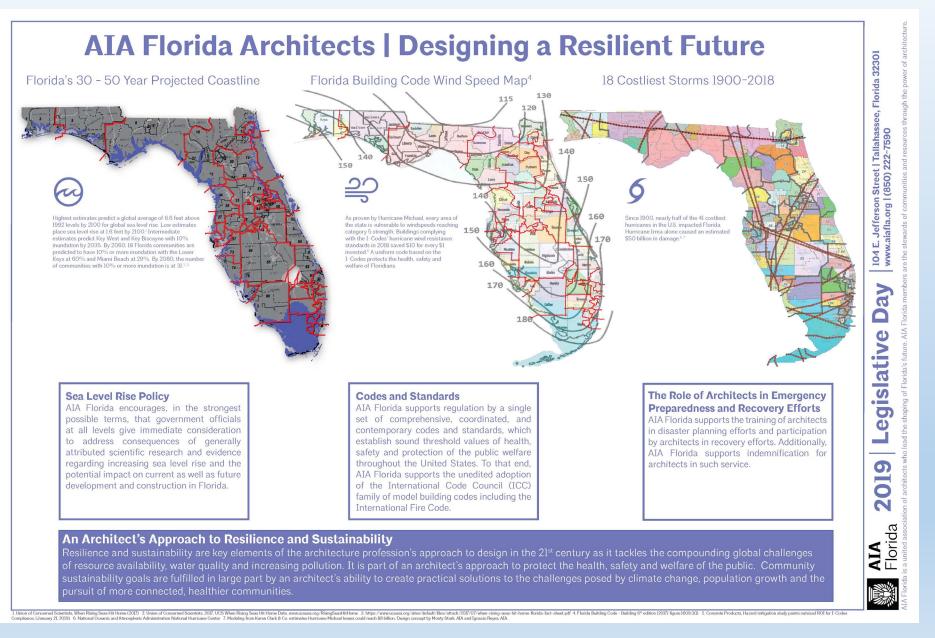


Sea Level Rise Work Group



 Although no legislation was enacted this session, this was the first year AIA Florida brought the five forms of flooding to the legislature at a time where climate change was a taboo topic.

• The issue was well-received on both sides of the aisle and the conversations set the table for future sessions.



- AIA Florida again brought the five forms of flooding to the legislature. This year bills were filed.
- SB 1056 by Sen. Jose Javier Rodriguez created the Florida Disaster Resilience Task Force. DIED
- HB 1369 by Rep. Ben Diamond established the Florida Climate and Resiliency Research Program – DIED

### **CRAFT | COMMUNITY | CULTURE**

AIA Florida members are the stewards of communities and resources... through the power of architecture.



# AIA Florida is a united association of architect who lead the shaping of Florida's future.

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learning.

### **Deregulation & Sunset** CCNA

Safe shafes is tradaminish human need. Architests Florids Compatible Negation Act an elicitense to formed Prior the heath -start and the second prior to viate or all work in the built environment. The public procurement system (DBS) for polesional complex process of builting and sectionses on constal. all of Priorita has unous gries effecting constant and prior to viate public procurement system (DBS) for polesional constal. all of Priorita has unous gries effecting constal. all of Priorita has unous gries constal. all of Pri or an who metado with the building safe structures can only be led by highly-trained, state-licensed design professionals. The privilege of licensure comes with great responsibility and, as such, architects achere o the highest standards of education and lifelong

Request: Architects in their protection of health, safety and welfare, should immediately be removed from the sunset bills SB 1124 and HB Request: Oppose SB 1518 and HB 257 as "piggybacking" contracts has substantial risk of

regative consequences.

