

110TH CONGRESS
2D SESSION

H. R. 6078

To encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2008

Mr. PERLMUTTER (for himself, Mr. HODES, Mr. FRANK of Massachusetts, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. KAGEN, Mr. BRALEY of Iowa, Mr. MURPHY of Connecticut, Mr. BLUMENAUER, Mr. WILSON of Ohio, Mr. ELLISON, Ms. SHEA-PORTER, Mr. WELCH of Vermont, Mr. CLEAVER, Mr. OLVER, Mr. EMANUEL, Mr. SALAZAR, Mr. SARBANES, Mr. INSLEE, Mr. UDALL of Colorado, Mr. ANDREWS, and Ms. TSONGAS) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Green Resources for Energy Efficient Neighborhoods Act
 4 of 2008” or the “GREEN Act of 2008”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Minimum HUD energy efficiency standards and standards for additional credit.
- Sec. 3. Energy efficiency and conservation demonstration program for multifamily housing projects assisted with project-based rental assistance.
- Sec. 4. Additional credit for Fannie Mae and Freddie Mac housing goals for energy efficient mortgages.
- Sec. 5. Authority of housing-related government-sponsored enterprises with respect to energy-efficient and location-efficient mortgages and reporting.
- Sec. 6. Energy-efficient mortgage and location-efficient mortgage goals for Fannie Mae and Freddie Mac.
- Sec. 7. FHA energy-efficient housing requirement.
- Sec. 8. Energy efficient mortgages education and outreach campaign.
- Sec. 9. Collection of information on energy-efficient and location efficient mortgages through Home Mortgage Disclosure Act.
- Sec. 10. Ensuring availability of homeowners insurance for homes not connected to electricity grid.
- Sec. 11. Mortgage incentives for energy-efficient multifamily housing.
- Sec. 12. Energy efficiency certifications for housing with mortgages insured by FHA.
- Sec. 13. Assisted housing energy loan program.
- Sec. 14. Making it green.
- Sec. 15. Residential energy efficiency block grant program.
- Sec. 16. Including sustainable development in comprehensive housing affordability strategies.
- Sec. 17. Grant program to increase sustainable low-income community development capacity.
- Sec. 18. Utilization of energy performance contracts in HOPE VI.
- Sec. 19. HOPE VI green developments requirement.
- Sec. 20. Community Reinvestment Act credits for energy efficient mortgages and green building efforts.
- Sec. 21. Consideration of energy-efficiency improvements in appraisals.
- Sec. 22. Assistance for Housing Assistance Council.
- Sec. 23. Rural housing and economic development assistance.
- Sec. 24. Revolving fund for loans to States and Indian tribes to carry out renewable energy sources activities.
- Sec. 25. Green banking centers.

1 which shall involve not fewer than 3 and not more than
2 5 lenders.

3 **SEC. 14. MAKING IT GREEN.**

4 (a) PARTNERSHIPS WITH TREE-PLANTING ORGANI-
5 ZATIONS.—The Secretary shall establish and provide in-
6 centives for developers of housing for which any financial
7 assistance is provided by the Secretary for development,
8 maintenance, operation, or other costs, to enter into agree-
9 ments and partnerships with tree-planting organizations,
10 nurseries, and landscapers to certify that trees, shrubs,
11 grasses, and other plants are planted in the proper man-
12 ner, are provided adequate maintenance, and survive for
13 at least three years after planting or are replaced.

