



# North Texas Chapter International Code Council



## Formal Comment Letter

### U.S. Small Business Administration Disaster Loan Program (DLP) Interim Final Rule

Submitted via: [Regulations.gov](https://www.regulations.gov)

Docket ID: SBA-2026-0034

Re: Improving SBA Disaster Loan Ability to Provide Meaningful and Timely Assistance (Interim Final Rule)

Related policy context: Executive Order, Addressing State and Local Failures to Rebuild Los Angeles After Wildfire Disasters

Date: February 4, 2026

To:

Office of Disaster Recovery and Resilience Policy

U.S. Small Business Administration

### Comment summary

These comments support faster disaster recovery and reduced red tape, and urge the agency to ensure that any permitting preemption or builder self-certification pathway does not unintentionally increase life-safety risk, fraud exposure, or long-term recovery costs. The objective should remain maximum speed consistent with public safety.

### 1. Shared objective: rapid rebuilding that remains safe, compliant, and auditable

After a disaster, communities need homes and businesses rebuilt quickly. Speed improves stability and economic recovery. Disaster reconstruction also elevates risk due to compressed schedules, disrupted supply chains, temporary labor force expansion, and increased fraud pressure. In that environment, weakening verification can produce delayed failures that surface at occupancy or after resale.

Streamlining is essential. Compromising life-safety verification for the sake of speed is not. Public expectations remain unchanged: safe buildings, consistent outcomes, and credible documentation of compliance.

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## **2. Key concerns with preemption and self-certification without additional safeguards**

The interim final rule and supporting materials introduce a process intended to prevent permitting delays from blocking timely use of Disaster Loan Program proceeds. Replacing permitting and inspection controls with self-certification alone can shift risk to residents and taxpayers unless paired with enforceable safeguards.

### **Primary vulnerabilities**

Verification gap: certification is not a substitute for structured verification unless paired with inspection milestones, documentation standards, and meaningful consequences for false certification.

Fragmented authoritative record: local permitting systems typically hold the official record of approved scope, plan sets, approved changes, special inspections, corrections, and final approvals. Fragmentation undermines future enforcement, disclosures, and risk management.

Incentives that can undermine compliance: a defined wait period can unintentionally incentivize strategic behavior, including minimal engagement with local processes.

Fraud and rework risk: disaster conditions already elevate fraud and contractor abuse risk. A weaker front-end pathway can increase downstream rework, disputes, and delayed safety hazards.

## **3. Better solutions that deliver speed without compromising safety**

Permitting delays are best solved with targeted streamlining and scalable capacity, not by removing verification. The following options increase throughput while protecting the public.

### **Recommended solutions**

Fast-track rebuild lane, not a bypass lane: define eligibility criteria (like-for-like replacement, pre-approved plan sets, standardized details, clear triggers for engineered design). Reduce review time while preserving permits, inspections, and record custody.

Surge capacity and mutual aid: fund temporary plan review and inspection staffing, regional mutual aid, and performance-based surge support to eliminate bottlenecks without lowering standards.

Third-party support under AHJ oversight: allow qualified third-party providers while retaining acceptance standards, audit authority, record custody, and clear correction pathways in the local system.

Phased approvals and conditional starts: authorize early permits for limited scopes and require mandatory inspections at life-safety milestones (structural, fire-resistance, and MEP). Start fast, verify often.

## **4. Grounding in established best practice: When Disaster Strikes**

A proven model already exists. The International Code Council (ICC) When Disaster Strikes model emphasizes rapid post-disaster action while maintaining structured documentation, clear roles, and consistent field evaluation practices. Speed is achieved by organized, scalable verification and documentation, not by removing guardrails.

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## **5. If a self-certification pathway remains, add minimum controls to protect safety and program integrity**

If the builder self-certification pathway is maintained, it should be limited to lower-risk scopes and paired with minimum controls that preserve record integrity and deter abuse.

Mandatory project registration in the local permitting system (even if expedited).

Defined inspection milestones for structural, fire-resistance, and MEP life-safety elements.

Standardized documentation requirements (photos, checklists, as-builts where relevant).

Randomized audits and meaningful penalties for false certification.

Clear stop-work authority when unsafe or noncompliant conditions are identified.

Record custody requirements so a single authoritative compliance record exists at project closeout.

## **6. Requested SBA actions**

Prioritize fast-track permitting, surge capacity, and structured verification over broad preemption in implementation guidance.

If builder certification remains, adopt minimum verification, record, and audit controls as described above.

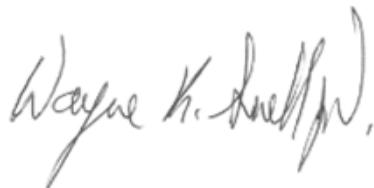
Coordinate with FEMA and state and local building safety stakeholders to align recovery speed with consistent safety outcomes and record integrity.

## **Closing**

Rapid recovery and public safety can advance together. The most durable solution is streamlined review, added capacity, and disciplined fast-track pathways that preserve verification, documentation, and accountability.

Preemption without equivalent safeguards risks turning one catastrophe into another through delayed safety failures, fragmented records, and avoidable rework.

**Respectfully submitted,**



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## References

SBA Docket (Regulations.gov): <https://www.regulations.gov/docket/SBA-2026-0034>

SBA Interim Final Rule (Federal Register): <https://www.federalregister.gov/documents/2026/01/29/2026-01797/improving-sba-disaster-loan-ability-to-provide-meaningful-and-timely-assistance>

Executive Order (White House): <https://www.whitehouse.gov/presidential-actions/2026/01/addressing-state-and-local-failures-to-rebuild-los-angeles-after-wildfire-disasters/>

ICC When Disaster Strikes Institutes: <https://www.iccsafe.org/professional-development/education/disaster-strikes-institutes/>

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