All architects practicing in Florida should have deep understanding of the Florida Building Code and be required to complete coursework on the codes, changes, modifications and updates. Support SB 506 and HB 441, limiting the maximum affordable housing, threshold to an increase of 34 million for professional design services thereby protecting small businesses by allowing them access to public work, (& orignal) flick, the bill specified \$5 Request: Reinsert current continuing education licensure requirements for architects into SB 474 and HB 1193. million )

### Housing Trust Fund

 
 design services and commute to use the puck standard accises the country.
 The Sadowski Act created a revenue scarce to fund to provide public notices of certain projects, select the most qualified fm and to negotiate a fail and the most qualified fm and to negotiate a fail and the most qualified fm and to negotiate a fail and the most qualified fm and to negotiate a fail and the most qualified fm and to negotiate a fail and the most qualified fm and to negotiate a fail and the most qualified fm and to negotiate a fail and the most qualified fm and to negotiate a fail and the most qualified fm and to negotiate a fail and the most qualified fm and to negotiate a fail and the most qualified fm and to negotiate a fail and the most qualified fm and to negotiate a fail and the most qualified fm and to negotiate a fail and the fail for the state infrastructure and that fund in grant revenue to serve a fail for the state infrastructure and the state infrastructure and the state infrastructure and the fail for the state infrastructure and the fail for the state infrastructure and the state infrastructure and the state infrastructure and the fail for the state infrastructure and trust fund into general revenue. These sweeps help make affordable and resilient housing for Floridians unobtainable. Request: Support SB 7016 and HB 1073.

> Request: Support SB 306 and HB 381 keeping Support HB 913 and SB 1232 and encourage the funds available for the intended use of providing

> > Support the adoption of SB 178 and HB 579.

**Climate Resilience** 

This blueprint demonstrates the impact of ONE event on ONE community's built environment. The potential economic, psychological, social and physical harm is even-present throughout our state. groundwater, urban runoff and tidal flooding. Inland or coastal, all of Florida is or will be directly impacted, threatening property values and habitation. AIA Florida has worked to raise legislative awareness Florida's environmental vulnerabilities can be

tempered by resilient design. We can make a difference with laws, rules and codes that go beyond the basics, secure our future and mitigate the damages illustrated here.

Hurricane Michael was designed by an architect for 240-250 mph winds.<sup>[1]</sup> inclusion of AIA Florida as a non-government entity participant in the Florida Climate and Resiliency Research Program.

into effect. 11

 As of November 2019. Hurricane Michael was the 10th costliest catastrophe in the US and 8th costliest hurricane.<sup>[1]</sup> the area.<sup>14</sup>

2020 Legislative Blueprint

 Over 149,000 property and casualty claims · Approximately 10,000 Bay County students and were filed with estimated insurance losses at nearly \$7.5 billion.<sup>10</sup> or PTSD from the trauma of Hurricane Michael. More than 100 students have been involuntarily examined under the Baker Act and nearly 5.000 students reported homeless.

Clinicians and mental health professionals report losing 30-40% of staff.<sup>[7]</sup>

 Many structures destroyed were public housing Care Unit, the other has a quarter of the beds it did before. Patients are traveling 140 miles to Pensacola for care.<sup>81</sup> The beachfront home in Mexico Beach intact after
and aging apartment complexes leaving behind an acute need for affordable housing.<sup>[6]</sup>

· Rental prices have spiked and foreclosure 3/4 of Florida's population resides in coastal Most of the structures lost in Mexico Beach were built before the 2002 Florida Building Code went
increased as residents who lost their jobs struggled to pay mortgages,<sup>38</sup>

In Panama City, Hurricane Michael destroyed or damaged 85% of the structures and officials estimate more than 25% of the city's residents left

estimated 60,000 homes.<sup>[8]</sup>

 \$16.5 billion in property losses in Florida and affordable housing is nearly non-existent.<sup>(4)</sup> One Bay County hospital lost its Intensive

> counties, generating 79% of the state's total economy and represent a built environment and infrastructure whose replacement value in 2010 is \$2.0 trillion and which by 2030 is estimated to be \$3.0 trillion.<sup>[9]</sup>

One state. 21 million clients. Countless challenges...this is why we're here.

Florida's more than 8,000 miles of coastline continue to be threatened by climate change and sea-level rise, and the Legislature considered numerous bills related to climate change. The Legislature passed SB 178 by Sen. Jose Javier Rodriguez (D-Miami) and HB 579 by Rep. Vance Aloupis (R-Miami), which require a sea-level impact projection (SLIP) prior to moving forward with public infrastructure projects in coastal areas. AIA Florida has long-supported this legislation, which requires a public entity that commissions or manages a construction project within the coastal building zone using funds. This provision becomes effective one year after the Department of Environmental Protection's rule regarding SLIP studies is finalized.