14 (b) PLAN FOR ASSISTED HOUSING.—In the case of
15 any new or substantially improved housing for which fi-
16 nancial assistance is provided by the Secretary for the de-
17 velopment, construction, maintenance, rehabilitation, im-
18 provement, operation, or costs of the housing, the Sec-
19 retary shall require the development of a plan that pro-
20 vides for—

21 (1) in the case of new construction and im-
22 provements, siting of such housing and improve-
23 ments in a manner that provides for energy effi-
24 ciency and conservation to the extent feasible, taking
25 into consideration location and project type;

1 (2) not less than 50 percent of the total area
2 of paved surfaces at the site of such housing to be
3 shaded, consist of greenspace, be covered by solar
4 energy panels or greenroofs, or be part of a geo-
5 thermal piping system;

6 (3) how any construction, rehabilitation, or
7 other development will affect and minimize the ef-
8 fects of construction, rehabilitation, or other develop-
9 ment on the condition of existing trees;

10 (4) selection and installation of trees, shrubs,
11 grasses, and other plants based upon applicable de-
12 sign guidelines and standards of the International
13 Society for Arboriculture;

14 (5) post-planting care and maintenance of the
15 landscaping relating to or affected by the housing in
16 accordance with best management practices; and

17 (6) establishment of a goal for minimum
18 greenspace or tree canopy cover for the housing site
19 for which such financial assistance is provided, in-
20 cluding guidelines and timetables within which to
21 achieve compliance with such minimum require-
22 ments.

23 (c) PARTNERSHIPS.—In carrying out this section, the
24 Secretary of Housing and Urban Development shall con-
25 sult with national organizations dedicated to providing

1 housing assistance and related services to low-income fam-
2 ilies, the Alliance for Community Trees and its affiliates,
3 the American Nursery and Landscape Association, the
4 American Society of Landscape Architects, and the Na-
5 tional Arbor Day Foundation, and shall take such actions
6 as are appropriate to establish, and encourage the estab-
7 lishment, of such agreements and working partnerships
8 between such organization and its affiliates and recipients
9 of assistance from the Department of Housing and Urban
10 Development for the development, maintenance, operation,
11 or costs of housing.

12 **SEC. 15. RESIDENTIAL ENERGY EFFICIENCY BLOCK GRANT**
13 **PROGRAM.**

14 Title I of the Housing and Community Development
15 Act of 1974 (42 U.S.C. 5301 et seq.) is amended by add-
16 ing at the end the following new section:

17 **“SEC. 123. RESIDENTIAL ENERGY EFFICIENCY BLOCK**
18 **GRANT PROGRAM.**

19 “(a) IN GENERAL.—To the extent amounts are made
20 available for grants under this section, the Secretary of
21 Housing and Urban Development shall make grants under
22 this section to States, metropolitan cities and urban coun-
23 ties, Indian tribes, and insular areas to carry out energy
24 efficiency improvements in new and existing single-family
25 and multifamily housing.

1 dows, heating system replacements, wall insula-
2 tion, site-based generation, advanced energy
3 savings technologies, including renewable en-
4 ergy generation, and other such retrofits.

5 “(D) EXTENSION OF EXISTING CON-
6 TRACTS.—The term of a contract described in
7 subparagraph (A) that, as of the date of the en-
8 actment of the Green Resources for Energy Ef-
9 ficient Neighborhoods Act of 2008 is in repay-
10 ment and has a term of not more than 12
11 years, may be extended to a term of not more
12 than 20 years to permit additional energy con-
13 servation improvements without requiring the
14 re-procurement of energy performance contrac-
15 tors.”.

16 **SEC. 19. HOPE VI GREEN DEVELOPMENTS REQUIREMENT.**

17 (a) MANDATORY COMPONENT.—Section 24(e) of the
18 United States Housing Act of 1937 (42 U.S.C. 1437v(e))
19 is amended by adding at the end the following new para-
20 graph:

21 “(4) GREEN DEVELOPMENTS REQUIREMENT.—

22 “(A) REQUIREMENT.—The Secretary may
23 not make a grant under this section to an appli-
24 cant unless the proposed revitalization plan of

1 “(II) the ability of the applicable
2 ratings system organizations to collect
3 and reflect public comment;

4 “(III) the ability of the standards
5 to be developed and revised through a
6 consensus-based process;

7 “(IV) An evaluation of the
8 robustness of the criteria for a high-
9 performance green building, which
10 shall give credit for promoting—

