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108TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 108–151

TORNADO SHELTERS ACT

JUNE 12, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. OXLEY, from the Committee on Financial Services, submitted the following

R E P O R T

[To accompany H.R. 23]

[Including cost estimate of the Congressional Budget Office]

The Committee on Financial Services, to whom was referred the bill (H.R. 23) to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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AMENDMENT

The amendment is as follows:

19–006

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tornado Shelters Act".

SEC. 2. CDBG ELIGIBLE ACTIVITIES.

Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (23) the following new paragraph:

"(24) the construction or improvement of tornado-safe shelters for residents of manufactured housing, and the provision of assistance (including loans and grants) to nonprofit and for-profit entities (including owners of manufactured housing parks) for such construction or improvement, except that—

"(A) a shelter assisted with amounts provided pursuant to this paragraph may be located only in a neighborhood (including a manufactured housing park) that—

"(i) contains not less than 20 manufactured housing units that are within such proximity to the shelter that the shelter is available to the residents of such units in the event of a tornado;

"(ii) consists predominantly of persons of low and moderate income; and

"(iii) is located within a State in which a tornado has occurred during the fiscal year for which the amounts to be used under this paragraph were made available or any of the 3 preceding fiscal years, as determined by the Secretary after consultation with the Director of the Federal Emergency Management Agency;

"(B) such a shelter shall comply with standards for construction and safety as the Secretary, after consultation with the Director of the Federal Emergency Management Agency, shall provide to ensure protection from tornadoes;

"(C) such a shelter shall be of a size sufficient to accommodate, at a single time, all occupants of manufactured housing units located within the neighborhood in which the shelter is located; and

"(D) amounts may not be used for a shelter as provided under this paragraph unless there is located, within the neighborhood in which the shelter is located (or, in the case of a shelter located in a manufactured housing park, within 1,500 feet of such park), a warning siren that is operated in accordance with such local, regional, or national disaster warning programs or systems as the Secretary, after consultation with the Director of the Federal Emergency Management Agency, considers appropriate to ensure adequate notice of occupants of manufactured housing located in such neighborhood or park of a tornado; and".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

In addition to any amounts otherwise made available for grants under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), there is authorized to be appropriated for assistance only for activities pursuant to section 105(a)(24) of such Act $5,000,000 for fiscal year 2004.

PURPOSE AND SUMMARY

H.R. 23, the Tornado Shelters Act, will authorize communities to use Community Development Block Grant (CDBG) funds for construction of tornado-safe shelters in manufactured home parks.

BACKGROUND AND NEED FOR LEGISLATION

Every year, an average of 800 tornadoes sweep across the United States, resulting in 80 deaths, more than 1,500 injuries, and millions of dollars in property damage. One of nature's most powerful and violent storms, large tornadoes often record wind speeds in excess of 250 miles per hour.

Despite rapid advances in tornado warning technologies, residents of manufactured housing communities often do not have ade-

quate access to proper shelter. Prior to this legislation, federal monies were not available for tornado shelter construction within or around manufactured housing communities.

The bill amends section 105 of the Housing and Community Development Act of 1974 by authorizing communities to use CDBG monies to construct or improve tornado-safe shelters located in manufactured housing parks.

The Community Development Block Grant (CDBG) program is generally recognized as the primary vehicle for targeted community development of cities, counties and rural areas to principally benefit low- and moderate-income persons. Grantees may use the funds for housing activities, economic development, public facilities (such as day care centers or health centers), public improvements (such as street repairs), public services (such as social programs for elderly, youth or abused), urban renewal, or planning and administration.

Shelters built under the auspices of this bill must be located in a neighborhood (including a manufactured housing park) that has twenty or more manufactured housing units, populated by persons of predominantly low- to moderate-income, and located in an area where a tornado occurred within the current or three (3) previous fiscal years. Each constructed shelter must comply with the Department of Housing and Urban Development's (HUD's) standards for construction and safety, and it must be of sufficient size to accommodate all residents of the manufactured housing park at one time.

The bill further stipulates that an operational warning siren, which ensures adequate notice of a tornado, must be located within a neighborhood where the shelter is located or within 1,500 feet of a manufactured housing park. The final provision authorizes $5 million in appropriations for FY 2004.

The House considered similar legislation in the 107th Congress (H.R. 247) which was agreed to by a record vote of 401 yeas and 6 nays. The Senate took no action on the legislation in the 107th Congress.

HEARINGS

There were no hearings held on this legislation in the 108th Congress.

COMMITTEE CONSIDERATION

On May 7, 2003, the Subcommittee on Housing and Community Opportunity met in open session and approved H.R. 23 for full Committee consideration as amended, by a voice vote.