As the bill passed, Rodriguez said, "This is an important bill, and an important moment. It's the first transformative piece of legislation that we're passing that relates to the impact of climate." He went on to say, "It's been a long road with this bill ... There are a few special thanks that are well-merited, [including] the Florida Chapter of the American Institute of Architects."

### TRANSFORMATION

PRACTICE. PLACES. PEOPLE.

### **PROTECT CCNA**, **PROTECT FLORIDA**

First, there were three log cabins in Tallahassee.

Then, in 1826, a two-story masonry building, just over 1,000 square feet, was Then, in 1826, a two-story masonry building, just over 1,000 square test, was built for the government of the new U.S. territory of Florida. That building served for more than a decade until Congress appropriated \$30,000 for a new Florida capitol in 1838. That brick building, which now forms the core of the Old Capitol, was completed in 1946, just before Florida officially became a state.

As Florida grew, so did the capitol, gaining a cupola and two wings

By 1972, government had long since outgrown the old structure and a 22-story modern executive office building with attached House and Senate chambers and offices was built. The Old Capitol reopened as the Florida Center for Political History and Governance.

The new, \$43 million Capitol Complex was designed by Edward Durell Stone, FAIA, who also designed the National Geographic Society headquarters, the John F. Kennedy Center for the Performing Arts and the Gallery of Modern Art in New York City. The International style of the building was mean to evoke modern Florida

The same year construction began on the towering new Capitol complex -1973 - the Florida Legislature passed the Consultants' Competitive Negotiation Act. CCNA is a system of qualifications-based public procurement (QBS) for professional design and construction services

Even today, nearly 50 years later, Florida's statute is the QBS gold standard across the country

CCNA ensures that the best, most qualified professionals design and manage the construction of public buildings and structures.

Florida's data-driven, qualifications-based selection of design professionals saves lives.<sup>1</sup> QBS ensures Florida's public buildings are safe and, in the long run, more economical as it results in a high-performing, resilient built environment that best serves Florida and its people.

Now, as construction once again changes the face of the Florida Capitol Complex, we can see from our windows QBS at work, ensuring quality, resilient work for the people of the state.

09. Gordon A. Ringdey, An Analysis of Issues Partaining to Qualifications-Food Selection," American Council of American Public Works Association, 2009.

### **LEGISLATIVE ISSUES**

Deregulation SB 344 by Sen, Manny Diaz (R-Hialeah Gardens) and HB 471 (Rep. Alex Rizo. B-Hialeah) calls for the review and subsetting of occupational and professional licenses, including architecture, under the DBPR.

Safa ehalter is a fundamental human nearl. Architects are licensed to protect the Sale shellth, safety and welfare of all who interact with the built environment. Architects are licensed upon completion of a rigorous education program and a thorough examination process.

The practice of architecture by unqualified individuals endangers the health, safety and welfare of Floridians and visitors.

Whether designing public buildings like schools, hospitals or state capitol buildings, this process can only be led by trained, skilled and state-licensed architects.

Request: Architects, in their protection of health, safety and welfare, should be removed from these bills.

Consultants' Competitive Negotiation Act

CONSULTING COMPETITIVE NEGOLIALION ACL CDN ensures the bet overall project delivery, cost management and owner satisfaction. In fact, according to a two-yeer study by the University of Colorado and Georgia Tech, public entities that use DBS-style procurement methods for these services are deliter abile to control construction costs and achieve a consistentity high degine del project satisfaction.

Request: Oppose any legislative action that may seek to weaken CCNA's qualifications-based selection process.

Resiliency HB 315 - Rep. Chip LaMerca (R - Lighthouse Point) and SB 614 - Sen. Ray Rodrigues (R - FL Myera) create the statewide Office of Resiliency and the statewide Sex-Level Rise Task Force. Florida faces ever-increasing threats from water, including from sea level rise,

rainfall, storm surge, seasonal high groundwater, urban runoff and tidal flooding. Regardless of inland or coastal location, all of Florida is or will be directly affected by flooding, threatening property values and habitation.