11 “(aa) efficient and sustain-
12 able use of water, energy, and
13 other natural resources;

14 “(bb) use of renewable en-
15 ergy sources;

16 “(cc) improved indoor and
17 outdoor environmental quality
18 through enhanced indoor and
19 outdoor air quality, thermal com-
20 fort, acoustics, outdoor noise pol-
21 lution, day lighting, pollutant
22 source control, sustainable land-
23 scaping, and use of building sys-
24 tem controls and low- or no-emis-
25 sion materials, including pref-

1 SEC. 20. COMMUNITY REINVESTMENT ACT CREDITS FOR
2 ENERGY EFFICIENT MORTGAGES AND GREEN
3 BUILDING EFFORTS.

4 Section 804 of the Community Reinvestment Act of
5 1977 (12 U.S.C. 2903) is amended by adding at the end
6 the following new subsection:

7 “(d) ENERGY EFFICIENT MORTGAGES AND GREEN
8 BUILDING EFFORTS.—

9 “(1) EVALUATION.—In assessing and taking
10 into account, under subsection (a), the record of a
11 financial institution, the appropriate Federal finan-
12 cial supervisory agency shall consider, as a factor,
13 capital investments, loan participation, and other
14 ventures undertaken by the institution to support or
15 enable—

16 “(A) the use of energy efficient and energy
17 improvement mortgages by low-income, first-
18 time, and other homebuyers;

19 “(B) compliance of housing with the en-
20 ergy efficiency requirements under section 2 of
21 the Green Resources for Energy Efficient
22 Neighborhoods Act of 2008 and with the energy
23 efficiency and conservation standards, and the
24 green building standards, under section 2(b) of
25 such Act;

1 “(C) neighborhood planning in a manner
2 that is consistent with environmental regula-
3 tions, plans, and tree ordinances;

4 “(D) green building principles that in-
5 crease the efficiency of buildings and their use
6 of energy, water, and materials, and minimize
7 building impacts on human health and the envi-
8 ronment, through better siting, design, con-
9 struction, operation, maintenance, and speci-
10 fication of materials that have no added known
11 carcinogens that are classified as Group 1
12 Known Carcinogens by the International Agen-
13 cy for Research on Cancer and whose manufac-
14 turing processes are exempt from Environ-
15 mental Protection Agency regulations limiting
16 manufacturing emissions of hazardous air pol-
17 lutants listed in section 112(b) of the Clean Air
18 Act (42 U.S.C. 7412(b)), especially hazardous
19 air pollutants that are classified as such Group
20 1 Known Carcinogens;

21 “(E) generation and distribution of renew-
22 able energy;

23 “(F) creation of employment opportunities
24 in positions that involve the design, manufac-
25 ture, installation, operation, or maintenance of

1 renewable energy and energy efficiency tech-
2 nologies and landscaping or by companies or or-
3 ganizations whose mission or purpose is to im-
4 prove environmental quality; or

5 “(G) funding for energy-conserving and
6 clean energy technologies.

7 “(2) TECHNICAL ASSISTANCE.—To encourage
8 and facilitate activities described in subparagraphs
9 (A) through (F) of paragraph (1), each appropriate
10 Federal financial supervisory agency, the Secretary
11 of Energy, the Secretary of Housing and Urban De-
12 velopment, and the Secretary of Agriculture shall
13 make available and provide technical assistance to fi-
14 nancial institutions in carrying out or providing such
15 activities.”.

16 **SEC. 21. CONSIDERATION OF ENERGY-EFFICIENCY IM-**
17 **PROVEMENTS IN APPRAISALS.**

18 (a) APPRAISALS IN CONNECTION WITH FEDERALLY
19 RELATED TRANSACTIONS.—

20 (1) REQUIREMENT.—Section 1110 of the Fi-
21 nancial Institutions Reform, Recovery, and Enforce-
22 ment Act of 1989 (12 U.S.C. 3339) is amended—

23 (A) in paragraph (1), by striking “and” at
24 the end;