On May 21, 2003, the Committee on Financial Services met in open session and ordered H.R. 23 reported to the House with a favorable recommendation, with an amendment, by a voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. No record votes were taken in conjunction with the consideration of this legislation. A

motion by Mr. Oxley to report the bill to the House with a favorable recommendation was agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee made findings that are reflected in this report.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee establishes the following performance related goals and objectives for this legislation:

The Department of Housing and Urban Development will use the authority granted by this legislation to continue its commitment to preserving America's towns and cities as vibrant hubs of commerce by making communities better and safe places to live, work and raise a family. By authorizing the use of CDBG funds for the construction of tornado-safe shelters, the legislation will enhance HUD's ability to support and strengthen its core programs by ensuring that grantees have even greater flexibility to address locally determined priorities and maintain long-term prosperity.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 28, 2003.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 23, the Tornado Shelters Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lanette J. Walker.

Sincerely,

BARRY B. ANDERSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 23—Tornado Shelters Act

H.R. 23 would authorize the Department of Housing and Urban Development to make block grants to communities for the construction of tornado-safe shelters at manufactured housing parks. The bill would authorize the appropriation of $5 million in fiscal year 2004 for the construction and maintenance cost of such shelters. CBO estimates that implementing H.R. 23 would cost $5 million over the five-year period, assuming appropriation of the specified amount. Enacting H.R. 23 would not affect direct spending or revenues.

H.R. 23 contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act and would impose no cost on state, local, or tribal governments.

The CBO staff contact for this estimate is Lanette J. Walker. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional Authority of Congress to enact this legislation is provided by Article 1, section 8, clause 1 (relating to the defense and general welfare of the United States), and clause 3 (relating to the power to regulate foreign and interstate commerce).

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides the short title of the bill, the "Tornado Shelters Act".

Section 2. CDBG eligible activities

The bill amends Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) to allow the construction or improvement of tornado-safe shelters and the provision of assistance as an eligible CDBG activity, subject to the following conditions:

First, the shelter may only be located in a manufactured housing park that contains no less than 20 manufactured housing units; consists predominantly of persons of low and moderate income; and is located in a state where the HUD Secretary, in consultation with the Director of FEMA, determines a tornado has occurred during the current or previous three fiscal years.

Second, the shelter must comply with construction and safety standards that ensure protection from tornadoes as provided by the Secretary, in consultation with the Director of FEMA.

Third, the shelter must be large enough to accommodate all occupants of the manufactured housing park at the same time. Finally, an operational tornado siren must be located in the neighborhood where the shelter is located or, if the shelter is located in a manufactured housing park, within 1,500 feet of such park. The siren must be operated in accordance with local, regional or national disaster warning programs that the HUD Secretary, in consultation with the Director of FEMA, considers appropriate to ensure adequate notice of a tornado.

Section 3. Authorization of appropriations

This section authorizes $5 million for FY 2004.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 105 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

ELIGIBLE ACTIVITIES

SEC. 105. (a) Activities assisted under this title may include only—

(1) * * *

* * * * * * *

(22) provision of assistance to public and private organizations, agencies, and other entities (including nonprofit and for-profit entities) to enable such entities to facilitate economic development by—

(A) * * *

* * * * * * *

(C) providing general support (such as peer support programs and counseling) to owners of microenterprises and persons developing microenterprises; [and]

(23) activities necessary to make essential repairs and to pay operating expenses necessary to maintain the habitability of housing units acquired through tax foreclosure proceedings in order to prevent abandonment and deterioration of such housing in primarily low- and moderate-income neighborhoods**[.]***;*

(24) the construction or improvement of tornado-safe shelters for residents of manufactured housing, and the provision of assistance (including loans and grants) to nonprofit and for-profit entities (including owners of manufactured housing parks) for such construction or improvement, except that—

(A) a shelter assisted with amounts provided pursuant to this paragraph may be located only in a neighborhood (including a manufactured housing park) that—

(i) contains not less than 20 manufactured housing units that are within such proximity to the shelter that the shelter is available to the residents of such units in the event of a tornado;

(ii) consists predominantly of persons of low and moderate income; and

(iii) is located within a State in which a tornado has occurred during the fiscal year for which the amounts to be used under this paragraph were made available or any of the 3 preceding fiscal years, as determined by the Secretary after consultation with the Director of the Federal Emergency Management Agency;

(B) such a shelter shall comply with standards for construction and safety as the Secretary, after consultation with the Director of the Federal Emergency Management Agency, shall provide to ensure protection from tornadoes;

(C) such a shelter shall be of a size sufficient to accommodate, at a single time, all occupants of manufactured housing units located within the neighborhood in which the shelter is located; and

(D) amounts may not be used for a shelter as provided under this paragraph unless there is located, within the neighborhood in which the shelter is located (or, in the case of a shelter located in a manufactured housing park, within 1,500 feet of such park), a warning siren that is operated in accordance with such local, regional, or national disaster warning programs or systems as the Secretary, after consultation with the Director of the Federal Emergency Management Agency, considers appropriate to ensure adequate notice of occupants of manufactured housing located in such neighborhood or park of a tornado; and

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