Request: AIA Florida supports the adoption of HB 315 and SB 514. Architects are uniquely qualified to advise the task force as it deliberates potential impacts and solutions.

### AT AIA FLORIDA, WE BELIEVE IN ...

Leadership - building trust through collaboration and participation Leasering - caucing dust through consolration and paracepanon Inflater w-advancement of the second of the second second second Inflater w-advancement of the second second second second second Impact - making a societal difference through architectural excellence Service - oresting a legacy of selfessness in the community Innovation - cutinating a cuture of forward-thinking Stewardship - nutruing that which has been entrusted to us



### Resiliency

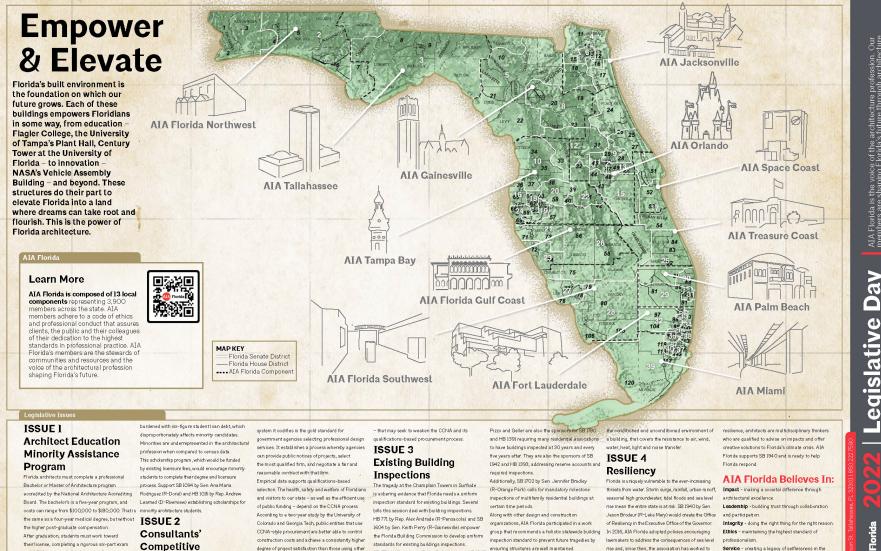
HB 315 - Rep. Chip LaMarca (R - Lighthouse Point) and SB 514 - Sen. Ray Rodrigues (R - Ft. Myers) create the statewide Office of Resiliency and the statewide Sea-Level Rise Task Force.

Florida faces ever-increasing threats from water, including from sea level rise, rainfall, storm surge, seasonal high groundwater, urban runoff and tidal flooding.

Regardless of inland or coastal location, all of Florida is or will be directly affected by flooding, threatening property values and habitation.

Request: AIA Florida supports the adoption of HB 315 and SB 514. Architects are uniquely qualified to advise the task force as it deliberates potential impacts and solutions.

- SB 278 by Sen. Jose Javier Rodriguez Climate Health Planning – DIED
- SB 280 by Sen. Jose Javier Rodriguez Climate Fiscal Responsibility – DIED
- HB 913 by Rep. Ben Diamond and Rep. Holly Raschein Florida Climate and Resiliency Research Program – DIED
- SB 1232 by Rep. Darryl Rouson Florida Climate and Resiliency Research Program – DIED
- SB 7016 Statewide Office of Resiliency DIED (but we will see return)



### water, heat, light and noise transfer. **ISSUE 4**

AIA Florida is the voice of the architecture profession. Our members are shaping Florida's future through architecture

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Resiliency Florida is uniquely vulnerable to the ever-increasing threats from water. Storm surge, rainfall, urban runoff, seasonal high groundwater, tidal floods and sea level rise mean the entire state is at risk. SB 1940 by Sen. Jason Brodeur (R-Lake Mary) would create the Office of Resiliency in the Executive Office of the Governor. In 2016, AIA Florida adopted policies encouraging lawmakers to address the consequences of sea level rise and, since then, the association has worked to raise awareness of the rising threat of water. AIA Florida members and architects can be critical resources in this fight As designers of the built environment actively engaged with the challenge of

and 3 740 hours in the Architectural Experience **Negotiation Act** Program. It takes an average of 12.3 years for a person to become a licensed architect and realize Enacted by the Florida Legislature in 1973, the their full earning potential, all while potentially CCNA and the qualifications-based procurement

degree of project satisfaction than those using other

methods AIA Florida opposes any legislation - including bills HB 6091 by Rep. Tommy Gregory (R-Bradenton) and SB 1520 by Sen. Joe Gruters (R-Sarasota)

standards for existing buildings inspections. SB 1774 by Sen Jason Pizzo (D-Miami) and HB 1397 by Rep. Joe Geller (D-Dania Beach) call for certain andominium buildings to be inspected every five years by an architect or engineer

ensuring structures are well maintained.

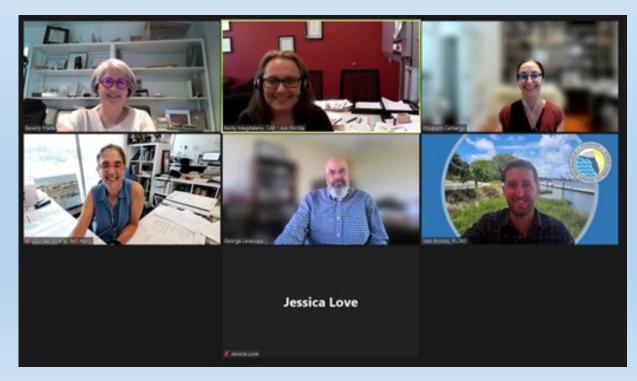
AIA Florida supports the adoption of a statewide building inspection standard for existing buildings ATA Florida members and architects can be critical that considers the whole structure, including the resources in this fight As designers of the built building envelope - the physical separator between environment actively engaged with the challenge of

rise and, since then, the association has worked to raise awareness of the rising threat of water. community

Service - creating a legacy of selflessness in the

Innovation - cultivating a culture of forward-thinking Stewardship - nurturing that which has been entrusted to us

• HB 7053 (companion to SB 1940 on our poster)-Statewide Flooding and Sea Level Rise Resilience passes creating the Statewide Office of Resilience. AIA Florida leadership meets with CRO sharing our support of the establishment of the office.



### **Advocacy Continues**

# And the work doesn't stop there.

We remain engaged with the legislature and locally to promote polices that have impact



### MAY 9, 2023

# 2023 FLORIDA RESILIENCY LEGISLATIVE UPDATE

George Levesque

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gray-robinson.com

### GRAYROBINSON ATTORNEYS | ADVISORS | CONSULTANTS

# HB ]]] Flooding and Sea Level Rise Vulnerability Studies

- Continues to build on SB 178 (2020)
- Expands the requirement for public entities to conduct a SLIP study before commencing construction within an area at risk due to sea level rise for "critical assets" and "historical or cultural assets"
- Expands the Resilient Florida Grant Program to provide funding for: • Local governments for feasibility studies and permitting costs for nature-based solutions that reduce the impact of flooding and SLR; and
  - Water management districts to support local government adaptation planning



# HB0887 My Safe Florida Home Program

- Amends the My Safe Florida Home Grant Program that was created in 2006 and recently juiced with new funds in Special Session 2022D
- Limits the single family home eligibility to only homesteaded properties
- Increases the overall grant award for low-income recipients from \$5,000 to \$10,000

# GRAYROBINSON AIA Florida

# HB 0799

Property Insurance

- Adopts policies that incentivize home-hardening efforts, including:
  - Requiring a property insurer's residential rate filing must allow for appropriate discounts for mitigation measures that reduce potential windstorm losses;
  - Adds wind uplift prevention to the list of fixtures or construction techniques for which an insurance provider must provide a discount, credit, or other rate differential or an appropriate reduction in deductible.



s, including: nust allow for appropriate tial windstorm losses; construction techniques for t, credit, or other rate e. FUTURE CHANGES Legislation that failed but will be back





### SB 810/ HB 1151 -Financing Improvements to Real Property

### SB 1346/HB 1317 -Unsafe Structures

### SB 950/HB 669 -Improvements to Real Property

# THANK YOU

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